

TO: **COUNCIL ASSESSMENT PANEL**
DATE: **22 JULY 2020**
SUBJECT: **COUNCIL ASSESSMENT REPORT**
AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS
3. STATEMENTS OF REPRESENTATIONS
4. APPLICANT'S REPLY TO REPRESENTATIONS

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

DA NO.	:	<u>110/00310/20</u>
APPLICANT	:	<u>BURBANK AUSTRALIA (SA) PTY LTD</u>
LOCATION	:	<u>1 LEANE AVENUE, GLENELG NORTH</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>A PAIR OF TWO STOREY DETACHED DWELLINGS ABUTTING ONE ANOTHER ON A SINGLE SITE (TO BE KNOWN AS 5A & 5B MCCANN AVENUE, GLENELG NORTH)</u>
EXISTING USE	:	<u>VACANT LAND</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

1. Site and Locality

The subject site is located on the eastern side of Brighton Road within the Residential Zone. East of the site is the boundary of the City of West Torrens, which also contains a residential locality, as well as a recreational facility (Netball courts and oval).

The land is located within a prescribed area for residential code development, therefore consideration to the buildings being two storey in an area anticipated by the Development Plan to be single storey built form, holds negligible weight, given as of right development opportunity.

2. Proposed Development

The proposed development comprises the construction of a pair of two storey detached dwellings, which abut one another.

An associated development, in the form of a torrens title land division creating two allotments from one allotment (110/00122/19) has been approved.

3. Public Consultation

The proposed development is a merit proposal, and assigned as a Category 2 development for public notification purposes, as per 9.4.2020 - Development Regulations 2008 Public notice categories - Schedule 9, Part 2 - Category 2 development, 18 . any development which consists of the construction of the following, or a change of land use consequent on the construction of the following: (b) 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high.

Statement of representation from Samuel and Samantha Charlick of 4 Mattner Avenue, Glenelg North:

- The building wall is 5.82 metres high with a proposed setback of 1.7 metres. Our interpretation of the Development Plan, is that the building wall should be setback at least 2.41 metres;
- It is not clear if upper level windows are obscured, concerns with visual privacy;
- Overshadowing of our private open space area;
- Air conditioning unit located within close proximity to our property; and
- Fencing.

Applicant's reply to statement of representations:

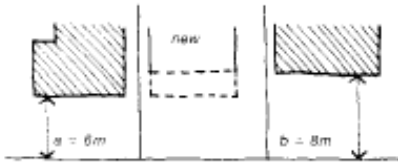
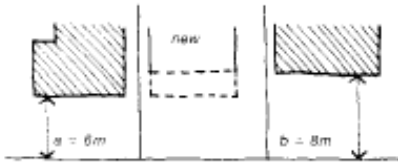
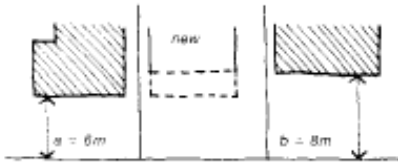
- The upper level setback is typically 3 metres, due to the nature of the boundary. There are only two points where the wall is setback closer than 3 metres from the boundary line. The bulk of the building is sufficiently setback, the neighbours dwelling is a further 18 metres away from the boundary;
- All upper level windows will comply with Council's directives on overlooking. Plans have been amended to reflect this;
- Overshadowing will be minimal. The neighbours rear garden and their north facing backyard will have plenty of natural light across the whole day;
- The neighbours dwelling is approximately 20 metres from the proposed location of the unit, there should be minimal noise nuisance;
- Fencing is a civil matter and not relevant to the planning assessment.

4. Development Assessment

HOLDFAST BAY (CITY) DEVELOPMENT PLAN CONSOLIDATED 2 JUNE 2016

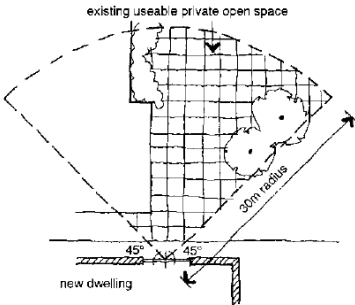
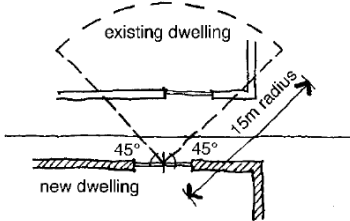
GENERAL SECTION – DESIGN AND APPEARANCE	
OBJECTIVES	Assessment
1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.	Complies

GENERAL SECTION – DESIGN AND APPEARANCE	
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: (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: (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
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
4 Structures located on the roofs of buildings to house plant and equipment should form an integral part of the building design in relation to external finishes, shaping and colours.	Complies (condition of consent)
10 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: (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
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
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
3 Medium and high density residential development in areas close to activity centres, public and community transport and public open spaces.	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
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: (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
5 Residential development should be designed to ensure living rooms have an external outlook.	Complies

GENERAL SECTION – RESIDENTIAL DEVELOPMENT									
PRINCIPLES OF DEVELOPMENT CONTROL (Cont)	Assessment								
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: <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. 	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: <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). 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.									
14 Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following: <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								
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:	Complies								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: left;">Setback difference between buildings on adjacent allotments with frontage to the same primary street</th> <th style="width: 50%; text-align: left;">Setback of new building</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Up to 2 metres</td> <td style="text-align: center;">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; font-size: small;">When $b < a$, setback of new dwelling = a or b</p> </td> </tr> <tr> <td style="text-align: center;">Greater than 2 metres</td> <td style="text-align: center;">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; font-size: small;">When $b < a$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjacent buildings.
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GENERAL SECTION – RESIDENTIAL DEVELOPMENT														
PRINCIPLES OF DEVELOPMENT CONTROL (Cont)		Assessment												
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:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Parameter</th> <th style="text-align: left;">Value</th> </tr> </thead> <tbody> <tr> <td>Side walls with a height up to (and including) 3 metres at any point above the natural ground level</td> <td>1 metre</td> </tr> <tr> <td>Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground</td> <td>1.5 metres plus an additional 500 millimetres for every metre in height above 4 metres</td> </tr> <tr> <td>Side walls greater than 6 metres at any point above the natural ground level</td> <td>2.5 metres plus the increase in wall height above 6 metres</td> </tr> <tr> <td>Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level</td> <td>4 metres</td> </tr> <tr> <td>Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level</td> <td>6 metres</td> </tr> </tbody> </table>	Parameter	Value	Side walls with a height up to (and including) 3 metres at any point above the natural ground level	1 metre	Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground	1.5 metres plus an additional 500 millimetres for every metre in height above 4 metres	Side walls greater than 6 metres at any point above the natural ground level	2.5 metres plus the increase in wall height above 6 metres	Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres	Rear boundary setback for a building of two or more storeys with a wall height more than 3 metres above natural ground level	6 metres	Does not comply
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23 Side boundary walls in residential areas should be limited in length and height to: (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 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" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Parameter</th> <th style="text-align: left;">Value</th> </tr> </thead> <tbody> <tr> <td>Site with an area less than or equal to 300 square metres</td> <td>60 per cent</td> </tr> <tr> <td>Site with an area greater than 300 square metres</td> <td>50 per cent</td> </tr> </tbody> </table>	Parameter	Value	Site with an area less than or equal to 300 square metres	60 per cent	Site with an area greater than 300 square metres	50 per cent	Complies						
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29 Site coverage should ensure sufficient space is provided for: (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						
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:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Site area of dwelling</th> <th style="text-align: left;">Minimum area of private open space</th> <th style="text-align: left;">Provisions</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">250 square metres or greater</td> <td style="vertical-align: top;">20 per cent of site area</td> <td style="vertical-align: top;"> <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> </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>	Complies
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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:	<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						
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.		Complies						

GENERAL SECTION – RESIDENTIAL DEVELOPMENT	
PRINCIPLES OF DEVELOPMENT CONTROL (Cont)	Assessment
<p>41 Where development is greater than single storey (excluding the Minda Incorporated Brighton Campus):</p> <p>(a) 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:</p>  <p>(b) 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:</p>  <p>(c) 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.</p>	Complies
ZONE SECTION – RESIDENTIAL ZONE	
OBJECTIVES	Assessment
1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.	Complies
2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.	Complies
3 Development that contributes to the desired character of the zone.	Complies

ZONE SECTION – RESIDENTIAL ZONE	
OBJECTIVES (Cont)	Assessment
<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 appropriate sited and sized driveway access and landscaping (c) 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> <p>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.</p>	<p>Complies</p>

ZONE SECTION – RESIDENTIAL ZONE	
PRINCIPLES OF DEVELOPMENT CONTROL	Assessment
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
3 Except where specified in a particular policy area, vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.	Complies
6 Development should not be undertaken unless it is consistent with the desired character for the zone.	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

5. Summary of Assessment

Zone and Land use

The proposed development is considered to reflect a kind of built form that is envisaged by the Desired Character Statement, particularly as it reflects infill development that does not compromise the suburban character, but will progressively increase dwelling densities through unobtrusive small-scale developments.

The buildings will be both domestic and contemporary in design and character to support and reinforce the essentially suburban character through typical domestic design forms

Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.

The proposal utilises materials and finishes that respond to the character of the immediate locality. The proposal incorporates architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms.

The buildings are setback and orientated to minimise impacts of the privacy of neighbouring residents

As discussed previously, the land is located within a prescribed area for residential code development, therefore little consideration is given to the two storey built form, due to as of right development.

Visual Privacy

The applicant has submitted amended plans which clearly reference side and rear upper level windows as being obscure and not openable up to 1.7 metres above the finished upper floor level. A condition of planning consent is included to reinforce this.

Boundary Setbacks

The external walls are up to 5.8 metres in height and setback between 1.7 and 3 metres from the south-western side boundary, as a result of the angled nature of the boundary. Although the Development Plan anticipates a minimum setback of 2.5 metres where upper level walls are proposed, the setback variance in this instance is considered negligible, particularly as only a small section of walling actually encroaches the 2.5 metre setback line. Given parts of the building are setback further than 2.5 metres, on balance, the proposed setback is considered reasonable.

Solar Access

Shadow diagrams have not been submitted as part of the application, and given the orientation of the site, proposed boundary setbacks, and large rear yard on the southern adjacent property, there is sufficient information available to determine that the proposed buildings will not unreasonably overshadow adjacent land, specifically with respect to the parameters set by Development Plan, General Section, Residential Development, Principle of Development Controls 10, 11 and 12, as discussed in detail below:

Principle 10 discusses the provision of winter sunlight to adjacent dwellings, particularly habitable room windows and ground level private open space. The proposed wall is setback some 20 metres from the dwelling at 4 Mattner Avenue and some 18 metres to the dwelling at 2 Mattner Avenue (which has an under main roof carport on its northern elevation). Both adjacent properties have large rear yards, which will have access to winter sunlight.

Principle 11 discusses, in more detail, the level of sunlight that should be available to habitable room windows of neighbouring dwellings. Given the separation distances to the southern adjacent dwellings, and the position of the winter sun, the proposed buildings will not obstruct any winter sunlight.

Principle 12 discusses, in more detail, the level of sunlight that should be available to adjacent private open space areas. It anticipates, that during the winter solstice, adjacent private open space area receive a minimum of 2 hours of sunlight between 9am and 3pm to at least half of the existing private open space areas or at least 35 square metres of private open space area (the lesser of).



2 Mattner Avenue has approximately 217 square metres of private open space. The worst case shadowing is at 12pm, which covers approximately 41 square metres of the private open space area. This equates to 18 percent of the total private open space being covered and 176 square metres being unaffected.

4 Mattner Avenue has approximately 222 square metres of private open space. The worst case shadowing is at 9am, which covers approximately 126 square metres of the private open space area. This equates to 56 percent of the total private open space being covered (which does not satisfy the first option of Principle 12) however it does satisfy the second option (the lesser of) which seeks to ensure that at least 35 square metres of private open space remains unaffected. The fact that there remains 96 square metres of unaffected private open space in the worst case scenario, is such that the proposal comfortably satisfies Principle 12.

6. Conclusion

The only principle in which the proposal fails to satisfy, is the side boundary setback of 2.5 metres, although this is largely achieved. Importantly, the small portion of building wall which is within 2.5 metres of the side boundary, as a consequence of the angled allotment line, does not result in unreasonable overshadowing onto adjacent land. Each of the two southern adjacent properties private open space areas will receive sunlight to 176 and 96 square metres respectively, and therefore satisfying the relevant Principles relating to solar access. Further, there is sufficient building articulation on the south-wester side elevation to satisfy consideration to visual amenity, particularly when considering the fact the land is within a prescribed residential code area, to which visual amenity considerations are non-existent.

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 Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00310/20 comprising a pair of two storey detached dwellings abutting one another on a single site (to be known as 5A & 5B McCann Avenue, Glenelg North) at 1 Leane Avenue, Glenelg North.**

PLANNING CONDITIONS

- 1. The proposal shall be implemented as shown on the plans prepared by Burbank, Job No. 128846, A1 to A5 for Buildings for '5A and 5B McCann Ave') dated 16/04/2020 unless varied by any subsequent conditions imposed herein.**
- 2. Landscaping shall be established within the front and rear yards, and comprise trees, shrubs and grasses that are established prior to occupation and maintained to the reasonable satisfaction of Council.**
- 3. 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.

- 4. 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.**
- 5. That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**
- 6. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.**
- 7. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.**
- 8. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.**
- 9. That no solid or liquid trade wastes be discharged to the stormwater system.**