

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **19 DECEMBER 2018**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER PLANNING

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

DA NO.	:	<u>110/00551/18</u>
APPLICANT	:	<u>CARMINE ALVARO</u>
LOCATION	:	<u>4 KENT STREET, GLENELG</u>
DEVELOPMENT PLAN	:	<u>2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT:		<u>MERIT</u>
PROPOSAL	:	<u>ALTERATIONS TO GROUND LEVEL (SOUTH-EASTERN CORNER OF BUILDING) AND CONSTRUCTION OF FIRST FLOOR ADDITION (SOUTH-EASTERN CORNER OF BUILDING) TO EXISTING TWO STOREY DETACHED DWELLING (LOCAL HERITAGE PLACE)</u>
EXISTING USE	:	<u>RESIDENTIAL</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>TWO</u>
REPRESENTATIONS	:	<u>ONE FROM ANTHONY AND ANNEMARIE HERMANN, OWNERS OF 2-2A KENT STREET, GLENELG</u>
REPRESENTOR TO BE HEARD	:	<u>ANTHONY AND ANNEMARIE HERMANN</u>
APPLICANT TO BE HEARD	:	<u>SALVATORE MARZULLO ON BEHALF OF APPLICANT CARMINE ALVARO</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT</u>

1. Site and Locality

The subject site is located within the Residential Zone and on the southern side of Kent Street in Glenelg. The site contains an existing two storey detached dwelling which is a Local Heritage listed place (*Dwelling; external form and detailing of building*). The site is surrounded by other residential properties.

Refer to Attachment 1

2. Proposed Development

The development proposes alterations to the ground level component of the building and an addition to the first floor, with all works focused on the south-eastern rear corner of the building and site.

Refer to Attachment 2

3. Public Consultation

The proposed development is a Category 2 proposal pursuant to the Residential Zone public notification principles as prompted by the proposed wall being located on a side or rear boundary with a height of more than 2.75 metres above the natural ground level.

One statement of representation was received by from Anthony and Annemarie Hermann, owners of 2-2A Kent Street, Glenelg, with concerns summarised as follows:

- Size, scale and bulk of proposed first floor addition on the eastern boundary of the property;
- Overlooking private open space;
- Overshadowing; and
- Existing opening window on the ground floor eastern boundary (*Administration's note: existing item that does not form part of the proposed development and does not form part of the assessment of the merits of the proposed development*).

4. Development Plan Provisions

The proposed development is not considered to satisfy the provisions of the Holdfast Bay (City) Development Plan. A detailed assessment of the proposal against the provisions of the Development Plan is provided in the Appendices to this report:

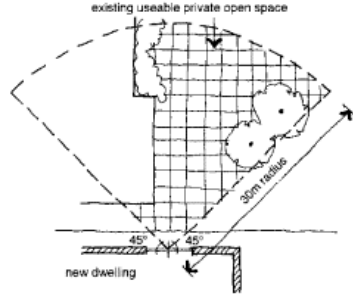
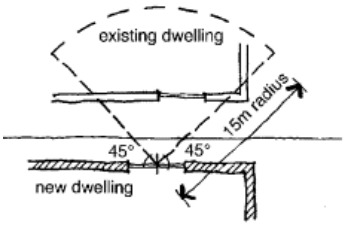
General Section - Design and Appearance	
Principles of Development Control	
1. Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (a) building height, mass and proportion, (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandahs, eaves, parapets and window screens.	Complies.
2. Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise: (a) the visual impact of the building as viewed from adjoining properties; and Overshadowing of adjoining properties and allow adequate sun light to neighbouring buildings.	Complies.
3. The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties or drivers.	Complies.
10. 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.

General Section - Design and Appearance	
Principles of Development Control (Cont)	
<p>11 Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as:</p> <p>(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</p> <p>(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</p> <p>(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.</p>	Does not comply however with the agreement of the applicant, a condition of development plan consent is recommended, requiring the two north facing windows are appropriately obscured.
General Section – Heritage Places	
Objectives	
1 The conservation of State and local heritage places.	Complies.
2 The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance.	Complies.
3 Conservation of the setting of State and local heritage places.	Complies.
<p>2 Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):</p> <p>(a) principal elevations</p> <p>(b) important vistas and views to and from the place</p> <p>(c) setting and setbacks</p> <p>(d) building materials</p> <p>(e) outbuildings and walls</p> <p>(f) trees and other landscaping elements</p> <p>(g) access conditions (driveway form/width/material)</p> <p>(h) architectural treatments</p> <p>(i) the use of the place.</p>	Complies.
3 Development of a State or local heritage place should be compatible with the heritage value of the place.	Complies.
4 Original unpainted plaster, brickwork, stonework, or other masonry of existing State or local heritage places should be preserved, unpainted.	Complies.
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.
<p>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:</p> <p>(a) scale, bulk and form</p> <p>(b) width of frontage</p> <p>(c) boundary setback patterns</p> <p>(d) proportion and composition of design elements such as rooflines, window and door openings, fencing and landscaping</p> <p>(e) colour and texture of external materials.</p>	Complies.

Principles of Development Control (Cont)	
7 Multi-storey additions to a State or local heritage place should be compatible with the heritage value of the place through a range of design solutions such as: (a) extending into the existing roof space or to the rear of the building (b) retaining the elements that contribute to the building's heritage value (c) distinguishing between the existing and new portion of the building (d) stepping in parts of the building that are taller than the front facade.	Complies.
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.
Residential Development	
Objectives	
1 Safe, convenient, pleasant and healthy-living environments that meet the full range of needs and preferences of the community.	Complies.
Principles of Development Control	
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.
20 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to: (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties.	Complies.

Residential Development													
Principles of Development Control (Cont)													
<p>21 Residential development (other than where located on a boundary) should be setback from side and rear boundaries in accordance with the following parameters:</p> <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	<p>Side boundary setback complies (amended to 2.5m)</p> <p>Rear boundary setback does not comply (on boundary).</p>
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<p>23 Side boundary walls in residential areas should be limited in length and height to:</p> <p>(a) minimise their visual impact on adjoining properties</p> <p>(b) minimise the overshadowing of adjoining properties.</p>	<p>Complies.</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"> <thead> <tr> <th>Parameter</th> <th>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	<p>Not applicable (no change to site coverage, as roof area relative to ground level has not changed).</p>						
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<p>29 Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.</p>	<p>Not applicable (no change to site coverage, as roof area relative to ground level has not changed).</p>												
<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 habitable rooms of the dwelling</p> <p>(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</p> <p>(c) to take advantage of, but not adversely affect, natural features of the site</p> <p>(d) to minimise overlooking from adjacent buildings</p> <p>(e) to achieve separation from bedroom windows on adjoining sites</p> <p>(f) to have a northerly aspect to provide for comfortable year-round use</p> <p>(g) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(h) to be shaded in summer</p> <p>(i) to minimise noise and air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(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.</p>	<p>Not applicable (no change to private open space areas, as building envelope has not increased at ground level).</p>												

Residential Development												
Principles of Development Control (Cont)												
<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"> <thead> <tr> <th>Site area of dwelling</th> <th>Minimum area of private open space</th> <th>Provisions</th> </tr> </thead> <tbody> <tr> <td>250 square metres or greater</td> <td>20 per cent of site area</td> <td> <p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</p> <p>One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> </td> </tr> <tr> <td>Less than 250 square metres</td> <td>35 square metres</td> <td> <p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>One part of the space is directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> </td> </tr> </tbody> </table>			Site area of dwelling	Minimum area of private open space	Provisions	250 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</p> <p>One part of the space should be directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p>	Less than 250 square metres	35 square metres	<p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>One part of the space is directly accessible from a kitchen, lounge room, dining room or living room (excluding a bedroom) and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p>	<p>Not applicable (no change to private open space areas, as building envelope has not increased at ground level).</p>
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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>			<p>Not applicable (no change to private open space areas, as building envelope has not increased at ground level).</p>									
<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>			<p>Does not comply however with the agreement of the applicant, a condition of development plan consent is recommended, requiring the two north facing windows are appropriately obscured.</p>									

Residential Development	
Principles of Development Control (Cont)	
<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>Does not comply however with the agreement of the applicant, a condition of development plan consent is recommended, requiring the two north facing windows are appropriately obscured.</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>	

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

Residential Zone	
Objectives	
<p>3 Development that contributes to the desired character of the zone.</p> <p>DESIRED CHARACTER</p> <p>The zone contains the majority of the city’s living areas, which are of predominantly low-density suburban form, but within policy areas include medium-to-high density forms of housing on the coast, along key transport corridors and within Glenelg, as well as coordinated development opportunities within large institutional sites. The zone includes five policy areas, three of which cater for coastal development, one for the City’s residential institutions (including Minda and Masonic Homes) and one for medium density development along the key transit routes of Brighton Road, Anzac Highway, Tapleys Hill Road and along sections of the Seaford railway transit corridor.</p>	Complies.
<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> <p>(a) increase dwelling numbers on allotments that have dual road frontages</p> <p>(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</p> <p>(c) semi-detached dwellings, where site considerations permit.</p>	

Residential Zone	
Objectives (Cont)	
<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>	
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
<p>2 Development listed as non-complying is generally inappropriate.</p>	Complies.
<p>6 Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	Complies.

Residential Zone		
Principles of Development Control (Cont)		
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:		Complies.
Location of the dwelling	Maximum wall height above natural ground level	
Maximum height above natural ground level		
West of Brighton Road or Tapleys Hill Road	7 metres	Two storeys
East of Brighton Road or Tapleys Hill Road	3.5 metres	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.

5. Summary of Assessment

Heritage Assessment

The proposed alterations and additions were subject to a referral to Council's Heritage Architect in order to ensure the works do not compromise the heritage fabric of the Local Heritage Place. Council's Heritage Architect, following a detailed assessment, determined that the proposed works are satisfactory from a heritage perspective. The following is an extract from the advice provided:

The subject place is a dwelling. The dwelling has a two-storey component which has stone walls, rendered and painted white, and a castellated parapet. There is a single-storey component of stone and brick construction alongside, also with a castellated parapet. Together, these two components, which are built on the rear boundary, appear to form the historic part of the dwelling. A later addition, possibly dating from around the 1970s extends forward of the historic part of the dwelling and there is a three-vehicle garage extending towards the front boundary which also appears to be a later addition.

The proposed development comprises an upper storey addition over the historic single-storey component of the dwelling. It includes removal of an existing chimney which is part of the historic fabric.

According to the heritage assessment sheet that underpinned the local heritage listing of the place, (McDougall & Vines Glenelg Heritage Policies Review, March 1997), the place was "reputedly the Coach House for Waterworth in Pier Street". It goes on to say that "As the Coach House is now separated from the original house by later subdivision, it is indicative of the initial size of estates in this area prior to further residential subdivision after 1880." 'Waterworth' is a nearby State Heritage place.

The extent of listing states that "the external form and detailing of the building is significant and is included in the listing." Conservation recommendations state that "the building should continue to be maintained in its current excellent condition and any extensions to the structure should make reference to its distinctive architectural detailing."

The proposed development achieves this aim, having a similar form to the existing two storey component of the dwelling, similar painted rendered finish, similar window proportions, similar height and a castellated parapet.

In relation to the two-storey form, I note that there is considerable two-storey development in the locality and the proposed additions are of a similar scale to the existing two-storey component of the dwelling.

Internal Alteration (Ground Level)

The proposed internal alteration at the ground level does not alter the external appearance of the building. The alteration component is therefore considered minor and does not present any planning concerns.

Administration's Note: The statement of representation referenced an existing ground level clear window that is located on the allotment boundary. This window is existing and does not form part of the assessment of the proposed development, nor are there any provisions under the Development Act 1993 for Council to involve itself in the matter. Any concerns relating to this window will need to be investigated and managed between the two neighbours in a civil capacity.

Side Boundary Setback

Following receipt of a statement of representation from the eastern adjacent land owner, the applicant decided to amend the proposal by way of reducing the floor area of the upper level addition in order to accommodate a side boundary setback of 2.5 metres, in order to satisfy the relevant Development Plan guideline. The proposed first floor side wall was initially sought to be constructed on the side boundary. This amendment has resulted in a side boundary setback that satisfies the relevant Development Plan parameter.

Rear Boundary Setback

The first floor addition comprises an upper level wall that is located on the southern rear boundary. The Development Plan anticipates a minimum rear boundary setback of 6 metres.

The proposed siting is clearly fails to satisfy the quantitative Development Plan provision (6 metres) however when considering the quantitative guidelines (overshadowing and visual impacts), it is noted that this wall abuts a public laneway measuring 6.6 metres in width and adjacent to the rear yard of a southern adjacent property which faces Saltram Road. The presence of the 6.6 metre wide laneway in between the subject site and southern rear adjacent property is such that the shading and visual impacts presented to the southern rear adjacent property is equal to that of a first floor wall setback 6 metres from a rear boundary that directly abuts the southern rear property. The first floor rear wall of the existing component of the subject dwelling is also located on the rear boundary, hence visually the first floor addition is compatible with existing form of development.

Visual Privacy

The first floor addition contains two north facing windows. These windows have not been referenced as being obscured in order to avoid overlooking into adjacent properties. The applicant has however agreed to the inclusion of a condition of Development Plan Consent requiring the window to be obscured up to 1.7 metres in height above the finished floor level.

The existing first floor component contains two windows and one door and balcony that are not obscured. These items do not form part of this development application and therefore there are no means available for Council to require them to be obscured.

Representor's Concerns

The amended plan is considered to satisfactorily address the Representor's concerns with size, scale and bulk of the first floor addition relative to the eastern boundary (amended setback to 2.5 metres). Overlooking is addressed by way of a condition of approval requiring upper level windows of the addition to be obscured. Overshadowing is also addressed by way of the increased eastern side boundary setback.

Conclusion

The proposed development mostly satisfies the relevant provisions of Council's Development Plan, including a design that does not adversely compromise the heritage fabric of the Local Heritage Place, a side boundary setback that satisfies the minimum distance anticipated by the Development Plan and a design that ensures visual privacy will not be compromised.

As referenced above, the proposal does fail to satisfy the minimum rear boundary setback distance anticipated by the Development Plan (6 metres) however in the context of the existing first floor component and the presence of a 6.6 metre wide rear laneway, the significance of the rear boundary setback shortfall is unremarkable.

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 Holdfast Bay (City) Development Plan, the Council Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00551/18 for the Alterations to ground level (south-eastern corner of building) and construction of first floor addition (south-eastern corner of building) to existing two storey detached dwelling (local heritage place) at 4 Kent Street, Glenelg, subject to the following conditions:**

PLANNING CONDITIONS

1. **That the development shall be implemented in accordance with the plans and prepared and submitted by Salvatore Marzullo Building Design, Project SM-510 Drawing No. DA-01 to DA-08 Revision B with Amended Plan stamp dated 22/11/2018 and approved by Council unless varied by any subsequent conditions imposed herein.**
2. **First level windows on the northern elevation associated with the dwelling addition 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.**

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4. **That construction shall take place between 7am and 7pm Monday to Saturday and not on Sundays or public holidays. All such work shall be undertaken in such a manner so as not to, in the reasonable opinion of Council, cause any nuisance or annoyance to any of the occupiers of buildings within the locality. Any work outside of these hours requires the written approval of Council.**