

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **26 JUNE 2019**
 SUBJECT: **DEVELOPMENT ASSESSMENT REPORT**
 AUTHOR: **CRAIG WATSON**
TEAM LEADER DEVELOPMENT ASSESSMENT

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

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

DA NO.	:	<u>110/00100/19</u>
APPLICANT	:	<u>KARL BECHTOLD</u>
LOCATION	:	<u>75A HARROW ROAD, SOMERTON PARK</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL</u>
NATURE OF DEVELOPMENT:		<u>COMPLYING WITH LIMITED ASSESSMENT</u>
PROPOSAL	:	<u>TWO STOREY DETACHED DWELLING</u>
EXISTING USE	:	<u>VACANT SITE</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NOT APPLICABLE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

1. Site and Locality

The subject site is located on the southern side of Harrow Road west of Prior Road. It has a frontage of 9.14 metres to Harrow Road and an area of 436m². An existing single storey detached dwelling has been demolished and the site is presently vacant.

The locality comprises mainly single and two storey detached dwellings on wide allotments and group dwellings although semi-detached dwellings with similar sized frontages are located opposite the subject site.

2. Background and Development Assessment Process

DA 110/00644/17 for a land division creating two lots from one lot and DA 110/00738/17 for two, two storey detached dwellings with garage adjoining eastern boundary and swimming pools to their rear were approved by CAP on 14 December 2017.

DA 110/0014/19 for a two storey detached dwelling at 75 Harrow Road (eastern most of the two allotments) was considered under the Residential Code and approved on 19 March 2019.

3. Proposed Development

The proposed two storey dwelling will be setback 7.2 metres from Harrow Road to a cantilevered balcony and 8 metres to garage and porch at ground level. The garage will also adjoin the eastern boundary.

The applicant has requested that the proposal be considered against the Residential Code (Schedule 4 of the Development Regulations 2008). The site is within a Residential Code area. Pursuant to Section 35 1(b) and 1(c) of the Development Act 1993 minor variations can still be considered to be 'complying' and one more significant non-compliance can be considered on merit as a limited assessment. The subject development has what is considered to be two minor variations relating to wall height and one significant variation regarding boundary setback to be assessed as a limited assessment. The limited assessment relates to the stairwell wall, which is 1 metre from the western boundary (Code requirement is 2 metres).

The application is also for a swimming pool at the rear of the site. The pool however cannot be considered as part of this application as it requires a merit assessment due to its location from the western boundary being less than one metre.

DEVELOPMENT DATA FOR COMPLYING DEVELOPMENTS

Aspect	Required	Proposed	Compliance
Site area	350m ²	436m ²	Yes
Front setback	1 metre forward of average of adjacent dwellings	7.2m	Yes. Average of adjacent dwellings is 8.2m
Rear setback	4m ground, 6m upper	10.5 ground, 19.5m upper	Yes
Side setback	1.9m	2m except for stairwell on western elevation at 1m	No for stairwell – limited assessment
Boundary walls	3m above footing and 8m in length	3m x 6.5m	Yes
Total height	9m above footing	7.5m	Yes
Wall height	6m above footing	6m except for small portion on east and west elevations at 6.5m	Minor variation given location and length of wall
Private Open Space	60m ²	98m ²	Yes
Setback to one side boundary	900mm	1m	Yes
Privacy	Upper windows 1.5m sill or obscure glazing to 1.5m on side and rear	1.5m sill heights	Yes
Balcony location	Long axis facing street, which has width exceeding 15m	Front balcony proposed.	Yes
Garage setback	5.5m	8.2m	Yes
Garage location	Not in front of the building line	Setback further than protruding balcony and not forward of upper bedroom	Yes
Garage opening width	Not more than 7m	4.8m	Yes
Access	Access not within 6m of intersection or interfere with street tree or other infrastructure	No affected street tree or infrastructure	Yes
Parking	2 spaces	3 spaces	Yes
Window location	1 window facing street	Retreat window facing street	Yes
Site coverage	Max 60%	52%	Yes
Site works	Excavation or fill not more than 1m	Fill less than 1 metre	Yes

4. Public Consultation

The development is Category 1 not subject to public notification.

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

Design and Appearance	
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. The full extent of the subject wall will not significantly shadow the adjoining land and is partially screened by boundary built form and a tree on the adjoining site.
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: (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. Overshadowing on adjoining properties is restricted to morning or afternoon periods only.
Energy Efficiency	
2. Buildings should be sited and designed: (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings (b) so that open spaces associated with the main activity areas face north for exposure to winter sun (c) to promote energy conservation by maintaining adequate access to winter sunlight to the main ground level of living areas of existing dwellings on adjoining land.	Complies.
Landscaping, Fences and Walls	
3. Landscaping should not: (a) unreasonably restrict solar access to adjoining development (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding (c) introduce pest plants (d) increase the risk of bushfire (e) remove opportunities for passive surveillance (f) increase leaf fall in watercourses (g) increase the risk of weed invasion (h) obscure driver sight lines (i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.	Complies.

Residential Development						
12. Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9 am and 3 pm on 21 June to at least the smaller of the following: (a) half of the existing ground-level open space (b) 35 square metres of the existing ground-level open space (with at least one of the area's dimensions measuring 2.5 metres). Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.		Complies.				
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.		The subject wall will not have a significant shading impact and its visual impact is reduced due to the location of buildings and trees on the adjoining property.				
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 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 500mm for every metre in height above 4 metres.</td> </tr> </tbody> </table>		Parameter	Value	Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.	1.5 metres plus an additional 500mm for every metre in height above 4 metres.	Does not comply –stairwell wall 6 metres high setback 1 metre 2.5 metres recommended). -
Parameter	Value					
Side walls with a height exceeding 3 metres and up to (and including) 6 metres at any point above the natural ground.	1.5 metres plus an additional 500mm for every metre in height above 4 metres.					

5. Summary of Assessment

The development has three variations from the Residential Code. Two of these comprise small parapet walls on the side elevations which are approximately 6.5 metres above footings (6 metres required) and with their required side boundary setback (2.1 metres required, 2 metres proposed). The subject wall lengths are very short (2 and 2.5 metres) and will assist in providing visual interest and articulation while having no significant impacts on the streetscape or adjoining properties. The 100mm non-compliance with the setback would not be noticeable. Accordingly these variations are considered minor pursuant to Section 35 (1b) of the Development Act 1993.

The more significant variation, to be treated as a limited assessment, relates to the stairwell wall on the western elevation. The Code requires a 1.9 metre setback from the western side boundary. The subject wall is set back 1 metre from that boundary for a length of 5.5 metres before stepping back to 2 metres for the remainder of the upper storey wall.

The Development Plan (Residential Development Principle 21) requires a setback of approximately 2.5 metres from the side boundary. In assessing the non-compliances with the Code and Development Plan consideration must be given to impacts on the streetscape and the adjoining western property. The stairwell will have no impact on the streetscape given its substantial setback from the street. Visual impact on the adjoining property is minimised to a great extent by the existing dwelling on that site, which in part is built to the subject boundary. The subject wall extends to the south of the boundary wall by approximately 2.7 metres but does not extend beyond the total length of the neighbouring dwelling. It will be further screened by a non-regulated tree on the adjoining site. Given the extent of the visible portion of the stairwell wall relative to the length and size of the private open space on the adjoining site the visual impact is not considered significant.

The private open space area, solar panels and mat (associated with a swimming pool) on adjoining site will only be overshadowed for short periods, each having access to sunlight for more than

2 hours at the winters solstice. The solar mat associated with the swimming pool on the adjoining site will not be impacted during summer periods when the pool is more likely to be used.

Conclusion

Although the stairwell wall is at variance with the Residential Code and Development Plan the proposed setback will not adversely impact the character of the streetscape or amenity of the adjoining property, particularly in regard to overshadowing, which will be less than that allowed for in the Development Plan.

Having regard to the above it is considered that the side boundary setback to the stairwell is not seriously at variance with the Development Plan and has merit for approval.

6. 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 110/00100/19 comprising construction of a two storey detached dwelling.**

PLANNING CONDITIONS

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans approved by Council.**

Note: The swimming pool does not form part of this decision and requires a separate development application.