

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **23 JUNE 2021**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER PLANNING

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

DA NO.	:	<u>110/01036/20</u>
APPLICANT	:	<u>SCOTT SALISBURY HOMES</u>
LOCATION	:	<u>207 ESPLANADE, SEACLIFF</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>CONSTRUCTION OF A THREE STOREY DETACHED DWELLING AND A PAIR OF THREE STOREY SEMI-DETACHED DWELLINGS</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
CATEGORY	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

1. Site and Locality

The subject site is located in Central West Policy Area 3, which anticipates three storey built form, reduced building setbacks and greater densities, particularly in comparison to the Residential Zone outside of the Policy Area.

An associated land division creating 3 allotments was approved in 2018.

2. Proposed Development

The proposal comprises the construction of a three storey detached dwelling fronting the Portland Street and a pair of three storey semi-detached dwellings fronting the Esplanade.

3. Public Consultation

The proposal is a category 1 development, as prescribed by the Zones Public Notification Criteria.

4. Development Assessment

HOLDFAST BAY (CITY) DEVELOPMENT PLAN ASSESSMENT TABLE

Detached dwelling	Development Plan	Proposed	Complies
Site area	300 square metres	300 square metres	Existing
Site coverage	Maximum 50 percent	50 percent	Yes
Private open space	Minimum 60 square metres	63 square metres	Yes
Primary street setback	6 metres	3 metres	No Other dwellings 1m from Portland Street
Side setbacks	Boundary wall up to 15 metres in length and 2.75 metres in height	Wall on boundary length 7.4 metres and height 7.2 metres	No
	Ground level wall setback 1 metre	Ground level wall 1-2 metres	No
	Upper level walls 3 metres	Upper level wall 2-3 metres	No
Rear setback	Ground level 1 metre	Ground level on boundary	No
	Upper level 3 metres	Upper level 2 metres	No
Semi-detached dwellings	Development Plan	Proposed	Complies
Site areas	250 square metres	297 square metres	Existing
Site coverage	Maximum 50 percent	57 percent	No
Private open space	Minimum 60 square metres	103 square metres	Yes
Primary street setback	6 metres	4.5 metres	No Adjacent dwelling 4.5 metres
Side setbacks	Ground level wall setback 1 metre	Ground level wall 1 metre	Yes
	Upper level walls 3 metres	Upper level wall 2-3 metres	No
Rear setback	Ground level 1 metre	4.6 metres	Yes
	Upper level 3 metres	Upper level 9.4 metres	Yes

CONSOLIDATED 2 JUNE 2016

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
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) verandahs, eaves, parapets and window screens. 	Complies

GENERAL SECTION – DESIGN AND APPEARANCE	
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
<p>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:</p> <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 wall is well articulated Shadow plan demonstrates roof overhang causes overshadowing, not the position of the wall
3 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.	Complies
<p>10 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</p> <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
<p>11 Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as:</p> <ul style="list-style-type: none"> (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. Condition of approval included
<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 areas 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
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
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

GENERAL SECTION – RESIDENTIAL DEVELOPMENT (Cont)	
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
<p>1 Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate:</p> <ul style="list-style-type: none"> (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
<p>4 Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</p> <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 occupants (b) individual entries for ground floor accommodation (c) opportunities to overlook adjacent public space. 	Complies. Condition included regarding landscaping
<p>5 Residential development should be designed to ensure living rooms have an external outlook.</p>	Complies
<p>6 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.</p>	Complies
<p>10 The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:</p> <ul style="list-style-type: none"> (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. 	Does not comply, however the shadowing is not a result of insufficient wall setbacks
<p>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 9am and 5pm on 21 June.</p>	Does not comply, however the shadowing is not a result of insufficient wall setbacks
<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 areas 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% 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) (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

GENERAL SECTION – RESIDENTIAL DEVELOPMENT (Cont)								
PRINCIPLES OF DEVELOPMENT CONTROL		Assessment						
20 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to: <ul style="list-style-type: none"> (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties. 		Complies						
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						
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: Site Coverage		Complies						
<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="width: 60%;">Parameter</th> <th style="width: 40%;">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
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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						
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: <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						
32 Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:		Complies						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Site area of dwelling</th> <th style="width: 20%;">Minimum area of private open space</th> <th style="width: 60%;">Provisions</th> </tr> </thead> <tbody> <tr> <td>250 square metres or greater</td> <td>20 per cent of site area</td> <td> Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. </td> </tr> </tbody> </table>			Site area of dwelling	Minimum area of private open space	Provisions	250 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.
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GENERAL SECTION – RESIDENTIAL DEVELOPMENT (Cont)	
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
<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> <ol style="list-style-type: none"> assist with ease of drainage allow for effective deep planting reduce urban heat loading and improve micro-climatic conditions around sites and buildings. 	Complies
<p>40 Except for buildings of 3 or more storeys in the Minda Incorporated Brighton Campus, upper level windows, balconies, terraces and decks that overlook habitable room windows or private open space of dwellings should maximise visual privacy through the use of measures such as sill heights of not less than 1.7 metres or permanent screens having a height of 1.7 metres above finished floor level.</p>	Complies condition of Planning consent
<p>41 Where development is greater than single storey (excluding the Minda Incorporated Brighton Campus):</p> <ol style="list-style-type: none"> any upper storey window that directly overlooks the private open space of an adjoining residential property that is within 30 metres from the vertical centre line of the overlooking window and beyond a 45 degree angle from the plane of the wall containing the overlooking window (as illustrated by the figure below) should be glazed in fixed obscure glass or have window sills a minimum of 1.7 metres above the upper floor level: <div data-bbox="539 1137 895 1435" data-label="Diagram"> </div> <ol style="list-style-type: none"> any upper storey window that directly overlooks habitable rooms (all rooms excluding bathrooms, laundries and hallways) of residential buildings that are within 15 metres from the vertical centre line of the overlooking window and beyond a 45 degree angle from the plane of the wall containing the overlooking window (as illustrated by the figure below) should be glazed in fixed obscure glass or have window sills a minimum of 1.7 metres above the upper floor level: <div data-bbox="539 1659 884 1883" data-label="Diagram"> </div> <ol style="list-style-type: none"> any upper storey balcony should be located and/or designed to avoid directly overlooking the private open space of adjoining residential properties and into habitable rooms (all rooms excluding bathrooms, laundries and hallways) of other dwellings. 	Complies condition of Planning consent

GENERAL SECTION – SLOPING LAND	
PRINCIPLES OF DEVELOPMENT CONTROL	
1 Development and associated driveways and access tracks should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks.	Complies
2 Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that: (a) minimises their visual impact (b) reduces the bulk of the buildings and structures (c) minimises the extent of cut and/or fill (d) minimises the need for, and the height of, retaining walls (e) does not cause or contribute to instability of any embankment or cutting (f) avoids the silting of watercourses (g) protects development and its surrounds from erosion caused by water run-off.	Complies
ZONE SECTION – RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3	
OBJECTIVES	Assessment
1 A policy area primarily accommodating residential development.	Complies
2 Development designed and located so that the profiles of buildings complement the slope of the land.	Complies
3 Preservation of the amenity and recreation value of the coastline.	Complies
4 Development that contributes to the desired character of the policy area. DESIRED CHARACTER The policy area covers a significant area fronting the Esplanade extending from Glenelg South through to Seacliff (and including parts of Kingston Park) and accommodates a variety of low to medium-density dwellings. A range of dwelling types up to three storeys in height are envisaged within the policy area. The metropolitan coastline of Adelaide is an important recreational resource for the community; both for residents who live on the Esplanade and those from the surrounding beach-side suburbs and beyond. The pleasant environment and recreational opportunities afforded by this coastal setting ensure the popularity of these locations for residential development. The policy area will accommodate a greater number of residents over time to capitalise on the pleasant environment provided by the Holdfast Bay coastline, while maintaining the recreation value and amenity of the location for the enjoyment of the wider community. While a variety of housing forms are appropriate in the policy area, future development will avoid the creation of continuous facades fronting the Esplanade and buildings will be built in response to the slope of the land by minimising the amount of cutting and filling of the natural ground profile. Building design will be of a high architectural standard and incorporate features that reduce the bulk of the development and add visual interest, such as variations in height, roof form, colour and materials, the provision of balconies and porticos and facade articulation. Appropriate low scale landscaping comprising species tolerant of salt-laden winds will feature in front yards to help with breaking up hard sealed areas such as pathways and driveways, and to contribute to the high amenity of the Esplanade locality.	Complies

ZONE SECTION – RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3 (Cont)	Assessment																				
OBJECTIVES																					
<p>Land Use</p> <p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> • domestic outbuilding in association with a dwelling/residential flat building • domestic structure • dwelling • dwelling/residential flat building addition • residential flat building. 	Complies																				
2 Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies																				
<p>3 A dwelling and/or residential flat building should have a minimum site area and a minimum frontage to a public road not less than that shown in the following table:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Dwelling type</th> <th style="text-align: center;">Site area (square metres)</th> <th style="text-align: center;">Minimum frontage including a site in the form of a 'hammerhead' or 'battleaxe' configuration (metres)</th> </tr> </thead> <tbody> <tr> <td>Detached</td> <td style="text-align: center;">300</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Semi-detached</td> <td style="text-align: center;">250</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Group dwelling</td> <td style="text-align: center;">200</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Residential flat building</td> <td style="text-align: center;">200</td> <td style="text-align: center;">5</td> </tr> <tr> <td>Row dwelling</td> <td style="text-align: center;">200</td> <td style="text-align: center;">5</td> </tr> </tbody> </table>	Dwelling type	Site area (square metres)	Minimum frontage including a site in the form of a 'hammerhead' or 'battleaxe' configuration (metres)	Detached	300	5	Semi-detached	250	5	Group dwelling	200	5	Residential flat building	200	5	Row dwelling	200	5	Complies		
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4 Development should not exceed three storeys in height and a vertical wall height at any point, excluding gables, of 10.5 metres above existing natural ground level.	Complies																				
<p>5 Development should be setback the following minimum distances:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Building height (storeys)</th> <th style="text-align: center;">Primary road frontage (metres)</th> <th style="text-align: center;">Secondary road frontage (metres)</th> <th style="text-align: center;">Rear boundary except from a northern boundary as illustrated by 'Figure 3' within Table HoB/2 - Design Principles (metres)</th> <th style="text-align: center;">Side boundary except from a northern boundary as illustrated by 'Figure 3' within Table HoB/2 - Design Principles (metres)</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">6</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">6</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">6</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> <td style="text-align: center;">3</td> </tr> </tbody> </table>	Building height (storeys)	Primary road frontage (metres)	Secondary road frontage (metres)	Rear boundary except from a northern boundary as illustrated by 'Figure 3' within Table HoB/2 - Design Principles (metres)	Side boundary except from a northern boundary as illustrated by 'Figure 3' within Table HoB/2 - Design Principles (metres)	1	6	2	1	1	2	6	3	3	3	3	6	3	3	3	Does not comply
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1	6	2	1	1																	
2	6	3	3	3																	
3	6	3	3	3																	
6 To allow maximum access to solar energy, the minimum setback of a dwelling and/or residential flat building from its northern boundary, as illustrated by 'Figure 3' within Table HoB/2 - Design Principles, should be 3 metres unless the building does not permit a 3 metre setback (which is the case in respect of a semi-detached, row dwelling and/or residential flat building), in which case, an area of private open space containing a rectangle of 6 metres by 4 metres should be provided immediately adjacent to that northern boundary.	Does not comply																				
7 Garages and carports should be setback a minimum of 6 metres from the front property boundary or the same distance as the associated dwelling, whichever is the greater distance from the front property boundary	Complies																				
<p>8 Up to 15 metres of single storey side walls and/or open sided carports and verandahs should only be located on one side boundary of a site, provided that:</p> <p>(a) the gradient of the site is less than 1-in-10 in any direction</p> <p>(b) the setback to the other side boundary is a minimum of 1 metre</p> <p>(c) the height of the wall and/or the open sided carport does not exceed 2.75 metres above the existing ground level of the site on the boundary.</p>	Does not comply Wall height 7.4 metres																				

ZONE SECTION – RESIDENTIAL ZONE CENTRAL WEST POLICY AREA 3 (Cont)	
OBJECTIVES	Assessment
9 To ensure that development does not create a continuous built-form along the Esplanade, the western elevation of any development greater than one storey in height located on the Esplanade should not extend for a distance greater than 90 per cent of the allotment frontage, and in any event, should not create a continuous façade of more than 20 metres in length, as illustrated by 'Figure 2' within Table HoB/2 - Design Principles. Space or spaces used to break up facades of more than 20 metres in length should constitute not less than 10 per cent of the total width of the façade.	Complies
10 Development of two storeys or more should incorporate architectural features that reduce the bulk of the development and add visual interest, including: <ul style="list-style-type: none"> (a) variations in height, roof form, colour and materials (b) the provision of balconies and porticos (c) facade articulation. 	Complies

5. Summary of Assessment

Boundary Setbacks

As demonstrated in the assessment table and Development Plan tables above, the proposal fails to satisfy the Development Plan with respect to boundary setbacks at the front, rear and sides.

Regarding the front setbacks, Policy Area 3 anticipates a setback of 6 metres.

With respect to the Portland Street dwelling, the setback is 3 metres, which is 2 metres behind the existing adjacent buildings along Portland Street, hence, the proposed setback is considered satisfactory in the context of the setting of other buildings along the same road.

With respect to the Esplanade dwellings, the proposed setback is 4.5 metres, which matches the setback of the southern adjacent building. The next building over is closer, hence the proposed setback of 4.5 metres is considered reasonable in this instance.

Regarding side boundary setbacks, Policy Area 3 envisages a building wall on a side boundary over a maximum length of 15 metres and a maximum height of 2.75 metres. The detached dwelling facing Portland Street has a boundary wall, facing the easement (for vehicle access), which has a height of 7.4 metres. The easement however is a 3 metre wide open driveway, hence the 7.4 metre high wall has a physical setback that is the equivalent to the anticipated 3 metres.

The detached dwelling has a garage wall on the southern side boundary, with a height of 3.6 metres above the natural ground level. Although the Development Plan anticipates a maximum height of 2.75 metres, the positioning is considered reasonable, as it abuts a garage on the neighbouring site, hence negligible adverse impacts.

The upper level side setbacks of the three storey semi-detached dwellings fail to satisfy the minimum anticipated setback of 3 metres. The upper level walls have a jagged design whereby the setback ranges from 2 to 3 metres.

Regarding visual impacts, the walls are well articulated and provide a good level of visual interest.

Regarding solar access, the applicant has submitted a shadow diagram which demonstrates the angle of sunlight during the winter solstice relative to the proposed building and southern adjacent building (which has a large number of north facing windows). The shadow diagram demonstrates that there is no additional overshadowing impact for the walling that is setback only 2 metres, as a consequence of the roof eave actually being the element that contributes to the shadowing. As the Development Plan references the setbacks to walls, and not roof eaves or overhangs, the proposal technically satisfies the Development Plan, with respect to wall setbacks relative to shadowing considerations. That being, if the wall was setback 3 metres, the shadow cast by the roof remains unchanged.

The existing dwelling on the site is single storey, hence the southern adjacent building was designed to take advantage of the uninterrupted northern aspect. Being a three storey Policy Area, however, it is reasonable to anticipate that this northern aspect is not subject to change. The southern adjacent dwelling should have been designed with a greater northern setback in order to ensure greater protection from future development, the upper level is setback only 2 metres, which gives limited protection from shadowing.

6. Conclusion

The proposed development comprises a built form and scale that is typical and anticipated within the Central West Policy Area. As discussed above, the boundary setbacks fail to satisfy the relevant Principles of Development Controls, however on balance, the variances are not such that are considered to result in serious adverse impacts on neighbouring properties. For example, the southern side wall setback could be increased to 3 metres, however the roof overhang (which is not excessive) would cast the same shadow as presently proposed. Hence the shortfalls are trivial in comparing to design outcomes that actually satisfy the Development Plan.

7. 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 Development Assessment Panel resolves to grant Development Plan Consent to Development Application - 110/01036/20 for the construction of a three storey detached dwelling and a pair of three storey semi-detached dwellings at 207 Esplanade, Seacliff, subject to the following conditions:**
 - 1. That the development shall be implemented in accordance with the plans and documentation submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**

2. That all upstairs windows on the side and rear elevations shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass and fixed shut or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
3. Landscaping shall be implemented as per the Landscape Plan labelled 'Proposed Landscaping'. 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. That stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval.

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.

NOTE: 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.

6. That the associated filter pump be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.