

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **9 DECEMBER 2020**
 SUBJECT: **COUNCIL ASSESSMENT PANEL REPORT**
 AUTHOR: **CRAIG WATSON**
 ATTACHMENTS: **1. LOCALITY PLAN**
2. SUBMITTED PLANS AND INFORMATION
3. REPRESENTATIONS
4. APPLICANT'S RESPONSE TO REPRESENTATIONS

HEARING OF REPRESENTORS **DAVID WEBBER**
MELISSA WEBBER

HEARING OF APPLICANT **JOSHUA SKINNER**

DA NO.	:	<u>110/00540/20</u>
APPLICANT	:	<u>BRIGHTON CATHOLIC PARISH</u>
LOCATION	:	<u>19 OLD BEACH ROAD, BRIGHTON</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL MEDIUM DENSITY POLICY AREA 5</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>SHED AND PORTICO FOR USE AS A MEN'S SHED</u>
EXISTING USE	:	<u>PLACE OF WORSHIP, CLASSROOMS, MULTIPURPOSE HALL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>CATEGORY 3</u>
REPRESENTATIONS	:	<u>THREE</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT WITH CONDITIONS</u>

1. Site and Locality

The subject site is a large T shaped lot with frontages to both Old Beach Road, Commercial Road and Strathmore Terrace. The site contains a place of worship, classrooms, a multi-purpose hall and associated car parking and open space.

The locality comprises a mix of single and two storey detached dwellings, group dwellings and residential flat buildings. The Brighton train station and public parking areas are immediately to the west.

Refer to Attachment 1

2. Proposed Development

The development proposes the construction of a shed measuring 9.1 metres x 5.7 metres with a 6.1 metres x 5.7 metres portico attached to its northern end with a 2.4 metre wall height and 3.2 metre roof height. Materials comprise Primrose coloured Superdek standard double sided wall panels and CGI standard double side roof sheets. The shed will be sited to the rear of an existing shed on that portion of the site with a frontage to Old Beach Road and set back 600mm from the western boundary. This portion of the site was previously used for netball courts associated with the previous school and it is now proposed to establish formal parking spaces.

The applicant advises that

“The Men’s Shed Group, now known as the Men’s Fellowship Group, was established in August 2012. It is open to men of all ages to gather for fellowship and support. The men do some gardening within the parish and gather for coffee, chats and occasional BBQ. It is not the intention that the group operate machinery of any type but the occasional domestic power tool e.g. drill may be used if there is a need. Many of the attendees are retired and the group is an integral and active part of parish life as a community wellbeing social outlet.

The men gather weekly, on a Tuesday around 15-20 people attend and on Fridays between 25-35 attend. The group meet from 10am until 4pm”.

The applicant further advises that the Men’s Fellowship Group is one of several community groups using the parish facilities, all of which until this year parked in Strathmore Terrace but since relocation of the school now use the netball courts for parking.

Refer to Attachment 2

3. Public Consultation

The application was subject to a category 3 public notification. Three representations were received and are summarised as follows:

- Carpark full most days;
- Will cause parking overflow onto Old Beach Road;
- Additional traffic impacts on Old Beach Road;
- Insufficient information on submitted plans;
- Size and height doesn’t comply with Development Plan;
- Negative impact on Heritage Place at 21 Old Beach Road;
- Not consistent with Desired Character for the zone.

Refer to Attachment 3

URPS planning consultants has responded on behalf of the applicant. They point out that the development is not a change in use and the Men’s Fellowship group have been meeting on site since August 2012, therefore there will be no increase in parking demand. Their detailed response is at attachment 4.

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

Community Facilities	
1. Community facilities should be located in association with centre and retail development and/or educational establishments	Complies. The subject site has existing use rights as an for education establishment including community uses.

Design and Appearance	
1. The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.	Complies. The scale and siting is appropriate given the large size of the site and limited impacts.
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 shed is sited 600mm from the side boundary in a position that minimises visual and shading impacts on the streetscape and adjoining property.
5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies.
9. Development on land adjacent to a State or local heritage place, as listed in <i>Table HoB/5 - State Heritage Places</i> or in <i>Table Hob/4 - Local Heritage Places</i> , should be sited and designed to reinforce the historic character of the place and maintain its visual prominence.	Complies. The shed will have no significant impact on the adjacent Local Heritage Place at 21 Old Beach Road.
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.
15. Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.	Complies.
22. Except in areas where a new character is desired, the setback of development from public roads should be: (a) screened from public view by a combination of built form, solid fencing and/or landscaping (b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles (c) sited away from sensitive land uses.	Complies.
Heritage Places	
5. New buildings or building additions should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.	Complies.

Heritage Places	
6. Development that materially affects the context within which the heritage place is situated, including development on adjoining properties and on nearby properties where there would be an influence upon the character, integrity and setting, should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to: (a) scale, bulk and form (b) width of frontage (c) boundary setback patterns (d) proportion and composition of design elements such as rooflines, window and door openings, fencing and landscaping (e) colour and texture of external materials.	Complies. Does not affect context of the Heritage Place.
10. Development of a State or Local Heritage Place, or development on land adjacent to a State or Local Heritage Place should conserve, maintain, enhance and reinforce the historic character of individual buildings and/or the existing streetscape character by exhibiting architectural and roof-form designs, street frontage widths, front and side boundary set-backs, materials, colours, fences and landscape settings which complement and give prominence to historic buildings or their detailing.	Complies. No impact on Heritage Place.
Interface between Land Uses	
1. Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants (b) noise (c) vibration (d) electrical interference (e) light spill (f) glare (g) hours of operation (h) traffic impacts.	Complies.
2. Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.	Complies.
5. Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses considered appropriate for the zone should not be developed or should be designed to minimise negative impacts.	Complies. Considered to be low impact given limited use of tools and hours of operation.
7. Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant <i>Environment Protection (Noise) Policy</i> criteria when assessed at the nearest existing noise sensitive premises.	Complies. Considered low impact with primarily low noise producing activities during day time hours.
Orderly and Sustainable Development	
1. Development should not prejudice the development of a zone for its intended purpose.	Complies.
2. The economic base of the region should be expanded in a sustainable manner.	Complies.

Transport and Access	
8. Development should provide safe and convenient access for all anticipated modes of transport.	Complies.
11. Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).	No change to existing access.
12. Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.	No additional traffic movements compared with existing.
37. Development should be sited and designed to provide convenient access for people with a disability.	Complies.
40. Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with zone requirements or, if not specified by the zone, <i>Table HoB/1 - Off Street Vehicle Parking Requirements</i> (with resultant numerical figure rounded to the nearest whole number) unless all the following conditions are met: (a) the site is located within the Glenelg Policy Area 2 (b) an agreement is reached between the Council and the applicant for a reduced number of parking spaces (c) a financial contribution is paid into the Council Car Parking Fund specified by the Council, in accordance with the gazetted rate per car park.	Complies. 7 spaces required although use already exists. 35 spaces provided including new line-marking for 27 spaces.
41. Development should be consistent with Australian Standard AS: 2890 - Parking facilities.	Complies.
42. Vehicle parking areas should be sited and designed in a manner that will: (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network (c) not inhibit safe and convenient traffic circulation (d) result in minimal conflict between customer and service vehicles (e) avoid the necessity to use public roads when moving from one part of a parking area to another (f) minimise the number of vehicle access points onto public roads (g) avoid the need for vehicles to reverse onto public roads (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points (i) not dominate the character and appearance of a site when viewed from public roads and spaces (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.	Complies.
45. Parking areas should be sealed or paved in order to minimise dust and mud nuisance.	Complies.

Transport and Access (Cont)	
47. Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.	Complies. New spaces to be line-marked.

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – RESIDENTIAL ZONE AND POLICY AREAS– OBJECTIVES AND PRINCIPLES OF DEVELOPMENT CONTROL

RESIDENTIAL ZONE	
Objectives	
1. A residential zone comprising a range of dwelling types, including a minimum of 15% affordable housing.	The site has long been used for educational, church and community use.
3. Development that contributes to the desired character of the zone.	No impact on Desired Character.
Desired Character	
<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>	
(a) increase dwelling numbers on allotments that have dual road frontages	Site has existing use rights for non-residential purposes.
(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	Not applicable.
(c) semi-detached dwellings, where site considerations permit.	Not applicable>
Development outside of the policy areas will comprise:	
<ul style="list-style-type: none"> • Single storey in areas east of Brighton Road, and up to two storeys in areas west of Brighton Road. 	Not applicable.
<ul style="list-style-type: none"> • Buildings 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. 	Complies
<ul style="list-style-type: none"> • Landscaping that will help define the public realm and private property boundaries, and substantial landscaped front yards that will contribute to the locality, with the retention of mature trees. 	No change to existing.
<ul style="list-style-type: none"> • Development that 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. 	Mainly applicable to residential development.
<ul style="list-style-type: none"> • Vehicle garaging that will be set back clearly behind the immediately adjacent part of the front building facade. 	Not applicable.
<ul style="list-style-type: none"> • Development that will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. 	Complies. No change to existing.
<ul style="list-style-type: none"> • Undercroft car parking that will also be avoided on flat sites and sites that slope down from the street level. 	Not applicable.

RESIDENTIAL ZONE	
Desired Character (Cont)	
<ul style="list-style-type: none"> Buildings that will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street. 	Will not be readily viewed from street.
<ul style="list-style-type: none"> 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. 	Complies.
<ul style="list-style-type: none"> setbacks and be orientated to minimise impacts of the privacy of neighbouring residents. 	No privacy impact on adjacent dwelling.
Principles of Development Control	
<p>1. The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> affordable housing domestic outbuilding in association with a dwelling domestic structure dwelling dwelling addition small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> child care facility health and welfare service open space primary and secondary school recreation area supported accommodation. 	Complies – small scale community use on existing non-residential site.
<p>2. Development listed as non-complying is generally inappropriate.</p>	Development is not non-complying.
<p>4. Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</p> <p>(a) serves the local community</p> <p>(b) is consistent with the character of the locality</p> <p>(c) does not detrimentally impact on the amenity of nearby residents.</p>	Complies.
<p>6. Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	Complies.
MEDIUM DENSITY POLICY AREA 5	
Objectives	
<p>1. A residential policy area comprising a range of medium-density dwellings, including a minimum of 15 per cent affordable housing, designed to integrate with areas of open space, neighbouring centres or public transport nodes.</p>	No impact as the site has existing use rights for community use.
<p>3. Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p>	Complies.
<p>4. Development that contributes to the desired character of the policy area.</p>	Complies.

MEDIUM DENSITY POLICY AREA 5	
Desired Character	
Development within the policy area will progressively include small and medium-scale redevelopment at medium densities as opportunities arise to meet demand for smaller, conveniently located housing. Consolidation of land holdings into larger sites that accommodate integrated medium-density housing development is encouraged through density and design that achieves efficient use of sites in appropriate infill locations, and minimises vehicle access points, particularly along the arterial road frontages. There is a reduced need for on-site car parking and private open space for well-located medium density dwellings.	No impact on attainment of this provision for the wider policy area.
All medium density housing forms are appropriate within the policy area, including accommodation for the aged, boarding homes, student accommodation and affordable housing, which take advantage of the proximity of the policy area to transport services and facilities. This will ultimately result in a mix of housing forms, together with semi-detached and detached dwellings that contribute significantly to the range of housing choice in the Council area. To limit the need for vehicle crossovers onto arterial roads, redevelopment of individual allotments for detached dwellings or semi-detached dwellings is not appropriate on arterial road frontages.	Not applicable.
Development will contribute positively to the policy area's image and optimise access to public transport, centres and facilities through well-designed medium density residential buildings up to a maximum of 2 storeys (except along the northern side of Buckle Street Glenelg North, with a maximum height of three storeys) and a variety of dwelling styles and sizes. Building design will be domestic in character particularly in the areas adjacent to the Brighton and Hove railway stations and along Jetty Road Brighton. Building siting and design will minimise negative impacts on the existing residential amenity of adjacent zones.	Not applicable
Development will incorporate reduced front setbacks with intensive landscaping and other building treatments such as solid masonry fencing up to 2.2 metres in height along arterial road frontages to facilitate and optimise the practical use of common on-site areas by dwelling occupants. Access points to arterial roads will be restricted and access to sites will preferably be provided to the rear from side streets, where applicable.	Not applicable.
Development will incorporate noise attenuation techniques, including into building facades, to minimise traffic noise of arterial roads and the railway line. Buildings will also be designed and sited to limit impact to the existing residential amenity of adjacent zones. Building design will be domestic in character, particularly in the areas adjacent to the Brighton and Hove railway stations and along Jetty Road Brighton.	Not expected to produce any significant noise.

MEDIUM DENSITY POLICY AREA 5	
Desired Character (Cont)	
Recognising that non-residential development detracts from the amenity of the living environment, the linear expansion of existing commercial development activities in the policy area and further intensification of existing non-residential activity is not appropriate.	Complies. Development is on an existing non-residential site.
Non-residential development along Jetty Road Brighton will be limited to the southern side of Jetty Road between Elm Street and the Esplanade and may include dwellings located above non-residential uses. Development in this defined area will seek to retain the 'village amenity' and comprise small shops, with particular attention given to the co-ordinated design of shop fronts to reflect the character of the area (recessed doorways, well-proportioned shop front windows, maximising the extent of fenestration along a continuous built form edge, providing pedestrian cover with canopies, awnings and verandas over the footpath, minimal non-obtrusive and well-integrated building signage where appropriate). Provision for car parking associated with dwellings and or shops should occur on-site (where possible) and at the rear, along with service vehicles and deliveries. Hours of operation should respect nearby residential development.	Not applicable.
Principles of Development Control	
1. The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> • affordable housing • detached dwelling • domestic outbuilding in association with a dwelling • domestic structure • dwelling addition • group dwelling • verandah in association with a dwelling • residential flat building • row dwelling • semi-detached dwelling • supported accommodation. 	The development does not involve a change in use of an existing non-residential site.
3. Development should not be undertaken unless it is consistent with the desired character for the policy area.	No impact on the desired character.
12. Development should have a maximum height of: <p>(a) three storeys and no more than 10.5 metres in vertical wall height measured at any point (excluding gables) above natural ground level, within that area shown on <i>Concept Plan Map HoB/4 - Buckle Street</i>; or otherwise</p> <p>(b) two storeys and no more than 7 metres in vertical wall height measured at any point (excluding gables) above natural ground level.</p>	Complies.

5. Summary of Assessment

Land Use

The representations assume the Men's Shed use is new and additional. As detailed in the applicants supporting information and response to representations however the Men's Shed Group have been meeting on the subject site since 2012. They are one of several community groups which meet on the site all of which are ancillary to the primary use of place of worship, meeting hall and educational establishment. The proposal is considered to be consistent with Residential Zone Principle 1 which envisages small scale non-residential uses that serves the local community. The subject development is not for a change in land use and relevant Development Plan criteria are those relating primarily to location and built form aspects.

Built Form and Amenity

The subject shed is located 600mm from the western side boundary and immediately behind an existing shed. It has modest proportions with a wall height of 2.4 metres and roof apex of 3.2 metres. It will have no substantial shading impact on the adjoining western property and visually will be screened by existing sheds and structures on the adjoining property. Its substantial set back from Old Beach Road and location behind an existing shed will minimise any streetscape impact.

The activities associated with the Men's Shed group have been occurring on-site since 2012. The group currently meet between the Activity Centre and the fence to the rear of McAuley Mews at 17 Old Beach Road. They conduct activities around the site including tending gardens and maintenance work on the facilities and which may include the occasional use of power tools. Larger lunch gatherings e.g. Christmas Lunch occur within the main activity centre building. The writer is not aware of any formal complaints being received. Having regard to the hours of operation between 10am and 4pm it is considered the activities are low impact with no appreciable impacts on residential amenity.

Heritage Impact

The dwelling on the adjoining land at 21 Old Beach Road is listed within the Development Plan as a Local Heritage Place. The listing extends to the overall external form and original detailing of the 1840's cottage.

The development is considered to be consistent with Heritage Places Objective 3 and Principles 5 and 6 as the shed:

- Will not be located between the heritage place and the street;
- Is of modest proportions, sited to the rear of the heritage place and screened from it by a number of sheds and structures on the site of the heritage place; and
- Will not impact the setting of the heritage place.

Parking

The shed is associated with an existing activity and will not generate an additional 25-30 cars as suggested within the representations. Even if the activities were additional Table HoB/1 within the Development Plan requires a parking rate of 1 space per 5 seats for places of worship and meeting halls. A total of 7 parking spaces would therefore be required assuming attendance of 35 people. The applicant advises that parking demand is minimised as attendees also walk, carpool and use the adjacent train service. Further the meeting times on Tuesdays and Fridays avoids the peak times on Sundays.

In addition it is proposed to formalise parking on the old net ball courts by line marking 26 spaces. The applicant advises the spaces will be 2.5 metres wide by 5.4 metres in length with at least 5.8 metre aisle width in accordance with the relevant Australian Standard. Previously when the school was operating there was significantly greater use of on-street parking within the locality.

Conclusion

The proposed shed and portico will:

- Service existing activities associated with the Men's Shed group. The Men's Shed group is one of several community uses consistent with Community Facilities Objectives 1-2 and Principles 1-4.
- Not generate additional parking demand nevertheless sufficient on-site parking is available in accordance with Table HoB/1 in the Development Plan.
- Have no impact on the adjacent Local Heritage Place in accordance with Heritage Places Objective 3 and Principles 5 and 6.
- Not generate any additional noise or other activities that may impact on residential amenity in accordance with Interface between Land Uses Principle 1.

Having regard to the above the development 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 110/00540/20, subject to the following conditions:**

PLANNING CONDITIONS

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**

- 2. That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.**

- 3. That each car parking space shall conform to the applicable Australian Standard. Such car parking spaces shall be line marked with continuous white lines along the whole of each side of each car parking space prior to the use of the development herein approved and such line marking shall be maintained in good and substantial conditions at all times to the reasonable satisfaction of the Council.**