

REPORT TO: COUNCIL ASSESSMENT PANEL

DATE: 27 NOVEMBER 2019

SUBJECT: APPEAL ITEM – 110/00493/19 - 6 SHOREHAM ROAD, SOUTH BRIGHTON

WRITTEN BY: ALEXANDER STAMATOPOULOS – DEVELOPMENT OFFICER PLANNING

ATTACHMENTS:

- A. COMPROMISE DOCUMENTATION AND LETTER OF SUPPORT
- B. ORIGINAL REPORT
 - 1. LOCALITY MAP
 - 2. ORIGINAL PLANS
 - 3. STATEMENTS OF REPRESENTATIONS
 - 4. APPLICANT’S REPLY TO REPRESENTATIONS

1. Background

On 23 October 2019, the Council Assessment Panel refused DA 110/00493/19 for the reasons that the application was contrary to:

Residential Development Council wide Principles 17 and 25 and the Residential Zone Desired Future Character Statement.

More specifically the application did not meet the intent of the Development Plan in relation to:

- Excessive wall height;
- Insufficient setback to the secondary road boundary; and
- Materials and finishes that do not response to the established character of the area.

The applicant has lodged an appeal with the Environment, Resources and Development Court. A compromise plan has been submitted for the Panel’s consideration.

2. Compromise proposal

The applicant has submitted a revised set of plans as a compromise to the plans which were previously refused by the Panel. A summary of the amendments are as follows:

Wall height

- The garage wall height on the northern boundary has been reduced to 2.99 metres from natural ground level.

Materials

- The previously proposed tilt lift door has been changed to a panel lift door to add another material to the elevation
- The panel lift door setback is an additional 350mm from the secondary street adding articulation to this elevation.
- External edge cladding on the garage has been amended to colour ‘Basalt’ instead of ‘Monument’ to better suit colours in the locality.

Setback to Secondary Street

- The garage setback to the secondary street has not been altered and remains at 1.3m setback.
- The panel lift door has been setback an additional 350mm into the site from the secondary street.

3. Assessment

The amended plans show changes to the garage that faces the secondary street with the addition component of the application to remain as originally proposed. The reduction in wall height of the garage to 2.99m from natural ground level results in the garage being compliant with Schedule 4, Clause 1 of the Development Regulations.

Schedule 4, Clause 1 allows for a garage:

- To be constructed a minimum of 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads);
- Situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street - to have a wall length not exceeding 8 metres;
- A wall height not exceeding 3 metres (measured as a height above the natural surface of the ground and not including a gable end);
- A roof height where no part of the roof is more than 5 metres above the natural surface of the ground;
- If situated on a boundary of the allotment (not being a boundary with a primary street or a secondary street)— the development will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary;
- Will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure (in which case this subparagraph does not apply); and
- The total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment.

The proposed garage is fully compliant with Schedule 4, Clause 1 of the Development Regulations. Despite the application being assessed through a merit pathway regard must be given to what can be constructed as Complying Development. As this is the case, the built form must be considered as an appropriate development.

In addition to this, the material changes are considered to complement the existing built form of the locality better. The inset of the garage door further articulates the façade and the change in colour from “basalt” to “monument” softens the appearance of the garage as a whole.

The amended changes have resulted in a structure that is sympathetic to the immediate locality and satisfies Council-wide Principles 17 and the Residential Zone Desired Future Character Statement. The application as a whole is not considered to be at serious variance with the Holdfast Bay Development and contains sufficient merit for consent.

4. RECOMMENDATION

That the ERD Court be advised that Council accepts the amended plans as a compromise in the Environment, Resources and Development Court matter between Finesse Built v City of Holdfast Bay ERD 19-192 and recommends the following conditions be included:

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 storm water from the additions shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. Final details of the location and size of the tank(s) shall be submitted to Council for approval prior to the issue of full Development Approval. Furthermore, all storm water 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:

Storm water 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.

1. 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.
2. That the filter pump associated with the pool be enclosed in such a way that noise levels do not exceed 45db(a) measured at adjoining property boundaries.