

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **28 JANUARY 2021**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER PLANNING

ATTACHMENTS: **1. LOCALITY PLAN**
2. PROPOSED PLANS

DA NO.	:	110/00880/20
APPLICANT	:	HEATHER AND MICHAEL KILMARTIN
LOCATION	:	3 DUNLUCE AVENUE, BRIGHTON
DEVELOPMENT PLAN	:	HOLDFAST BAY COUNCIL CONSOLIDATED - 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL CHARACTER ZONE POLICY AREA 13 (BRIGHTON AND GLENELG EAST)
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	CARPORT LOCATED FORWARD OF ASSOCIATED DETACHED DWELLING
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NIL
CATEGORY	:	ONE
REPRESENTATIONS	:	NOT APPLICABLE
RECOMMENDATION	:	CONSENT

1. Background

Development Application 110/00534/14, for a carport located forward of the dwelling was previously lodged on the subject land on the 25 July 2014. The application also proposed an upper-level addition to an existing single-storey outbuilding. The application was put before the Council Assessment Panel on the 24 August and was subsequently refused for the following reasons:

Development Application 110/00536/14 be refused Development Plan Consent, for the reason that it is contrary to Residential Zone Objective 1 Desired Future Character Statement Part (e). More specifically, the application does not meet the intent of the Development Plan in relation to:

- *The location of the carport forward of the main face of the dwelling.*

The carport associated with DA 110/00534/14 contained a 7.5m setback from the primary boundary, a depth of 5.5m and a total width of 3.6m resulting in a total area of 19.8sqm.

2. Site and Locality

The subject site is on the southern side of Dunluce Avenue near The Crescent. The site is L shaped with a frontage to Dunluce Avenue of 15.24 metres, a depth of 66.57 metres and an area of 1038m². The existing two-storey building is sited 26 metres from Dunluce Avenue. An existing single storey outbuilding comprising a living room is forward of the dwelling and set back 14 metres from the street. A swimming pool also forward of the dwelling is set back 13 metres from the street. Other

outbuildings are to the rear of the dwelling including a carport with vehicular access from Jetty Road via a right of way.

The locality comprises predominantly detached dwellings but with some residential flats and group dwellings. Road setbacks vary from 5 metres to 10.5 metres with an average setback of approximately 6 metres. The adjoining western property comprises a two-storey detached dwelling setback approximately 10.5 metres from Dunluce Avenue. The adjoining eastern property comprises single storey residential flat buildings set back 6 metres from Dunluce Avenue.

Refer to Attachment 1

3. Proposed Development

The development proposes a carport forward of the associated dwelling with dimensions of 3.6 metres (width) by 6.1 metres (length) resulting in a total area of 22sqm. The carport contains open sides, 2.2m high posts, and a pitched roof totalling 3.6m in height. The carport is located 6.5m from the primary boundary sitting in line with a recessed front fence currently located on the property.

Refer to Attachment 2

4. Public Consultation

The application is a Category 1 development pursuant to Schedule 9 Part 1 1 (d) of the Development Regulations.

5. Development Plan Provisions

A detailed assessment of the proposal against the provisions of the Development Plan is provided shown in the tables below:

**HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – STREETScape CHARACTER ZONE POLICY AREA
13**

RESIDENTIAL ZONE, STREETScape CHARACTER (BRIGHTON & GLENELG EAST) POLICY AREA 13	
1. Preservation of the existing development patterns and built form of the policy area.	Complies
Desired Character	
RESIDENTIAL ZONE, STREETScape CHARACTER (BRIGHTON & GLENELG EAST) POLICY AREA 13 (Cont)	
<p>The policy area features predominantly detached dwellings on medium to large sized allotments, set within heavily landscaped settings and mature street trees that collectively create very high quality, low-density living environments.</p> <p>The majority of dwellings were constructed between the 1900s and 1930s. Dwelling configuration is typically double or triple fronted with driveway access down one side of the site and a small set back from the non-driveway side boundary. Development will conserve this configuration. Street setbacks are typically 8 metres from primary road frontages with lesser setbacks to the secondary frontages of corner allotments. Front yards are well established containing mature trees, established landscaping and low, visually permeable fencing that adds to the established high amenity of the public environment, which contains established street trees and wide road pavements.</p> <p>Relative to other residential areas within Holdfast Bay, development in the policy area will be slow and progressive, resulting in the existing predominant character being maintained, albeit in a modified form, with new dwellings replacing older dwellings with contemporary, sympathetically designed buildings and housing forms that respond to new lifestyle choices. New development will respect and enhance the special character qualities of the policy area, without necessarily replicating existing older building forms to achieve this outcome.</p> <p>Development will complement and reinforce the established suburban character, which is one of rich architectural style, landscaped streets and openness through single storey building scale that exhibits typical residential design forms. There may be some circumstances where site dimensions enable two-storey development, primarily for detached dwellings, provided that they contribute to the established character qualities of the policy areas through key characteristics (for example roof form and side setbacks).</p> <p>Front setbacks will be consistent with those of adjacent sites, creating a uniform street elevation and enhanced by landscaped front yards that contribute to the established streetscape character. Building design including site coverage, height, massing and architectural detailing will match or relate closely to those of the established detached dwellings in the locality, and utilise stepping and articulation of the front elevation to achieve visual relief and architectural interest as viewed from the street. Development will utilise visible hip or gable roof forms, and materials such as corrugated iron or shingle roofing that respond to the character of the immediate locality, including brick, stone, timber and part-rendered finish typical of the era of the policy area's development and providing 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, utilising materials that are generally dark in colour to limit glare and reflection.</p> <p>Garaging will be located so that it is set back clearly behind the alignment of the adjacent domestic portion of the dwelling with front and side setbacks that reflect predominant setbacks of sites in the locality. Driveway design will also be subsidiary to the domestic built form with the use of a single vehicle crossover point for each dwelling and landscaping that provides breaks to expanses of hardstand surfaces.</p> <p>Low and visually permeable front fencing will be incorporated to clearly define the boundary between public and private property whilst maintaining an open streetscape. Fencing forms and materials will complement and enhance the associated dwelling, and may include low masonry fencing (often stepped), simple timber paling fencing, a combination of paling and masonry fencing, metal railing and masonry fencing, rock-face sandstone, cyclone mesh and crimped wire fencing. Brush fencing (up to a maximum of 1400 millimetres high with either rolled or metal capping) and hedging may also be appropriate, but picket fences and elaborate masonry fences are not appropriate in the policy area.</p>	

RESIDENTIAL ZONE, STREETScape CHARACTER (BRIGHTON & GLENELG EAST) POLICY AREA 13 (Cont)	
Principles of Development Control	
1. The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> ▪ detached dwelling ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling addition ▪ semi-detached dwelling. 	Complies – a carport is considered as domestic structure
3. Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies
6. Development should conserve, enhance and complement the distinctive features of existing dwellings in the policy area, including their: (a) front, side and rear dwelling setbacks (b) scale (c) roof forms (d) roof materials (e) external materials (f) facade details (g) fencing.	Complies
7. Garages and carports facing the street (other than an access lane way) should be designed with a maximum width (including the total width of any support structure) of 6.5 metres or 30 per cent of the building site frontage width, whichever is the lesser distance.	Complies

HOLDFAST BAY (CITY) DEVELOPMENT – ASSESSMENT – GENERAL SECTION – RESIDENTIAL DEVELOPMENT

Residential Development	
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.	Does not comply.
17. Garages, carports and outbuildings should be designed within the following parameters: Total floor area (maximum) Within 3 metres of 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 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	Complies.
Wall height above natural ground level	Not applicable. No walls.

3 metres							
Wall length	Not applicable. No walls.						
Within 3 metres of side or rear boundary 9 metres							
On a side or rear boundary 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							
Maximum height 4.5 metres	Complies.						
Residential Development (Cont)							
Setback from any existing structure on the site located on the same boundary	Not applicable.						
On side or rear boundary 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.	Complies – does not cover private open space.						
27. Carports and garages should be set back from road and building frontages so as to: (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	Complies						
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:	Complies.						
<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	
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						

6. Summary of Assessment

The siting of the carport is not consistent with several provisions of the Development Plan, which recommend it is setback behind the main face of the associated dwelling. The purpose of the development plan provisions is to ensure that dwelling facades dominate the streetscape and are not compromised by ancillary structures such as carports. Although the carport does not comply with the quantitative provisions of Residential Development, the application must be assessed while taking in the circumstances of the subject land and the locality.

The carport is of a relatively small scale compared with the associated dwelling and the two-storey dwelling on the adjoining lot. It has been well designed to reflect the architectural features of the existing upper level built form of the site and is partly screened by an existing masonry fence and large trees. To determine the appropriateness of the structure, the additional impacts which will result from the proposal must be considered in the assessment. Below are a series of photos that depict the current built form of the site along with the carport superimposed on the street elevation.



Figure 1: Existing streetscape view of the subject site



Figure 2: Streetscape view of the subject site with carport superimposed

Currently, the subject lands front façade contains a solid front fence that masks the dwelling façade and the front yard. When comparing the existing built form to the Figure 2 superimposing the carport, there will be little change in the subject sites appearance to the streetscape. The inclusion of the carport will introduce an entry door, a feature planter structure, a roller door and a pitched roof which will address Dunluce Avenue. These elements are not considered to dominate the dwelling façade given the subject site's circumstances but rather provide visual interest to what is a bland solid wall.

The subject site does not contain a permeable front fence and a dwelling façade with an exposed streetscape presence where the inclusion of the carport will be a notable feature. The photo below is of 10 Dunluce Avenue which provides contrast to how a carport located forward of a dwelling with exposure to the streetscape dominates the dwelling façade and detracts from the streetscape amenity.



Figure 3: Carport located forward of dwelling located at 10 Dunluce Avenue

The existing front fence, generous setback of the dwelling and recessed location of the carport results in negligible impacts to the streetscape and therefore given the circumstances the proposal is worthy of development plan consent.

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 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.

7. 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 110/00880/20 subject to the following conditions:**

PLANNING CONDITIONS

- 1. That the design and siting of all buildings and structures and site works shall be as shown on the plans submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**
- 2. That the applicant provides on-site detention and retention sufficient to limit peak flow as a result of the development in a 100 year event (1% AEP) to not more than the 5 year (20% AEP) predevelopment flow rate and the volume of flow not exceed predevelopment volume.**