

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **25 MAY 2022**
 SUBJECT: **DEVELOPMENT ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS:

- 1. PROPOSED PLANS**
- 2. STATEMENTS OF REPRESENTATIONS**
- 3. APPLICANT'S REPLY TO REPRESENTATIONS**

DA NO.	:	<u>110/00157/21</u>
APPLICANT	:	<u>METRICON HOMES PTY LTD</u>
LOCATION	:	<u>19 BICKFORD TERRACE SOMERTON 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>TWO STOREY DETACHED DWELLING, SWIMMING POOL AND DEPENDANT ACCOMMODATION</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NOT APPLICABLE</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

1. Site and Locality

The subject site is located a large 936 square metre allotment in close proximity to the Esplanade. The site currently contains a single storey detached dwelling, which will be demolished to accommodate the new development. It is surrounded by other similar sized sites, with a mix of single and two storey buildings, typically contained detached dwellings. There has been a steady increase in infill redevelopment over the years, however the low density nature has largely been retained.



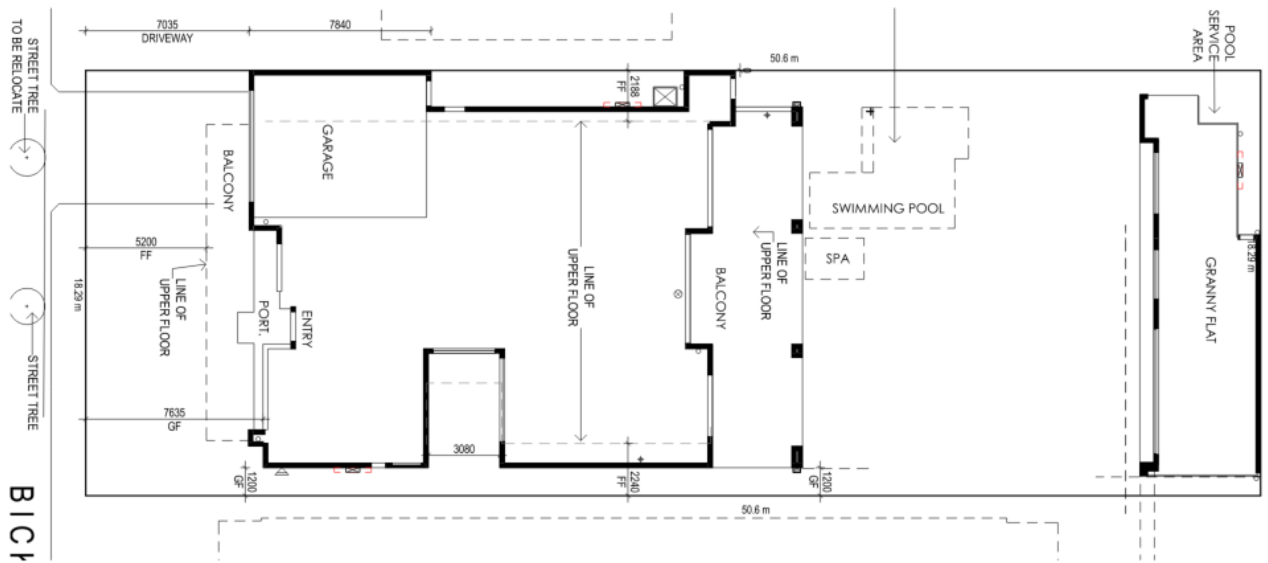


2. Proposed Development

The proposed development comprises the construction of a large two storey detached dwelling with a garage wall and dwelling wall located on the eastern side boundary, a swimming pool and a dependant accommodation building in the rear yard, with a wall located on the southern rear boundary.



Impression of the front of the proposed dwelling



Refer to Attachment 2

Development Assessment Data

	Proposed	Development Plan	Development Plan Satisfied?
Site area	936 square metres	-	-
Site coverage	50 percent	Maximum 50 percent	Yes
Private open space	42 percent	Minimum 20 percent	Yes
Northern primary setback	5.2 metres	Average of neighbouring buildings	No
Side boundary setbacks	On boundary 3 metres high over a length of 7.8 metres	Maximum wall height 3 metre and maximum wall length 8 metres	Yes
	Ground level 1.2 metres+	Minimum 1 metre	Yes
	Upper level walls setback 2.1 and 2.2 metres	Minimum 4.3 metres due to wall height of 7.8 metres	No
Rear setback	22 metres	Ground level 4 metres Upper level 6 metres	Yes

3. Public Notification

The proposal was subject to a category 2 public notification process due to the proposal having walls located on an allotment boundary with a height exceeding 2.75 metres above the natural ground level on the eastern side and southern rear boundaries. Two statements of representations were received:

Marie Winter of 16 Wilkinson Avenue, Somerton Park (directly behind the subject site):

- Objection to rear balcony and windows which will result in unreasonable overlooking;
- Dependant accommodation wall blocking light into rear yard

Thelma Hunt of 17 Bickford Terrace, Somerton Park (east of the subject site):

- Survey of site and building encroachment;
- Visual privacy

URPS, acting on behalf of the applicant provided a reply to the representation, summarised as follows:

- A site survey has not yet been undertaken, the site works plan demonstrates arbitrary reference points;
- The proposed screens are designed to ensure visual privacy is achieved, which is aimed at limiting the views downwards to the private open space area. The side of the balconies are screened in a way that prevents oblique views and the dependant accommodation building will prevent views into the rear yard or through windows of the southern adjacent property.

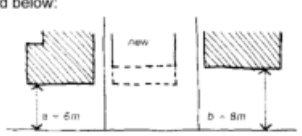
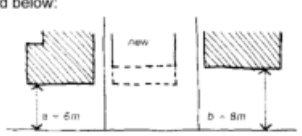
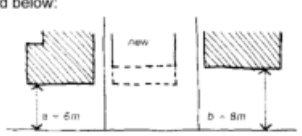
4. Development Plan Provisions

The following tables contain a detailed assessment of the proposal against the provisions in the Holdfast Bay (City) Development Plan consolidated 2 June 2016:

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT

General Section – Design and Appearance	
Objectives	Assessment
1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.	Complies
2 Roads, open spaces, paths, buildings and land uses laid out and linked so that they are easy to understand and navigate.	Complies
Principles of Development Control	Assessment
1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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
5 Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies
10 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: <ul style="list-style-type: none"> (a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells). 	Complies

General Section – Design and Appearance	
Principles of Development Control (Cont)	Assessment
11 Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.	Complies
13 Buildings (other than ancillary buildings or group dwellings) should be designed so that their main façade faces the primary street frontage of the land on which they are situated.	Complies
15 Buildings should be designed and sited to avoid creating 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
General Section – Residential Development	
Objectives	Assessment
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	Assessment
1 Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate: (a) the siting and construction of a dwelling and associated ancillary outbuildings (b) the provision of landscaping and private open space (c) convenient and safe vehicle, pedestrian and cycling access and parking (d) water sensitive design systems that enable the storage, treatment and reuse of stormwater.	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
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

General Section – Residential Development													
Principles of Development Control (Cont)	Assessment												
<p>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:</p> <ul style="list-style-type: none"> (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). <p>Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.</p>	Complies												
<p>13 Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.</p>	Complies												
<p>14 Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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												
<p>19 The main face of a building should be setback from the primary road frontage in accordance with the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Setback difference between buildings on adjacent allotments with frontage to the same primary street</th> <th style="text-align: left;">Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjacent buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  <p style="text-align: center;">When b is as 2, setback of new dwelling = a or b</p> </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjacent buildings.</td> </tr> </tbody> </table>	Setback difference between buildings on adjacent allotments with frontage to the same primary street	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:	 <p style="text-align: center;">When b is as 2, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjacent buildings.	Does not comply				
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<p>20 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to:</p> <ul style="list-style-type: none"> (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties. 	Complies												
<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>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	Does not comply
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General Section – Residential Development							
Principles of Development Control (Cont)	Assessment						
23 Side boundary walls in residential areas should be limited in length and height to: <ul style="list-style-type: none"> (a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties. 	Complies						
24 Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. 	Complies						
25 Walls with a height of up to (and including) 3 metres above natural ground level (excluding veranda, porch and balcony structures) should be setback 2 metres from the secondary street frontage.	Complies						
27 Carports and garages should be set back from road and building frontages so as to: <ul style="list-style-type: none"> (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. 	Complies						
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: <table border="1" data-bbox="167 1281 908 1384"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Site with an area less than or equal to 300 square metres</td> <td>60 per cent</td> </tr> <tr> <td>Site with an area greater than 300 square metres</td> <td>50 per cent</td> </tr> </tbody> </table>	Parameter	Value	Site with an area less than or equal to 300 square metres	60 per cent	Site with an area greater than 300 square metres	50 per cent	Complies
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29 Site coverage should ensure sufficient space is provided for: <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles. 	Complies						

General Section – Residential Development										
Principles of Development Control (Cont)	Assessment									
<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"> <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> <p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</p> <p>One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> </td> </tr> <tr> <td>Less than 250 square metres</td> <td>35 square metres</td> <td> <p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>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> </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	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</p> <p>One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p>	Less than 250 square metres	35 square metres	<p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>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>	Complies
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<p>33 Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.</p>	Complies									
<p>34 Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non permeable paved areas) to:</p> <ul style="list-style-type: none"> (a) assist with ease of drainage (b) allow for effective deep planting (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings. 	Complies									

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

Residential Zone (Cont)										
Objectives	Assessment									
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.										
Principles of Development Control	Assessment									
<p>Land Use</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling ▪ dwelling addition ▪ small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> - child care facility - health and welfare service - open space - primary and secondary school - recreation area ▪ supported accommodation. 	Complies									
5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.	Complies									
6 Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies									
Principles of Development Control	Assessment									
<p>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:</p> <table border="1" data-bbox="167 1288 917 1512"> <thead> <tr> <th>Location of the dwelling</th> <th>Maximum wall height above natural ground level</th> <th>Maximum height above natural ground level</th> </tr> </thead> <tbody> <tr> <td>West of Brighton Road or Tapleys Hill Road</td> <td>7 metres</td> <td>Two storeys</td> </tr> <tr> <td>East of Brighton Road or Tapleys Hill Road</td> <td>3.5 metres</td> <td>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.</td> </tr> </tbody> </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	7 metres	Two storeys	East of Brighton Road or Tapleys Hill Road	3.5 metres	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
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9 Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.	Complies									

5. Summary of Assessment

Zone and Land Use

The Residential Zone anticipates a predominately low-density suburban form, reflecting progressive infill development of existing individual sites and unobtrusive small-scale developments. Infill development should have a comparable height, mass, scale and setbacks to that of existing dwellings in the locality.

The primarily suburban character is defined by detached dwellings on individual allotments.

The proposed development addresses the desired character by incorporating low density development that will accommodate unobtrusive small-scale development of comparable height, mass, scale and setbacks to that of existing dwellings in the locality. The addition to an existing detached dwelling reinforces the primary suburban character (detached dwellings on individual allotments).

Site Coverage

The proposed development results in site coverage amounting to 50 percent of the site area, which satisfies the minimum Development Plan requirement of 50 percent.

Private Open Space

The proposed development accommodates 400 square metres of private open space, which amounts to 42 percent of the site area. The Development Plan seeks a minimum private open space area amounting to 20 percent of the site area.

The proposed areas accommodating private open space achieve the fundamental objectives for private open space, which include areas that are exclusively used by occupants and providing outdoor space in the form of recreation, entertaining and landscaping.

Primary Street Setback

The dwelling is setback 5.2 metres from the primary boundary, which is forward of the setbacks of the neighbouring dwellings.

The eastern adjacent building is setback 5.8 metres and the western adjacent building is setback 11.8 metres, therefore an average of 8.8 metres.

The proposed dwelling has a primary street setback variance of 3.6 metres.

The significance of the setback shortfall however is diminished by the fact the street has a varied setback patten, with most of the newer housing stock located closer to the street boundary.



Side and Rear Boundary Setbacks

The proposed garage wall is located on the eastern side boundary with a height of 3 metres and a length of 7.8 metres. Further, toward the rear of the dwelling, there is another boundary wall with a height of 2.8 metres and a length of 2.2 metres. The remaining ground level wall is setback 1.2 metres+ from the side boundaries.

The upper level walls have a height of 7.8 metres and setback 2.1 and 2.2 metres from the side boundaries. The walls should be setback 4.3 metres from each side boundary. When considering the setbacks required against the Design Code, a minimum setback of 2.5 metres is required to each side boundary. In the worst case, the proposal fails to satisfy the minimum required side boundary setback by at 400mm, however more when assessed against the previous Development Plan.

The dwelling is setback 22 metres from the rear boundary, therefore achieving the minimum required by the Development Plan.

Dependant Accommodation

The building is designed in a way that it is dependant of the main dwelling, in that it comprises an open living room type space, one bedroom, a bathroom and small kitchen area.

The floor area is 68 square metres, which includes a small externally accessible storage room, therefore the actual size is consistent with the maximum floor area anticipated by the Development Plan, which is 60 square metres.

The building is setback 900mm from the side boundaries and 10.38 metres of the rear wall is located on the rear boundary, with a wall height of 3 metres. The Development Plan anticipates a maximum wall height of 3 meters with a maximum wall length of 8 metres, therefore the wall exceeds the maximum anticipated length by 2.38 metres. It is worthwhile noting that under the Design Code, the boundary wall can be up to 11.5 metres in length.

Vehicle Access

Council's Horticulture Department have reviewed the Applicant's request to relocate the street tree and have granted permission, therefore the proposed access is authorised.

To confirm; relocation has been approved for this one. Not the usual approach however we have treated this as an exceptional case due to the Juvenile state of the tree. The other reasoning that helped support this was: due to Simon's willingness to provide watering and ensure survival. As Simon will be taking on the relocation himself during his construction, I have agreed to oversee and waive associated costs of having a contractor intervene.

I have contacted Simon over the phone and provided my details asking that he make contact with myself upon time of relocation.
 Please feel free to reiterate this to him through your liaison.

Again sorry for the delay. Feel free to rattle my chain if you ever have anything pressing.

Cheers Dean



BEN HALL
 Senior Urban Forest Officer
 City of Holdfast Bay

Conclusion

The proposed development fails to satisfy the Development Plan provision, which is with respect to the front setback, upper level side setbacks and the boundary wall length for the dependant accommodation.

As expressed above, the primary setback is reasonable given the varied street setback pattern. The side boundary setbacks are only 400mm short of the current Design Code minimum setback, therefore on balance with the current guidelines, the level of additional shadowing from a 400mm shortfall is negligible.

The dependant accommodation comprises a boundary wall that exceeds 8 metres in length, however the length is within the maximum length of 11.5 metres now allowed by the Design Code.

It is acknowledged that the proposal was lodged during the time in which the Development Plan was in effect, however it is not unreasonable to have regard to *as of right development* given the applicant could lodge the same application under the Design Code and have the proposal assessed accordingly.

6. RECOMMENDATION

The proposed development is NOT seriously at variance with the policies in the Development Plan. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00157/21 for the construction of a two storey detached dwelling, swimming pool and dependant accommodation in the rear yard at 19 Bickford Terrace, Somerton 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 adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.
3. That all upstairs windows on side and rear elevations shall have minimum window sill heights of 1.5 metres above finished floor level, or any glass below 1.5 metres shall be obscure and fixed shut or as otherwise approved.
4. That landscaping as detailed in the approved plans shall be planted within 6 months of occupation and shall be maintained in good health and condition at all times. Any such vegetation shall be replaced if and when it dies or becomes seriously diseased.