

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **24 MARCH 2021**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS
3. SUPPORTING LETTER FROM PHIL BRUNNING AND ASSOCIATES

HEARING OF REPRESENTORS: **NOT APPLICABLE**

DA NO.	:	110/00979/20
APPLICANT	:	LOUISE WALLACE
LOCATION	:	13 GILES AVENUE, GLENELG
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SINGLE STOREY DWELLING ADDITIONS WITH WALL LOCATED ON WESTERN SIDE BOUNDARY AND CARPORT LOCATED FORWARD OF THE DWELLING
REFERRALS	:	NIL
CATEGORY	:	TWO
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

1. Background

Development Application 110/00979/20 was lodged with the Council on 30 December 2020. The relevant Development Plan is the City of Holdfast Bay consolidated 2 June 2016. The application was subject to category 2 notification which ceased on 3 March 2021. No representations were received during the notification period. The application is being presented to the Council Assessment Panel for a decision as it contains a carport located forward of the dwelling contrary to specific planning controls found in the planning policy.

2. Site and Locality

The subject land houses a single storey detached cottage and contains a primary frontage of 9.45 metres and a depth of 51.51 metres totalling 486sqm. The existing dwelling does not contain an existing covered car parking space due to the insufficient width between the side dwelling walls and boundary fencing.

The locality comprises varied dwelling types including residential flat buildings, detached and semi-detached dwellings. The existing built form is predominantly single storey in nature with the exception of the residential flat building located at 8 Giles Avenue which contains three levels.

The streetscape has relatively consistent setbacks to dwelling facades generally setback between 10 to 12m. The front setbacks are predominantly landscaped, except when paved for driveways and paths. Directly to the west of the subject site is a near identical cottage which contains a carport located forward of the dwelling.

Refer to Attachment 1

3. Proposed Development

The proposal seeks to construct a single width carport located forward of the existing dwelling matching the dimensions of the adjoining to the west. The proposed carport contains a flat roof and is to be constructed of steel finished in Dulux Beige Royal Quarter with clear roof sheeting. The carport contains a primary setback of 3.27m from the primary boundary and extends 5.8m forward of the existing dwelling. The existing crossover will be used as a form of access with no indication of widening.

In addition to the carport, internal alterations to the existing dwelling are proposed along with a single storey dwelling addition located on the western side boundary. The internal alterations to the dwelling result in a reconfiguration of the floor layout which will compliment the new living areas proposed as part of the addition. The addition wall contains a length of 8.3m on the western boundary and a total height of 3.2m.

Refer to Attachment 2

4. Development Data

DEVELOPMENT DATA			
Aspect	Proposed	Development Plan	Compliance
Site Area	486m ²		
Site Coverage	259m ² or 53%	50% maximum	<u>3% variance</u>
Private Open Space	111sqm or 23%	20% minimum	<u>Complies</u>
Boundary Wall Length Height	8.3m 3.2m	8m 3m	<u>300mm variance</u> <u>200mm variance</u>
Primary Setback	3.27m (carport)	Behind main face of dwelling	<u>Does not comply</u>
Carport Height	3m	3m maximum	<u>Complies</u>

5. Public Consultation

The application is a category 2 development subject to the Procedural Matters of the Residential Zone of the Holdfast Bay Development Plan. Notification was triggered as the wall located on the boundary contained a height exceeding 2.75m from natural ground level. No representations were received during the consultation period.

6. Development Plan Provisions

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL ZONE

RESIDENTIAL ZONE	
Objectives	
3. Development that contributes to the desired character of the zone.	Does not comply
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 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"> (a) increase dwelling numbers on allotments that have dual road frontages (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 (c) semi-detached dwellings, where site considerations permit. 	

RESIDENTIAL ZONE	
Objectives (Cont)	
<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. <u>Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade.</u> 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>	
Principles of Development Control	
<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 • open space • primary and secondary school • recreation area • supported accommodation. 	Complies
<p>6. Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	Does not comply
<p>9. Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.</p>	Complies

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

PRINCIPLES OF DEVELOPMENT CONTROL	
Design and Appearance	
Objectives	
1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.	Complies
Principles of Development Control	
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.	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
22 Except in areas where a new character is desired, the setback of development from public roads should be: (a) screened from public view by a combination of built form, solid fencing and/or landscaping (b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles (c) sited away from sensitive land uses.	Complies
Landscaping, Fence and Walls	
Objectives	
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
Principles of Development Control	
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

Principles of Development Control (Cont)	
2 Landscaping should: (a) include mature vegetation, the planting of locally indigenous species where appropriate and species tolerant of salt-laden winds near the coast (b) be oriented towards the street frontage (c) result in the appropriate clearance from powerlines and other infrastructure being maintained	Complies
3 Landscaping should not: (a) unreasonably restrict solar access to adjoining development (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding (c) introduce pest plants (d) increase the risk of bushfire (e) remove opportunities for passive surveillance (f) increase leaf fall in watercourses (g) increase the risk of weed invasion (h) obscure driver sight lines (i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.	Complies
5 Fences and walls, including retaining walls, should: (a) not result in damage to neighbouring trees (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street (e) assist in highlighting building entrances (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land (h) be constructed of non-flammable materials.	Complies
7 Front fencing should be open in form to allow cross ventilation and access to sunlight.	Complies
Residential Development	
Objectives	
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
4 The revitalisation of residential areas to support the viability of community services and infrastructure.	Complies
Principles of Development Control	
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: (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants (b) individual entries for ground floor accommodation (c) opportunities to overlook adjacent public space.	Complies
5 Residential development should be designed to ensure living rooms have an external outlook.	Complies
6 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.	Complies

Residential Development	
Objectives (Cont)	
13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.	Complies
14. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following: (a) have a maximum total width of garage or carport openings of 6 metres or 50 per cent of the dwelling frontage width, whichever is the lesser (b) be located at least 0.5 metres behind the main face of the associated dwelling (c) where it is in the form of an enclosed double carport or garage, be setback at least 8 metres from the primary road frontage and incorporate one of the following: (i) two individual doors with a distance of not less than 300 millimetres between them (ii) double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres (d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal.	(a) Complies (b) Does not comply (c) N/A (d) Complies
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 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	Complies
Wall height above natural ground level 3 metres	Carport is open sided and does not contain solid walls
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	Carport is open sided and does not contain solid walls
Maximum height 4.5 metres	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.	Complies

Residential Development														
Objectives (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 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	Complies
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													
<p>23 Side boundary walls in residential areas should be limited in length and height to:</p> <p>(a) minimise their visual impact on adjoining properties</p> <p>(b) minimise the overshadowing of adjoining properties</p>		Complies												
<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</p> <p>(b) a length not exceeding 8 metres</p> <p>(c) the wall, when its length is added to the length of any other relevant walls or structures located on that boundary:</p> <p>(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</p> <p>(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>(a) 200mm minor variance</p> <p>(b) 300mm minor variance</p> <p>(c) Complies</p>												
<p>27. Carports and garages should be set back from road and building frontages so as to:</p> <p>(a) contribute to the desired character of the area</p> <p>(b) not adversely impact on the safety of road users</p> <p>(c) provide safe entry and exit</p> <p>(d) not dominate the appearance of dwellings from the street</p>		<p>(a) Does not comply</p> <p>(b) Complies</p> <p>(c) Complies</p> <p>(d) Complies</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	3% minor variance						
Parameter	Value													
Site with an area less than or equal to 300 square metres	60 per cent													
Site with an area greater than 300 square metres	50 per cent													

Residential Development										
Objectives (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 habitable rooms of the dwelling (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 (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 (i) to minimise noise and air quality impacts that may arise from traffic, industry or other business activities within the locality (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. 	Complies									
<p>32 Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:</p> <table border="1" data-bbox="220 1234 1059 1688"> <thead> <tr> <th>Site area of dwelling</th> <th>Minimum area of private open space</th> <th>Provisions</th> </tr> </thead> <tbody> <tr> <td>250 square metres or greater</td> <td>20 per cent of site area</td> <td>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.</td> </tr> <tr> <td>Less than 250 square metres</td> <td>35 square metres</td> <td>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a kitchen, 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.</td> </tr> </tbody> </table>	Site area of dwelling	Minimum area of private open space	Provisions	250 square metres or greater	20 per cent of site area	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.	Less than 250 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a kitchen, 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.	Complies
Site area of dwelling	Minimum area of private open space	Provisions								
250 square metres or greater	20 per cent of site area	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.								
Less than 250 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a kitchen, 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>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									

Transportation and Access	
Objectives	
1 A comprehensive, integrated, affordable and efficient air, rail, sea, road, cycle and pedestrian transport system that will: (a) provide equitable access to a range of public, community and private transport services for all people (b) ensure a high level of safety (c) effectively support the economic development of the State (d) have minimal negative environmental and social impacts (e) maintain options for the introduction of suitable new transport technologies.	Complies
3 A road hierarchy that promotes safe and efficient transportation in an integrated manner throughout the State.	Complies
4 Provision of safe, pleasant, accessible, integrated and permeable pedestrian and cycling networks that are connected to the public transport network.	Complies
Principles of Development Control	
1 Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.	Complies

7. Summary of Assessment

The following assessment will focus on the elements of the application that require further planning discussion. The addition component of the application largely complies with the requirements of the Holdfast Bay Development Plan in that its overall built form and footprint over the site is considered to be suitable and will not unreasonably impact on the amenity of the immediate locality. The discussion below Will focus on the carport located forward of the dwelling with is contrary to various planning policies in the Holdfast Bay Development Plan.

Carport

The siting of the carport is not consistent with several provisions of the Development Plan, which recommend it is setback behind the main face of the associated dwelling. The purpose of the development plan provisions is to ensure that dwelling facades dominate the streetscape and are not compromised of ancillary structures such as carports. Although the carport does not comply with the quantitative provisions of Residential Development, the application must be assessed while taking in the circumstances of the subject land and the locality.

The carport is of relatively small scale compared with the associated dwelling and the gable end carport located forward of the dwelling to the west. The carport has been well designed to not detract from the architectural features of the existing dwelling by containing a cantilevered flat roof differentiating itself to the pitched roofing and gable end of the associated cottage. Below, is an image of the existing streetscape showing the subject cottage on the right hand side.



Figure 1: Existing streetscape photo showing carport located forward of the dwelling to the west

The design presented to the Council seeks to retain the existing cottage and provide a covered carport that is currently lacking on the subject land and is compatible with the western adjoining carport. The gap between the western and eastern side of the dwelling wall is not wide enough to accommodate adequate space for a carport to be constructed resulting in a structure located forward of the dwelling as the only option.

Taking into consideration the western adjoining carport, the cantilevered carport structure is considered to be an ideal design outcome as it contains minimal bulk and scale and will have minimal if any practical impact on streetscape character. The majority of the structure will be screened from the west by the adjoining carport and even when viewed directly from the south will not dominate the façade of the dwelling given its slim appearance to the side of the dwelling.

The simple, modern design is reasonably unobtrusive, the carport is freestanding and would be viewed as a separate, minor streetscape element in relation to the conservation of the existing dwelling. The low-profile of the steelwork and the cantilever of the roof are important elements in the relative success of this design approach.

On balance, an appropriate conservation of the subject dwelling with a simple, modest, low-profile carport design (albeit forward of the dwelling) would be preferable to demolishing the subject dwelling and building a new dwelling with adjacent carport or garage. While the subject cottage is not contributory item or heritage dwelling it contains character elements to its facade that are worthy of retention and the inclusion of the proposed carport is not considered to detract from its streetscape appearance.

While the Council may have concerns of setting a precedent for future development, the unique circumstances of the site and locality lend itself to accommodating such a structure.

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

8. RECOMMENDATION

1. **The proposed development is NOT seriously at variance with the policies in the Development Plan.**
2. **Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00979/20 subject to the following conditions:**

PLANNING CONDITIONS

1. **That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
2. **That the applicant provides on-site detention and retention sufficient to limit peak flow as a result of the development in a 100 year event (1% AEP) to not more than the 5 year (20% AEP) predevelopment flow rate and the volume of flow not exceed predevelopment volume.**