

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **24 APRIL 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **MICHAEL GATES**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLAN

HEARING OF REPRESENTORS **NOT APPLICABLE**
 HEARING OF APPLICANT **NOT APPLICABLE**

DA NO.	:	<u>110/00077/19</u>
APPLICANT	:	<u>ASPEX BUILDING DESIGNERS</u>
LOCATION	:	<u>219-221 SEACOMBE ROAD, SEACLIFF PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>CONSTRUCT THREE SINGLE STOREY DETACHED DWELLINGS</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT BE GRANTED</u>

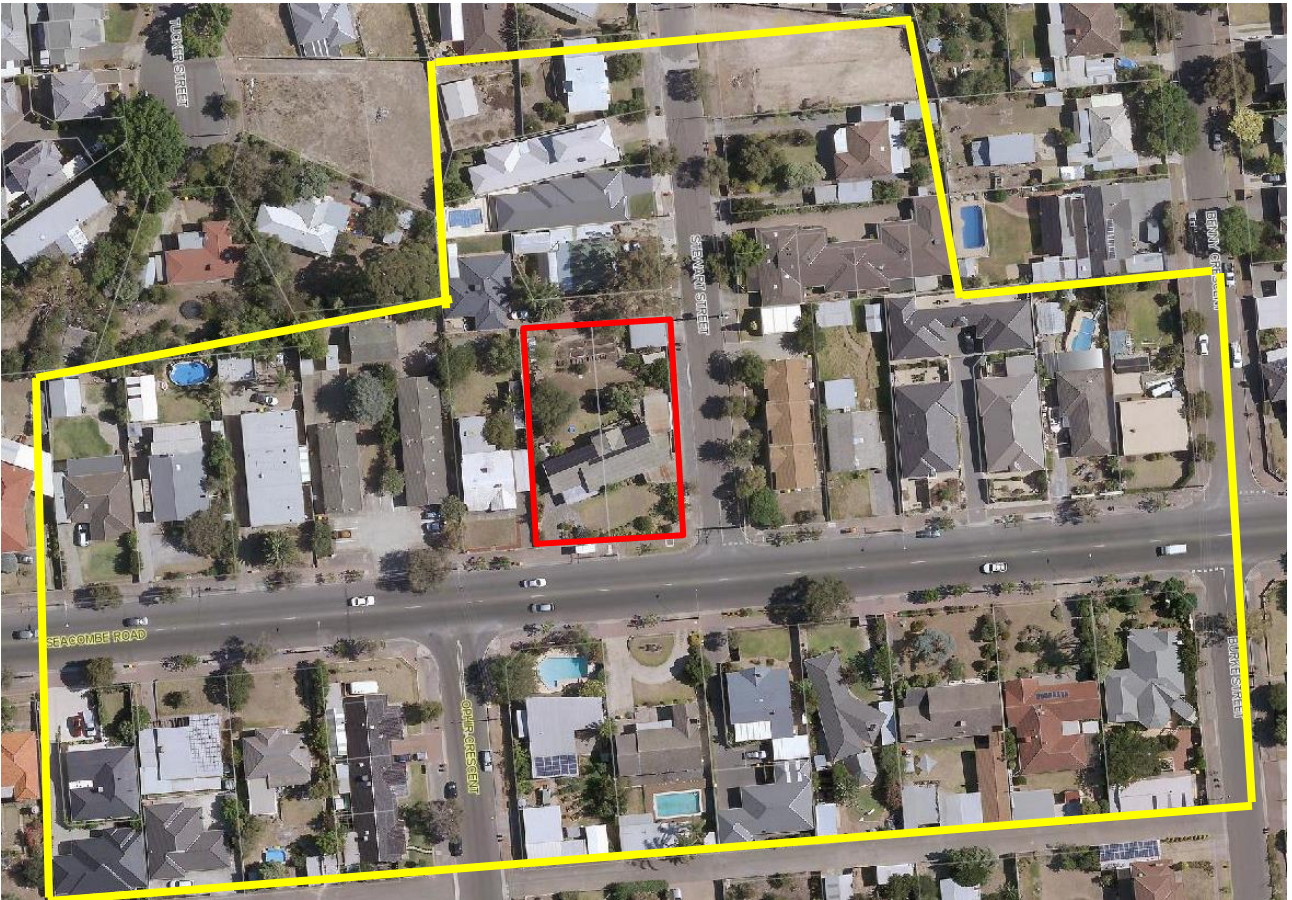
1. Site and Locality

The subject site is located on the northern side of Seacombe Road, on the intersection with Stewart Road. The site has a frontage of 20.11 metres to Seacombe Road and 45.72 metres to Stewart, a depth of 27.43 metres with a total area of 1,389 square metres. There is currently a single storey dwelling and associated outbuildings on the site, which comprises two allotments. There is a gentle gradient across the site is that drops down from Seacombe Road to the north, and there is no vegetation of any significance on the site.



Aerial photo of the subject site

The locality is entirely residential and is made up of a mix of detached dwellings on medium allotments, group dwelling developments and some residential flat buildings. The amenity of the locality is considered to be of a medium level, with housing in the locality generally of an older stock, with no public areas of open space and only small scale vegetation. The amenity is further impacted by the volume of traffic along Seacombe Road that results in noise and associated impacts.



Aerial photo of the site marked in red, and the locality marked in yellow.



Photo of the subject site from Stewart Street



Photo of the adjacent dwellings to the north



Photo of the residential flat to the north-west



Photo of the residential flat to the west

2. Development Assessment Process

Pursuant to relevant Environment, Resources and Development Court Case law, assessment of the land division must be made prior to determination of a land use development application. The associated land division application is also being presented to the Panel for determination. Therefore, if the land division application is refused then this application must also be refused. If the land division application has been approved, then assessment of this application can proceed.

3. Proposed Development

This development is the construction of three single storey detached dwellings that will all be of an identical floor plan and appearance. Each dwelling will comprise three bedrooms, with a small study, kitchen and living area, with a rear verandah and a double garage under the main roof. Given the gradient sloping down Stewart Street, each dwelling will be set 600mm lower than the adjacent dwelling to the south, with retaining walls of up to 600mm in height required. There are no plans for the southern corner allotment.

Each dwelling will be constructed with a corrugated colorbond roof at a 25 degree pitch, rendered front façade and vertical aluminium windows. The garages will be accessed via two single doors with one translucent door and one panel lift door in a windspray colour. The front verandah extends over the translucent garage door to assist in minimising the visual appearance of the garages.

The following table is applicable to all three dwellings as they are identical.

DEVELOPMENT DATA		
Aspect	Proposed	Compliance
Site Area	320 sqm ²	<u>Undersized, assessed through the land division application</u>
Site Coverage	56.5%	<u>Does not comply, exceeds requirement by 6.5%, considered to be a minor departure and considered acceptable in this instance</u>
Private Open Space	20.5%	<u>Satisfies Development Plan requirement of 20%</u>
Primary Setback - Dwelling - Garage	4.2m +1.3m	<u>No adjacent dwellings - Matches buildings opposite side of Stewart St – Considered Acceptable</u> <u>Complies</u>
Side Setback - Dwelling - Garage	1m On boundary	<u>Complies</u> <u>Length and height on boundary complies</u>
Rear Setback - Dwelling	4.8m	<u>Complies</u>
Overall Heights - Dwelling	2.7m walls – Single storey	<u>Complies</u>

4. Public Consultation

The proposal is a category 1 form of development as per Schedule 9 of the Development Regulations 2008 as the proposal is for single storey detached dwellings to be sited on their own individual allotments. Therefore public notification was not required.

5. Assessment

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

RESIDENTIAL ZONE	
Objectives	
1. A residential zone comprising a range of dwelling types, including a minimum of 15% affordable housing.	Complies
3. Development that contributes to the desired character of the zone.	Complies

RESIDENTIAL ZONE (Cont)	
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. 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>	Complies
<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>	Complies
<p>(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</p>	Complies
<p>(c) semi-detached dwellings, where site considerations permit. Development outside of the policy areas will generally be single storey in height in the areas east of Brighton Road, and up to two storeys in height in the areas west of Brighton Road. Buildings will be both domestic and contemporary in design and character to support and reinforce the essentially suburban character through typical domestic design forms, low front fencing and landscaping. Landscaping will help define the public realm and private property boundaries, and substantial landscaped front yards will contribute to the locality, with the retention of mature trees. Development will have side and rear building setbacks that incorporate an access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. Undercroft car parking will also be avoided on flat sites and sites that slope down from the street level. Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.</p>	Complies

Principles of Development Control (Cont)			
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.			
1. The following forms of development are envisaged in the zone: <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. 		Complies	
Principles of Development Control			
6. Development should not be undertaken unless it is consistent with the desired character for the zone.		Complies	
8. Dwellings and residential flat buildings, except where specified in a particular policy area or precinct, should not exceed the maximum heights shown in the following table:			
Location of the dwelling	Maximum wall height above natural ground level	Maximum height above natural ground level	
West of Brighton Road or Tapleys Hill Road East of Brighton Road or Tapleys Hill Road	7 metres 3.5 metres	Two storeys One storey, or two storeys if the second storey is incorporated within the roof space and the floor area of the second storey does not exceed 40 percent of the ground floor footprint of the dwelling, including attached garages.	Complies
9. Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.		Complies	

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

Residential Development	
5. Residential development should be designed to ensure living rooms have an external outlook.	Complies
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
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
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.	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	Complies

17. Garages, carports and outbuildings should be designed within the following parameters:		
Wall length		Complies
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		
Maximum height 4.5 metres		Complies
19 Except where specified in a particular zone, policy area or precinct or Residential High Density Zone , the main face of a building should be set back from the primary road frontage in accordance with the following table: Setback difference between buildings on adjacent allotments with frontage to the same primary street	Setback of new building	Complies with the streetscape pattern, considered acceptable given there are no direct adjacent dwellings
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:	
Greater than 2 metres	At least the average setback of the adjacent buildings.	
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
21. Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:		
Parameter	Value	
Side walls with a height up to (and including) 3 metres at any point above the natural ground level.	1 metre	Complies
Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.	1.5 metres plus an additional 500mm for every metre in height above 4 metres.	N/A
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	Complies
Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres	Complies
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

<p>23. Side boundary walls in residential areas should be limited in length and height to:</p> <p>(a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties</p>	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 (b) a length not exceeding 8 metres (c) the wall, when its length is added to the length of any other relevant walls or structures located on that boundary:</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 (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>	Complies						
<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 (b) not adversely impact on the safety of road users (c) provide safe entry and exit (d) not dominate the appearance of dwellings from the street</p>	Complies						
<p>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:</p> <table border="1" data-bbox="159 1093 880 1263"> <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	Minor departure of 6.5%, considered to be minor departure and acceptable in this instance.
Parameter	Value						
Site with an area less than or equal to 300 square metres	60 per cent						
Site with an area greater than 300 square metres	50 per cent						
<p>29. Site coverage should be limited to ensure sufficient space is provided for:</p> <p>(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</p>	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> <p>(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.</p>	Complies						

32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:	
Site area of dwelling - 250 square metres or greater. Minimum area of private open space - 20 per cent of site area.	Complies
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.	Complies
33. Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.	Complies
34 Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non-permeable paved areas) to: (a) assist with ease of drainage (b) allow for effective deep planting (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.	Complies

6. Summary of Assessment

Seriously at Variance

Pursuant to Section 35(2) of the *Development Act, 1993* the proposal considered is not to be seriously at variance with the Holdfast Bay Council Development Plan.

Land use

The proposed construction of three dwellings does not alter the existing residential use of the land and therefore the land use is considered acceptable for the Residential Zone.

Residential Zone

The Desired Character statement for the Residential Zone seeks that development outside of Policy Areas, east of Brighton Road, should generally be for single storey detached dwellings that match the setback patterns of the locality. The proposal is considered to satisfy those requirements. With the exception of the minor departure relating to site coverage, the proposal satisfies all of the quantitative requirements of the Development Plan.

The proposal satisfies all of the setback, private open space and height requirements for the Residential Zone. The dwellings will be constructed out of material that are consistent with other new dwellings in the locality.

Whilst the dwellings will have a relatively short front setback, the plans show that there will be sufficient space for landscaping to soften the appearance of the dwellings. The dwellings are

considered to be of a modest scale that will complement the streetscape without negatively impacting on the amenity of the adjacent properties.

Given the gradient that drops down to the north there will be some requirement for retaining walls. The plans demonstrate that none of the walls will be greater than 600mm in height and therefore not classified as development. The gradient down Stewart also ensures stormwater runoff from the dwellings will be directed away from the arterial road, as to minimise any impacts to traffic movements during a heavy rainfall.

Access

All three will have access from a public road that will not impact on any existing street infrastructure or trees. All driveways will be of a suitable gradient and will be able to provide off street parking for two vehicles in accordance with Table HoB/1.

7. Conclusion

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality, 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 Residential 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 Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan to Development Application 110/00077/19 for the construction of three single storey detached dwellings at 219-221 Seacombe Road Seacliff Park subject to the following 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 stormwater shall be collected and connected to a 1000 litre (minimum per dwelling) rainwater tank with a sealed system over flow connection to the street water table. Furthermore, all stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.**

Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

ITEM NO: 5.3
REPORT NUMBER: 125/19

- 3. That landscaping shall comprise where practicable, trees and shrubs that are indigenous to the local area and are semi mature or of fast growing tube stock. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**

- 4. 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.**