

TO: **COUNCIL ASSESSMENT PANEL**  
 DATE: **22 SEPTEMBER 2021**  
 SUBJECT: **COUNCIL ASSESSMENT REPORT**  
 AUTHOR: **DEAN SPASIC**  
**DEVELOPMENT OFFICER PLANNING**

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

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DA NO.	:	110/00109/21
APPLICANT	:	BUNNA KEAV
LOCATION	:	15 BUNGEY AVENUE, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	A PAIR OF TWO STOREY DETACHED DWELLINGS
EXISTING USE	:	RESIDENTIAL
CATEGORY	:	TWO
REPRESENTATIONS RECEIVED :		THREE
REPRESENTATIONS SPEAKING :		<ul style="list-style-type: none"> <li>· LORNA AND PETER FENECH OF 2 BUNGEY LANE, SOMERTON PARK</li> <li>· MATTHEW AND KYLIE MORRISSEY OF 13 BUNGEY AVENUE, SOMERTON PARK</li> <li>· JOHN TIVER OF 7 BUNGEY LANE SOMERTON PARK</li> <li>· MARK ANDREW AND SANDY DREAM OF 12 ANGOVE ROAD, SOMERTON PARK</li> <li>· TOM GAME (BOTTEN LEVINSON) ON BEHALF OF TIM AND ERIN BECKINGHAM OF 8 BUNGEY AVENUE, SOMERTON PARK</li> </ul>
APPLICANT SPEAKING	:	BUNNA KEAV
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

## 1. Site and Locality

The subject site is located in the Residential Zone, surrounded by other residential properties of varying densities. The immediate locality (ie. A radius of 60m from the subject site) comprises a mix of larger allotments as well as infill development where original sites have been divided into two.

The subject site has a site area of 697 square metres and located on a street corner. The site currently contains a single storey detached dwelling with associated carport and shed adjacent to the eastern boundary.

A land division application has been lodged which reflects the site areas demonstrated in this application and has been placed on hold pending the outcome of this assessment.

## 2. Proposed Development

The proposal comprises the construction of a pair of two storey detached dwellings over site areas of 345 and 352 square metres.

The Development Plan anticipates a minimum site area of 400 square metres per detached dwelling or 350 square metres where semi-detached dwellings are sought.

## 3. Public Consultation

The proposal is assigned as a category 2 development for the purpose of public notification. This process resulted in the receipt of 5 statements of representations, summarised as follows:

Lorna and Peter Fenech of 2 Bungey Lane, Somerton Park:

- The garage wall on the eastern boundary will have a total height of 3.42 when measured from our ground level (land sits lower than the subject site), which will result in a loss of amenity and sunlight to our kitchen window;
- Street cannot support additional traffic and car parking demand from the proposed development.

Matthew and Kylie Morrissey of 13 Bungey Avenue, Somerton Park:

- Object to drainage easement adjacent to our boundary;
- Site areas do not achieve the minimum of 400 square metres per dwelling;
- Street cannot support additional traffic and parking demand from the proposed development

John Tiver of 7 Bungey Lane, Somerton Park:

- Proposed driveway will result in loss of street parking space;
- Street cannot support additional traffic and parking demand from the proposed development

Teresia Goode of 10 Bungey Avenue, Somerton Park:

- Proposed driveway will result in loss of street parking space;
- Street cannot support additional traffic and parking demand from the proposed development

Mark Andrew and Sandy Dream of 12 Angove Road, Somerton Park:

- Dwelling will look directly into our backyard and bedroom window;  
*Representation could be overcome by the proposal achieving visual privacy*

Tim and Erin Beckingham of 8 Bungey Avenue, Somerton Park:

- The land is inappropriate for the development of two dwellings;
- Does not complement the established character of Bungey Avenue;
- Proposal will increase traffic and car parking demand in the streets;
- Plans reference a footpath on Bungey Lane, therefore the overall accuracy is questionable;

Map showing location of Representor's



Applicant's reply to representations summarised as follows:

- The site areas are consistent with other adjacent sites with areas less than 400 square metres and reflects a progressive increase in dwelling densities through unobtrusive and small scale development and increase the number of allotments on allotments with a dual road frontage;
- Built form and building siting is consistent and complementary with dwellings found in the locality;
- The boundary wall will exceed the 3 metre high anticipated by the Development Plan, however it is considered to reflect a low impact given the total height of the garage is flat roofed and therefore under the maximum total height of 4.5 metres, the garage has no impact on adjacent private open space, will result in only a marginal reduction of afternoon sunlight;
- The applicant does not consider obscuring front upper level windows for the reasons that the separation distance from the neighbours rear yard is 19 metres, there is a building on the rear boundary of the adjacent site which will assist in blocking views, the Development Plan seeks to minimise direct overlooking (view across a public road and over a building are not considered 'direct'); and the Development Plan seeks to maximise surveillance of public space via clear sight lines;
- The Development Plan anticipates a minimum of 4 on-site car parking spaces where a pair of dwellings is proposed. The proposal accommodates as many as 7 on-site car parking spaces;
- The increased traffic arising from 1 additional dwelling is considered to be minor and unlikely to materially impact on the function of the road network

Council's summary of representations:

- The assessment of the proposal has included consideration to the concerns raised by the representors to which the issues raised are considered to be legitimate planning concerns. The Summary of Assessment provides a detailed consideration of these matters.

#### 4. Development Assessment

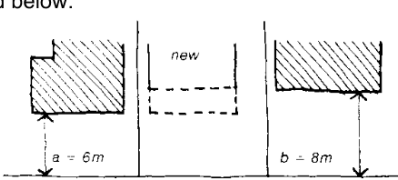
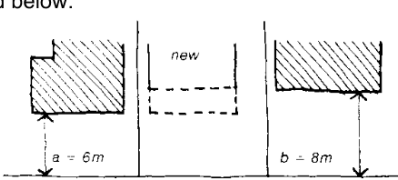
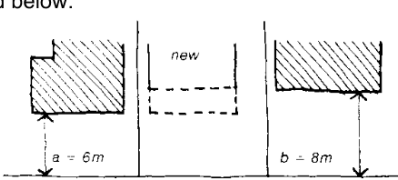
##### HOLDFAST BAY (CITY) DEVELOPMENT PLAN ASSESSMENT TABLE

Detached dwelling	Development Plan	Dwelling 1	Dwelling 2	Complies
Site area	400 square metres	345 square metres	345 square metres	No
Site coverage	Maximum 50 percent	53 percent	60 percent	No
Private open space	Minimum 20 percent	31 percent	24 percent	Yes
Primary street setback	Average of adjacent buildings	3 metres	2 metres	No
Side setbacks	Wall on boundary 3 metres high and 8 metres long	-	Wall on eastern boundary up to 3.4 metres high above neighbouring ground level	No
	Ground level wall setback 1 metre	Ground level wall 1 metre	Ground level wall 1 metre	Yes
	Upper level walls 2.5 metres	Upper level 2 to 2.7 metres	Upper level 2 to 2.7 metres	No
Rear setback	Ground level 4 metres	Ground level 3 metres	Ground level 3 metres	No
	Upper level 6 metres	Upper level 8.3 metres	Upper level 8.3 metres	Yes
Car parking	2 on-site spaces	4	4	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"> <li>(a) building height, mass and proportion</li> <li>(b) external materials, patterns, colours and decorative elements</li> <li>(c) roof form and pitch</li> <li>(d) façade articulation and detailing</li> <li>(e) verandahs, eaves, parapets and window screens.</li> </ul>	Complies

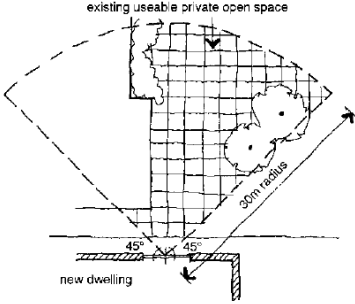
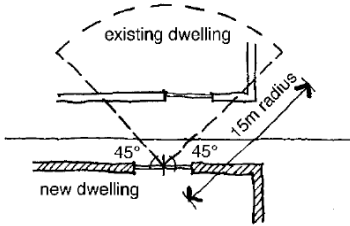
<b>GENERAL SECTION – DESIGN AND APPEARANCE</b>	
<b>PRINCIPLES OF DEVELOPMENT CONTROL (Cont)</b>	<b>Assessment</b>
2 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: <ul style="list-style-type: none"> <li>(a) the visual impact of the building as viewed from adjoining properties</li> <li>(b) overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.</li> </ul>	Does not comply
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"> <li>(a) windows of habitable rooms</li> <li>(b) upper-level private balconies that provide the primary open space area for a dwelling</li> <li>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</li> </ul>	Does not comply
11 Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as: <ul style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(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.</li> </ul>	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"> <li>(a) half of the existing ground-level open space</li> <li>(b) 35 square metres of the existing `ground-level open space (with at least one of the areas dimensions measuring 2.5 metres).</li> </ul> Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.	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
<b>GENERAL SECTION – RESIDENTIAL DEVELOPMENT</b>	
<b>OBJECTIVES</b>	<b>Assessment</b>
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
<b>PRINCIPLES OF DEVELOPMENT CONTROL</b>	<b>Assessment</b>
1 Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate: <ul style="list-style-type: none"> <li>(a) the siting and construction of a dwelling and associated ancillary outbuildings</li> <li>(b) the provision of landscaping and private open space</li> <li>(c) convenient and safe vehicle, pedestrian and cycling access and parking</li> <li>(d) water sensitive design systems that enable the storage, treatment and reuse of stormwater.</li> </ul>	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: <ul style="list-style-type: none"> <li>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</li> <li>(b) individual entries for ground floor accommodation</li> <li>(c) opportunities to overlook adjacent public space.</li> </ul>	Complies

<b>GENERAL SECTION – RESIDENTIAL DEVELOPMENT</b>									
<b>PRINCIPLES OF DEVELOPMENT CONTROL (Cont)</b>		<b>Assessment</b>							
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: <ul style="list-style-type: none"> <li>(a) windows of habitable rooms (all rooms excluding bathrooms, laundries and hallways), particularly living areas</li> <li>(b) ground-level private open space</li> <li>(c) upper-level private balconies that provide the primary open space area for any dwelling</li> <li>(d) access to solar energy.</li> </ul>		Does not comply							
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.		Complies							
<b>GENERAL SECTION – RESIDENTIAL DEVELOPMENT</b>									
<b>PRINCIPLES OF DEVELOPMENT CONTROL (Cont)</b>		<b>Assessment</b>							
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"> <li>(a) half of the existing ground-level open space</li> <li>(b) 35 square metres of the existing ground-level open space (with at least one of the areas dimensions measuring 2.5 metres).</li> </ul> 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.		Complies							
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"> <li>(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</li> <li>(b) be located at least 0.5 metres behind the main face of the associated dwelling</li> <li>(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"> <li>(i) two individual doors with a distance of not less than 300 millimetres between them</li> <li>(ii) double tilt-up doors with moulded door panels having a maximum width of no more than 5 metres</li> </ul> </li> <li>(d) be constructed of materials that integrate with those of the associated dwelling, or pre-coloured treated metal.</li> </ul>		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:		Does not comply							
<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="padding: 5px;">Up to 2 metres</td> <td style="padding: 5px;">The same setback as one of the adjacent buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center; padding: 10px;">  <p style="text-align: center; font-size: small;">When <math>b &gt; a</math>: 2. setback of new dwelling = a or b</p> </td> </tr> <tr> <td style="padding: 5px;">Greater than 2 metres</td> <td style="padding: 5px;">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 <math>b &gt; a</math>: 2. 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.		Does not comply												
21 Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:		Does not comply												
<table border="1"> <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	
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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.		Does not comply												
24 Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters: (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: (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.		Does not comply.												
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: <b>Site Coverage</b> 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:		Does not comply												
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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												

<b>GENERAL SECTION – RESIDENTIAL DEVELOPMENT</b>								
<b>PRINCIPLES OF DEVELOPMENT CONTROL (Cont)</b>		<b>Assessment</b>						
<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"> <li>(a) to be accessed directly from the habitable rooms of the dwelling</li> <li>(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</li> <li>(c) to take advantage of, but not adversely affect, natural features of the site</li> <li>(d) to minimise overlooking from adjacent buildings</li> <li>(e) to achieve separation from bedroom windows on adjoining sites</li> <li>(f) to have a northerly aspect to provide for comfortable year-round use</li> <li>(g) to not be significantly shaded during winter by the associated dwelling or adjacent development</li> <li>(h) to be shaded in summer</li> <li>(i) to minimise noise and air quality impacts that may arise from traffic, industry or other business activities within the locality</li> <li>(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.</li> </ul>		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" 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;">           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.		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"> <li>(a) assist with ease of drainage</li> <li>(b) allow for effective deep planting</li> <li>(c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings.</li> </ul>		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						



<b>GENERAL SECTION – RESIDENTIAL DEVELOPMENT</b>	
<b>PRINCIPLES OF DEVELOPMENT CONTROL (Cont)</b>	<b>Assessment</b>
<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
<b>GENERAL SECTION – SLOPING LAND</b>	
<b>PRINCIPLES OF DEVELOPMENT CONTROL</b>	
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: <ul style="list-style-type: none"> <li>(a) minimises their visual impact</li> <li>(b) reduces the bulk of the buildings and structures</li> <li>(c) minimises the extent of cut and/or fill</li> <li>(d) minimises the need for, and the height of, retaining walls</li> <li>(e) does not cause or contribute to instability of any embankment or cutting</li> <li>(f) avoids the silting of watercourses</li> <li>(g) protects development and its surrounds from erosion caused by water run-off.</li> </ul>	Complies

<b>ZONE SECTION – RESIDENTIAL ZONE</b>	
<b>OBJECTIVES</b>	<b>Assessment</b>
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
<p><b>DESIRED CHARACTER</b></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"> <li>(a) increase dwelling numbers on allotments that have dual road frontages</li> <li>(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</li> <li>(c) semi-detached dwellings, where site considerations permit.</li> </ul> <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>	

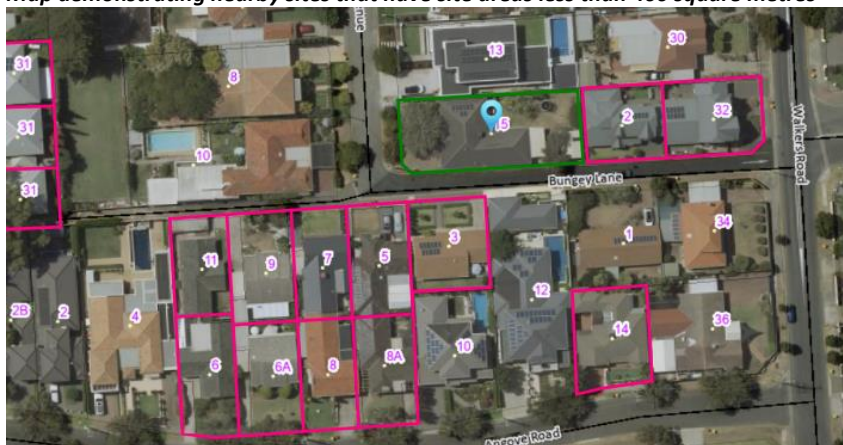
ZONE SECTION – RESIDENTIAL ZONE	
PRINCIPLE OF DEVELOPMENT CONTROLS	ASSESSMENT
Land Use 1 The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ domestic structure</li> <li>▪ dwelling</li> <li>▪ dwelling addition</li> <li>▪ small scale non-residential use that serves the local community, for example:               <ul style="list-style-type: none"> <li>- child care facility</li> <li>- health and welfare service</li> <li>- open space</li> <li>- primary and secondary school</li> <li>- recreation area</li> </ul> </li> <li>▪ supported accommodation.</li> </ul>	Complies
6 Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies
d	Complies
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: <ul style="list-style-type: none"> <li>• maximum wall height above the natural ground level 7 metres</li> <li>• maximum height above ground level – 2 storeys</li> </ul>	Does not comply
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

### Site areas

The proposed site areas are under the minimum of 400 square metres anticipated by the Development Plan. The shortfall however is considered reasonable in that when considering how the proposed density sits in the context of the nearby locality (ie. Radius of 60m from the subject site), there is a mix in densities, including smaller sites that are less than 400 square metres. Such sites are evident immediately east of the subject site, as well as south and south-west of the subject site. The proposed density therefore is considered to complement the existing mixed character.

**Map demonstrating nearby sites that have site areas less than 400 square metres**



Although not a formal consideration for the purposes of this assessment, it is prudent to consider the fact that the Design Code accommodates minimum site areas of 300 square metres per dwelling.

### **On-site stormwater management**

The proposal was subject to a detailed assessment by Council's Technical Services department, which has resulted in the introduction of a stormwater easement along the northern boundary of the western-most site in order to facilitate stormwater disposal from the eastern-most site to Bungey Avenue. The applicant engaged a civil engineer to produce a stormwater management plan designed to minimise impacts on the local stormwater infrastructure. Council's Technical Services department has reviewed this and confirmed the design is satisfactory.

### **Primary street setbacks**

The proposed dwellings are setback closer to the primary street boundary than the adjacent buildings either side. Although set forward of neighbouring buildings, the proposed primary setbacks are considered reasonable in that the site is a corner allotment, which typically accommodates closer front setbacks as a result of the 'street setback pattern' physically ending at the street corner. Dwelling 1 transitions from a setback of 5.5 to 3 metres, with a good level of articulation and opportunity for landscaping. Dwelling 2 is setback 3 metres (with a small section setback 2 metres), which again, is considered to present a reasonable level of articulation. The existing building is located 1 metre from the Bungey Lane boundary, therefore on balance, the proposed primary setback of Dwelling 2 is appropriate.

### **Side and rear setbacks**

Dwelling 1 is setback off the side boundaries at the ground level. At the upper level, the dwelling is setback 2.7 metres from the northern boundary and 1.9 metres from the southern secondary street boundary. The upper level side boundary setbacks are considered satisfactory, particularly as the southern secondary setback abuts a street boundary, where under the current Design Code provisions, a setback of only 900mm is required.

Dwelling 2 has a garage wall on the eastern side boundary which is up to 3.4 metres in height when measured above the eastern adjacent properties natural ground level. The wall is adjacent to the kitchen window of the eastern adjacent dwelling, whereby it is acknowledged that solar access will be compromised to some extent. When considering the impact against the kind of wall that could be established under new Design Code (i.e. up to 3m above the footing over a length of 11.5 metres), the actual impacts are minor. For instance, the surface area of the proposed boundary wall is 22 square metres. The Design Code accommodates a boundary wall with a maximum surface area of 34.5 square metres. It is acknowledged that the assessment is based on the Development Plan provisions, however for the purpose of achieving a balanced consideration, it is reasonable to have in mind what could be achieved if the applicant were to lodge a new application under the current guidelines.

The upper level walls are setback 3 metres+ from the side boundaries, hence contributing to offsetting any loss of solar access from the boundary wall.

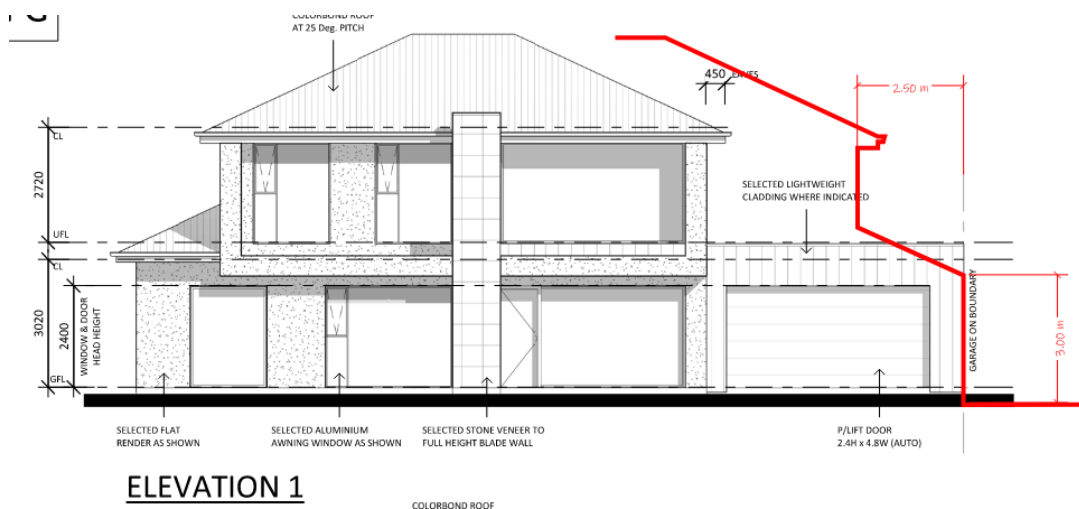
The rear boundary setbacks fail to achieve 4 metres at the ground and 6 metres at the upper levels, however the proposed distances of 3 metres at the ground and 5 metres at the upper level are such that reasonable separation is achieved.

### Solar access

The subject site is located south and west of the adjacent properties. The proposal does not compromise the solar access of the northern adjacent site.

The 3.4 metre high garage wall does contribute to some loss of solar access to the west facing kitchen window of the eastern adjacent dwelling, however when considering the upper level wall is setback 3 metres in lieu of 2.5 metres and the garage has a flat roof in lieu of a pitched roof, the actual extent of shadowing is minimal, and generally not more than a dwelling with a 3 metre high boundary wall, with pitched roof and upper level wall setback 2.5 metres.

*The elevation below shows an overlay of a 3 metre high wall measured from the neighbours ground level and upper level setback 2.5 metres from the eastern boundary, in order to highlight that although the boundary wall is 3.4 metres, on balance with what could be achieved under the Development Plan, the solar impacts are negligible*



### Visual Privacy

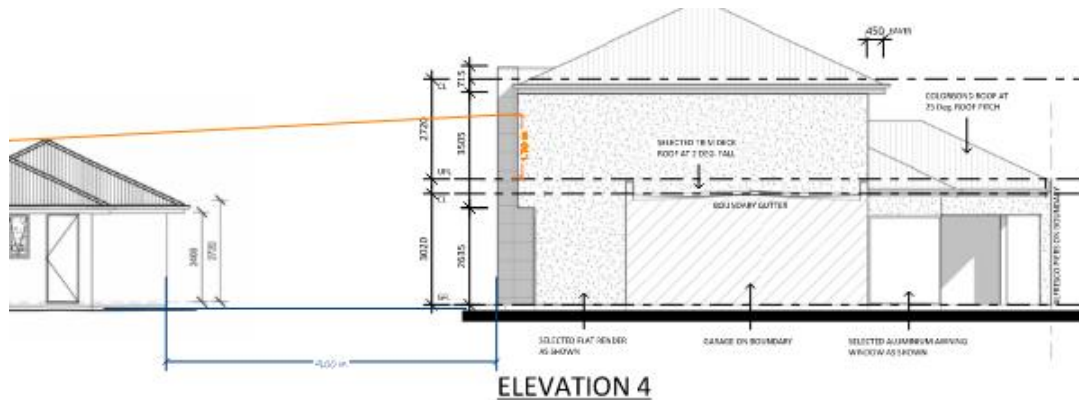
All upstairs windows on the northern and eastern elevations are obscured in order to achieve visual privacy.

Being on a street corner, the proposal has upstairs windows on the southern and western elevations overlooking the streets. The southern elevation generally looks over the street and the front gardens of adjacent properties, however there will be some level of overlooking into 12 Angove Road, which has a large garage and rear yard adjacent to Bungey Lane.

The Development Plan seeks to minimise direct overlooking however the intent is not to completely remove the potential for overlooking. Considering the south facing windows are associated with the street elevation of the buildings, which accommodates passive surveillance, as well as views being obstructed by the adjacent garage, the proposal is considered to satisfactorily achieve the objective of minimising direct views in to the habitable

room windows and private open space area of 12 Angove Road. It appears that, given the level of sight obstruction by the garage roof, there would be no views into the habitable room windows or private open space area of 12 Angove Road.

*The illustration below, gives a rough indication of the sight line over the existing shed at 12 Angove Road*



### Site coverage

The dwellings both exceed the numerical site coverage maximum of 50 percent of the site areas (coverage amounts to 53 and 60 percent respectively). Although numerically, the proposal fails to satisfy site coverage parameters, it is considered to satisfy the fundamental objectives of site coverage, summarised as providing sufficient space for:

- pedestrian and vehicle access and vehicle parking
- domestic storage
- outdoor clothes drying
- rainwater tanks
- private open space and landscaping
- convenient storage of household waste and recycling receptacles.

### Traffic and car parking

The proposal generates an on-site car parking demand of 2 spaces per dwelling, thus a total of 4 spaces over the development site. The proposal accommodates a pair of double garages and double width driveways, therefore accommodating up to 8 on-site car parking spaces.

The development of an additional dwelling is not considered to result in such an increase of traffic movements that would result in a significant detrimental impact on the locality.

### Summary

The proposal fails a number of numerical Development Plan provisions, including site area per dwelling, site coverage and boundary setbacks.

As discussed above, the areas in which the proposal fails to achieve the relevant Development Plan provisions are such that they are not so severe so as to warrant a refusal.

The site area per dwelling are 50 square metres under the Development Plan minimum, however consideration to the pattern of division in the immediate locality, as well as the

existence of the PDI Act, whereby the Design Code now allows for minimum site areas of 300 square metres per dwelling, the argument relating to densities holds diminished weight.

The proposal demonstrates some variances with boundary setbacks, however in context with the site being on a street corner, a balanced consideration of building articulation against streetscape amenity and solar access considerations (as well as consideration to as of right design via the PDI Act), the variances are negligible. The proposal has been designed in such a way that where one variance is present (i.e. 3.4 metre high boundary wall), the severity of the variance is offset by other design elements (i.e. the garage not having a pitched roof and upper level wall setback further than the minimum distance of 2.5 metres). This results in the proposal demonstrating merit on the basis of achieving a balanced design.

## **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 Development Assessment Panel resolves to grant Development Plan Consent to Development Application - 110/00109/21 for the construction of a pair of two storey detached dwelling dwellings at 15 Bungey Avenue, Somerton Park, 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. The all upstairs windows on the northern and eastern elevations of Dwelling 1 and all upstairs windows on the western, northern and eastern elevations of Dwelling 2 shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be obscure glass and fixed shut or as otherwise approved by Council.
  3. Landscaping shall be established in the front and rear yards and include trees, shrubs and grasses. 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. 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.