

REPORT TO: **COUNCIL ASSESSMENT PANEL**

DATE: **24 APRIL 2019**

SUBJECT: **APPEAL ITEM – 110/00614/18 CONSTRUCT TWO SEMI-DETACHED DWELLINGS, INCORPORATING A THREE STOREY DWELLING AND A TWO STOREY DWELLING, WITH THE NORTHERN DWELLING HAVING AN UNDER CROFT GARAGE AND THIRD LEVEL AT 34 AND 34A ADELPHI TERRACE GLENELG NORTH**

WRITTEN BY: **MICHAEL GATES
DEVELOPMENT OFFICER - PLANNING**

ATTACHMENTS: **A. COMPROMISE PLANS

B. ORIGINAL REPORT AND PLANS**

1. Abstract of Report

On the 19 December 2018 the Council Assessment Panel refused Development Plan Consent for application 110/00614/18 for the construction of two semi-detached dwellings, incorporating a three storey dwelling and a two storey dwelling, with the northern dwelling having an under croft garage and third level.

The development was refused for the following reason:

That it is contrary to Development Plan General Section Design and Appearance Principle 1, Transportation and Access Principle 52(h), Residential Zone Desired Character Statement, Residential Zone Objective 3, Principle 6 and Principle 8. More specifically, the proposal:

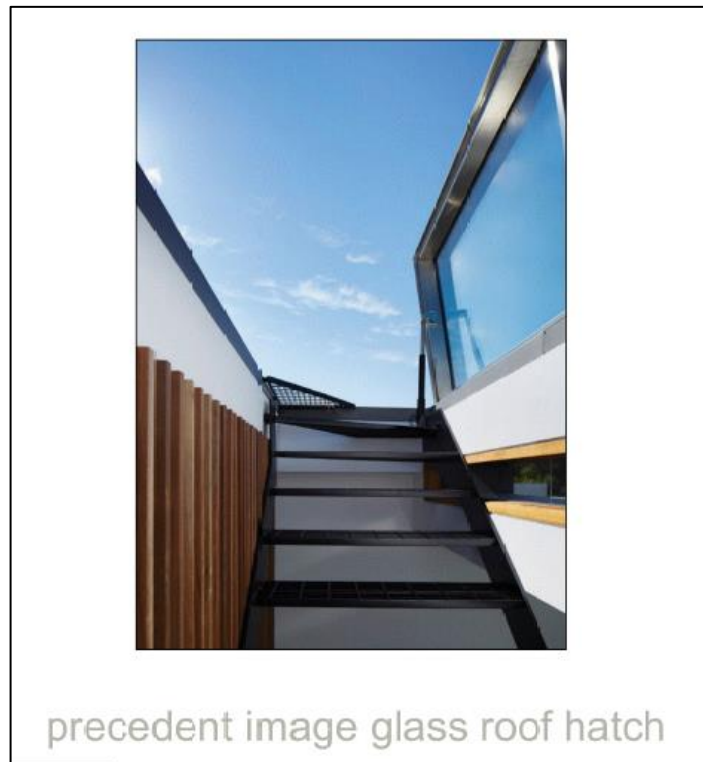
- Does not satisfactorily contribute to the desired character of the zone.
- Does not have a comparable height and scale to that of existing dwellings in the locality.
- Incorporates undercroft car parking on an otherwise flat site.
- Exceeds two-storeys in height and incorporates undercroft car parking that detract from the visual quality and amenity of the locality.

The applicant has lodged an appeal with the Environment, Resources and Development (ERD) Court against the decision of Council. Two of the neighbours who lodged representations opposing the development during the notification process requested to be joined to the appeal. Both neighbours were successful with their application. So for the applicant to seek a compromise, they must get an acceptance of the amended plans by Council, and by both of the neighbours. If Council accepts the compromise, but not the neighbours, the matter could continue onto a hearing without Council's involvement, and vice versa.

2. Amended plans

The applicant has provided an amended set of plans in order to seek compromise with Council. The amendments include:

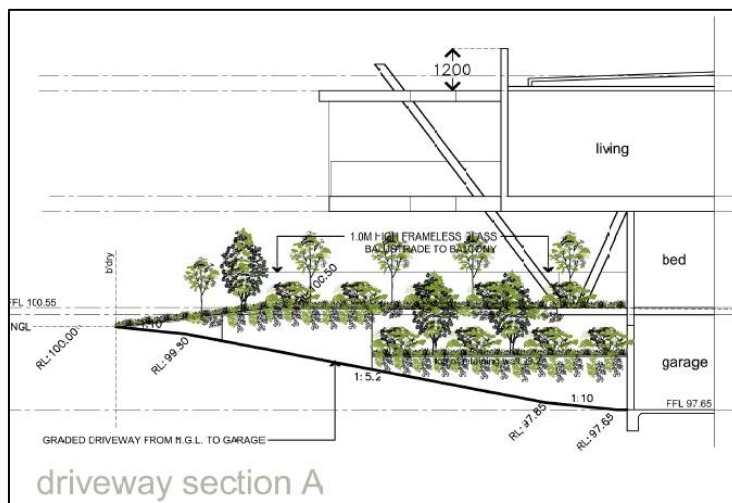
- The retaining wall on the northern side of the undercroft driveway is now stepped to break up the visual mass of the wall, and also to allow landscaping to soften the appearance.
- The third level on the northern dwelling has now been amended to no longer include a roof or enclosed areas. The original proposal included a small kitchen and living area on the top level and was prominent to adjacent properties and the streetscape. The amended plan is for a roof top deck area that will not include a roof, but will be surrounded by a 1.7 metre high rendered panel to the rear, 1.7 metre high obscure glass walls to the sides, and a 1.2 metre balustrade to the front. The deck will be accessed via internal stairs, with the use of a glass hatch door, with a hydraulic opening. When the door is closed it will operate as a skylight to let more natural light into the upper level. Below is a sample image of the door.



Sample photo of proposed hatch access door to roof deck

3 Assessment of amendments

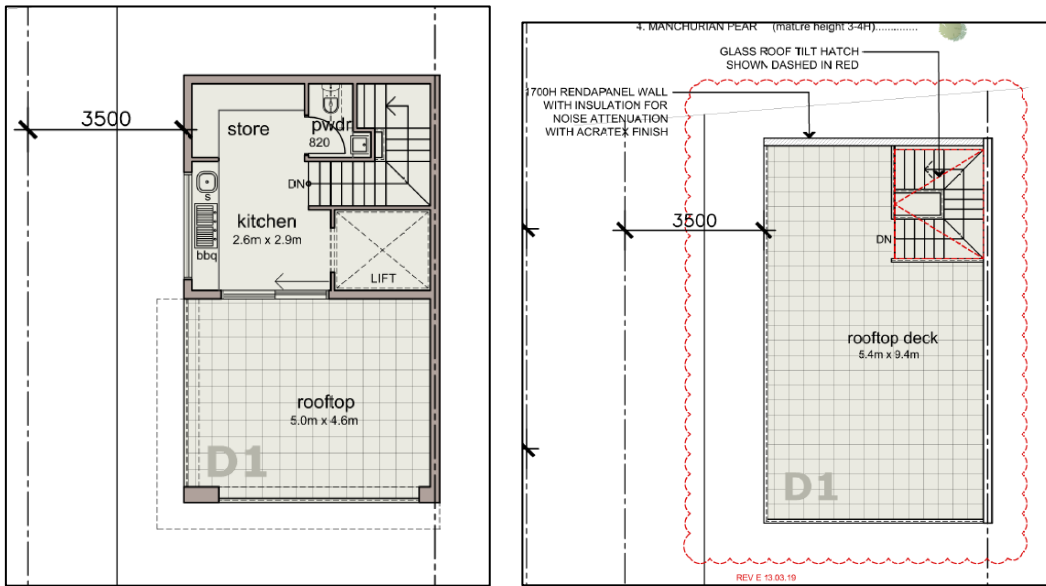
The proposed changes to the undercroft driveway are considered to be an improvement in that the visual impact of the retaining wall to the streetscape will be reduced and softened with the inclusion of more landscaping. The plans now include a section plan that demonstrates that the undercroft will have little visual impact to the streetscape given that the upper storey is cantilevered over the driveway. Whilst the proposal is still at odds with the relevant provisions of the Development Plan, the proposal is considered to be suitably designed to minimise any impacts.



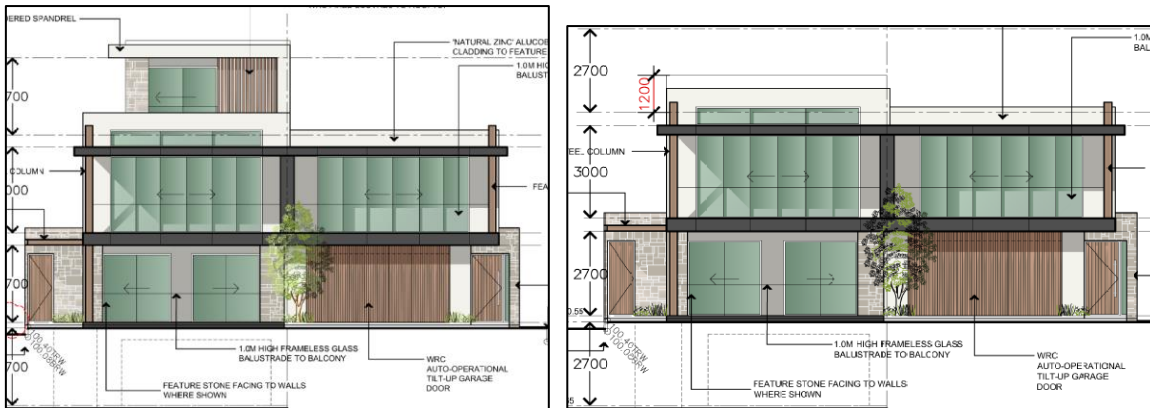
Section Plan showing stepped retaining wall

The most notable change to the proposal is the removal of the upper storey and replaced with an open roof top deck area. For comparison, below are the floor plans and elevations of both the original proposal and the compromise plans. The total floor area of the deck is the same as the previous proposal, but no longer includes the roof, but includes screening to the rear and sides to minimise noise and overlooking impacts to neighbours.

The amended plans are considered to be significantly less dominant than the previous proposal and has an appearance of a two storey dwelling as sought by in Principle of Development Control 8 of the Residential Zone. The amendments to the third level is considered to overall to be an improvement and is on balance more consistent with the requirements of the Development Plan for the Zone.



Floor plans of the original proposal on the left, and the amended proposal on the right.



Elevations of the original proposal on the left, and the amended proposal on the right.

On balance the amended proposal is considered to reasonably accord with the relevant principles of the Development Plan and will not unreasonably impact on the amenity of the locality. The visual impacts to the neighbours is considered to be lessened and addresses the reasons for refusal. Whilst the driveway is still generally at odds with the relevant provisions of the Development Plan, the overall impact is considered to be relatively minor. The changes are considered to adequately address the reasons for refusal, and therefore it is recommended that the Panel accept the amended plans as a comprise in the appeal matter.

4. Recommendation

That the ERD Court be advised that the Council accepts the amended plans as a compromise in the ERD appeal matter 6 of 2019, of D'Andrea Architects v City of Holdfast Bay and recommends the following conditions be included:

1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted by D'Andrea Architects numbered A-1 revision E dated 13.03.19, and A-2 revision E dated 13.03.19 unless varied by any subsequent conditions imposed herein.
2. That stormwater shall be collected and connected to a 1000 litres (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.

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.
5. All upper windows other than on the street (western) elevations must have a minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres must consist of obscure glass and fixed shut.