

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **27 MAY 2020**
 SUBJECT: **COUNCIL ASSESSMENT PANEL REPORT**
 AUTHOR: **A STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS
3. PLANNING REPORT SUBMITTED BY HEYNEN PLANNING
4. REPRESENTATIONS
5. RESPONSE TO REPRESENTATIONS

HEARING OF REPRESENTORS: **K & L FOOP**
 HEARING OF APPLICANT: **HEYNEN PLANNING CONSULTANTS**

DA NO.	:	<u>110/00878/19</u>
APPLICANT	:	<u>HEYNEN PLANNING CONSULTANTS</u>
LOCATION	:	<u>3 ST JOHNS ROW, GLENELG</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL HIGH DENSITY ZONE - URBAN GLENELG POLICY AREA 15 - PRECINCT 5 TWELVE STOREY</u>
NATURE OF DEVELOPMENT: PROPOSAL	:	<u>MERIT TWO RESIDENTIAL FLAT BUILDINGS THREE STOREYS IN HEIGHT COMPRISING SIX DWELLINGS, FENCING AND ASSOCIATED ROOF TERRACES</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>THREE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

1. Background

An application was lodged to the Council on 25 November 2019 to construct two residential flat buildings three storeys in height comprising six dwellings, fencing and associated roof terraces. The application was subject to Category 2 public notification subject to the Residential Zone procedural matters of the Holdfast Bay Development Plan. A total of three representations were received.

The subject land has had a history of applications lodged for high density development as listed below:

- **DA 110/00530/02** - Demolition of existing motel building and construction of a ten storey building, being a motel containing eighteen serviced apartments, reception facilities and off street car parking.
- **DA 110/01135/07** – 12 storey residential flat building comprising 162 residential units.
- **DA 110/00891/10** - Thirteen (13) storey Residential Flat Building comprising 30 individual apartments and 42 car parking spaces on levels 2,3 and 4.

2. Site and Locality

The subject site is located on the north corner of St Johns Row and College Street. It contains a square shaped allotment with a 21.95m width to College Street and a depth of 25.45m. Two street trees are located in front of the allotments adjacent to the College Street frontage. Currently, the site hosts an existing motel containing 13 units which has been decommissioned and no longer in operation.

The immediate locality contains a combination of different built forms. The subject land is located in the Residential High Density Zone Precinct 5 which anticipates 12 storeys. The buildings to the west of the subject land that front South Esplanade are also located in this zone. The majority of dwellings that front South Esplanade contain high density residential living and are in excess of 3 storeys in height. A 12 storey residential tower located at 8 South Esplanade is currently under construction.

The majority of College Street and the local Council roads contain low to medium densities and are generally two storeys in height or lower. Directly to the east of the subject land, 5 College Street, is a local heritage place.

The elements of the dwelling that warrant the listing as described in Table HoB/4 – Local Heritage Places is shown below:

Semi-detached dwelling; Original two-storey dwelling under hipped roof, timber verandah balcony with cast iron filigree decoration, stucco faced walls and decoration to eaves and window openings, masonry front fence and cast iron fencing and gates. Exclusions: later side and rear addition, where not under the main hipped roof.

Refer to Attachment 1

3. Proposed Development

The applicant proposes to construct two residential flat buildings three storeys in height comprising six dwellings, fencing and associated roof terraces. The dwellings will gain access from a common driveway from St Johns Row which lead into a 6.1m wide driveway. Dwellings 1-3 contains double garaging while dwellings 4-6 contain single garages. All dwellings contain balconies, open living and kitchen areas to the first floor, a balcony, two bedrooms and a study to the second floor and a rooftop deck with enclosed lobby to the third floor.

The façade of the dwellings contain a varied use of materials and design features. Vertical and horizontal elements are noted which provide articulated facades. Landscaping is proposed to the two street frontages, along with the internal driveway and to the perimeter of the roof terraces. Front fencing is composed of permeable vertical aluminium slats to 1.8m high powder coated in black.

Refer to Attachment 2

4. Development Data

DEVELOPMENT DATA RESIDENCE 1			
Aspect	Proposed	Development Plan	Compliance
Private Open Space	25sqm	<u>11sqm</u>	<u>Complies</u>
Primary Setback	1.5m	<u>4m</u>	<u>2.5m shortfall</u>
Side Setbacks			
- Eastern side	1.5m	<u>5.5m</u>	<u>Does not comply</u>
- Secondary street	4m	<u>1.6m</u>	<u>2.4m shortfall</u>
Rear Setback	On boundary	<u>6m</u>	<u>6m shortfall</u>
Total building height	12.5m	<u>43m</u>	<u>Complies</u>

5. Public Consultation

The application was subject to Category 2 public notification pursuant to the Procedural Matters Residential Zone of the Holdfast Bay Development Plan. Three representations were received during consultation. Two of the three representations were by members of the College Street residents group and the other by the owner of the heritage place to the east of the site.

A summary of the representations is shown below:

Kathy and Leigh Fopp of 5 College Street:

- Adequate privacy barriers between the representors and subject site be imposed
- Noise mitigation measures be implemented to the proposal
- Request for dwelling 3 and 6 to have rooftop terrace removed to reduce height of the building
- Clarification on fencing between property and 5 college street
- Representor happy to see setbacks from the College Street frontage and their land
- Good to see timber being used and plantings in the proposed design.
- Tubular fencing is considered as positive design element
- The existing units be properly secured
- Asbestos be adequately treated when existing building is demolished

Steve Clifton and Diane Lamont on behalf of the College Street Glenelg residents group:

- No objections are made specifically regarding the development rather concerns raised regarding to impacts on the street trees along the College Street frontage.
- One of the trees has a significant root running along one of the boundary walls and has been suggested by the Council's arborist that damage to this root represents a significant risk to the tree.
- The representor recommended a variety of strategies to ensure the street trees are not impacted by the proposed development.

The applicant provided a response to the representations marked as Attachment 5.

6. Referrals

The Council made two referrals that were deemed necessary. A referral was made to Council's consulting heritage architect in order to assess impacts to the heritage place directly to the east. Details of the response from Andrew is shown under the summary of assessment heading in the report.

The application was also referred to Council Arborist Ben Hall who reviewed the proposed plans and assessed potential impacts to the street trees located adjacent to the site on College Road.

Ben's comments are shown below:

Eastern tree
 DBH - 39cm
 TPZ - 4.68m
 Trunk caliper - 87cm
 SRZ - 3.12m
 Canopy spread - 4.5m (R)
 Height - 10.5m

Western Tree
 DBH - 41cm
 TPZ - 4.92m
 Trunk caliper - 80cm
 SRZ - 3.01m
 Canopy spread - 4m (R)
 Height - 9m

Both mature *Metrosideros excelsa* present well as they contribute to an avenue of uniformity. Although each specimen supports a multi-stem formation, they have adapted well as they display strength and vigour. The eastern tree has developed a major surface root that has wrapped around old infrastructure. Retaining this root will be idealistic to maintain tree health and recommended to ensure the tree survives the development. As the root has formed around the old infrastructure, it would be worth incorporating the old wall into the new build to give the root the protection required. Should this root require removal, it would be recommended to install a passive form of irrigation to provide each tree with a life source. This would be best achieved through installation of a treenet inlet centrally between the trees with a generous lead up time to build. Post and rail tree protection fencing is to be a contiguous zone, erected to completely surround both trees. Fencing will be required to take up the zone of 2 carparks alongside trees and entire footpath zone to keep area completely clear from potential damage throughout duration of build.

7. Development Plan Provisions

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL HIGH DENSITY ZONE – OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL

RESIDENTIAL HIGH DENSITY ZONE											
Objectives											
1. A residential zone comprising a range of high density dwellings, including a minimum of 15 per cent affordable housing, primarily in the form of row dwellings and residential flat buildings, designed to integrate with areas of open space, neighbouring centres or public transport nodes.	Complies										
2. Development that supports the viability of community services and infrastructure.											
Principles of Development Control											
1. The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> ▪ affordable housing ▪ residential flat building ▪ row dwelling ▪ small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> - child care facility - open space - recreation area - shop, office or consulting room ▪ supported accommodation. 	Complies										
2. Development listed as non-complying is generally inappropriate.	Complies										
5. A residential flat building should provide a variety of dwelling sizes (e.g. bed-sit, one, two and three bedrooms) particularly in larger complexes.	Does not comply										
7. High density development that achieves gross densities of more than 45 dwellings per hectare (which translates to net densities of more than 67 dwellings per hectare) should typically be in the form of over 4 storey buildings.	Does not comply										
8. Development should result in high-quality aesthetic and urban design outcomes, and where possible, allotments should be amalgamated to assist the achievement of this.	Complies										
9. Ground floor dwellings and accommodation should contribute to the desired streetscape of a locality and, where applicable, create active, safe streets by incorporating either or both of the following: <ul style="list-style-type: none"> (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for apartment occupants (b) individual entries for ground floor accommodation. 	Complies										
10. All residential development should be designed to ensure the living rooms have an external outlook (an outlook being a short range prospect, as distinct from a view which is more extensive and long range to particular objects or geographic features). Living rooms should not have an outlook only through high level windows and/or a skylight.	Complies										
12. The development of a residential flat building or of group dwellings should include minimum private open space of at least the area shown in the following table:	Complies										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Configuration</th> <th style="text-align: left;">Open space requirement, other than for affordable housing</th> </tr> </thead> <tbody> <tr> <td>Studio (without separate bedroom)</td> <td>No minimum requirement</td> </tr> <tr> <td>One-bedroom</td> <td>8 square metres</td> </tr> <tr> <td>Two-bedroom</td> <td>11 square metres</td> </tr> <tr> <td>Three-bedroom or greater</td> <td>15 square metres</td> </tr> </tbody> </table>		Configuration	Open space requirement, other than for affordable housing	Studio (without separate bedroom)	No minimum requirement	One-bedroom	8 square metres	Two-bedroom	11 square metres	Three-bedroom or greater	15 square metres
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Studio (without separate bedroom)	No minimum requirement										
One-bedroom	8 square metres										
Two-bedroom	11 square metres										
Three-bedroom or greater	15 square metres										
15. Development should provide car parking within the zone in accordance with <i>Table HoB/1B – Off Street Vehicle Parking Requirements for the Residential High Density Zone or for Residential Uses in the District Centre Zone Glenelg Policy Area 2.</i>	Complies										

**HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL HIGH DENSITY ZONE – URBAN GLENELG POLICY AREA
15 - OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL**

RESIDENTIAL ZONE	
Objectives	
1. A policy area comprising tourist accommodation and a range of dwellings and residential flat buildings at medium to high densities.	Complies
2. Accommodation that provides a diversity of dwelling sizes within residential flat buildings that cater for different household requirements.	Does not comply
3. Retention of the heritage character, especially along South Esplanade in Precinct 4 Five Storey and Precinct 5 Twelve Storey .	Complies
4. Development that contributes to the desired character of the policy area/precinct.	Complies
Desired Character	
The policy area provides the Council's premier coastal medium and high density living opportunities. It includes areas of Glenelg North around the foreshore and the Patawalonga, and within Glenelg and Glenelg South along the foreshore and extending into small parts of the suburban landscape, and along Colley Terrace.	Complies
The Glenelg District Centre and Glenelg's major foreshore reserves provide important features adjacent to the policy area (including Wigley and Colley Reserves, the beach and Glenelg foreshore and the Anzac Highway streetscape) and entertainment, retail, residential and visitor apartment accommodation provided nearby in the Holdfast Shores site to the western side of Colley and Wigley Reserve.	
The policy area is a premier location with excellent accessibility to views, beach, public spaces, centre services, facilities and public transport. The policy area adds to the choice of accommodation within Holdfast Bay and the wider metropolitan area by providing for a variety of medium and higher density dwelling types, including apartments for residential purposes and visitor accommodation.	
Small scale non-residential land uses including shops offices and consulting rooms will be developed in appropriate areas to support residents and the local community.	
Retail development will be small in scale (and not exceed in the order of 1500 square metres in gross leasable floor area) and will primarily comprise cafes, restaurants, convenience stores and other tenancies designed to service local community requirements. Retail development will also be of a scale that supports an active mixed use environment.	

RESIDENTIAL ZONE	
Desired Character (Cont)	
<p>Development will be of the highest architectural standard, contemporary in style and contribute positively to the quality of the public realm. Its built form will contrast with the open character of the adjacent foreshore and reserve public spaces. It will capitalise on the highly desirable location through significant scale, with built form between three and twelve stories in height. This development will demonstrate excellence in urban design. It will create design relationships between buildings at ground level and the street frontage that acknowledge and respect the existing context, ensuring that scale and the built form edge protects and enhances significant visual and movement corridors (including key vistas to the sea and views through to public spaces). Views into and out of development sites will also reinforce visual connectivity and way-finding within the policy area.</p> <p>Building form and setbacks will vary to provide large-scale articulation within the streetscape. Building form will also use light and shade through articulation, eaves, verandas, canopies and balconies, to provide architectural detail, summer shade and promote greater energy efficiency. Likewise, buildings will use a balanced approach to the use of solid materials and glazing so to provide an attractive backdrop to key public spaces and streets.</p>	
<p>The policy area is well provisioned with quality public open spaces and accessible by public transport (in the form of buses and tram). Accordingly, there is a recognised reduced need for provision of private car parking and private open space (when compared to suburban localities in other zones and policy areas). Similarly, a higher degree of overshadowing and loss of privacy is expected in the policy area given the medium-to-high density nature of development (and heights).</p> <p>Basement or undercroft car parking is contemplated where site circumstances allow appropriate design and integration with the streetscape / built form. Where ventilation is required for basement car parks, vehicles should be screened and landscaped.</p> <p>Roofs will be designed to be integrated into the overall façade and composition of buildings and provide enclosed places for the screening of plant and service equipment (if not provided in basements) in locations away from living areas that do not visually detract from the amenity of adjoining spaces.</p> <p>Landscaping will contribute to the high quality of the adjacent public areas, open space and streetscapes. Car parking areas that are not visible from public spaces will be shared and consolidated. Commercial uses in residential developments will be restricted to those associated with the respective building function.</p> <p>Public promenades will incorporate public art, which is easily identifiable and fully integrated into the public environment.</p>	

RESIDENTIAL ZONE	
Desired Character (Cont)	
<p>Precinct 5 Twelve Storey</p> <p>Development within Precinct 5 Twelve Storey will be predominantly in the form of residential flat buildings, serviced apartments and tourist accommodation of up to 12 storeys (or 43 metres) in height. Development may also include small scale non-residential uses such shops, restaurants and cafes, offices and consulting rooms at ground and first levels where site conditions permit. Development will be of the highest architectural standard and contribute positively to the public realm through establishing clearly defined space between buildings, incorporating surface articulation using a balanced approach to the use of solid materials and glazed areas and adopting a building design that incorporates design elements that relate to the surrounding buildings, streetscape and public open space.</p> <p>Building design will complement the scale, proportions, siting and materials of the existing heritage places in the locality.</p> <p>In the section of this precinct that adjoins the Coastal Open Space Zone, development will be designed to provide spaces between adjacent buildings and accommodate pedestrian walkways and visual connections between the Coastal Open Space Zone and the developed areas to the east.</p>	
Principles of Development Control	
1 Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies
2 Building entrances should satisfy all of the following: (a) be oriented towards the primary street (b) be visible and easily identifiable from the street (c) provide shelter, a sense of personal address and transitional space around the entry.	Complies
3 Balconies should make a positive contribution to the internal and external amenity of buildings and should: (a) be functional and responsive to the environment (b) be located to predominantly face north, east or west to provide solar access (c) be integrated into the overall architectural form and detail of the building (d) contribute to the safety and liveliness of the street by facilitating casual overlooking of public spaces (e) be located adjacent to the main living areas, such as the living room, dining room or kitchen to extend the dwelling's living space (f) be of a minimum depth of 2 metres in order to be functional and promote indoor/outdoor living (g) be designed to provide residential flat buildings/tourist accommodation with private open space, thereby promoting the enjoyment of outdoor living (h) incorporate balustrades designed to allow views and casual surveillance of the street and public open space while providing for safety and visual privacy through detailing that incorporates a proportion of solid to transparent materials to promote a balance of privacy and casual surveillance and public interaction.	Complies

RESIDENTIAL ZONE	
Principles of Development Control	
5. Building design should minimise the impact of overlooking and overshadowing on existing lower density and scale development in adjoining zones/policy areas/precincts.	Complies
8. The incorporation of roof top gardens should only occur on multi storey buildings.	Complies
10. For development along St John's Row, within Precinct 3 Three Storey and/or Precinct 5 Twelve Storey : (a) space between buildings on adjoining sites should be created or, where existing, maintained (b) the walls of buildings nearest to the boundary of that road should be parallel to and setback a minimum distance of 4 metres from the boundary of that road (c) building elements in excess of 3 storeys should be setback from the external walls below to create a 'podium' effect.	(a) Complies (b) Does not comply (c) Complies
Precinct 5 Twelve Storey	
22. Development should not be undertaken unless it is consistent with the desired character for the precinct.	Complies
23. Development should not exceed an external wall height of 43 metres above natural ground level (excluding lift service levels and gables).	Complies

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – GENERAL SECTION

Design and Appearance - 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
8. The design of multi-storey buildings should not detract from the form and materials of adjacent State and local heritage places listed in <i>Table HoB/5 - State Heritage Places</i> or in <i>Table HoB/4- Local Heritage Places</i> .	Complies
9. Development on land adjacent to a State or local heritage place, as listed in <i>Table HoB/5 - State Heritage Places</i> or in <i>Table HoB/4 - Local Heritage Places</i> , should be sited and designed to reinforce the historic character of the place and maintain its visual prominence.	Complies
13. Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.	Complies
14. Buildings, landscaping, paving and signage should have a co-ordinated appearance that maintains and enhances the visual attractiveness of the locality.	Complies
15. Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.	Complies
16. Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies
Heritage Places – Objectives	

3. Conservation of the setting of State and local heritage places.	Complies
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Heritage Places – Principles of Development Control	
6. Development that materially affects the context within which the heritage place is situated, including development on adjoining properties and on nearby properties where there would be an influence upon the character, integrity and setting, should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to: (a) scale, bulk and form (b) width of frontage (c) boundary setback patterns (d) proportion and composition of design elements such as rooflines, window and door openings, fencing and landscaping (e) colour and texture of external materials.	Complies
10. Development of a State or Local Heritage Place, or development on land adjacent to a State or Local Heritage Place should conserve, maintain, enhance and reinforce the historic character of individual buildings and/or the existing streetscape character by exhibiting architectural and roof-form designs, street frontage widths, front and side boundary set-backs, materials, colours, fences and landscape settings which complement and give prominence to historic buildings or their detailing.	Complies
Residential Development	
5. Residential development should be designed to ensure living rooms have an external outlook.	Complies
10. The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to: (a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas (b) ground-level private open space (c) upper-level private balconies that provide the primary open space area for any dwelling (d) access to solar energy.	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
12. Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9 am and 3 pm on 21 June to at least the smaller of the following: (a) half of the existing ground-level open space (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres) Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.	Complies
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.	Does not comply

Heritage Places – Principles of Development Control (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" 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
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<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" 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>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						
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Site with an area less than or equal to 300 square metres	60 per cent													
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<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												

8. Summary of Assessment

The application complies with a majority of the quantitative objectives and principles of the Holdfast Bay Development plan. The following assessment will touch on aspects of the application which requires further discussion.

Heritage Impacts

There is a local heritage place on the adjacent site to the east. It is a two-storey pair of Victorian semi-detached dwellings, built in the late 1800s. Of relatively high integrity, the semi-detached dwellings are representative of early speculative residential development in the area and are an interesting example of two-storey Victorian semi-detached dwellings.

The subject site is located within the Precinct 5 Twelve Storey of the Urban Glenelg Policy Area 15 of the Residential High Density Zone. Relevant policy anticipates development of up to twelve stories in height and 43 metres above natural ground level, (Precinct Desired Character and PDC 23).

Having said that, relevant policy is also conscious of historic character in the area and the need for considered contextual design that responds appropriately to prevailing built form character.

The Desired Character of the Policy Area places strong emphasis on design standards stating:

Development will be of the highest architectural standard, contemporary in style and contribute positively to the quality of the public realm. Its built form will contrast with the open character of the adjacent foreshore and reserve public spaces. It will capitalise on the highly desirable location through significant scale, with built form between three and twelve stories in height. This development will demonstrate excellence in urban design. It will create design relationships between buildings at ground level and the street frontage that acknowledge and respect the existing context...

The anticipation of development of up to twelve stories is tempered by policy that seeks consideration of the existing context, hence the reference above to buildings at ground level and the street frontage. Related policy reinforces this.

Policy Area Objective 3 seeks:

“retention of the heritage character”

While Precinct 5 Desired Character seeks:

“a building design that incorporates design elements that relate to the surrounding buildings, streetscape and public open space”.

Precinct 5 Desired Character goes on to state that:

“Building design will complement the scale, proportions, siting and materials of the existing heritage places in the locality.”

Policy concerning Heritage Places in the General Section of Council’s development plan is also relevant, in particular Objective 3 and PDCs 6 and 10 which, amongst other things, concern themselves with development adjacent local heritage places. These provisions seek a compatibility between new development and adjacent heritage places. While imitation of detail or very direct design referencing would be inappropriate and differentiation between new and old is desirable, it is evident that relevant policy calls for consideration scale, form and massing relationships as well as materials and finishes. The proposal is considered to satisfy the above mentioned policies relating to development adjacent to heritage places.

The application was referred to Council’s consulting heritage architect who reviewed the proposal and provided feedback. The assessment of the heritage impact provided to the Council is shown below:

The proposed development could be described as “contemporary in style”, (Policy Area Desired Character). The proposed development is arranged as two building elements each comprising three flats, four storeys high with a central common driveway. The two building elements have a simple, rectilinear form with relatively narrow balconies providing some modulation. The balconies have curved edges on the St Johns Row elevations. The fourth storey of the proposed development is well setback from building edges which diminishes overall bulk and scale as well as apparent height.

There are some positive aspects that relate to the impact of the proposed development on the adjacent heritage place. They are:

- *A side setback of 1.5 metres from the shared side boundary which, added to the existing side setback of the local heritage place of around 3 metres, provides good separation between built form.*
- *A setback from College Street of around 0.8 metres to the face of balconies and 2.2 metres to the main building line, both of which exceed the corresponding setbacks of the local heritage place.*
- *Reasonably well-modulated facades and a considerable setback to fourth storey built form.*
- *Some fine grain detail in the texture of materials, particularly the brick and timber elements.*
- *A simple fence design that does not dominate the streetscape (although a slightly lower height of around 1.5 metres would be preferred).*

Taking into consideration the built form of the proposal and its relation to the local heritage place to the east, impacts are not considered to be detrimental. There is adequate separation between the proposal and the heritage place to the east providing an ideal buffer of 4.5m between the two buildings. The architectural design of the buildings, although modern, contains elements that form ideal articulation and an idyllic presentation the streetscape. The proposal meets the relevant Council Wide, Zone and Policy Area provisions and is considered to be an ideal outcome for the streetscape when assessing impacts to the heritage place to the east.

Setbacks

Shortfalls concerning setbacks of buildings were noted during the assessment. The High Density Zone and Policy Area only contains quantitative requirements for walls of buildings nearest to the boundary of that road which should be parallel to and setback a minimum distance of 4 metres. The Zone and Policy Area remains silent on numerical side and rear setback principles and as this is the case the assessment was conducted against PDC 21 of the General Section – Residential Development.

The rear of northern residential flat building contains a wall located on the boundary with no setback provided at all. Despite being a numerical non-compliance the impacts of the wall are considered to be negligible. The wall will be sited against a multi-level car park associated with the Stamford Grand. While northern facing windows are a desirable outcome in a general planning sense, if the rear wall was setback and the dwellings contained forth facing windows, they would look into the car park and will also be significantly overshadowed. The lack of rear setback allows for an ideal opportunity to increase the living space of the dwellings and increase the functionality of the site by utilising dead space.

PDC 21 of Residential Development anticipates side walls greater than 6 metres at any point of ground level to contain a 2.5m setback plus the increase in wall height above 6 metres. While this is considered to be a pragmatic approach in conventional suburbia where two storey development is anticipated, such a method applied to a High Density Zone is not pragmatic. For example, in order for the highest part of the proposal wall to comply with PDC 21 it would need to contain a 8.5m side setback from the east side boundary. As 12 storey buildings with maximum wall heights of 43m the Zone and Policy Area focusses on providing adequate separation between buildings as opposed to a numerical sliding scale setback approach.

The appropriateness of the setbacks should be based on their merits taking into account how they impact on the immediate locality and also taking into consideration the scale of construction that is anticipated by the Policy Area. The side setbacks from St Johns Row are considered to appropriate as the design of the dwellings provide visual interest through the varied use of materials and wrap around

balconies. Further, the proposal contains a modest built form in comparison to the 12 storey building under construction at 8 South Esplanade to the south-east of the site.

The eastern side setback adjacent to the local heritage place is 1.5m. The main concern regarding this shortfall was the potential impacts to the heritage place. It was confirmed in the response received by Council's consulting heritage architect that the 1.5m setback is considered appropriate as coupled with the 3m setback of the dwelling it provides a total of a 4.5m separation.

The anticipated setback to College Street and St Johns Row is 4m. The application falls well short of this requirement. This setback provision is relevant in anticipation of high rise buildings up to 12 storeys in height where adequate setbacks can be achieved due to single high rise buildings having the ability to accommodate a number of dwellings. The application presented to the Council contains two separate buildings containing 6 dwellings which gain access from an internal driveway. The driveway itself is 6m wide and consumes a notable portion of the allotment resulting the dwellings being accommodated to either side. Considering that this is the case and the modesty of the dwellings the proposed setbacks are not considered to be of a detrimental nature.

Impacts of overshadowing will not be unreasonable given the orientation of the dwelling. The majority of the shadow cast from the buildings will be to the south over the internal driveway and College Street. The north facing windows and private open space of the eastern adjoining neighbour will be subject to the existing exposure of sunlight during the morning and early afternoon hours of the day.

Car Parking and Access

Table HoB/1B - Off Street Vehicle Parking Requirements for the Residential High Density Zone anticipates the following vehicle parking requirements apply to development specifically in the District Centre Zone Glenelg Policy Area 2 and the **Residential High Density Zone**.

- 1 Residential development, in the form of residential flat buildings and residential development in multi-storey buildings should provide vehicle parking in accordance with the following rates:

Residential Form	Number of required vehicle parking spaces	Plus number of required visitor parking spaces
Studio (no separate bedroom), 1, or 2 bedroom dwelling	1 per dwelling	0.25 per dwelling
3 + bedroom dwelling	1.25 per dwelling	0.25 per dwelling

The dwellings contains 2 bedroom each therefore demand 1 space per dwelling plus an additional .25 spaces per dwelling for visitor parking. The site provides 9 on site spaces where a total of 7.5 spaces are anticipated. No separate visitor park is supplied on the subject land however given that the existing building houses 13 units, the demand of vehicles as a result of the proposal would be substantially less.

Access into the dwellings is considered to be adequate where a 6.1m distance is noted between the opposing garages allowing for adequate manoeuvring space. The crossover leading into the site is also 6.1m wide allowing sufficient room for vehicles to exit and exit the site as the same time without interruption.

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. **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 110/00878/19 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 tree protection measures recommended by the Council's arborist be implemented prior to construction of the dwellings.**
3. **That all upstairs windows on the eastern elevations of dwellings 3 and 6 with any glass below 1.7m from the finished floor level be treated to restrict outward views.**
4. **The stormwater disposal system shall cater for a 5 year rainfall event with discharge to the street not to exceed 10 litres per second. Any excess above this flow is to be detained on site to the reasonable satisfaction of Council.**