

TO: **COUNCIL ASSESSMENT PANEL**

DATE: **27 MARCH 2019**

SUBJECT: **COUNCIL ASSESSMENT REPORT**

AUTHOR: **ALEXANDER STAMATOPOULOS**
DEVELOPMENT OFFICER - PLANNING

ATTACHMENTS: **1. LOCALITY MAP**
2. PROPOSAL PLANS

HEARING OF REPRESENTORS: **No**

DA NO.	:	<u>110/00166/19</u>
APPLICANT	:	<u>SAM STAGG</u>
LOCATION	:	<u>21 GOLFLANDS TERRACE GLENELG NORTH</u>
DEVELOPMENT PLAN	:	<u>CONSOLIDATED 2 JUNE 2016</u>
ZONE AND POLICY AREA	:	<u>RESIDENTIAL ZONE</u>
NATURE OF DEVELOPMENT	:	<u>MERIT</u>
PROPOSAL	:	<u>VARIATION TO DA 110/00846/18 (SHED LOCATED TO REAR OF DWELLING ON EASTERN SIDE BOUNDARY) - COMPRISING A CHANGE IN WALL HEIGHT FROM 3.1M TO 3.3M.</u>
REFERRALS	:	<u>NIL</u>
CATEGORY	:	<u>ONE</u>
REPRESENTATIONS	:	<u>NIL</u>
RECOMMENDATION	:	<u>DEVELOPMENT PLAN CONSENT SUBJECT TO CONDITIONS</u>

1. Background

An application was lodged to the council on the 28th of March 2019 to vary an existing application, DA 110/00846/18, which was approved by the Council Assessment Panel on the 27th of February 2019. The variation application is a Category 1 Development.

The initial application was subject to Category 2 public notification as outlined in the procedural matters of the Holdfast Bay Development Plan which received two representations. The application was put before the Council Assessment Panel for a decision and was approved subject to reserved matters being met.

The details of the reserved matters are shown below.

That pursuant to Section 33(1) of the Development Act 1993 the Council Assessment Panel reserves its decision on the form and siting of the garage, which is delegated to the Assessment Manager following provision by the applicant of detailed plans for the following reserved matters requiring further assessment, prior to Development Approval of the application:

- 1.1. The applicant shall supply an amended site plan showing a minimum setback of 600mm between the eastern wall of the garage and the adjacent property boundary;

- 1.2 The applicant shall supply amended plans showing a reduction in the overall wall height of the garage from 3300mm to a maximum height of 3100mm; and
- 1.3 The applicant shall supply amended plans showing deletion of the personal access door located on the northern elevation, to be replaced with a solid, blank wall.

Reserve matter items 1.1 and 1.3 have been met; however, item 1.2 seeks to be varied. Upon reflection, the applicant has realised that the reduced height of 3.1m is not sufficient to be used as storage for a boat.

2. Site and Locality

The subject site is rectangular in nature with a primary frontage of 19.8m metres and a depth of 42.7m. The subject land contains a ground level higher than the adjoining neighbours to the north and east of approximately 800mm. Large domestic outbuildings and ancillary structures are common in the locality with multiple examples evident when viewed from an aerial image.

Refer to Attachment 1

3. Proposed Development

The proposed garage contains a conventional built form comprising of a 10 degree pitched roof and a 3.3m wall height from natural ground level. The garage contains dimensions of 6m x 9.1m totalling 54.6sqm. It is located 2m from the northern rear boundary and is setback 600mm from the eastern side boundary. The garage is proposed to be finished in 'Woodland Grey' colourbond sheeting.

Refer to Attachments 2 – 2.1

4. Development Data

DEVELOPMENT DATA		
Aspect	Proposed	Compliance
Site Area	845m ²	
Site Coverage	303m ² or 35%	<u>Complies</u>
Private Open Space	310m ² or 37%	<u>Complies</u>
<u>Garage Dimensions</u>		
Area	54.6sqm	<u>Complies</u>
Wall Height	3.3m	<u>300mm variance</u>
Total Height	3.833m	<u>Complies</u>
Northern Rear Setback	2.2m	<u>Complies</u>
Eastern Side Setback	600mm	<u>900mm shortfall</u>

5. Development Plan Provisions

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

RESIDENTIAL ZONE	
Objectives	
3. Development that contributes to the desired character of the zone.	Complies

RESIDENTIAL ZONE (Cont)	
Desired Character	
<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. 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 (c) 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.</p>	Complies

RESIDENTIAL ZONE (Cont)	
Desired Character	
<p>Development will have side and rear building setbacks that incorporate an access path on one side, with on-boundary built form limited in height, length and location to the equivalent of typical open carports or garaging. Vehicle garaging will be set back clearly behind the immediately adjacent part of the front building facade. Development will enhance and protect streetscape character by minimising driveway access points and width of crossovers and driveways. Undercroft car parking will also be avoided on flat sites and sites that slope down from the street level. Buildings will be stepped and articulated at the front elevation to achieve visual relief and architectural interest as viewed from the street.</p> <p>Residential development outside of the policy areas will utilise materials and finishes that respond to the character of the immediate locality and utilise brick, stone and rendered finishes to provide visual interest to facades. Development will also incorporate architectural design and detailing that responds to localised character by way of fenestration, doorways, windows, eaves and roof forms. Development will be setback and orientated to minimise impacts of the privacy of neighbouring residents.</p>	

RESIDENTIAL ZONE (Cont)	
Principles of Development Control	
<p>1. The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> • affordable housing • domestic outbuilding in association with a dwelling • domestic structure • dwelling • dwelling addition • small scale non-residential use that serves the local community, for example: <ul style="list-style-type: none"> • child care facility • health and welfare service • open space • primary and secondary school • recreation area • supported accommodation. 	Complies
<p>6. Development should not be undertaken unless it is consistent with the desired character for the zone.</p>	Complies

HOLDFAST BAY (CITY) DEVELOPMENT PLAN – ASSESSMENT – RESIDENTIAL - COUNCIL WIDE – PRINCIPLES OF DEVELOPMENT CONTROL

Residential Development							
9. The vertical distance between any lower floor of a building and the natural ground level should not exceed 1.5 metres at any point to minimise the depth of excavation and/or height of filling of land,	Complies						
13. Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.	Complies						
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 3 metres	300mm variance						
Wall length 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	Rear garage exceeds anticipated length by 100mm						
Maximum height 4.5 metres	Complies						
23. Side boundary walls in residential areas should be limited in length and height to: (a) minimise their visual impact on adjoining properties (b) minimise the overshadowing of adjoining properties	Complies						
38. 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" 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	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 be limited to ensure sufficient space is provided for: (a) vehicle parking (b) domestic storage (c) outdoor clothes drying (d) a rainwater tank							

Residential Development (Cont)	
(d) a rainwater tank (e) private open space and landscaping (f) front, side and rear boundary setbacks that contribute to the desired character of the area (g) convenient storage of household waste and recycling receptacles	Complies
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: (a) to be accessed directly from the internal living areas of the dwelling (b) generally at ground level 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.	Complies
32. Dwellings and residential flat buildings at ground level should include private open space that conforms to the requirements identified in the following table:	
Site area of dwelling - 250 square metres or greater.	
Minimum area of private open space - 20 per cent of site area.	
Provisions Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. 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.	Complies
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.	Complies
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: (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

6. Summary of Assessment

Wall Height

The variation seeks to increase the wall height by 200mm from 3.1m to 3.3m. The garage wall is located 600mm from the eastern side boundary and 2m from the northern rear boundary. An increase in the height of 200mm is not considered to impact the immediate locality detrimentally.

As of right, according to Schedule 4 Part 1 (2) of the Development Regulations a garage can be erected as complying with a 3m wall on the boundary. While the proposal seeks to establish at 3.3m high wall, the 600m setback is considered to have minor impacts in comparison to a 3m high wall located on the boundary.

The rear access door has been taken off the plans, and the garage is setback 600mm from the eastern side boundary satisfying items 1.1 and 1.3 of the reserved matters.

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 as amended 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. **That 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, and consideration of representations, the application is considered to be reasonably consistent with the relevant provisions of the Development Plan and that the Council Assessment Panel resolves to grant Development Plan Consent, to DA 110/00166/19 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 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.

3. That adequate provision be made for the disposal of stormwater to the reasonable satisfaction of Council. Where possible, stormwater should be retained on site by the use of natural drainage methods.
4. That the domestic outbuilding approved herein shall be used for domestic purposes only and the incidental parking of motor vehicles belonging to the owner of the land. No activities shall be undertaken that would create any appreciable noise, smoke, smell, dust or other nuisances.