

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **27 FEBRUARY 2019**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS:

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

DA NO.	:	110/00897/18
APPLICANT	:	DAS ARCHITECTURE AND DESIGN STUDIO
LOCATION	:	3 MOKARI AVENUE, SOMERTON PARK
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	SINGLE STOREY DETACHED DWELLING WITH VERANDAH AT REAR AND INTEGRAL GARAGE LOCATED ON THE SOUTHERN SIDE BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
REPRESENTATOR SPEAKING	:	NIL
APPLICANT SPEAKING	:	NOT APPLICABLE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

1. Site and Locality

The subject site is located to the east of Tarlton Street and located on a small street which accommodates only 5 properties. It is bounded by Boundary Road to the North and Phillips Street to the south. The land is within the Residential Zone and also with a prescribed area for Schedule 2B Dwellings (Residential Code). The immediate and surrounding locality is characterised by older low density housing stock of both single and two storey, with some examples of new housing stock.

Refer to Attachment 1

2. Proposed Development

The proposed development comprises the construction of a single storey detached dwelling with integral verandah at the rear and garage located on the southern side boundary.

Refer to Attachment 2

Development Assessment Data

	Proposed	Development Plan	Development Plan Satisfied?
Site area	437 square metres (existing)	400 square metres	Yes
Site coverage	58 percent	Maximum 50 percent	No (8 percent variance) <i>Regard given to the fact site is in a Residential Code area, allowing 60 percent site coverage.</i>
Private open space	28 percent	Minimum 20 percent	Yes
Western primary setback	Verandah 1.5 metres Dwelling façade 2.85 metres Garage 5.7 metres	Average setback of adjacent dwellings facing the same street. Southern adjacent dwelling: 4.3 metres to verandah 4.7 metres to dwelling façade	No Variance 2.8 metres <i>Northern adjacent property has a garage on the street boundary (secondary street setback)</i>
Northern side setback	900mm where the wall is not located on the boundary	Where the wall is not located on the boundary, a minimum setback of 1 metre	Yes
Southern side setback	900mm where the wall is not located on the boundary The garage is located on the southern side boundary with a wall height of 3.2 metres and wall length of 6.6 metres	Where the wall is not located on the boundary, a minimum setback of 1 metre Development can comprises a wall on boundary with height up to 3 metres above natural ground level over a length of 8 metres	Yes No Wall height exceeds maximum anticipated height by 200mm
Eastern rear boundary setback	3.3 metres	Minimum setback of 4 metres	No 700mm variance

3. Public Notification

The proposal was subject to a category 2 public notification process due to the proposal having a wall located on an allotment boundary with a height exceeding 2.75 metres above the natural ground level.

One statement of representation was received by Garry and Elizabeth Bartholomew of 5 Mokari Avenue, Somerton Park, which is summarised as follows:

- Smoke intrusion from the wood fire flue shown on the plans, located under the rear verandah.

The Applicant submitted a reply to the representation, summarised as follows:

- The proposed wood fire flue conforms with the relevant Australian Standards.

4. Development Plan Provisions

The following tables contain a detailed assessment of the proposal against the provisions in the Holdfast Bay (City) Development Plan consolidated 2 June 2016:

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT

General Section – Design and Appearance	
Objectives	Assessment
1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.	Complies.
2 Roads, open spaces, paths, buildings and land uses laid out and linked so that they are easy to understand and navigate.	Complies.
Principles of Development Control	Assessment
1 Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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.
5 Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.	Complies.
10 The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: <ul style="list-style-type: none"> (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.
11 Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as: <ul style="list-style-type: none"> (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 (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 (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. 	Complies.
13 Buildings (other than ancillary buildings or group dwellings) should be designed so that their main façade faces the primary street frontage of the land on which they are situated.	Complies.
15 Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.	Complies.
16 Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.	Complies.

General Section – Residential Development	
Objectives	Assessment
1 Safe, convenient, pleasant and healthy-living environments that meet the full range of needs and preferences of the community.	Complies.
2 A diverse range of dwelling types and sizes available to cater for changing demographics, particularly smaller household sizes and supported accommodation.	Complies.
4 The revitalisation of residential areas to support the viability of community services and infrastructure.	Complies.
Principles of Development Control	Assessment
1 Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate: (a) the siting and construction of a dwelling and associated ancillary outbuildings (b) the provision of landscaping and private open space (c) convenient and safe vehicle, pedestrian and cycling access and parking (d) water sensitive design systems that enable the storage, treatment and reuse of stormwater.	Complies.
5 Residential development should be designed to ensure living rooms have an external outlook.	Complies.
6 Entries to dwellings should be clearly visible from the streets that they front to enable visitors to identify a specific dwelling easily.	Complies.
10 The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to: (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.

General Section – Residential Development													
Principles of Development Control	Assessment												
<p>14 Garages and carports facing the street should not dominate the streetscape and should be designed in accordance with the following:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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. 	Complies.												
<p>19 Except where specified in a particular zone, policy area or precinct or Residential High Density Zone, the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments with frontage to the same primary street</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjacent buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;"> </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjacent buildings.</td> </tr> </tbody> </table>	Setback difference between buildings on adjacent allotments with frontage to the same primary street	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:			Greater than 2 metres	At least the average setback of the adjacent buildings.	<p>Does not comply.</p> <p>Although the front setback fails to satisfy the Development Plan, the primary setback is considered reasonable in the context of the actual building setbacks relative to the eastern side of Mokari Avenue. The northern adjacent property has a large garage wall located on the (secondary) street boundary and the southern adjacent dwelling is setback 4.3 metres from the (primary) street boundary at the closest point, hence the physical average setback on the eastern side of Mokari Avenue is 2.15 metres.</p>				
Setback difference between buildings on adjacent allotments with frontage to the same primary street	Setback of new building												
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:												
Greater than 2 metres	At least the average setback of the adjacent buildings.												
<p>20 Dwelling setbacks from side and rear boundaries should be progressively increased as the height of the building increases to:</p> <ul style="list-style-type: none"> (a) minimise the visual impact of buildings from adjoining properties (b) minimise the overshadowing of adjoining properties. 	Complies.												
<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>Does not comply.</p> <p>The side setbacks are 900mm in lieu of 1 metre, however this variance is negligible.</p> <p>The rear setback is 3.3 metres in lieu of 4 metres, however this variance is deemed to be negligible, as a large proportion of private open space is orientated to the north of the building in order to maximum northern winter sunlight. The rear boundary is the side boundary of the eastern adjacent property, hence a lesser building separation is typical where a side wall of a building is concerned.</p>
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>23 Side boundary walls in residential areas should be limited in length and height to:</p> <ul style="list-style-type: none"> (a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties. 	Complies.												

General Section – Residential Development (Cont)							
Principles of Development Control	Assessment						
<p>24 Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (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>Does not comply.</p> <p>The garage wall located on the southern side boundary has a height of 3.2 metres in lieu of 3 metres. The 200mm height variance however is deemed negligible in the context of this development given no representations were received from the southern adjacent land owner and additionally, the site is located in a prescribed residential code area whereby the provisions could accommodate a wall height up to 4 metres above natural ground level.</p>						
<p>25 Walls with a height of up to (and including) 3 metres above natural ground level (excluding veranda, porch and balcony structures) should be setback 2 metres from the secondary street frontage.</p>	<p>Not applicable.</p>						
<p>27 Carports and garages should be set back from road and building frontages so as to:</p> <ul style="list-style-type: none"> (a) contribute to the desired character of the area (b) not adversely impact on the safety of road users (c) provide safe entry and exit (d) not dominate the appearance of dwellings from the street. 	<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" 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	<p>Does not complying (variance up to 8 percent).</p> <p>The fundamental objectives of site coverage have not been compromised (access, private open space and sufficient boundary setbacks). Furthermore, the site is located within a prescribed residential code area whereby the maximum site coverage is 60 percent of the land area.</p>
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 ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles. 	<p>Complies.</p>						

General Section – Residential Development (Cont)										
Principles of Development Control	Assessment									
<p>31 Private open space (land available for exclusive use by residents of each dwelling) should be provided for each dwelling (including a dwelling within a residential flat building) and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from the habitable rooms of the dwelling (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 (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 (i) to minimise noise and air quality impacts that may arise from traffic, industry or other business activities within the locality 	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"> <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>	Complies.
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<p>33 Private open space should not include driveways, front yards (except where it is a group dwelling that has no frontage to a public road and the private open space is screened from adjacent dwellings), effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas and common areas such as parking areas and communal open space.</p>	Complies.									
<p>34 Private open space at ground level should be designed to provide a consolidated area of deep soil (an area of natural ground which excludes areas where there is a structure underneath, pools and non permeable paved areas) to:</p> <ul style="list-style-type: none"> (a) assist with ease of drainage (b) allow for effective deep planting (c) reduce urban heat loading and improve micro-climatic conditions around sites and buildings. 	Complies.									

Residential Zone	
Objectives	Assessment
3 Development that contributes to the desired character of the zone.	Complies.
<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>	
<p>Development outside of the policy areas will be suburban in nature and evolve in response to progressive infill development of existing individual sites and through consolidation of sites to form larger comprehensive redevelopment opportunities. Infill development outside of the Policy Areas will not compromise the suburban character but will progressively increase dwelling densities through unobtrusive small-scale developments. In this regard, infill development will have a comparable height, mass, scale and setbacks to that of existing dwellings in the relevant locality.</p>	
<p>The zone's primarily suburban character outside of the policy areas is defined by detached dwellings on individual allotments. Infill development in these suburban areas will contribute to the city's housing diversity through development opportunities that (in order of preference):</p> <ul style="list-style-type: none"> (a) increase dwelling numbers on allotments that have dual road frontages (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 semi-detached dwellings, where site considerations permit. 	
<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>	

Residential Zone (Cont)										
Objectives	Assessment									
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.										
Principles of Development Control	Assessment									
<p>Land Use</p> <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.									
5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.	Complies.									
6 Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies.									
Principles of Development Control	Assessment									
<p>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:</p> <table border="1" data-bbox="167 1288 917 1518"> <thead> <tr> <th>Location of the dwelling</th> <th>Maximum wall height above natural ground level</th> <th>Maximum height above natural ground level</th> </tr> </thead> <tbody> <tr> <td>West of Brighton Road or Tapleys Hill Road</td> <td>7 metres</td> <td>Two storeys</td> </tr> <tr> <td>East of Brighton Road or Tapleys Hill Road</td> <td>3.5 metres</td> <td>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.</td> </tr> </tbody> </table>	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.	Complies.
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9 Dwellings and/or residential flat buildings should be setback a minimum of 1 metre from one side boundary to incorporate pedestrian access.	Complies.									

5. Summary of Assessment

Wood Fire and Flue

It is critical to outline early in the assessment that a wood fire and associated flue does not constitute development under the Development Act 1993. As such, Council cannot have regard to this aspect of the proposal in its assessment.

To illustrate this clearly, the applicant could have never referenced the wood fire and flue, and then installed these items once the building works are complete, without the requirement for development approval.

Similarly, the applicant could have several wood fires or barbeques located within the dwelling/rear yard without requiring any form of development approval.

Any nuisance associated with a wood fire is covered by the Environment Protection (Air Quality) Policy 2016 as prescribed by the Environment Protection Authority. All new wood fires and flues are designed in accordance with the relevant Australian Standards.

The representation has failed to reference any concerns with the proposed development which are specific to the planning assessment.

Zone and Land Use

The Residential Zone anticipates a predominately low-density suburban form, reflecting progressive infill development of existing individual sites and unobtrusive small-scale developments. Infill development should have a comparable height, mass, scale and setbacks to that of existing dwellings in the locality.

The primarily suburban character is defined by detached dwellings on individual allotments.

The proposed development addresses the desired character by incorporating a new single storey detached dwelling over the original site (no land division is sought). The proposed development reflects unobtrusive small-scale development of comparable height, mass, scale and setbacks to that of existing dwellings in the locality. The addition to an existing detached dwelling reinforces the primary suburban character (detached dwellings on individual allotments).

Site Coverage

The proposed development results in site coverage amounting to 58 percent of the site area. Although the Development Plan lists a quantitative requirement by way of a percentage (maximum 50 percent), the fundamental objectives associated with the provision of site coverage have been adequately achieved, which includes:

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

It is important to note that the subject site is located within a prescribed Residential Code area whereby a new building would be governed by a maximum site coverage of 60 percent of the site area. It is appropriate to compare the proposed development with *as of right* development.

The site coverage shortfall is therefore deemed negligible in the context of this development.

Private Open Space

The proposed development accommodates 124 square metres of private open space, which amounts to 28 percent of the site area. The Development Plan seeks a minimum private open space area amounting to 20 percent of the site area.

The proposed areas accommodating private open space achieve the fundamental objectives for private open space, which include areas that are exclusively used by occupants and providing outdoor space in the form of recreation, entertaining and landscaping.

Western Primary Boundary Setback

The proposed dwelling is setback 1.5 metres (verandah), 2.85 metres (dwelling façade) and 5.7 metres (garage) from the western primary street boundary.

Although the Development Plan prescribes an average setback of the neighbouring dwellings facing the same primary road frontage, in the context of this development site, particularly given it being a small street characterised by close street setbacks and accommodating only 5 properties, a lesser primary boundary setback relative to the neighbouring 'primary' street setback is considered satisfactory.

The northern adjacent property has a large garage wall located on the Mokari Avenue street boundary and the southern adjacent building is setback 4.3 metres at the closest point.

The average setback of neighbouring buildings is therefore 2.15 metres.

The proposed setbacks of 1.5, 2.85 and 5.7 metres result in an average setback of 3.35 metres, which is further back than the average setback of neighbouring buildings (2.15 metres).

The proposed primary setback is considered to complement the existing street setback pattern, which comprises buildings located close to the street boundary.

Eastern Rear Boundary Setback

The proposed dwelling is setback 3.3 metres from the eastern rear boundary. The Development Plan anticipates a minimum rear setback of 4 metres.

The variance is deemed to be negligible, particularly as a large proportion of private open space is orientated to the north of the building in order to maximum northern winter sunlight. The rear boundary is the side boundary of the eastern adjacent property, hence a lesser building separation is typical where a side wall of a building is concerned. Ultimately, the 3.3 metre rear boundary setbacks will not result in any adverse impacts on the eastern adjacent property.

Eastern Rear Boundary Setback

The proposed dwelling is setback 3.3 metres from the eastern rear boundary. The Development Plan anticipates a minimum rear setback of 4 metres.

Conclusion

Although the proposal fails to satisfy some Development Plan guidelines (site coverage, primary street setback, rear boundary setback, wall height on boundary), when considering the variances on balance with qualitative considerations (actual impacts on the subject land or adjacent properties) it is clear that the variances reflect simply numerical shortfalls.

None of the variances noted are such that suggest the usability of the land or amenity for neighbouring owners/occupiers are compromised in any way. This is highlighted by the absence of any statement of representation outlining any planning concerns (solar access, visual amenity, bulk and scale and so forth).

The proposed building is well designed, comprises boundary setbacks that are complementary to the setbacks found within the immediate locality and the rear yard is design to accommodate the northern winter sunlight.

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 110/00897/18 for the construction of a single storey detached dwelling with verandah at rear and integral garage located on the southern side boundary at 3 Mokari Avenue, Somerton Park, 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 prepared by Andrew & Associates Surveyors & Development Consultants, Drawing No. 218167-1 dated 12/06/2018 and plans prepared by DAS Studio, Job No. 1803, Drawing No. DA01, DA02 & DA04 dated 13/11/2018 and DA03, DA05 & DA06 dated 23/11/2018 Revision A submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
2. **Landscaping shall be established within the front, side and rear yards where practicable, including trees, plants and grasses of semi mature or of fast growing tubestock. All such landscaping shall be established within 3 months of substantial completion of the development and any such vegetation shall be replaced if and when it dies or becomes seriously diseased.**
3. **That stormwater from each dwelling shall be collected and connected to a 1000 litre (minimum) rainwater tank with a sealed system over flow connection to the street water table. 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 stormwater from the dwelling and the site shall be collected and disposed of in a manner that does not adversely affect any properties adjoining the site or the stability of any building on adjacent sites.

NOTE: Stormwater shall not be disposed of over a vehicle crossing place and any connection to the street water table, including remedial works to footpaths, verges or other Council infrastructure, is subject to any necessary approvals from Council and will be at the applicant's cost.

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.
5. That dust emissions from the site shall be controlled by a dust suppressant or by watering (subject to any relevant water restrictions) regularly to the reasonable satisfaction of Council.
6. That the builder shall at all times provide and maintain a waste receptacle to the reasonable satisfaction of Council on the site in which and at all times all builder's waste shall be contained for the duration of the construction period and the receptacle shall be emptied as required.
7. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
8. That no solid or liquid trade wastes be discharged to the stormwater system.