

TO: **COUNCIL ASSESSMENT PANEL**  
 DATE: **23 OCTOBER 2019**  
 SUBJECT: **COUNCIL ASSESSMENT REPORT**  
 AUTHOR: **A STAMATOPOULOS**  
**DEVELOPMENT OFFICER - PLANNING**

ATTACHMENTS: **1. LOCALITY MAP**  
**2. PROPOSAL PLANS**  
**3. REPRESENTATION**  
**4. RESPONSE TO REPRESENTATION**

HEARING OF REPRESENTORS: **SHANE HERBERT**  
 HEARING OF APPLICANT: **GUY EVENNETT**

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DA NO.	:	110/00530/19
APPLICANT	:	GUY EVENNETT
LOCATION	:	6 SCARBOROUGH STREET, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	INTERNAL ALTERATIONS, SINGLE STOREY EXTENSION, DECKING AND VERANDAH AND A GARAGE TO THE REAR OF THE BOUNDARIES BUILT TO BOTH SIDE BOUNDARIES
REFERRALS	:	NIL
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS

## 1. Background

An application was lodged to Council on the 8 July 2019 to construct internal alterations, single-storey extension, decking, a verandah and a garage to the rear of the dwelling built to both side boundaries. The application was subject to Category 2 public notification subject to the Procedural Matters Residential Zone of the Holdfast Bay Development. One representation was received.

## 2. Site and Locality

The subject site contains a rectangular-shaped allotment with a narrow width of 6.1m and a depth of 46.5m. The property and surrounding locality are located in the Residential Zone. The dwelling located on the subject land is a maisonette which contains a common party wall that extends along the common boundary with the neighbouring northern dwelling. An outbuilding is located to the rear of the allotment which gains access from a laneway. The immediate locality contains a variety of dwelling types and densities. There is a combination of detached, semi-detached and residential flat buildings located close to the subject land all predominantly single storey.

*Refer to Attachment 1*

### 3. Proposed Development

The applicant proposes internal alterations to the dwelling, a single storey extension, decking, a verandah and a garage to the rear of the dwelling built to both side boundaries. The internal alterations comprise of a reconfiguration of the living areas between the kitchen and a bedroom. A small extension of the dwelling walls is proposed to both boundaries of the site matching the existing height of the maisonette. A garage is proposed to the rear of the subject land to replace what is existing. The garage is built boundary to boundary and is set back 1m from the rear to enable vehicle movements from the laneway.

*Refer to Attachment 2*

### 4. Development Data

DEVELOPMENT DATA			
Aspect	Proposed	Development Plan	Compliance
Site Coverage	63%	<u>60%</u>	<u>Minor variance</u>
Private Open Space	22%	<u>20%</u>	<u>Complies</u>
Side Setbacks	On Boundary	<u>1.5m</u>	<u>Does not comply</u>
Wall Heights			
Dwelling	3.5m	<u>3m</u>	<u>500mm variance</u>
Garage	3.5m	<u>3m</u>	<u>500mm variance</u>
Verandah	3m	<u>N/A</u>	<u>Appropriate</u>

### 5. Public Consultation

The application was subject to Category 2 public notification pursuant to the Procedural Matters Residential Zone of the Holdfast Bay Development Plan. One representation was received. A summary of the representation is shown below:

#### S Herbert of 4 Scarborough Street, Somerton Park

- The carport located at the rear of the representors land will be affected by the removal of the existing boundary fence and the installation of new walls and the slab of the proposed garage;
- The proposed garage will have a total height close to 6m in excess of the 4.5m anticipated in the Development Plan;
- The applicant should consider changing the design of the garage to minimise impacts; and
- Concerns were raised regarding the sewer line which services both properties.

*Refer to Attachment 3*

#### Summary of the applicant's response to the representation:

- All boundaries will be surveyed and the applicant is happy to retain the fence;
- Max height of shed is 5.8m and boundary wall height is 3.5m;
- The height of the shed is lower than the existing dwelling wall by 400mm; and
- All plumbing conducted will comply with the relevant Australian standards.

*Refer to Attachment 4*

## 6. Development Plan Provisions

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

<b>RESIDENTIAL ZONE</b>	
<b>Objectives</b>	
1. A residential zone comprising a range of dwelling types, including a minimum of 15% affordable housing.	Complies
3. Development that contributes to the desired character of the zone.	Complies
<b>Desired Character</b>	
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. 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): (a) increase dwelling numbers on allotments that have dual road frontages	Complies
<b>Development outside of the policy areas will comprise:</b>	
<ul style="list-style-type: none"> <li>• Single storey in areas east of Brighton Road, and up to two storeys in areas west of Brighton Road.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>• Architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>• Development will be setback and be orientated to minimise impacts of the privacy of neighbouring residents.</li> </ul>	Complies

<b>RESIDENTIAL ZONE</b>			
<b>Desired Character (Cont)</b>			
<b>Development outside of the policy areas will comprise:</b>			
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> <li>• supported accommodation.</li> </ul> </li> </ul>	Complies		
<b>Principles of Development Control</b>			
6. Development should not be undertaken unless it is consistent with the desired character for the zone.	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:			
<b>Location of the dwelling</b>	<b>Maximum wall height above natural ground level</b>	<b>Maximum height above natural ground level</b>	
West of Brighton Road or Tapleys Hill Road East of Brighton Road or Tapleys Hill Road	7 metres  3.5 metres	Two storeys  One storey, or two storeys if the second storey is incorporated within the roof space and the floor area of the second storey does not exceed 40 percent of the ground floor footprint of the dwelling, including attached garages.	Complies
9. Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.	Does not comply – Residence is built boundary to boundary		

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

<b>Residential Development</b>	
5. Residential development should be designed to ensure living rooms have an external outlook.	Complies
10. The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to: (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: (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	Complies
14. Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following: (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: (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.	Garage does not face primary street, rather rear access lane.
16 Residential outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.	Complies

Residential Development (Cont)					
17. Garages, carports and outbuildings should be designed within the following parameters:					
<b>Parameter</b>	<b>Total floor area (maximum)</b>	<b>Wall height above natural ground level</b>	<b>Wall length</b>	<b>Maximum height</b>	<b>Setback from any existing structure on the site located on the same boundary</b>
Within 3 metres of a side or rear boundary	Sites 600 square metres or more: 60 square metres Sites 400-600 square metres: 40 square metres Sites less than 400 square metres: 30 square metres	3 metres	9 metres	4.5 metres	n/a
On a side or rear boundary	Sites 600 square metres or more: 60 square metres Sites 400-600 square metres: 40 square metres Sites less than 400 square metres: 30 square metres	3 metres	8 metres, provided the total length of all existing and proposed boundary walls does not exceed 30 per cent of the total common boundary length	4.5 metres	6 metres
18. An outbuilding should not reduce the area of useable private open space by less than 80 per cent of that required by the relevant zone, policy area or precinct.					
21. Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:					
<b>Parameter</b>	<b>Value</b>				
Side walls with a height up to (and including) 3 metres at any point above the natural ground level	1 metre				N/A
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
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				N/A
Rear boundary setback for single storey buildings with a wall height 3 metres or less above natural ground level	4 metres				N/A
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				Complies
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					
Floor Area – Complies Wall Height – 500mm Variance Wall Length – Complies Maximum height – 1.3m variance					

<b>Residential Development (Cont)</b>								
<p>24 Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters:</p> <p>(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:</p> <p>(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.</p>		<p>(a) 500mm variance            (b) Complies            (c) Does not comply</p>						
<p>28. Site coverage (the proportion of a site covered by ground floor level buildings and structures including dwelling, garage, carport, verandas and outbuildings but excluding unroofed pergolas and unroofed balconies) should not exceed the following values:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="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
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							
<p>29. Site coverage should be limited to ensure sufficient space is provided for:</p> <p>(a) vehicle parking            (b) domestic storage            (c) outdoor clothes drying            (d) a rainwater tank            (e) private open space and landscaping            (f) front, side and rear boundary setbacks that contribute to the desired character of the area            (g) <i>convenient storage of household waste and recycling receptacles</i></p>		Complies						
<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> <p>(a) to be accessed directly from the internal living areas of the dwelling            (b) generally at ground level 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.</p>		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;"> <tbody> <tr> <td><b>Site area of dwelling</b> - 250 square metres or greater.</td> </tr> <tr> <td><b>Minimum area of private open space</b> – 20% of site area.</td> </tr> <tr> <td><b>Provisions</b> 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>		<b>Site area of dwelling</b> - 250 square metres or greater.	<b>Minimum area of private open space</b> – 20% of site area.	<b>Provisions</b> 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						

## 7. Summary of Assessment

The application complies with a majority of the quantitative objectives and principles of the Holdfast Bay Development plan. The following assessment will touch on aspects of the application which require further discussion.

### **Addition and verandah**

The height of the addition wall does not comply with the numerical requirements of the Holdfast Bay Development Plan. The wall is 3.5m in height which matches the current height of the maisonette. The addition wall extends 1.8m to the west and given its minor scale; it will not impact adversely. There are no quantitative guidelines in the Holdfast bay Development Plan for the construction of verandahs. All appropriateness is determined on the visual merits of the structure. The verandah contains a modest built form as it includes 3m long posts, open sides and a flat roof. The decking located under the verandah is 100mm from the natural ground level. Impacts of the components mentioned above are considered to be negligible.

### **Garage**

The wall height and total height of the garage is more than the anticipated numerical requirements of the Development Plan. The wall height is 3.5m on each boundary a 500mm variance. The total height of the structure is 5.8m which is 1.3m more than the Development Plan requirements and a 500mm deviation from Schedule 4 Part 1 (2)(d)(iii) of the Development Regulations 2008 which allows for a total height of 5m.

The garage is proposed to be sited directly adjacent to a carport located on the northern neighbour's land. Also, on the southern neighbours land are carports which service a group of strata-titled units. Given the siting of the garage on the land, direct impacts to the north and south are considered to be minor. A visual representation of the garage location is shown on the locality map (attachment 1) and the site plan (attachment 2).

From a visual perspective, regard needs to be given to the zoning to which the subject land and immediate locality lie in. The Residential Zone anticipates two-storey development allowing wall heights of 7m in height and no requirement for the total height of a dwelling. The garage is located well away from the rear of the northern neighbouring dwelling and will be screened by the adjacent carport. Furthermore, the garage roof pitches away from each neighbouring property reducing the overall scale of the structure.

### **Conclusion**

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered that the proposal as amended on balance satisfies the relevant provisions of the Development Plan. The proposal is broadly consistent with the desired character of the zone and will not detrimentally impact upon the amenity of the adjoining properties of the locality. Accordingly, the proposal warrants Development Plan Consent subject to conditions.



**8. 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 110/00530/19 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 all upstairs windows of the garage shall have minimum window sill heights of 1.7 metres above finished floor level, or any glass below 1.7 metres shall be manufactured obscure glass and fixed shut or as otherwise approved by Council. Further details of this requirement shall be provided at Building Rules Assessment stage.
3. 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.