

TO: **COUNCIL ASSESSMENT PANEL**
 DATE: **22 JANUARY 2020**
 SUBJECT: **COUNCIL ASSESSMENT REPORT**
 AUTHOR: **DEAN SPASIC**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **LOCALITY PLAN**
PROPOSED PLANS
STATEMENT OF REPRESENTATION
APPLICANT'S REPLY TO REPRESENTATION

REPRESENTATIONS TO BE HEARD: **DEBBIE AND RUSS WARD**
 APPLICANT TO BE HEARD: **VINCE MAZZAFERRO – DECHELLIS HOMES**

DA NO.	:	110/00668/19
APPLICANT	:	DECHELLIS HOMES PTY LTD
LOCATION	:	29 PATAWALONGA FRONTAGE, GLENELG NORTH
DEVELOPMENT PLAN	:	CONSOLIDATED 2 JUNE 2016
ZONE AND POLICY AREA	:	RESIDENTIAL ZONE
NATURE OF DEVELOPMENT:		MERIT
PROPOSAL	:	TWO STOREY DETACHED DWELLING WITH GARAGE WALL LOCATED ON SOUTHERN SIDE BOUNDARY
EXISTING USE	:	RESIDENTIAL
REFERRALS	:	NOT APPLICABLE
CATEGORY	:	TWO
REPRESENTATIONS	:	ONE
RECOMMENDATION	:	DEVELOPMENT PLAN CONSENT

1. Site and Locality

The subject site is located on the western side of the Patawalonga and on a corner site, with the secondary street being Lewis Street. The surrounding locality comprises a mix of single and two storey buildings of varying architecture, with a high instance of infill redevelopment.

Refer to Attachment 1

2. Proposed Development

The proposed development comprises the construction of a two storey detached dwelling with integral garage located on the southern side boundary. The original site has been subdivided into two allotments, with the subject site having a primary frontage on the Patawalonga Frontage.

Refer to Attachment 2

Development Assessment Data

Dwelling	Proposed	Development Plan	Development Plan Satisfied?
Site area	410 square metres	400 square metres	Existing allotment
Site coverage	50 percent of the site area	Maximum 50 percent	Yes (Res Code Yes, maximum 60%)
Private open space	110 square metres 26 percent of the site area	Minimum 20 percent	Yes (Res Code Yes, 80 square metres)
Eastern primary setback	4.3 to 6.1 metres	The building should be setback in-line with the setback of the adjacent building with a frontage to the same street. Adjacent buildings are setback 8 metres	No (Res Code No)
Northern secondary side setback	Ground 960mm	The ground level component should be setback a minimum distance of 2 metres from the secondary street boundary	No (Res Code Yes, 900mm min.)
	Upper 1.6 metres	The upper level component should be setback a minimum distance of 4 metres from the secondary street boundary	No (Res Code Yes, 900mm min.)
Southern side setback	Garage wall on boundary. Height above natural ground level 3.1 metres and length 8.6 metres	Where a wall is located on a boundary, the maximum height should not exceed 3 metres above the natural ground level with a wall length not exceeding 8 metres	No (Res Code No, max wall height 3 metres above footing and max length <u>8 metres</u>)
	Upper level wall setback 2.5 metres	The upper level component should be setback a minimum distance of 2.5 metres	Yes (Res Code Yes, min 2.9 metres)
Western rear boundary setback	Ground level wall 3.9 metres	The ground level component should be setback a minimum distance of 4 metres	No (Res Code No, min 4 metres)
	Upper level wall 4.7 metres	The upper level component should be setback a minimum distance of 6 metres	No (Res Code No, min 6 metres)

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 from Russ and Debbie Ward of 28A Patawalonga Frontage, Glenelg North, and summarised as follows:

- Development too close to our property;
- Set too far forward and not in line with neighbouring buildings;
- Too close to the secondary street boundary;
- Impact on natural light;
- Impact on views; and
- Hinder our future installation of solar panels

The Applicant, Dechellis Homes, provided the following reply:

- The size and dimensions of the allotment unfortunately prevent some guidelines being achieved, including the primary setback;
- Although the new building will block a part of the neighbours view, the vast majority of the existing view will be unaffected; and
- The Development Plan allows for the construction of a boundary wall on a side boundary. The upper level wall is setback 1.9 metres, which is consistent with the Residential Code

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

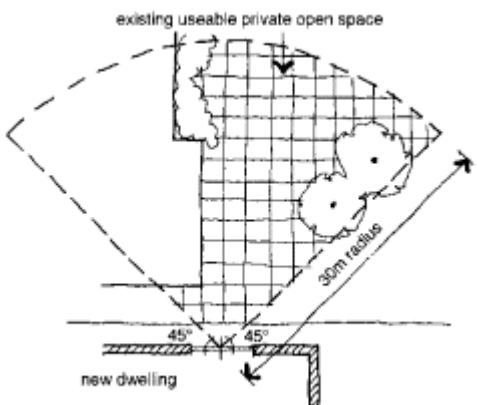
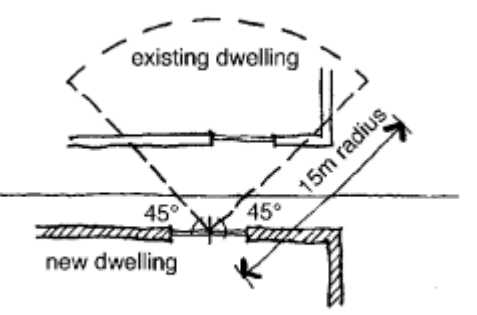
General Section – Design and Appearance	
Objectives	Assessment
1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.	Complies
2 Roads, open spaces, paths, buildings and land uses laid out and linked so that they 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) verandas, 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

General Section – Design and Appearance	
Principles of Development Control (Cont)	Assessment
<p>11 Development should minimise direct overlooking of habitable rooms and private open spaces of dwellings through measures such as:</p> <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
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
<p>1 Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate:</p> <ul style="list-style-type: none"> (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
<p>10 The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:</p> <ul style="list-style-type: none"> (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

General Section – Design and Appearance													
Objectives (Cont)	Assessment												
<p>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:</p> <ul style="list-style-type: none"> (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). <p>Development should not increase the overshadowed area by more than 20 per cent in cases where overshadowing already exceeds these requirements.</p>	Complies												
<p>13 Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.</p>	Complies												
<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>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" data-bbox="167 1339 912 1659"> <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	Does not comply with rear boundary but complies with upper side boundary.
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												

General Section – Design and Appearance							
Objectives (Cont)	Assessment						
23 Side boundary walls in residential areas should be limited in length and height to: <ul style="list-style-type: none"> (a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties. 	Complies						
24 Walls associated with a dwelling located on a side boundary should be designed in accordance with the following parameters: <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. 	Minor non-compliance						
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.	Does not comply						
26 Walls with a height of more than 3 metres above natural ground level (excluding veranda, porch and balcony structures) should be setback 4 metres from the secondary street frontage.	Does not comply						
27 Carports and garages should be set back from road and building frontages so as to: <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. 	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: <table border="1" data-bbox="167 1377 909 1473" style="width: 100%; margin-top: 10px;"> <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	Complies
Parameter	Value						
Site with an area less than or equal to 300 square metres	60 per cent						
Site with an area greater than 300 square metres	50 per cent						
29 Site coverage should ensure sufficient space is provided for: <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. 	Complies						

General Section – Design and Appearance										
Objectives (Cont)	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 (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. 	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
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>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									
<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>	Complies									

General Section – Design and Appearance	
Objectives (Cont)	Assessment
<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>(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>	<p>Complies</p>

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>	
Objectives	Assessment
<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>	Complies

Residential Zone										
Principles of Development Control (Cont)	Assessment									
Land Use 1 The following forms of development are envisaged in the zone: <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.	N/A									
6 Development should not be undertaken unless it is consistent with the desired character for the zone.	Complies									
Principles of Development Control	Assessment									
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: <table border="1" data-bbox="167 1048 919 1279"> <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
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.								
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

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 low density development that will accommodate unobtrusive small-scale development of comparable height, mass, scale and setbacks to that of existing dwellings in the locality. Detached dwelling reinforces the primary suburban character (detached dwellings on individual allotments).

Site Coverage

The proposed development results in site coverage amounting to 50 percent of the site area, and therefore within the maximum anticipated by the Development Plan.

Private Open Space

The proposed development accommodates 110 square metres of private open space, which amounts to 26% of the site area. The Development Plan seeks a minimum private open space area amounting to 20% 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 subject site comprises an existing allotment which comprises an area of 410 square metres, however it has a depth of only 19.48 metres, resulting in heavy design constraints, particularly with respect to the primary setback.

As highlighted by the representation, the proposed primary setback is clearly forward of all other buildings, however it is also clear that the depth of the subject site is substantially less than that of neighbouring properties. The southern adjacent property has a depth of some 38 metres, which is approximately double that of the depth of the subject site. As a consequence, it is unrealistic to achieve a new dwelling on the subject allotment which would satisfy the Development Plan with respect to the primary setback. The representors plan showing the line of the building setback running through the middle of the proposed dwelling also highlights this.

In the context of the site dimensions and the fact the site is located on a street corner, the proposed setback is considered reasonable. It is important to have regard to the fact that if the applicant were to face the building toward Lewis Street, a setback of only 900mm could be achieved on the Patawalonga Frontage boundary, under the provisions of the Residential Code guidelines, hence a far greater adverse impact on the Patawalonga Frontage setback character.

Northern Secondary Street Setback

As per the data table, the proposal fails to satisfy the Development Plan with respect to the secondary street setback, however the variance is considered negligible in the context of the Development site, when considering *as of right development*. Under the Residential Code guidelines, the ground and upper level minimum setback is only 900mm.

Southern Side Setback

With respect to the boundary wall, the guidelines accommodate a 3 metre high wall (and 3 metres above the footing in the case of the Residential Code) over a maximum length of 8 metres. The boundary wall height satisfies the Residential Code guidelines however fails the maximum length by only 600mm, which overall is considered to be negligible.

The upper level wall is setback 2.5 from the southern side boundary, which satisfies the Development Plan.

Western Rear Setback

The ground level component is setback 3.9 metres from the eastern rear boundary, which is only 100mm at variance with the Development Plan, and hence negligible.

The upper level component is setback 4.7 metres from the eastern rear boundary, which reflects a variance of 1.3 metres. The rear boundary forms the side boundary of the eastern adjacent property, hence the 1.3 metre setback is reasonable. Again, if the proposed building faced Lewis Street, the eastern boundary setback minimum is only 1.9 metres at the upper level, hence a more substantial impact than what is proposed.

Conclusion

As demonstrated above, the proposal contains a number of variances with the Development Plan, although **these variances are largely negligible, and typical of new residential development, as it is not uncommon for a wall height or setback to be slightly at variance with the quantitative figures. The critical consideration is whether or not the variance forms a notable additional impact on adjacent land, which in this instance is not the case.**

The only variance which is considered to stand out is the primary street setback, however as explained above, the proposed setback is reasonable in the context of the development site, which has significant limitations as a result of the allotment depth being only 19.48 metres, half that of the southern adjacent property. In addition, if the dwelling were to face Lewis Street, the 4.3 metre Patwawalonga Frontage setback could become a 900mm Patawalonga Frontage setback under the Residential Code guidelines, hence a far greater built form impact on the streetscape.

6. RECOMMENDATION

- 1. The proposed development is NOT seriously at variance with the policies in the Development Plan. Following a detailed assessment of the proposal against the provisions of the Holdfast Bay (City) Development Plan, the Development Assessment Panel resolves to grant Development Plan Consent to Development Application 110/00668/19 for the construction of a two storey detached dwelling at 29 Patawalonga Frontage, Glenelg North, subject to the following conditions:**
- 2. That the design and siting of all buildings and structures and site works shall be as shown on the plans prepared by Ginos Engineering Pty Ltd, Drawing No. 36041, SR2-1/A, Sep '19 and plans prepared by Dechellis Homes Pty Ltd, Job No. DH 1850, Sheet 1 to 5, dated 13 December 2019 submitted to and approved by Council unless varied by any subsequent conditions imposed herein.**

PLANNING CONDITIONS

1. That stormwater from the 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.

2. All upstairs windows on the side and rear elevations 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. 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.
4. Landscaping shall be established in the front and rear yards and comprise trees, shrubs and grasses. 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.
5. 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.
6. 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.
7. 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.
8. That all hard building materials, waste and litter on site be stored in a manner that secures it on site during the construction works.
9. That no solid or liquid trade wastes be discharged to the stormwater system.