

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

Notice is hereby given that a Council Assessment Panel Meeting will be held:

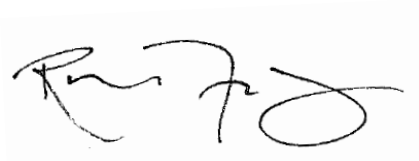
Wednesday 1 November 2017

Commencing at 6.30 p.m.

Council Administration Centre

245 Sturt Road, Sturt

A copy of the Agenda for the meeting is attached. Meetings are open to the public and interested members of the community are welcome to attend. Access to the CAP Meeting is via the main entrance to the Administration building, 245 Sturt Road, Sturt.



Robert Tokley
ASSESSMENT MANAGER

25 October 2017

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATING PROCEDURES

3. APPLICATIONS

3.1 49-51 VENNACHAR DRIVE HALLETT COVE

Change of use to pre-school (childcare centre), associated alterations and additions to a local heritage place, car parking, landscaping, fencing and retaining walls and removal of a Regulated Tree - Aleppo Pine

Report Reference: CAP011117 - 3.11

3.2 42 WOODLAND ROAD MITCHELL PARK

A building comprising three (3) two storey dwellings

Report Reference: CAP011117 - 3.234

3.3 49 LIMBERT AVENUE SEACOMBE GARDENS

Land Division (Community Title - 1 into 3 allotments) and construction of a residential flat building, comprising one, two storey dwelling and two, single storey dwellings

Report Reference: CAP011117 - 3.351

3.4 60 BRAY STREET PLYMPTON PARK

Residential Torrens Title land division - 1 into 2 allotments and carport to western side of existing dwelling

Report Reference: CAP011117 - 3.475

3.5 60 BRAY STREET PLYMPTON PARK

Demolition of existing carport, construction of carport to western side of existing dwelling and construction of a single storey dwelling to the rear of the site

Report Reference: CAP011117 - 3.585

3.6 1022 AND 1024-1026 SOUTH ROAD EDWARDSTOWN

To vary Development Application 100/2012/2036 – as varied by Development Application 100/2014/1583 – to increase capacity from 115 persons to 160 persons

Report Reference: CAP011117 - 3.6102

3.7	287 DIAGONAL ROAD OAKLANDS PARK	
	Two (2) freestanding advertisements, one of which incorporates internal illumination	
	Report Reference: CAP011117 - 3.7	111
3.8	1 VISTA STREET SEACOMBE HEIGHTS	
	Two storey detached dwelling with associated earthworks, retaining and swimming pool (including pool fencing)	
	Report Reference: CAP011117 - 3.8	120
4.	OTHER BUSINESS	
4.1	CONFIDENTIAL ITEM	
	Report Reference: CAP011117 – 4.1	125
4.2	SUB-DELEGATIONS TO ADMINISTRATION STAFF	
	Report Reference: CAP011117 – 4.2	126
4.3	APPEALS UPDATE	
4.4	POLICY OBSERVATIONS	
5.	CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 1 NOVEMBER 2017	
6.	MEETING CLOSURE	

**REPORT REFERENCE: CAP011117 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Alex Wright Acting Team Leader - Planning
Applicant:	Accord Property
Development Description:	Change of use to pre-school (childcare centre), associated alterations and additions to a local heritage place, car parking, landscaping, fencing and retaining walls and removal of a Regulated Tree - Aleppo Pine
Site Location:	49-51 Vennachar Drive, Hallett Cove
Zone:	Residential Zone
Policy Area:	Southern Policy Area 18
Application Type:	Category 3/ Consent
Lodgement Date:	14/07/2017
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2017/1285
Recommendation:	That Development Plan Consent be GRANTED subject to appropriate Reserved Matters and Conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of the proposal not meeting the criteria of Parts 1 or 2 of Schedule 9 of the Development Regulations 2008 as a Category 1 or 2 form of Development. As the proposal cannot be considered minor in nature, pursuant to clause 2(g) of Part 1, the application has been processed as a Category 3/ Consent form of Development.

Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

During the assessment process, Council staff raised a number of concerns with the proposal. The plans and supporting documentation were amended by the following;

Amendments Requested	Amendments Made
Greater separation of the proposed built form to the northern boundary is required.	1 metre setback to the northern boundary provided.
Further clarification is required as to the relationship between the proposed built form (i.e. wall heights and finished floor levels) and existing built form on 24 Qualio Avenue and 37 Jupiter Avenue (i.e. finished floor levels).	The rear elevation has been amended.
Confirmation of the extent of gable on, or within close proximity to, the boundary.	Plans amended to provide a setback to the northern boundary.
Increased landscaping throughout the site, particularly forward of the building, is required.	Provision of landscaping increased.
Consideration to the incorporation of clear or lower fencing is required to improve view of the local heritage place.	Glass fencing to a height of 1.6 metres is proposed to the southern and western boundaries of the proposed outdoor play spaces.
To further reduce potential noise impacts on the residents likely to be most affected by the proposal (24 Qualio and 37 Jupiter), incorporating of acoustic absorption material for all fencing along the northern boundary should be considered.	Fencing incorporating acoustic absorption material to the inner face of the northern boundary fence has been provided.

Information Requested	
Further information as to need for a child care centre of such size and intensity.	The applicant has provided a Demand Analysis Statement which provides information on the composition of child care spaces within the Hallett Cove locality.
Confirmation of the proposed colours and materials for all new additions is proposed.	Provided.
Please clarify the provision of glass blocks or windows along the northern property boundary	Plans amended to provide a setback to the northern boundary.
Information as to the proposed species, projected growing heights and location of plantings is required.	Provided.
Clarification on the colour and type of colorbond fencing required.	Provided.
Amended site plan nominating the location of mechanical plant equipment (i.e. air conditioners) is required.	Provided.
Updated planning report providing comment on the amendments made to the built form and hours of operation should be provided to ensure the most recent report reflects what is proposed.	Whilst an amended planning report has not been provided, an amended statement addressing the proposed changes has been provided.
Clarification of the following is required; <ul style="list-style-type: none"> • Likely time of use of outdoor play areas; • Total number of staff including directors; and • Likely time that staff will access the site. 	The applicant was unable to provide clarification on these matters as a final operator had not been determined.

SUBJECT LAND & LOCALITY

The subject land is situated over two allotments at 49-51 Vennachar Drive, Hallett Cove. 49 Vennachar Drive, the larger of the two allotments, is predominately square in shape and achieves a frontage width of 36 metres to Vennachar Drive, a secondary frontage of 37 metres to Jupiter Street, a depth of 40 metres and an overall allotment area of 1555 square metres. 51 Vennachar Drive, predominately rectangular in shape, incorporates a frontage of 18 metres to Vennchar Drive, a secondary frontage of 37 metres to Qualio Avenue, a depth of 40 metres and an overall allotment area of 835 square metres.

The existing dwelling was constructed in 1910 and is a large single storey masonry residence incorporating a hipped and gable roof form. Subsequent additions have been added since the initial construction. The dwelling is listed as a Local Heritage Place under Table Mar/3 – Local Heritage Places in the Marion Council Development Plan, with the dwelling registered on 27 August 1998 (discussed within the Heritage Places section of this report).

A freestanding garage to the east of the dwelling and a pool and freestanding outbuilding to the west of the dwelling are to be retained, whilst a freestanding carport and freestanding shed are to be demolished. Minor alterations to the eastern façade of the dwelling are also proposed to ensure the building achieves compliance with the Building Code of Australia. The southeast and southern portions of the site comprise an open lawned area, low lying garden beds and a 'U' shaped driveway with two crossovers along Vennachar Drive. The entire western portion of the site (predominately 51 Vennachar Drive) incorporates a 1.8 metre high colorbond fence that runs along both road frontages and internally from the front boundary to the dwelling and provides privacy to the dwelling's associated area of private open space.

A Regulated Aleppo Pine (*Pinus halepensis*) is located to the western side of the site adjacent the western boundary. In addition two additional Aleppo Pines - neither of which achieve the applicable criteria to be considered Regulated are located to the southwestern corner of the allotment.

The locality primarily consists of single storey detached dwellings on large allotments. Whilst several recently constructed dwellings are present within the wider locality, a majority of dwellings were constructed in the 1970's - 1980's and therefore incorporate architectural styles common to this era. Hallett Cove East Primary School is located to the west/southwest of the subject site. Aside from Hallett Cove East Primary school, no other non-residential uses are present within the immediate locality.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the following;

- Demolition of all existing outbuildings (verandahs and carports) and removal of existing in-ground pool.
- External alterations to the existing Local Heritage Place, including removal of existing roofed verandah, timber deck, side verandah and rear portion of the building.
- Removal of all vegetation throughout the site, including the removal of a Regulated Tree - Aleppo Pine.
- Change of land use from residential to pre-school (childcare centre) providing 92 spaces.
- Internal alterations and additions to the Local Heritage Place and construction of a new building which is integrated into the existing Local Heritage Place and incorporating the following;
 - Kindy room (20 spaces)

- Pre-kindy room (20 spaces)
- General amenities and storage space
- Reception / lobby
- Junior toddler room (16 spaces)
- Senior toddler room (16 spaces)
- 2 sleep rooms
- 2 Child change rooms
- 2 nurseries (20 places)
- Support rooms (bottle preparation, shared rooms)
- Staff room
- Kitchen
- Externally, three separately defined out door place spaces are proposed;
 - Kindy space to the east and south east in-between the building and eastern and southern boundaries.
 - Toddler space to the south of the building in between the building and carpark.
 - Nursery space to the west of the building in between the building and western boundary.
- Three (3) freestanding verandah/ shade canopies, one of which located within each place space.
- Car parking (23 spaces) to the front of the site with dual access to Vennachar Drive.
- Associated landscaping throughout the site.
- Combined retaining and acoustic fencing along the northern boundary exceeding 2.1 metres in height (maximum height 3.1 metres).
- General earthworks and associated retaining to accommodate the new built form and carpark.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:

22 properties were notified during the Category 3 public notification process.

Representations:

27 representations were received by Council.

- 20 representations were against the proposal
- 3 representations were primarily against the proposal
- 1 representation was neutral regarding the outcome

Persons wishing to be heard:

- Ms P Sridhar
- Mr A Fuller
- Mr & Ms G & S Saliba
- Mr & Ms M & C Norman
- Mr & Ms P & A King
- Ms K Thomas
- Mr R Puttergill
- Ms S Coker

Content of representations:

A summary of the representations has been attached to this report and forms *Attachment IV*.

A general summation of the issues raised within the representations is provided below;

- The general bulk/scale and setbacks of the proposed built form is inappropriate.
- The proposed use within the Residential Zone is inappropriate.
- Internal and external noise generated from the proposed site (children playing, mechanical noise, noise generated from internal activities) will adversely affect the amenity of adjacent residential properties.
- Hours of operation are inappropriate, particularly on weekends.
- The proposal will create the potential for overlooking from the proposed development to the adjacent residential allotments to the north of the site.
- The proposal will result in unacceptable traffic impacts on the local road network.
- A general lack of landscaping is proposed and will diminish the aesthetic quality and presentation of the dwelling.
- The existing heritage value of the Local Heritage Place will be diminished.
- The proposal will result in a loss of property value to adjacent properties.

Refer Attachment V

Applicant's response:

A response to the issues raised by the representors has been attached to this report and forms *Attachment V*.

Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Development Engineering:

Council's Development Engineer has reviewed the proposal and the accompanying traffic and access report. It has been advised, the provision of car parking, on-site manoeuvring and the increase in traffic movements is acceptable.

Coordinator Traffic & Parking:

Council's Coordinator Traffic & Parking has advised the roads adjacent to 49-51 Vennachar Drive should be able to absorb the predicted increase in traffic volume without causing significant delays to traffic.

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Southern Policy Area 18 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p> <p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> • Small scale non-residential uses that serve the local community, for example; <ul style="list-style-type: none"> ○ Child care facilities <p>4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:</p> <ul style="list-style-type: none"> (a) Primarily serves the needs of the local community (b) Is consistent with the character of the locality (c) Does not detrimentally impact on the amenity of nearby residents
Southern Policy Area 18
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>3 Development that reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p>
<p>Desired Character</p> <p>This policy area encompasses the generally established residential areas in the suburbs of Hallett Cove (east of the Adelaide-Seafood railway), Sheidow Park (north), and Trott Park. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1970s which incorporate generous front and rear setbacks.</p> <p>The desired character of the policy area is an attractive residential area comprising predominantly single-storey, low density dwellings exhibiting a variety of architectural styles. Future development of vacant land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity.</p> <p>New buildings will minimise alteration of the natural or existing landform. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.</p> <p>Buildings should not exceed two storeys in height and sloping sites should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.</p> <p>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Does Not Comply
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Partially Complies
PDC 3	<i>Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.</i>	Partially Complies

Assessment

The Objectives, Desired Character and Principle 1 of the Northern Policy Area anticipates residential development within the Policy Area and is silent regarding non-residential development. Whilst the proposed development does not align with the applicable Objectives, Desired Character and Principles of the Northern Policy Area 13, small-scale, non-residential uses that serve the local community, including childcare facilities are nonetheless an envisaged use within the Residential Zone.

Residential Zone Principle 4 identifies that non-residential development in the Zone should (a) “*primarily [serve] the needs of the local community*”, (b) “*is consistent with the character of the locality*” and (c) “*does not detrimentally impact on the amenity of nearby residents*”.

In determining the appropriateness of the proposed land use, both the physical attributes and the intensity of use should be considered when assessing whether the proposed use is considered to be of a small scale, consistent with the character of the locality and “not resulting in detrimental impacts on the amenity of nearby residents”.

Intensity of Use

The built form, in its size and footprint, represents medium scale development and whilst Objective 2 refers to residential development being designed and located to prevent adverse impacts from non-residential activities, conversely, any non-residential developments adjacent residential properties should operate in a manner, which will minimise nuisance factors upon neighbouring properties.

The proposed childcare centre seeks to provide 92 spaces for children, which is of a scale, and intensity that is considerably greater than other existing childcare centres within the Hallett Cove area.

The applicant has provided a ‘Demand Analysis Statement’ (see attachment III) which suggests there is a demand ratio of 6.85 for Hallett Cove, which means there is only 1 existing child care place for every 6.85 local children in the 0-4 age demographic, based on 103 existing places for 706 children aged 0-4 years of age. The statement further suggests the statistics illustrate there would be demand for an additional 250-350 places in the suburb (which would equate to another 3-4 centres of the size proposed to accommodate the demand).

The potential numerical demand for childcare centres/places within the wider Hallett Cove region is different to the proposed intensity and physical nature/scale of the proposed built form and its associated/potential amenity impacts – built form, traffic, noise etc. The Development Plan

considers the potential nature, scale and built form, rather than the potential numerical demand/shortfall in spaces. Whilst there may be a demand for childcare centres, the Residential Zone specifically envisions small-scale, non-residential development that is of a nature and scale (both built form and intensity of use) that is appropriate for the character of the locality, and does not detrimentally impact upon the amenity of nearby residents.

As further discussed within the Interface Between Land Uses chapter of this report, the proposed hours of operation are considered acceptable and the proposal will achieve the requirements of the EPP in relation to potential noise impacts generated from the carpark before 7am. The inclusion of acoustic fencing to the northern boundary fence and northern end of the eastern boundary fence, in addition to fencing surrounding the various play spaces will further minimise the potential transmission of noise and achieve the recommendations of the Guidelines for Community Noise published by the World Health Organisation (WHO) with regard to annoyance. It is predicted the average noise levels of children playing in outdoor areas to be less than 50dB(A) at all locations.

The proposed use is considered to provide safe and convenient vehicular access, in addition to appropriate on-site parking. Furthermore, the additional trips generated the proposed childcare centre have been reviewed by Council's engineering department who have determined that additional movements generated by the centre can be safely accommodated by the local road network.

In my opinion, a childcare centre that provides 92 spaces for children is not small in scale. This notwithstanding, it is considered to serve the needs of the local community and the use, as demonstrated throughout this report, is not considered to detrimentally impact on the amenity of nearby residents in terms of noise, traffic or hours of operation to the extent where refusal is warranted.

Furthermore, whilst the locality generally comprises low scale, single-storey residential dwellings, Hallett Cove East primary school occupies a substantial land holding in the west/ southwest of the locality. Having been in operation since 1991, Hallett Cove East Primary school makes a significant contribution to the quality of local amenity. With this in mind, it should be noted that residents in the vicinity of the school and proposed childcare centre experience a different quality of residential amenity than what can be expected in suburban areas that are exclusively residential.

In my opinion the proposal is finally balanced. Small scale non-residential uses (including childcare facilities) that serve the local community are envisioned, and whilst a 92 place centre is not, in my opinion, considered to be 'small scale', it is of appropriate scale that it is considered to serve the needs of the local community and does not detrimentally impact the amenity of nearby residents in terms of noise, traffic or hours of operation.

As such, the proposal is considered to achieve adequate compliance with Residential Zone Principles 1 and 4 in that it is unlikely to adversely affect or jeopardise the adjoining land uses to the extent where refusal is warranted.

Built form

In terms of built form, occupants of 24 Quailo Avenue and 37 Jupiter Street will experience the greatest impacts.

The application proposes a change in land use from residential to childcare, which includes additions to the existing building (Local Heritage Place). Whilst the existing building will be retained, significant additions are proposed primarily to the east and west of the building. The combined building footprint is approximately 736 square metres – 30.8% of the allotment, with the proposed additions totalling approximately 422 square metres. It is noted that overall site coverage for a residential dwelling should not exceed 35%.

The proposed built form achieves side setbacks of 11.6 metres from Quailo Avenue and 3 metres increasing to 4.9 metres Jupiter Street. A rear (northern) setback ranging from 1 metre to 1.25 metres for an approximate length of 45 metres is also proposed. The additions will achieve a floor to ceiling wall height of 2.4 metres and a maximum skillion roof profile height of 5.5 metres.

24 Quailo Avenue and 37 Jupiter Street abut the proposed northern boundary for a length of 30 metres per allotment. The extent of built form presenting to 24 Quailo Avenue is approximately 18.2 metres, whilst the extent of built form presenting to 27 Jupiter Street is approximately 26.83 metres.

The eastern building addition will be lower than the FFL of 37 Jupiter Street by approximately 680mm, whilst the western building addition will be approximately 770mm higher than the FFL of 24 Quailo Avenue. A retaining wall (retaining fill) is proposed along the boundary of 24 Quailo Avenue and will range in height from 500mm to 1.3metres, and combined with a 1.8 metre high fence, will in my opinion result in a significant alteration to the outlook and amenity currently experienced.

The length of apparent built form adjacent the existing dwelling is, in my opinion, comparable to length of a dwelling, all be it, the built form is located adjacent to the rear yards of each allotment rather than the front and middle, which would be anticipated with dwelling. This notwithstanding, given the site contains a Local Heritage Place, the construction of substantial built form (i.e. other than outbuildings) is a somewhat unanticipated form of development.

The existing dwelling at 37 Jupiter Street in the form of an upside down reverse 'L', with the garage located approximately 1 metre from the southern boundary (northern boundary of subject site). An enclosed verandah is located adjacent the dwelling and boundary, with a pool located to the south-western corner. This verandah has been enclosed on the boundary with clear polycarb sheeting.

The built form impacts upon 37 Jupiter Street, whilst altered will not be of a significant or adverse nature given the appropriateness of the boundary setbacks and the fact the land is sited higher, resulting in the proposed built form being subsequently lower. Additionally, the construction of a 1.8 metre high boundary fence will assist in reducing potential overlooking impacts raised in the representations.

The existing dwelling at 24 Quailo Avenue is in the form of a reverse 'L' with a majority of the dwelling achieving a 1 metre setback to the southern boundary (northern boundary of proposed site). Whilst a small undercover verandah has been provided to the rear of the dwelling, a majority of usable private open space is located to the northern side of the dwelling. The dwelling predominately incorporates bedroom windows along the southern façade.

In my opinion the proposed bulk and scale of the proposed built form is, on balance, acceptable given the 1 metre setback and general bulk presenting to 24 Quailo Avenue is akin to that of a dwelling. The proposed built form (which is set higher than the adjacent dwelling) and combined retaining and fence height will noticeably alter the outlook and amenity currently experienced by these occupants. The pleasant outlook currently experienced by occupants of south facing bedrooms (Bedrooms 2 and 3) will cease due to the raised height of the built form and proposed retaining and fencing along the boundary. Whilst no direct natural light will be lost as the bedroom windows face south, due to the height of the proposed retaining and fencing along the boundary, a significant reduction in general amenity light will occur.

In my opinion, a reduction in finished floor levels to better align with the adjacent residential dwelling and/or a further increases in setbacks to the northern boundary would assist in reducing the impacts likely to be experienced on the occupants of 24 Quailo Avenue. This notwithstanding, this element when considered in isolation would not be of such magnitude to warrant refusal.

The proposed merits of the built form is to be discussed in further detail within the Design & Appearance and Setbacks Chapters of this report.

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control (PDC): Assessment:

Community Facilities	
<p><i>Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.</i></p> <p><i>Community Facilities Objective 1</i></p>	<p>Complies</p> <p>The proposed use is located within 120 metres of a bus stop, which is serviced by busses frequenting Hallett Cove District Centre and Marion Regional Centre.</p> <p>The adjacent street network provides efficient opportunities for walking to and from the site within the surrounding locality.</p>
<p><i>Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.</i></p> <p><i>Community Facilities PDC: 1</i></p> <p><i>Community facilities should be integrated in their design to promote efficient land use.</i></p> <p><i>Community Facilities PDC: 2</i></p> <p><i>Design of community facilities should encourage flexible and adaptable use of open space and facilities to meet the needs of a range of users over time.</i></p> <p><i>Community Facilities PDC: 3</i></p>	<p>Complies</p> <p>The proposed multi-function building is easily accessible for pedestrians, cyclists and public transport (bus) users.</p> <p>Whilst the proposed additions have been designed for a specific purpose and cannot readily accommodate other uses, the building can be adaptable to other community type uses if/when required.</p>
Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Partially Complies (see comments below)</p>

<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Partially Complies</p> <p>Given that the building is single-storey with no elevated decks, there should be negligible impacts to the adjacent residential properties to the north with respect to overlooking.</p> <p>As discussed within the report, whilst no direct overshadowing will occur, the dwelling at 24 Quailo Avenue will experience a loss of amenity light due to the proposed combined fence and retaining wall height on the northern boundary.</p>
<p><i>Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 5</i></p>	<p>Complies</p> <p>The proposed childcare centre (pre-school) is a sensitive land use, but is unlikely to conflict with existing developments in the locality which are predominantly residential.</p>
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies</p>
<p>Noise Generating Activities</p> <p><i>Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 7</i></p>	<p>Complies</p>

Noise

It is acknowledged that the proposed use would generate noise, beyond what can be expected from a residential use, most likely from children playing and talking in the open space area, and associated noises of people accessing vehicles.

The proposed development generally accords with Principle 1(g) in that hours of operation have been limited to 6:30am to 6:30pm, Monday to Friday. Originally, the proposal sought to operate on Saturdays, however upon acknowledging the concerns raised by representors during the public notification period in relation to potential noise disruptions, the proposed hours of operation have been reduced to Monday to Friday only.

An Environmental Noise Assessment from Sonus (acoustic engineers) has been provided by the applicant to determine what noise impacts, if any, will arise from the proposed use and to provide suitable noise mitigation measures.

It is not unusual for childcare centres to be located in proximity to, or adjacent residential properties. The noises emitted from these facilities, namely children playing, are generally not so offensive that they severely impact upon the amenity of surrounding residents. The proposed hours extend marginally beyond normal business hours on weekdays, with the childcare centre being closed on

weekends. The times and days the childcare centre will not be operating largely align with the days and times that people tend to be at home (i.e. early mornings, evenings and weekends).

The acoustic expert engaged by the applicant has recommended that the external play areas be used after 7am only. This notwithstanding, it is highly likely the proposed play spaces will be used intermittently throughout the day, rather than continuously.

Noise from a school, kindergarten, childcare centre or places of worship are excluded from the Environment Protection (Noise) Policy. In the document *'Guidelines for the Use of the Environment Protection (Noise) Policy 2007'*, it states that *"Child-care centres, schools, kindergartens, places of worships and playgrounds are often located immediately adjacent to residences, and their impacts are rarely of concern, even though the sound levels can often easily exceed environmental noise criteria such as those contained in the general provisions of the Noise Policy."* This notwithstanding, the Environmental Noise Assessment prepared by Sonus has compared the predicated noise levels from children playing against the recommendations of the Guidelines for Community Noise published by the World Health organisation (WHO) with regard to annoyance during the day (7am to 10pm). Based on WHO guidelines it is proposed that the average LAeq sound levels during daytime hours from children playing at the centre be no greater than 50 dB(A) at the surrounding noise sensitive locations (considered to be the residential dwellings immediately to the north of the subject site and on the opposite side of Vennachar Drive and Jupiter Street.

In order to achieve the guidelines outlined by the WHO it is recommended fencing, sealed air tight to all junctions, and to particular heights (specified within the Sonus report) be constructed along the northern, and western boundaries and the internal boundaries of the south-eastern and southern play spaces. Additionally, the northern fence and eastern façade aligning with the built form will incorporate acoustic absorption material to the inner face of the fence to further minimise the transmission of noise.

Through the incorporation of these measures, it is predicted the average noise levels of children playing in outdoor areas to be less than 50dB(A) at all locations.

Additionally, Sonus has concluded the proposal will achieve the requirements of the EPP in relation to potential noise impacts generated from the carpark before 7am.

Given the above, provided the proposed development is under taken in accordance with the recommendations outlined within Sonus Noise Assessment, the proposal is considered to adequately comply with the applicable Interface Between Land Uses Principles of Development Control.

The Environment Protection (Noise) Policy 2007 (EPP) restricts the hours of rubbish collection from the site to 7am to 7pm Monday to Saturday and 9am to 7pm Sunday. As such, if the Panel are supportive of the application, it is recommended that a condition be attached to the applications consent ensuring proposed waste pick up hours are reflective of those allowed by the EPP.

Traffic

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site. The additional traffic generated by the proposed development is considered to be low, and is not expected to compromise the safety or function of the surrounding road network. The applicant's traffic engineer and Council's Development Engineer and Traffic & Parking Coordinator are satisfied that the site provides safe and convenient access, and advised the roads adjacent to the 49 Vennachar Drive can absorb the predicted increase in traffic volume without causing significant delays to traffic.

The appropriateness of on-site parking and potential access and traffic impacts have been further discussed within the Transportation and Access chapter of this report.

Other

The proposed development and use of the building as a childcare centre is not considered to create issues of smoke, dust or electrical interference. Additionally, whilst the building would generate waste greater than a residential dwelling, it is not anticipated that it would be kept in a manner which would cause insanitary conditions or undesirable odours and a condition to this effect would be recommended on the Planning Consent.

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <ul style="list-style-type: none"> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Partially Complies (see comments below)</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed additions will incorporate a colorbond custom orb 'shale grey' (light grey) roof whilst walls will consist of white rendered walls and FC cladding and woodland grey scyon wall cladding. Use of these materials is considered to reduce glare impacts.</p>
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Complies</p> <p>n/a – Plant equipment will be located adjacent the eastern and western building facades.</p>

<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to living rooms 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 3 pm on the 21 June</i> <i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level private open space</i> <i>(ii) 35 square metres of the existing ground level private open space</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>Given the proposed additions are located to the south of adjacent residential properties, not direct overshadowing of habitable room windows or private open space will occur.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p>	<p>Complies</p> <p>The primary street frontage incorporates the main entry point and presents to Vennachar Drive.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>The existing and proposes building's relationship with the site's landscaping and paving achieves a relatively coordinated appearance.</p>
<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	<p>Complies</p> <p>The eastern, southern and western facades incorporated sufficient glazing, whilst the northern façade incorporate high level windows which will assist in providing visual interest and detail to the façade.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The proposed front entry point is clearly visible within the locality and is provided with direct access from Vennachar Drive and vehicle parking areas.</p>

<p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 21</i></p>	<p>Partially Complies</p> <p>A nominated waste refuse area has been provided to the south-western corner of the allotment. The refuse area will be screened to assist in maintaining visual amenity of the locality and is located away from adjacent residential properties. The applicant has confirmed the location was recommended by GTA (applicant Traffic consultant) as to achieve compliant, safe and convenient vehicle movements as per AS 2890.1</p> <p>Although generally complying with Principle 21, the location of the waste refuse area to the south-western corner of the allotment, in-between the footpath and proposed carpark, is not ideal and, in my opinion, will reduce visual streetscape presentation and partially limited view of the Local Heritage Place.</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The proposed additions are located behind front façade of the existing dwelling.</p>

The application proposes the modification and retention of the existing Local Heritage Place (dwelling) and the construction of building, which is to be joined to the existing building, and comprising two 'wings' sited adjacent the to the east and west of the retained dwelling. The built form in its entirety incorporates the following;

- Kindy room (20 spaces)
- Pre-kindy room (20 spaces)
- General amenities and storage space
- Reception / lobby
- Junior toddler room (16 spaces)
- Senior toddler room (16 spaces)
- 2 sleep rooms
- 2 Child changeroom
- 2 nurseries (20 places)
- Support rooms (bottle preparation, shared rooms)
- Staff room
- Kitchen

The proposed works to the existing Local Heritage Place will include removal of the existing western veranda and timber deck, eastern verandah and subsequent additions to the side and rear of the building (not part of the heritage listing).

Design & Appearance

The proposed additions are considered to be of modern, contemporary design and incorporate extensive glazing to the facades, whilst utilising white rendered walls and FC cladding and Woodland Grey Scyon wall cladding to provide visual interest and improve presentation to the street.

Skillion roof forms have been incorporated to each addition with the proposed roof peaks facing the existing building. This, in my opinion, assists in drawing the eye to the centre of the overall built form, thereby highlighting the old and new. Given the existing Local Heritage Place is to be retained,

the overall design and use of materials is considered to provide acceptable difference and will emphasise both the existing and newly constructed built form.

Overall, the proposed building additions maintain a contemporary design which is considered compatible with the desired character of the locality and reasonably juxtaposes with the architectural style and scale of the Local Heritage Place.

Setbacks

The Residential Zone provides no guidance so to the setbacks required for non-residential uses.

The built form is proposed to achieve a setback of 11.6 metres from Quailo Avenue, 3 metres increasing to 4.9 metres from Jupiter Avenue and 1 metre increasing to 1.25 metres from the rear (northern) boundary for an approximate length of 45 metres. Generally the additions will achieve a proposed floor to ceiling wall height of 2.4 metres and a maximum skillion roof peak height of 5.5 metres. The combined building footprint is approximately 736 square metres – 30.8% of the site, with the proposed additions totalling approximately 422 square metres. It is noted that overall site coverage for a residential dwelling within the Southern Policy Area 18 should not exceed 35%.

Side Setbacks

The eastern façade of the additions (side façade of the built form) achieves a minimum setback of 3 metres, increasing to 4.9 metres. The proposed setback of 3 metres will result in the built form being located well forward of the adjacent dwelling to the north (37 Jupiter Street). When considering the potential built form impacts it's worthy to consider what currently exists which is freestanding garage and outbuilding currently achieve setbacks to the eastern boundary of between 3.5 to 4 metres. The garage door and outbuilding wall provide no streetscape appearance

Furthermore, given the sloping nature of the topography, the proposed additions will be 'set down' and achieve a finished floor level 680mm below the Jupiter Street kerb level. The setting down of the additions will assist in reducing the overall profile and visual of the built form. Its also worthy to note a 2.1 metre high colorbond fence is proposed to run the length of the western boundary and, whilst significantly reducing the existing open nature of the site, it will further disrupt the built form.

In my opinion the proposed built form will result in similar bulk and scale impacts to what currently exists, all be it, the proposed additions are more substantial in length, height and material. The proposed side setbacks will not result in reasonable visual impacts, nor create overshadowing onto the adjacent dwellings to the north. Furthermore, limited or lesser secondary setbacks are anticipated element of development.

The western façade of the additions (side façade of the built form) will be located well behind the main façade and the transition and setback afforded will assist in maintaining a similar streetscape presentation to what currently exists. This notwithstanding, given the proposed development will result in the removal of the boundary fence to the south-western boundary and replaced with an open carpark, the built form will achieve a greater presence.

The proposed side (secondary street) additions are considered to be consist with other secondary street setbacks within the locality and contribute positively to the appearance and desired character of the locality.

Rear Setbacks

As discussed within the Zone and Policy Area Chapter of this report, the additions propose a rear (northern) setback ranging from 1 metre to 1.25 metres for an approximate length of 45 metres.

The applicant originally sought to construct two walls along the northern boundary, but has since amended the proposal.

24 Quailo Avenue and 37 Jupiter Street abut the proposed northern boundary for a length of 30 metres per allotment, with the extent of built form presenting to 24 Quailo Avenue approximately 18.2 metres, 27 Jupiter Street approximately 26.83 metres. The eastern building addition will be lower than the FFL of 37 Jupiter Street by approximately 680mm, whilst the western building addition will be approximately 770mm higher than the FFL of 24 Quailo Avenue. A retaining wall (retaining fill) is proposed along the boundary of 24 Quailo Avenue and will range in height from 500mm to 1.3 metres, and combined with a 1.8 metre high fence, will in my opinion result in a significant alteration to the outlook and amenity currently experienced.

The length of apparent built form adjacent the existing dwelling is, in my opinion, comparable to length of a dwelling, all be it, the built form is located adjacent to the rear yards of each allotment rather than the forward half of the allotment, which would be anticipated with a dwelling. This notwithstanding, given the site contains a Local Heritage Place the construction of substantial built form (i.e. other than outbuildings) close to the boundary is a somewhat unanticipated form of development.

The existing dwelling at 37 Jupiter Street in the form of an upside down reverse 'L', with the garage located approximately 1 metre from the southern boundary (northern boundary of subject site) before increasing to provide an undercover and partially enclosed area of private open space. The verandah has been enclosed on the boundary with clear Polycarb sheeting. The built form impacts on 37 Jupiter Street whilst altered, will not be of a significant or adverse nature given the appropriateness of the boundary setbacks and the fact the land is sited higher resulting in the proposed built form being subsequently lower. Additionally, the construction of a 1.8 metre high boundary fence will assist in reducing potential overlooking impacts raised in the representations.

The existing dwelling at 24 Quailo Avenue is in the form of a reverse 'L' with a majority of the dwelling achieving a 1 metre setback to the southern boundary (northern boundary of proposed site). Whilst a small undercover verandah has been provided to the rear of the dwelling, a majority of usable private open space is located to the northern side of the dwelling. The dwelling predominately incorporates bedroom windows along the southern façade.

The proposed built form (which is set higher than the adjacent dwelling) and combined retaining and fence height will noticeably alter the outlook and amenity currently experienced by occupants these occupants. The pleasant outlook currently experienced by occupants of south facing bedrooms (Bedrooms 2 and 3) will cease due to the raised height of the built form and proposed retaining and fencing along the boundary. Whilst no direct natural light will be lost as the bedroom windows face south, due to the height of the proposed retaining and fencing along the boundary, a significant reduction in general amenity light will occur.

In my opinion the proposed bulk and scale of the proposed built form is, on balance, tolerable given the 1 metre setback and general bulk presenting to 24 Quailo Avenue is akin to that of a dwelling. This notwithstanding, a reduction in finished floor levels to better align with the adjacent residential dwelling and/or a further increase in setbacks to the northern boundary would assist in reducing the impacts likely to be experienced on the occupants of 24 Quailo Avenue.

Heritage Places	
Objectives <i>1 The conservation of State and local heritage places.</i>	Complies The existing dwelling will be retained.

<p>2 The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance.</p>	<p>Complies</p> <p>The existing dwelling will be retained and used as part of the child care centre. External elements proposed for removal do not form part of the Local Heritage Place listing and therefore the proposed works to the building are considered appropriate.</p>
<p>3 Conservation of the setting of State and local heritage places.</p>	<p>Complies</p>
<p>As part of the assessment process Council sought independent heritage advice from Flightpath Architects. Flightpath Architects are of the opinion the demolition does not adversely affect the setting or the context of the Local Heritage Place (LHP), in consideration of the quality of the replacement structures. The landscape setting of the LHP will however be diminished though the introduction of extensive and under landscaped car parking areas. The applicant has subsequently increased the provision of landscaping to the car parking areas to assist in softening the extensive sealed areas.</p> <p>The advice suggests that whilst the setting would be altered, overall views to the LHP will be retained and slightly enhanced with viewing opportunities increased. The principle elevation will remain clearly legible and retain the existing main doors and windows to each side. Furthermore, the new entrance way will be setback from the front wall and integrated with the design of the verandah and eastern addition.</p> <p>Given the above, the proposal is considered to adequately satisfy Objective 3.</p>	
<p>Principles of Development Control</p> <p><i>A heritage place spatially located on Overlay Maps - Heritage and more specifically identified in Table Mar/4 - State Heritage Places or in Table Mar/3 - Local Heritage Places should not be demolished, destroyed or removed, in total or in part, unless either of the following apply:</i></p> <p><i>(a) that portion of the place to be demolished, destroyed or removed is excluded from the extent of the places identified in the Table(s)</i></p> <p><i>(b) the structural condition of the place represents an unacceptable risk to public or private safety.</i></p> <p><i>Heritage Places: PDC 1</i></p>	<p>Complies</p> <p>The elements proposed to be removed and/or altered are excluded from the extent of places identified in the Local Heritage Place Table.</p>
<p><i>Development of a State or local heritage place should retain those elements contributing to its heritage value, which may include (but not be limited to):</i></p> <p><i>(a) principal elevations</i></p> <p><i>(b) important vistas and views to and from the place</i></p> <p><i>(c) setting and setbacks</i></p> <p><i>(d) building materials</i></p> <p><i>(e) outbuildings and walls</i></p> <p><i>(f) trees and other landscaping elements</i></p> <p><i>(g) access conditions (driveway form/width/material)</i></p> <p><i>(h) architectural treatments</i></p> <p><i>(i) the use of the place.</i></p> <p><i>Heritage Places: PDC 2</i></p>	<p>Partially Complies</p> <p>No alteration to the existing front façade that contributes to its heritage value will occur. Whilst the existing garden/landscaped area and horseshoe driveway will be removed, these elements do not form part of the heritage listing.</p> <p>The removal of the existing garden and horseshoe driveway will however, in my opinion, diminish the setting and views to the place.</p> <p>Whilst views of the LHP from the southeast along Vennachar Drive will be limited by the 2.1 metre high colorbond fence, views from the south, southwest and west will be retained and enhanced, compared to what is currently experienced.</p>

<p><i>Development of a State or local heritage place should be compatible with the heritage value of the place.</i></p> <p><i>Heritage Places: PDC 3</i></p>	<p>Complies</p>
<p><i>Original unpainted plaster, brickwork, stonework, or other masonry of existing State or local heritage places should be preserved, unpainted.</i></p> <p><i>Heritage Places: PDC 4</i></p>	<p>Complies</p>
<p><i>New buildings should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.</i></p> <p><i>Heritage Places: PDC 5</i></p>	<p>Complies</p> <p>The proposed additions will be located behind the existing façade of the Local Heritage Place.</p>
<p><i>Development that materially affects the context within which the heritage place is situated should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to:</i></p> <ul style="list-style-type: none"> <i>(a) scale and bulk</i> <i>(b) width of frontage</i> <i>(c) boundary setback patterns</i> <i>(d) proportion and composition of design elements such as rooflines, openings, fencing and landscaping</i> <i>(e) colour and texture of external materials.</i> <p><i>Heritage Places: PDC 6</i></p>	<p>Complies</p> <p>The new additions are contemporary in design. The skillion roof form reflects the traditional roof of the local heritage place and the material palette is considered to reference a heritage palette. Generally, the additions provide a high level of visual interest, innovative composition of elements and proportions and heights that are complementary to the retained Local Heritage Place.</p> <p>Flightpath Architects are of the opinion the design techniques adopted follow accepted practice in adding contemporary additions to heritage places; primarily to create complementary forms that retain the legibility of the heritage place.</p> <p>In this regard the neutral tones proposed appropriately juxtapose with the existing Local Heritage Place and allow it to be a visual focal point of the site.</p>

The altered dwelling and its setting will continue to demonstrate satisfaction of Criteria (a) and (e) under Section 23(4) of the Development Act and therefore the identified Heritage Values will not be diminished by the development proposed. The Local Heritage Place will continue to demonstrate the link between its rural past and its developing suburban context.

Given the above, the proposal is considered to adequately comply with the applicable Heritage Places Objectives and Principles of Development Control.

Transportation and Access

<p><i>Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.</i></p> <p><i>General Section: Transportation and Access: PDC 1</i></p> <p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p><i>General Section: Transportation and Access: PDC 2</i></p>	<p>Complies</p> <p>The proposed childcare centre is located within 120 of a bus stop on Quailo Avenue which provides connections to Hallett Cove District Centre and Marion Regional Centre.</p>
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<p><i>Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p><i>General Section: Transportation and Access: PDC 5</i></p>	<p>Complies</p> <p>The applicant's traffic engineer and Council's Development Engineer and Traffic & Parking Coordinator are satisfied that the site provides safe and convenient access for all anticipated modes of transport.</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p>
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>General Section: Transportation and Access: PDC 9</i></p>	<p>Complies</p> <p>Adequate sight lines are maintained.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p>Complies</p> <p>The distance between crossovers is considered acceptable. On-street parking is permitted on Vennachar Drive adjacent to the subject land, except between 3 and 4 pm Whilst unrestricted on-street parking is permitted on Jupiter Street.</p>
<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p><i>General Section: Transportation and Access: PDC 12</i></p>	<p>Complies</p> <p>While some increased traffic through local roads is anticipated, the proposed childcare centre should not generate frequent commercial and industrial vehicle movements.</p> <p>The applicant's independent traffic consultant (GTA) has advised the additional traffic generated by the proposed development is considered to be of a low scale and could not be expected to compromise the safety or function of the surrounding road network.</p> <p>Furthermore, Council's Traffic & Parking Coordinator has advised the roads adjacent the subject site should be able to absorb the predicted increase in traffic volume without causing significant delays to traffic.</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p>	<p>Does Not Comply</p> <p>Although separation between passenger and commercial vehicle movements is not achieved, it is considered unnecessary due to the relative infrequency of anticipated commercial vehicle access to the site.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies</p> <p>The proposed car park will cater for the loading/unloading and turning of all traffic likely to be generated.</p>

<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <ul style="list-style-type: none"> <i>(a) showers, changing facilities and secure lockers</i> <i>(b) signage indicating the location of bicycle facilities.</i> <p><i>General Section: Transportation and Access: PDC 19</i></p> <p><i>On-site secure bicycle parking facilities should be:</i></p> <ul style="list-style-type: none"> <i>(a) located in a prominent place</i> <i>(b) located at ground floor level</i> <i>(c) located undercover</i> <i>(d) located where surveillance is possible</i> <i>(e) well lit and well signed</i> <i>(f) close to well used entrances</i> <i>(g) accessible by cycling along a safe, well lit route.</i> <p><i>General Section: Transportation and Access: PDC 20</i></p> <p><i>Pedestrian and cycling facilities and networks should be designed and provided in accordance with relevant provisions of the Australian Standards and Austroads Guides.</i></p> <p><i>General Section: Transportation and Access: PDC 21</i></p>	<p>Does Not Comply</p> <p>The location of bicycle racks has not been nominated.</p> <p>Should the Panel be supportive of the application it is suggested a condition be attached to the consent requesting the provision of on-site bicycle racks.</p>
<p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Complies</p> <p>Direct access to Vennachar Drive is provided via two crossovers.</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i> <i>(b) provides appropriate separation distances from existing roads or level crossings</i> <i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i> <i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Complies</p> <p>An increase in traffic through local roads is anticipated.</p> <p>The applicant's independent traffic consultant (GTA) has advised the additional traffic generated by the proposed development is considered to be low and could not be expected to compromise the safety or function of the surrounding road network.</p> <p>Furthermore, Council's Traffic & Parking Coordinator has advised the roads adjacent to the subject site should be able to absorb the predicted increase in traffic volume without causing significant delays to traffic.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <ul style="list-style-type: none"> <i>(a) follow the natural contours of the land</i> <i>(b) minimise excavation and/or fill</i> <i>(c) minimise the potential for erosion from surface runoff</i> <i>(d) avoid the removal of existing vegetation</i> <i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p>Partially Complies</p> <p>The proposed carpark will incorporate a 600mm fall from the built form to the road, but will result in retaining walls (retaining cut) adjacent the carpark and open space areas. These retaining walls are considered appropriate and assist in defining the vehicle and outdoor door play space areas.</p>

<p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p>	<p>Complies</p> <p>The carpark area is limited to maximise areas for landscaping.</p>
<p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p> <p><i>Where appropriate and practical, development should provide for safe and convenient access to the coast and beaches for disabled persons.</i></p> <p><i>General Section: Transportation and Access: PDC 33</i></p>	<p>Complies</p> <p>A dedicated accessible car park is provided in accordance with Australian Standards.</p>
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Complies</p> <p>Twenty-three (23) on site car parking spaces are provided, which achieves the relevant rate for a childcare centre (being 1 space per 4 children).</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Generally Complies</p> <ul style="list-style-type: none"> (a) A connection from the carpark to the Vennachar Drive footpath is proposed. (b) Whilst bicycle racks have not been proposed, appropriate pedestrian access has been provided. (c) The car park design enables safe and convenient traffic circulation. (d) Service vehicles will include refuse collection via a small rigid vehicle (SRV). The car park access points have been designed to allow SRV movements to enter and exit the site to/from Vennachar Drive in a forward direction. Such movements would be undertaken outside of peak set-down/pickup periods. (e) Complies (f) The number of access points onto Vennachar Drive has been minimised. (g) Vehicles will not have a need to reverse onto Vennachar Drive. (h) Shared parking is not proposed, however it is considered preferable for the proposed childcare centre to maintain its own carpark with direct access to the building's entrance due to the high number of small children requiring escort from the carpark to the building's entrance. (i) The car parking area, although located forward of the building, is not considered to dominate the character and appearance of the site due to the provision of appropriate landscaping. (j) A range of plantings is proposed to be provided adjacent the southern and western sides of the carpark. (k) N/A

<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Does Not Comply No car parking lighting details have been provided.</p> <p>Should the Panel be supportive of the application, and consider car park lighting necessary, a condition could be attached to the consent requesting the provision of bollard lighting or similar to the parking areas.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p>Complies</p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Complies Landscaping is provided surrounding the car park area.</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Complies</p>
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i> <p><i>General Section: Transportation and Access: PDC 42</i></p>	<p>Complies</p>
Waste	
<p><i>Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:</i></p> <ul style="list-style-type: none"> <i>(a) avoiding the production of waste</i> <i>(b) minimising waste production</i> <i>(c) reusing waste</i> <i>(d) recycling waste</i> <i>(e) recovering part of the waste for re-use</i> <i>(f) treating waste to reduce the potentially degrading impacts</i> <i>(g) disposing of waste in an environmentally sound manner.</i> <p><i>General Section: Waste: PDC 1</i></p>	<p>Complies</p>
<p><i>Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.</i></p> <p><i>General Section: Waste: PDC 6</i></p>	<p>Complies The nominated waste refuse area is of an appropriate size to accommodate a range of general waste and recycle receptacles</p>

<p><i>Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:</i></p> <p><i>(a) screened and separated from adjoining areas</i> <i>(b) located to avoid impacting on adjoining sensitive environments or land uses</i> <i>(c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system</i> <i>(d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water</i> <i>(e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours</i> <i>(f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.</i></p> <p><i>General Section: Waste: PDC 7</i></p>	<p>Partially Complies</p> <p>A nominated waste refuse area has been provided and is located away from adjacent residential properties. The refuse area will be screened to assist in maintaining visual amenity of the locality. This notwithstanding, the location of the waste refuse area to the south-western corner of the allotment, in-between the footpath and proposed carpark, is not ideal and in my opinion, will reduce visual streetscape presentation and partially limited view of the Local Heritage Place.</p> <p>The applicant has confirmed the location was recommended by GTA (applicant Traffic consultant) as to achieve compliant, safe and convenient vehicle movements as per AS 2890.1</p>
Crime Prevention	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies</p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p>Complies</p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p>Complies</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Does Not Comply</p> <p>No carpark lighting has been provided.</p>
<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <p><i>(a) screen planting areas susceptible to vandalism</i> <i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i> <i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i></p> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p>Complies</p>
<p><i>Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.</i></p> <p><i>General Section: Crime Prevention: PDC 7</i></p>	<p>Complies</p>

<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>General Section: Crime Prevention: PDC 10</i></p>	<p>Complies</p> <p>The site is relatively open in nature and does not provide opportunities for pedestrian entrapment spots.</p>
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The existing building and proposed additions maximise surveillance of the site through incorporation of extensive glazing to a majority of the southern façade. Additionally, a majority facing located forward of the building line consists of clear glass, which will assist in ensuring appropriate sightlines, are maintained. Boundary landscaping assists in differentiating between the site boundaries and the public footpath.

Increased activity during the daylight hours will limit opportunities for anti-social behaviour and the measures taken are considered sufficient and will ensure the proposed land use provides an overall appropriate level of safety and amenity to the users and reasonably accords with Principles 1 and 2.

A 2.1 metre high grey Colorbond fence is proposed for the length the eastern boundary, and whilst the colour will assist in minimising potential graffiti, the length and height may promote the opportunity to be subject to graffiti or vandalism. The applicant has not confirmed if the material will incorporate anti-graffiti materials.

Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The multi-function building incorporates sufficient roof area in which photovoltaic cells could be sited.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p>	<p>Partially Complies</p> <p>The applicant has provided a comprehensive landscape schedule.</p> <p>The proposal features landscaping beds along the site frontage to Vennachar Drive and Quailo Avenue and side boundaries within the carpark. In addition, the outdoor play areas will be surrounded by boundary landscaping comprising shrubs and trees.</p> <p>The landscaped area along the road frontage maintains a</p>

<p>(f) provide shade and shelter (g) assist in climate control within buildings (h) maintain privacy (i) maximise stormwater re-use (j) complement existing native vegetation (k) contribute to the viability of ecosystems and species (l) promote water and biodiversity conservation.</p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p> <p>Landscaping should: (a) include the planting of locally indigenous species where appropriate (b) be oriented towards the street frontage (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</p> <p>General Section: Landscaping, Fences & Walls: PDC 2</p> <p>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</p> <p>General Section: Landscaping, Fences & Walls: PDC 3</p> <p>Landscaping should not: (a) unreasonably restrict solar access to adjoining development (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding (c) introduce pest plants (d) increase the risk of bushfire (e) remove opportunities for passive surveillance (f) increase autumnal leave fall in waterways (g) increase the risk of weed invasion.</p> <p>General Section: Landscaping, Fences & Walls: PDC 4</p>	<p>width of 1 metre. Although less than recommended, it is considered sufficient to accommodate the proposed plantings and assist in improving streetscape presentation.</p> <p>On balance, the distribution and selection of landscaping is considered sufficient to complement the built form, improve the visual amenity of the car park and provide screening to the adjacent dwellings and school.</p>
<p>Fences and walls, including retaining walls, should: (a) not result in damage to neighbouring trees (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street (e) assist in highlighting building entrances (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land (h) be constructed of non-flammable materials.</p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Partially Complies</p> <p>The following fencing, both along site boundaries and internally, is proposed;</p> <ul style="list-style-type: none"> • 1.8 metre high good neighbour colorbond fence, paperbark in colour, along the northern boundary. This fence incorporates acoustic absorption to assist in mitigation potential noise impacts generated from the proposed use. • A 2.1 metre high good neighbour colorbond fence, paperbark in colour, along the eastern boundary is proposed, with a portion to the northeastern corner incorporating acoustic absorption to the inside of the fence. • 1.8 metre high glass fence along the southern property boundary and western outdoor play space boundary. • 1.6 metre high glass fence along the southern and western boundaries of the play space located adjacent the building and carpark. • 1.8 metre high pool fence along the southern boundary of the western play space and 1.8 metre high colorbond fencing along the western property boundary. <p>The majority of the building's front façade remains open to the street frontage or, where fencing is provided, incorporates clear glass to maximise street presence and surveillance.</p>

	<p>The provision of fencing along the eastern and western property boundary is considered acceptable and is an element consistent throughout the residential locality.</p> <p>The maximum combined retaining and fence height of 3.1 metres on the northern boundary adjacent 24 Quailo Avenue will affect the amenity and outlook currently experienced by the occupants. This element, in my opinion, fails to meet Principle 5.</p> <p>On balance, with the exception of the combined retaining wall and fence height along the northern boundary adjacent 24 Quailo Avenue, the proposed fencing is considered to satisfy PDC 5.</p>
Regulated Trees	
<p><i>The conservation of regulated trees that provide important aesthetic and/or environmental benefit.</i></p> <p><i>Regulated Trees: Objective 1</i></p> <p><i>Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</i></p> <ul style="list-style-type: none"> <i>(a) significantly contributes to the character or visual amenity of the locality</i> <i>(b) indigenous to the locality</i> <i>(c) a rare or endangered species</i> <i>(d) an important habitat for native fauna.</i> <p><i>Regulated Trees: Objective 2</i></p>	<p>Complies (see comments below)</p>
<p><i>Development should have minimum adverse effects on regulated trees.</i></p> <p><i>Regulated Trees: PDC 1</i></p> <p><i>A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</i></p> <ul style="list-style-type: none"> <i>(a) the tree is diseased and its life expectancy is short</i> <i>(b) the tree represents a material risk to public or private safety</i> <i>(c) the tree is causing damage to a building</i> <i>(d) development that is reasonable and expected would not otherwise be possible</i> <i>(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.</i> <p><i>Regulated Trees: PDC 2</i></p> <p><i>Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.</i></p> <p><i>Regulated Trees: PDC 3</i></p>	<p>Complies (see comments below)</p>

The removal of a Regulated Aleppo Pine (*Pinus halepensis*) located to the western side of the site adjacent the western boundary is proposed. Although adjacent Quailo Avenue, the tree forms one of several, and due to the trees' minimal aesthetic appearance and grouping with other vegetation, it is not easily identifiable within the immediate locality as a Regulated Tree.

In Council's opinion, the tree is not considered to significantly contribute to the character or visual amenity of the locality. The tree is deemed to represent limited value, and does not comply with the provisions that would justify its retention. As such, removal of the Regulated Tree is considered acceptable.

Additionally, it should be noted an Aleppo Pine (*Pinus halepensis*), other than where it has been maintained for amenity or commercial reasons, is a tree belonging to a class of plants the Minister has declared Pursuant to Chapter 8 Part 1 of the *Natural Resources Management Act 2004* as a weed species. Whilst in this situation the tree has been maintained for amenity reasons, this further emphasises, in my opinion, the tree is a species which is not particularly worthy of retention.

Sloping Land	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) minimises the extent of cut and/or fill</i> <i>(d) minimises the need for, and the height of, retaining walls</i> <i>(e) does not cause or contribute to instability of any embankment or cutting</i> <i>(f) avoids the silting of watercourses</i> <i>(g) protects development and its surrounds from erosion caused by water runoff.</i> <p><i>General Section: Sloping Land: PDC 2</i></p>	Partially Complies
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i> <i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i> <i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i> <i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i> <p><i>General Section: Sloping Land: PDC 7</i></p>	Partially Complies
<p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <i>(a) not exceed 1.5 metres in height</i> <i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i> <i>(c) be constructed to a high standard from high amenity materials</i> <i>(d) be landscaped to enhance their appearance.</i> <p><i>General Section: Sloping Land: PDC 8</i></p>	Partially Complies

Due to the sloping nature of the site retaining is required to accommodate both cut and fill. The site achieves a downward slope from the north-east to the south-west and as a result the finished floor

levels of the built form, and in some cases surrounding ground levels, will be higher or lower than the adjacent dwellings to the north.

General retaining is proposed throughout the site and assists in delineating the car park from the outdoor play areas. The extent and location of these retaining walls is considered appropriate.

A retaining wall (retaining cut) is proposed to the eastern side of the northern boundary, whilst a retaining wall achieving a maximum height of 1.3 metres is proposed to the western side of the northern boundary, adjacent the side path/façade of the adjacent dwelling at 24 Quailo Avenue. As discussed previously within this report, whilst the provision of a 1.3 metre high retaining wall along the northern boundary would, in isolation, be an appropriate form of development, given the combined fence and retaining wall achieves a maximum height of 3.1 metres it is considered to considerably alter the amenity and outlook currently experienced by occupants of the site. In this regard, the proposal fails to comply with Principles 2(b).

No detail has been provided on the proposed retaining wall materials, and should the Panel be supportive of the application, it is suggested a condition could be attached to the consent requiring the provision of colour and material intended for all retaining walls throughout the subject site.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the general bulk/scale and setbacks of the proposed built form, the inappropriateness of the proposed use within a Residential Zone, the potential for internal and external noise generated from the proposed site (children playing, mechanical noise, noise generated from internal activities), hours of operation, potential for overlooking from the proposed development to the adjacent residential allotments to the north of the site, the potential traffic impacts created from the proposed use, the lack of landscaping and the impact on the heritage value of the existing Local Heritage Place have been addressed in the body of the report, and I have concluded that the proposal is acceptable in relation to these matters.

The representors have also raised concerns over property values. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposal satisfies a number of the applicable Principles of Development Control contained within the Marion Council Development Plan. The fundamental issue, in my opinion, is to whether the proposed use and associated bulk/scale and intensity is of a scale that primarily serves the needs of the local community, is consistent with the character of the locality and does not detrimentally impact on the amenity of nearby residents.

The design of the additions are, on balance, generally considered acceptable. The proposed building additions maintain a contemporary design which is considered compatible with the Desired Character of the locality and reasonably juxtaposes with the architectural style and scale of the Local Heritage Place. The altered dwelling and its setting will continue to demonstrate satisfaction of Criteria (a) and (e) under Section 23(4) of the Development Act and therefore the identified Heritage Values will not be diminished by the proposed additions. Furthermore, whilst the setting of the Local Heritage Place will be altered, overall views to the building will be retained and slightly enhanced with viewing opportunities increased from the west and southwest. The principle elevation will remain clearly legible and retain the existing main doors and windows to each side.

The built form of the proposal is, on balance, tolerable given the 1 metre setback and general bulk presenting the adjacent residential allotments is akin to that of a dwelling. The proposed built form

(which is set higher than the adjacent dwelling) and combined retaining and fence height will noticeably alter the outlook and amenity currently experienced by occupants of 24 Quailo Avenue. The pleasant outlook currently experienced by occupants of south facing bedrooms (Bedrooms 2 and 3) will cease due to the raised height of the built form and proposed retaining and fencing along the boundary. Whilst no direct natural light will be lost as the bedroom windows face south, due to the height of the proposed retaining and fencing along the boundary, a significant reduction in general amenity light will occur. Whilst a reduction in the proposed finished floor levels of the additions to better align with the adjacent residential dwelling and/or a further increase in setbacks to the northern boundary would assist in reducing the impacts likely to be experienced on the occupants of 24 Quailo Avenue this element, when considered in isolation, would not be of such magnitude to warrant refusal.

The child care centre seeks to provide a total of 92 spaces and the proposed scale and intensity of use is considerably bigger than other existing child care centres within the Hallett Cove area.

As acknowledged within the report, it is not unusual for child care centres to be located next to residential properties. The noises emitted from these facilities, namely children playing, are generally not so offensive that they severely impact on the amenity of surrounding residents. The proposed hours only slightly beyond general business hours and the proposed centre will generally be inactive on the days and times that the majority of people remain in their residences (i.e. early mornings, evenings and weekends).

The proposed hours of operation are considered acceptable and the proposal will achieve the requirements of the EPP in relation to potential noise impacts generated from the carpark before 7am. The inclusion of acoustic fencing to the northern boundary fence and northern end of the eastern boundary fence, in addition to fencing surrounding the various play spaces will further minimise the potential transmission of noise and achieve the recommendations of the Guidelines for Community Noise published by the World Health Organisation (WHO) with regard to annoyance. It is predicted the average noise levels of children playing in outdoor areas to be less than 50dB(A) at all locations.

Furthermore, whilst the locality generally comprises low scale, single-storey residential dwellings, Hallett Cove East primary school occupies a substantial land holding in the west/ southwest of the locality. Having been in operation since 1991, Hallett Cove East Primary school makes a significant contribution to the quality of local amenity. With this in mind, it should be noted that residents in the vicinity of the school and proposed childcare centre experience a different quality of residential amenity than what can be expected in suburban areas that are exclusively residential.

The proposed use is considered to provide safe and convenient vehicular access, in addition to appropriate on-site parking. Furthermore, the additional trips generated solely by the proposed use is not considered to compromise the adjacent road network.

In my opinion the proposal is finally balanced. Small scale non-residential uses (including child care facilities) that serve the local community are envisioned and whilst a 92 place centre is not, in my opinion, considered to be 'small scale', it is considered to serve the needs of the local community and has been demonstrated that it does not detrimentally impact the amenity of nearby residents in terms of noise, traffic or hours of operation. Whilst not 'small scale' the proposed intensity and physical scale it is unlikely to adversely affect or jeopardise the adjoining land uses to the extent where refusal is warranted.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1285/2017 for Change of use to pre-school (childcare centre), associated alterations and additions to a local heritage place, car parking, landscaping, fencing and retaining walls and removal of a Regulated Tree - Aleppo Pine at 49-51 Vennachar Drive, Hallett Cove be GRANTED subject to the following Reserved Matters and Conditions:

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matters. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
2. Further information as to the proposed colours and material intended for all retaining walls throughout the subject site is required prior for Council consideration and review.
3. Bollard lighting shall be provided in appropriate locations throughout the car park and adjacent the building's entry to enhance safety and security in non-daylight hours. Details of the lighting shall be provided to Council for consideration and approval prior to the issue of Development Approval.

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/1285/2017, being the following;
 - 'Existing Site & Context Plan', 'Existing Floor Plan Demolition', Existing Roof Plan' received 11/07/2017; 'Elevations' received 12/10/2017; 'Site Plan', 'Floor Plan', 'Landscape Plan' received 23/10/2017, all prepared by Brown Falconer.
 - 'Planning Statement' prepared by Ekistics, received by Council 11/07/2017, except where superseded by the 'Supporting Letter' prepared by Ekistics, received by Council on 12/10/2017
 - 'Environmental Noise Assessment' prepared by SONUS, dated May 2017.

Hours of Operation

- 2. The hours of operation of the premises shall be restricted to 6.30am until 6.30pm Monday to Friday (excluding public holidays).**
- 3. The use of the external play areas shall be restricted to 7am to 6:30pm.**

Waste

- 4. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.**
- 5. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment to the reasonable satisfaction of the Council.**
- 6. All waste and other rubbish shall be screened from public view to the reasonable satisfaction of Council.**
- 7. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

Landscaping

- 8. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises and thereafter maintained to the reasonable satisfaction of the Council.**
- 9. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.**

Car Park

- 10. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.**
- 11. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.**
- 12. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.**
- 13. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.**
- 14. All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.**

15. **Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 “Manual of uniform traffic control devices Part 9: Bicycle facilities”.**

NOTES

1. **Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
4. **Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**
5. **Any portion of Council’s infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council’s satisfaction at the developer’s expense.**
6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plans and supporting documentation</i>
<i>Attachment IV:</i>	<i>Council Heritage Advice</i>
<i>Attachment V:</i>	<i>Statement of Representations</i>
<i>Attachment VI:</i>	<i>Applicant’s Response to Representations</i>

**REPORT REFERENCE: CAP011117 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Alex Wright Acting Team Leader - Planning
Applicant:	Mrs Canna Jing
Development Description:	A building comprising three (3) two storey dwellings
Site Location:	42 Woodland Road, Mitchell Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 2/ Consent
Lodgement Date:	01/06/2017
Development Plan:	Consolidated – 28 April 2017
Application No:	100/2017/981
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development pursuant to Schedule 9 (Part 2: 18(a)) of the Development Regulations 2008, which assigns the construction of a building of 2 storeys comprising dwellings as Category 2 development. Given the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Council Assessment Panel.

It is staff's view that the dwellings should be assessed as row dwellings as, for all intents and purposes, the dwellings are erected side by side (incorporating party walls) to form a single building each occupying a site that has exclusive frontage to a public road, pursuant to the Schedule 1 definition in the Development Regulations 2008.

BACKGROUND

Amendments Requested	Amendments Made
Upper level southern side setback does not achieve the minimum 3 metre setback required and should be amended to better reflect Council's Development Plan requirements.	Greater southern side setbacks provided.

Driveway of Dwelling 1 should be tapered further east to ensure a distance greater than 6 metres is provided between Dwellings 1 and 2.	Proposal amended to ensure a space greater than 6 metres has been provided between the driveways of Dwelling 2 and 3.
Fixed and obscured glazing, to a height of 1.7 meters above the finished floor level, is required to be incorporated to all second storey windows (excluding the front façade).	Provided.
Additional materials and colours should be incorporated into the front façade to increase visual interest and aid in reducing the considerable bulk/scale and visual impacts proposed by the dwellings two-storey nature and promote a more attractive form of development and streetscape.	Minor increase in colours and materials provided.

Information Requested	
Detailed landscaping plan that demonstrates how the site is to be generously landscaped.	Landscape Plan provided.
Scaled shadow diagrams of the amended setbacks should be provided illustrating the extent of shadow cast onto the adjacent dwelling to the south	Shadow diagrams provided.
Payment for removal of existing street tree required (\$385).	Paid.

SUBJECT LAND & LOCALITY

The subject land is located to the western side of Woodland Road. The allotment is predominately rectangular in shape and supports a frontage width of 20.42 metres, an average depth of 39 metres and an overall allotment area of 755.64 square metres.

The land is relatively flat and contains a late 1960's era dwelling in ordinary condition. The allotment contains minor vegetation in the form of small trees and shrubs; no Regulated or Significant Trees are located on the allotment. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through two crossovers located to the northern and southern sides of the allotment. These crossovers are proposed to be reused and modified as part of the proposed development.

The locality is typically defined by a mixture of older (1950's-1960's) single storey detached dwellings on large allotments, and single storey detached dwellings on smaller allotment sizes constructed in the early 1990s. The eastern side of Woodland Road is bordered by the Tonsley train line and the Tonsley Innovation District, which is proposed to contain a mixture of industrial, commercial and educational uses, in addition to high density residential. The subject allotment is within 150 metres of the Bradley Grove Reserve, which provides open space and minor recreational facilities and 400 metres of Tonsley railway station and Sturt Road which provide train and bus services to Adelaide CBD and Marion Regional Centre, respectfully.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes the demolition of the existing dwelling and associated outbuildings and the construction of three (3) two storey row dwellings with associated landscaping.

The upper level of each dwelling incorporates an en-suite and bathroom, with Dwelling 1 incorporating two bedrooms whilst Dwellings 2 and 3 incorporate three bedrooms. The ground floor of each dwelling incorporates a water closet, laundry and a combined kitchen/meals/family room with direct access to the associated area of private open space. Dwelling 1 incorporates a bedroom on the ground floor. Each dwelling is afforded a single width garage, which has direct access to Kingston Avenue. Dwellings 1 and 3 propose to gain access through the existing crossovers whilst a new crossover is proposed to provide access to Dwelling 2.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	8 properties were notified during the Category 2 public notification process.
Representations:	3 representations were received by Council.
Persons wishing to be heard:	Mr C Capetanakis
Summary of representations:	<ul style="list-style-type: none"> • Upper Level southern side setbacks do not meet the minimum 3 metres required. • Ground level northern setbacks do not meet the minimum 1 metre required. • Frontage widths proposed for Dwelling's 2 and 3 do not meet the minimum 7 metres required for row dwellings within the Policy Area. • Upper level windows should incorporate appropriate privacy measures. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<p>No response to the representations raised has been provided.</p> <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Arboriculture Coordinator:	Existing street tree can be removed provided a fee of \$385 be paid. A new tree will be planted upon completion of the dwellings.
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 are listed in the following table and discussed in further detail below:

Residential Zone		
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
Medium Density Policy Area 12		
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</p> <p>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</p> <p>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p><i>This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.</i></p> <p><i>Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</i></p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Medium density development should be in the form of 2 storey buildings with an ability to provide a 3rd storey addition within the roof space.</i>	Complies
PDC 6	<i>Minimum Site Area: 210m²</i>	Complies Dwelling 1: 269m ² Dwelling 2: 245m ² Dwelling 3: 247m ²
	<i>Minimum Frontage: 7m</i>	Complies Dwelling 1: 7.83m Does Not Comply Dwelling 2: 6.30m Dwelling 3: 6.53m
	<i>Minimum Depth: 20m</i>	Complies Dwelling 1: 16.36m Dwelling 2: 16.19m Dwelling 3: 15.74m

Assessment

The applicant proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of the Residential Zone seeks a range of dwelling densities, whilst Objective 2 of both the Residential Zone and Medium Density Policy Area 12 encourages development of an increased density close to public open space, neighbourhood centres and public transport nodes. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Medium Density Policy Area 12 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types at a higher density that differ to that typically found within the immediate locality.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. The subject allotment is within 150 metres of the Bradley Grove Reserve, which provides open space and minor recreational facilities and 400 metres of Tonsley railway station and Sturt Road which provide train and bus services to Adelaide CBD and Marion Regional Centre, respectfully. Additionally, it is anticipated the Tonsley site will, over time, incorporate additional open space/recreation areas and commercial/retail services.

The proposal does display some numerical shortfalls with respect to a shortfall in frontage width of Dwellings 2 and 3.

Frontage Width

Dwellings 2 and 3 accommodate frontage widths of 6.30 metres and 6.53 metres, respectfully, which fall short of the 7 metres required for row dwellings within the Medium Density Policy Area 12. The non-compliance in frontage widths are not considered to adversely jeopardise the functionality of the site as acceptable setbacks from boundaries (discussed further within this report) and adequate area and dimensions of private open space are achieved. Furthermore, it is considered that the dwelling widths will not negatively impact on the streetscape, particularly as the respective single width garage

constitutes less than 50% of the allotment. As such, the discrepancy in frontage widths is not considered to negatively affect the streetscape or compromise the functionality of the dwellings.

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Site Coverage

<p><i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table><tr><td></td><td>Site area</td><td>Maximum Site Coverage</td><td>Maximum Floor Area Ratio</td></tr><tr><td>Dwelling 1</td><td>250 - 325 m²</td><td>130 m²</td><td>0.6</td></tr><tr><td>Dwelling 2 & 3</td><td>< 250 m²</td><td>100 m²</td><td>0.7</td></tr></table> <p><i>Medium Density Policy Area 12: PDC 7</i></p>		Site area	Maximum Site Coverage	Maximum Floor Area Ratio	Dwelling 1	250 - 325 m ²	130 m ²	0.6	Dwelling 2 & 3	< 250 m ²	100 m ²	0.7	<table><tr><td><u>Site coverage:</u></td><td><u>Floor area ratio:</u></td></tr><tr><td>Complies</td><td>Complies</td></tr><tr><td>Dwelling 1: 126.7m²</td><td>Dwelling 1: 0.48</td></tr><tr><td>Does Not Comply</td><td>Dwelling 2: 0.54</td></tr><tr><td></td><td>Dwelling 3: 0.53</td></tr><tr><td>Dwelling 2: 105.7m²</td><td></td></tr><tr><td>Dwelling 3: 102.5m²</td><td></td></tr></table> <p>The marginal excess in site coverage (5.7m² and 2.5m²) is considered acceptable given appropriate setbacks to boundaries have been provided and each dwelling is provided with sufficient area and dimensions of private open space.</p>	<u>Site coverage:</u>	<u>Floor area ratio:</u>	Complies	Complies	Dwelling 1: 126.7m ²	Dwelling 1: 0.48	Does Not Comply	Dwelling 2: 0.54		Dwelling 3: 0.53	Dwelling 2: 105.7m ²		Dwelling 3: 102.5m ²	
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	Dwelling 3: 0.53																										
Dwelling 2: 105.7m ²																											
Dwelling 3: 102.5m ²																											
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p>																										
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>																										
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p>																										

Private Open Space

Dwellings should include POS that conforms to the requirements identified in the following table:

Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room 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. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

Complies

Area

Dwelling 1: 80.5m² / 29.92%
Dwelling 2: 102.1m² / 44.6%
Dwelling 3: 99.4m² / 40.2%

Each allotment meets and exceeds the minimum 5m by 5m dimensions.

Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:

- (a) to be accessed directly from the internal living rooms of the dwelling*
- (b) to be generally at ground level (other than for dwellings without ground level internal living rooms)*
- (c) to be located to the side or rear of a dwelling and screened for privacy*
- (d) to take advantage of, but not adversely affect, natural features of the site*
- (e) to minimise overlooking from adjacent buildings*
- (f) to achieve separation from bedroom windows on adjacent sites*
- (g) to have a northerly aspect to provide for comfortable year round use*
- (h) to not be significantly shaded during winter by the associated dwelling or adjacent development*
- (i) to be partly shaded in summer*
- (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (k) 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.*

General Section: Residential Development: PDC 16

Complies

- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level
- c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings .
- f) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

Partially Complies

- f) The proposed POS areas maintain a partial northern aspect to provide for comfortable year round use, although it is acknowledged that the primary orientation is to the west

<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i> 5 metres within <i>Medium Density Policy Area 12</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 1: 5m Dwelling 2: 5.2m Dwelling 3: 5m</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 1 (Ground): 900mm</p> <p>Does Not Comply</p> <p>Dwelling 1 (Upper): 2.86m, increasing to 3.4m</p> <p>Dwelling 3 (Ground): 606mm Dwelling 3 (Upper): 1.75m, increasing to 1.9m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Generally Complies</p> <p>Although the upper level side setback of Dwelling 1 and the ground level side setback of Dwelling 3 do not comply with quantitative criteria, the separation from the respective side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

Dwelling 1

The proposed upper level side setback falls a maximum 140mm short of the minimum 3 metres required for south facing walls of between 3 and 6 metres in height. In my opinion, the proposed visual bulk and scale of the southern façade has been appropriately reduced through a combination of differing setbacks and articulation, fenestration, use of eaves/pitch roof and a mixture of materials (rendered blue board and cladding). The adjacent dwelling to the south is 'L' shaped with the rear open space sited to the north-western portion of the allotment. Whilst windows are located along the northern and western facades and provide line of sight to the rear yard, no windows are located along the northern façade immediately adjacent the northern boundary. The extent of separation afforded between the proposed upper level and the adjacent dwelling is considered to appropriately minimise potential visual and bulk/scale impacts. The lack of compliant setback does however contribute to an increase in overshadowing of the west facing rear windows. The overshadowing impacts are further discussed within the overshadowing chapter of this report.

Dwelling 3

The proposed ground level side setback falls between 299mm and 294mm short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to the adjacent allotment to the north, and is considered to be less visually obtrusive than what a wall on the boundary would present. Further, it is noted that a setback of 0.6 metres complies with the Building Code of Australia. The proposed upper level side setback falls between 90mm and 250mm short of that prescribed by PDC 7 for walls of between 3 metres and 6 metres in height. No overshadowing impacts will ensure as a result of the discrepancy in setbacks and further, potential visual bulk/scale impacts will be limited as the adjacent dwelling incorporates a single south facing window and the side yard is not a frequently used area of open space.

Although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setbacks should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Rear Setbacks

<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 1: 13m (ground) / 23.1m (upper)</p> <p>Dwelling 2: 16m (ground) / 18.51m (upper)</p> <p>Dwelling 3: 15.82m (ground) / 18.35 (upper)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p>	<p>Complies</p>

<p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>		
Building Height		
<p><i>Maximum building height (from natural ground level):</i> <i>(i) 2 storeys of not more than 9 metres</i> <i>(ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>		<p>Complies The proposed dwellings incorporate a maximum building height of 6.8 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
Parameter	Value	<p>Complies Dwelling 1: 7.7m Dwelling 2: 7.7m Dwelling 3: 7.7m</p>
<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></p>	
<p><i>Maximum frontage width of garage or carport with an opening facing the street</i></p>	<p><i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i></p>	<p>Complies Dwelling 1: 2.5m / 44% Dwelling 2: 2.6m / 39.4% Dwelling 3: 2.5m / 44%</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<p>Complies</p>
Vehicle Parking		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p> <p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		<p>Complies Each dwelling is provided with 2 parking spaces, 1 of which is covered.</p>

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). <p>General Section: Transportation & Access: PDC 43</p>	<p>Complies</p> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Public transport options (Bus & Train) are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. <p>Does Not Comply</p> <ul style="list-style-type: none"> d) e) The proposal results in the loss of an on-street parking with 1 on-street car parking space provided for the proposed allotments, where 2 spaces should be required.
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p>General Section: Land Division: PDC 22</p>	<p>Does Not Comply</p> <p>1 on-street car parking space is provided for the proposed allotments, where 2 spaces should be provided.</p> <p>Nevertheless sufficient on-site parking has been provided in accordance with PDC 7 and I am satisfied that as transportation and Access Principle 43 has been achieved, the number of on-street spaces is considered acceptable.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> (a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway. <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p> <p>Dwelling 2: 3m Dwelling 3: 3m</p> <p>Does Not Comply</p> <p>Dwelling 1: 3.5m</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure. The existing street tree will be removed to ensure safe and convenient access can be achieved.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Does Not Comply</p> <p>The driveway and associate crossovers of Dwelling's 1 and 2 are separate by a distance of 2.3 metres.</p>
<p>Less than 6 metres (2.3 metres) separates the driveways of Dwellings 1 and 2, this is somewhat unavoidable given the redevelopment of the site to accommodate three dwellings and the overall frontage width of 20.42 metres.</p>	
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <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 	<p>The proposed dwellings reflect the Desired Character of the Policy Area, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p>

(d) *façade articulation and detailing*
(e) *verandas, eaves, parapets and window screens.*

General Section: Design & Appearance: PDC 1

The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.

General Section: Design & Appearance: PDC 3

- Mixture of render to the front façade (it should be noted the render colour of the upper and ground levels differs) and cladding to portico.
- Stepping of upper and lower storeys to minimise building height, mass and proportion.
- Eave overhang and pitched roof form at 22.5° degree slope.
- Fenestration.

The dwellings incorporate a 22.5 degree Colorbond roof in Monument Grey and a mixture of brick and render to the front façade. The garage of each dwelling features a panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

Appropriate articulation is provided through differing side setbacks to the upper and lower level of the dwelling. The level of articulation afforded through these differing setbacks, and the use of different colours and materials is considered to appropriately aid in reducing the potential visual bulk and scale impacts associated with the dwelling's two storey nature.

On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.

Relationship to the Street and Public Realm

Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.

General Section: Residential Development: PDC 8

Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.

General Section: Residential Development: PDC 9

Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.

General Section: Design & Appearance: PDC 13

Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.

General Section: Design & Appearance: PDC 14

Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.

General Section: Design & Appearance: PDC 15

Partially Complies

The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

The two-storey wall of Dwelling 3 is sited on the internal boundary and will only be readily visible from the streetscape when viewed looking to the north and northwest.

Whilst no windows or articulation has been afforded to this wall, it forms part of the architectural style of the dwelling and results in minimal visual impacts as it does not present directly to the public realm.

Whilst this wall does not comply with PDC 16, it is considered appropriate in this instance.

Overshadowing

The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:

- (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).*

General Section: Design & Appearance: PDC 9

Except where otherwise specified in a zone, policy area or precinct, development should ensure that:

- (a) north-facing windows to living rooms 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 3 pm on the 21 June*
- (b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level private open space*
 - (ii) 35 square metres of the existing ground level private open space*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.*

General Section: Design & Appearance: PDC 10

Partially Complies

The lack of upper level southern side setback contributes to the overshadowing of the west facing rear windows. The adjacent dwelling to the south is 'L' shaped with the rear open space sited to the north-western portion of the allotment. Windows are located along the northern and western facades providing line of sight to the rear yard. No windows are located along the northern façade immediately adjacent the northern boundary.

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that whilst a majority of north facing windows and POS will be in shadowing during the morning:

- a) North-facing windows to habitable rooms of the existing dwelling to the south (44 Woodland) shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.
- b) A majority of private open space will receive direct sunlight for a minimum 2 hours between 9am and 3pm.

Consequently, although a portion of west facing habitable windows open space immediately adjacent the northern boundary will remain in shadow for a majority of the day, this extent is limited, and the overall extent of shadow cast onto habitable windows and private open spaces during the day, on balance, complies with PDC 9 and 10.

Visual Privacy

Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:

- (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 boundary to boundary where appropriate) that interrupt views or that provide a*

Complies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

<p><i>spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(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.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
Noise	
<p><i>Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, and protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 27</i></p> <p><i>Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade.</i></p> <p><i>General Section: Residential Development: PDC 28</i></p>	<p>Partially Complies</p> <p>Bedroom 1 of each dwelling faces the Tonsley Train line. No noise attenuation measures have been proposed to assist in minimising potential noise impacts on future occupants.</p> <p>Should the Panel be of the view noise attenuation measures are considered necessary, it is recommended a condition be attached to the application's consent requesting double glazing, or similar, be provided to Bedroom 1 windows of each dwelling.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>2 Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Partially Complies</p> <p>Whilst main activity areas of the dwellings are oriented east/west, each should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

*(k) contribute to the viability of ecosystems and species
(l) promote water and biodiversity conservation.*

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

*(a) include the planting of locally indigenous species where appropriate
(b) be oriented towards the street frontage
(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

General Section: Landscaping, Fences & Walls: PDC 2

Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.

General Section: Landscaping, Fences & Walls: PDC 3

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to overall density, number of dwellings proposed, lack of frontage width and setbacks to boundaries have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

Assessment of the proposal has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, as it achieves an increase in dwelling densities in close proximity to public transport routes and open space, as well as providing further diversity in dwelling types.

Assessment of the proposal against the applicable Development Plan criteria has demonstrated the development generally achieves the design outcomes envisaged for residential development. It is acknowledged however that the proposal maintains shortfalls in relation to frontage width, a shortfall in 1 on-street parking space and ground and upper level side setbacks.

Further assessment of the proposed frontage widths and non-compliance in ground and upper level side setbacks, and the consideration of potential impacts, has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts on the amenity of adjacent land in relation to bulk/scale and overshadowing, the streetscape, or the locality.

Each dwelling is provided with two on-site car parking spaces, whilst a further on-street parking space has been provided along Woodland Road. Whilst only one on-street car parking space has been provided, where two spaces is required, I am satisfied an appropriate amount of parking throughout the site has been achieved and the number of on-street spaces is considered acceptable to meet the likely needs of future occupants.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/981/2017 for a building comprising three (3) two storey dwellings at 42 Woodland Road, Mitchell Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/981/2017, being drawing number insert drawing numbers 1 of 5, 2 of 5, 3 of 5, 4 of 5, 5 of 5 prepared by ThreeSixFive, and received by Council 21/09/2017, and 'Civil Plan' prepared by HK Consulting Engineers, received by Council 23/10/2017, except when varied by the following conditions of consent.
- 2. The windows of Bedroom 1 for each dwelling shall be double glazed for sound attenuation purposes.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 6. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council. A mixture of semi-mature and young plantings shall be planted.
- 7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>

**REPORT REFERENCE: CAP011117 – 3.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Georgiou Invest Trust / Angelyn Trust
Development Description:	Land Division (Community Title - 1 into 3 allotments) and the construction of a residential flat building comprising one, two-storey dwelling and two, single-storey dwellings
Site Location:	49 Limbert Avenue, Seacombe Gardens
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 2 / Consent
Lodgement Date:	11/07/2017
Development Plan:	Consolidated – 28/04/2016
Referrals:	None
Application No:	100/2017/1251
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys as Category 2 development.

The subject application is required to be determined by the Council Assessment Panel by virtue of at least one of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for dwellings within a residential flat building within Medium Density Policy Area 12. Council has delegated decisions with respect to undersized allotments to the Council Assessment Panel.

BACKGROUND

During the assessment process, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
An increase in the private open space to Dwelling 1 sought	Private open space increased from 15% to 23.6%
Provide greater articulation to the façade of Dwelling 1 presenting to Limbert Avenue	The garage of Dwelling 1 relocated to form part of front façade, changes in materials, roof form and rearrangement of windows of Dwelling 1
Limit shared driveway to 3.0m wide and provide 0.5m landscaping strips on either side	Amended as requested
Increase rear setback of Dwelling 3 to allow greater separation and additional private open space.	Rear setback of Dwelling 3 increased from 0.9m for 63.2% of the width of the boundary to 3.0m for 50% and 5.12m for 21% of the width of the boundary
Amendments to improve vehicle manoeuvrability into and out of the designated car parking spaces of Dwelling 2 & 3.	Amendments made to the satisfaction of Council's Development Engineer
Relocated Bedroom 1 window of Dwelling 3 to avoid headlight glare	Amended as requested
The finished floor level of each dwelling should be lowered.	Amended as requested
Additional Information Requested	Comments
Provide fully engineered site works plan	Information provided.
Provide partywall detail	Information provided.
Provide vehicle turn path diagrams to verify there is sufficient space for vehicle manoeuvrability	Information provided.

SUBJECT LAND & LOCALITY

The subject site is located at 49 Limbert Avenue, Seacombe Gardens. The site is a trapezoidal-shaped allotment with a 15.24m frontage, a minimum depth of 36.09m (increasing to 39.10m), a rear boundary of 30.48m and a total site area of 824m². The site is relatively flat and a single storey dwelling with associated garage and outbuildings exist on the site. There are no existing significant trees on the site.

The locality consists primarily of single storey detached dwellings varying in styles on large allotments and more recently constructed detached, group and row dwellings on smaller allotments. While the majority of dwellings have street frontage, there are some buildings in the immediate locality which have shared driveway access leading to dwellings located away from the street frontage.

The subject land is located approximately 270 metres from a Neighbourhood Centre Zone, which contains a small pharmacy and medical clinic, 600 metres from the Regional Centre Zone comprising Westfield Marion and a variety of retailers, medical services, government services, Marion Cultural Centre and the SA Aquatics and Leisure Centre, 300 metres from bus stops on Diagonal Road and 350 metres from public open space at Sandery Avenue Reserve which provides small scale recreation facilities and open space.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes a Community Titled residential sub-division to create two additional allotments (three in total) and the construction a residential flat building comprising three dwellings with Dwelling 1 fronting Limbert Avenue and Dwellings 2 & 3 located to the rear of Dwelling 1.

Dwelling 1 is two storey in nature and incorporates a family/meals area, kitchen, WC, and laundry at ground level with stairs leading to the first floor comprising three bedrooms (one with ensuite and walk-in wardrobe), bathroom and study. A covered veranda area and additional private open space is accessed via a patio door from the open plan family/meals area on the ground floor. A single-width garage and a visitor car parking space is situated on the western side of the dwelling and adjacent a shared driveway leading to Dwellings 2 & 3.

Dwellings 2 and 3 are single storey in nature and incorporate three bedrooms (one with ensuite and walk-in wardrobe), open plan kitchen/meals/family area, bathroom, WC and laundry. A covered veranda area and additional private open space is accessed via a patio door from the open plan meals/family area of each dwelling. Both dwellings are provided with single width garages and associated visitor spaces. Vehicular access is by an internal common driveway running the length of the northern boundary of the site.

Low through to high level landscaping has been provided forward of Dwelling 1, whilst low to medium level plantings have been provided throughout the remainder of the subject site, and along both sides of the common driveway.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	16 properties were notified during the Category 2 public notification process.
Representations:	No representations were received by Council.
Persons wishing to be heard:	None

INTERNAL DEPARTMENT COMMENTS

Engineering:	The application was referred to Council's Development Engineer to confirm that sufficient vehicle manoeuvring space has been provided and to check the proposed finished floor levels against Council requirements. Comments received were forwarded to the applicant who amended the plans in accordance with the recommendations made
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DEVELOPMENT ASSESSMENT

The provisions of the Marion Council Development Plan relevant to the proposed development are listed and discussed in the following table:

Development Plan provisions:

Assessment:

Residential Zone	
<p>Objectives</p> <ol style="list-style-type: none"> 1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> 2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i> 	<p>Complies</p> <p>Given that the subject land is located within convenient walking distance of an activity centre, public open space and public transport options, the proposed increased dwelling density is supported by Objective 2.</p>
<p>Principles of Development Control</p> <ol style="list-style-type: none"> 1 <i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ affordable housing ▪ outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling including a residential flat building ▪ dwelling addition ▪ small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - consulting rooms - health and welfare services - offices - open space - primary and secondary schools - recreation areas - shops ▪ supported accommodation. 	<p>Complies</p> <p>The proposal is for three dwellings within a residential flat building</p>
<ol style="list-style-type: none"> 2 <i>Development listed as non-complying is generally inappropriate.</i> 	<p>Complies</p>
<ol style="list-style-type: none"> 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i> 	<p>Complies</p>
Medium Density Policy Area 12	
<p>Objectives</p> <ol style="list-style-type: none"> 1 <i>A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</i> 2 <i>Development that minimises the potential impact of garaging of vehicles on the character of the area.</i> 3 <i>Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i> 	<p>Complies</p> <p>1 The proposed dwellings are classified as medium density, in accordance with that envisaged in the policy area. The site is located in proximity of open space, centres and public transport nodes.</p> <p>Complies</p> <p>2 The proposed garages are incorporated under the main roof of the associated dwellings, and therefore have an acceptable impact on the character of the locality.</p>

<p>4 Development that contributes to the desired character of the policy area.</p>	<p>3 The development density should support the viability of services and infrastructure, given the site's proximity to public transport and the Regional Centre Zone.</p>
<p>Desired Character</p> <p><i>This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.</i></p> <p><i>Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</i></p>	<p>Complies</p> <p>The proposal is deemed to be consistent with the Desired Character of the Medium Density Policy Area 12, in that it will provide medium density dwellings and redevelop the site at a greater density than that of the original housing stock.</p> <p>The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and is designed to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and is considered to provide a positive contribution to the existing streetscape.</p> <p>The impact of the dwellings' two-storey nature is not considered to unreasonably impact on the amenity of adjacent land (discussed in Overshadowing and Overlooking sections of the table below).</p> <p>The dwellings each contain three bedrooms, which is typical of dwellings within in the locality. Accordingly, the proposal does not increase the range of dwelling types in the locality to meet a variety of accommodation needs. However, it is noted that dwellings with smaller backyards present a different dwelling option to the typical original dwelling stock in the locality (single-storey dwellings with large backyards).</p> <p>The proposal does not result in the removal of mature street trees in a road reserve.</p> <p>On balance, the proposal is considered to adequately comply with the Desired Character.</p>
<p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	<p>Complies</p>
<p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p>Complies</p>

3 Medium density development should be in the form of 2 storey buildings with an ability to provide a 3 rd storey addition within the roof space.	Complies Dwelling 1 is the only two storey component of the proposed development. Dwellings 2 & 3 are to be constructed towards the rear of the site have been limited to single storey to prevent the potential for overlooking of adjoining land.									
4 Upper level balconies may extend 1 metre closer to the road boundary than the associated dwelling.	n/a None of the dwellings comprise upper level balconies.									
5 In the case of more than one dwelling on one site, access to parking and garaging areas from public streets should be via a minimum number of common driveways.	Complies A double-width driveway crossover access point is utilised to access each of the dwellings. Dwelling 1 has direct access to Limbert Avenue whereas Dwellings 2 & 3 share a driveway from Limbert Avenue to access their respective car parking spaces towards the rear of the site.									
6 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table: Minimum Site Area: Residential Flat Buildings: 250m2 Minimum Frontage: Residential Flat Buildings: 18m Minimum Depth: 45m	Complies Dwelling 3: 266m ² Does Not Comply Dwelling 1: 197m ² (21% undersized) Dwelling 2: 207m ² (17% undersized) Does Not Comply 15.24m Does Not Comply 36.09m									
Site Coverage										
Dwellings should be designed to have a site coverage and floor area ratio within the following parameters: <table><tr><th>Site area</th><th>Maximum Site Coverage</th><th>Maximum Floor Area Ratio</th></tr><tr><td>250 - 325 m²</td><td>130 m²</td><td>0.6</td></tr><tr><td>< 250 m²</td><td>100 m²</td><td>0.7</td></tr></table> Medium Density Policy Area 12: PDC 7	Site area	Maximum Site Coverage	Maximum Floor Area Ratio	250 - 325 m ²	130 m ²	0.6	< 250 m ²	100 m ²	0.7	Site coverage: Complies Dwelling 1: 100m ² Does Not Comply Dwelling 2: 135.6m ² Dwelling 3: 137.8m ² Floor area ratio: Complies Dwelling 1: 0.69
Site area	Maximum Site Coverage	Maximum Floor Area Ratio								
250 - 325 m ²	130 m ²	0.6								
< 250 m ²	100 m ²	0.7								

<p>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p> <p>Residential Zone: PDC 9</p>			Complies
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>			Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>			Complies
Private Open Space			
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			Complies Dwelling 1: 23.6% Dwelling 2: 22.55% Dwelling 3: 36.1%
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room 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. The remainder of the space should have a minimum dimension of 2.5 metres.	
Residential Zone: PDC 7			
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for</p>			Complies a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level. c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural

<p>privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(i) to be partly shaded in summer</p> <p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(k) 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.</p> <p>General Section: Residential Development: PDC 16</p> <p>Private open space should not include:</p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings</p> <p>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</p> <p>(c) common areas such as parking areas and communal open spaces</p> <p>(d) any area at ground level at the front of the dwelling (forward of the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>g) The proposed POS areas maintain a partial northerly and easterly aspect but will nonetheless provide for comfortable year round use.</p> <p>h) Whilst the adjacent dwellings achieve limited setbacks to the POS areas of Dwelling's 1 and 2, there areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p>
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p>Minimum setback from primary road frontage where no established streetscape exists:</p> <p>8 metres from arterial roads shown on Overlay Map – Transport</p> <p>5 metres in all other circumstances.</p> <p>Minimum setback from primary road frontage where an established streetscape exists:</p> <p>5 metres within Medium Density Policy Area 12</p> <p>8 metres from arterial roads shown on Overlay Map – Transport</p> <p>Residential Zone: PDC 6</p>	<p>Does Not Comply</p> <p>Dwelling 1 is setback 4 metres from the primary road frontage</p>
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.0 metres is similar to that of new dwellings in the locality.</p> <p>Furthermore, due to the allotment being located on a bend, the front boundary is setback behind the front boundary of the adjacent allotment which results in the proposed built from being setback</p>

	<p>behind the adjacent dwelling to the west.</p> <p>As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i></p> <p><i>0.9 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 1: (ground floor): 1.67m at closest point</p> <p>Dwelling 2: 2.37m at closest point</p> <p>Dwelling 3: 0.92m at closest point</p> <p>Does Not Comply</p> <p>Dwelling 1: (first floor): 1.67m increasing to 3.95m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the first floor side setback (eastern setback) of Dwelling 1 does not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

Rear Setbacks

Minimum setback from rear boundary:

- (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary
 (b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

Complies

Dwelling 3: 3.0m for 49% of the width of the rear boundary and 5.0m for 21% of the width of the rear boundary.

Buildings should be sited with respect to side and rear property boundaries to:

- (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight
 (b) minimise the impact of bulk and scale of development on adjoining properties
 (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.

General Section: Design and Appearance: PDC 2

Complies

The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Building Height

Maximum building height (from natural ground level):

- (i) 2 storeys of not more than 9 metres
 (ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than 10 metres

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of 7.6 metres (Dwelling 1), which is less than the maximum permitted in the Policy Area.

Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.

General Section: Residential Development: PDC 2

Complies

Garages, Carports, Verandas and Outbuildings

Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.

General Section: Residential Development: PDC 10

Complies

Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:

General Section: Residential Development: PDC 12

Parameter	Value	
Maximum floor area	60 square metres	Complies Dwelling 1: 23.7m ² Dwelling 2: 19.4m ² Dwelling 3: 19.4m ²
Maximum wall or post height	3 metres	Complies Dwelling 1: 2.9m Dwelling 2: 2.7m Dwelling 3: 2.7m
Maximum building height	5 metres	Complies Dwelling 1: 3.6m Dwelling 2: 3.0m Dwelling 3: 3.0m
Maximum height of finished floor level	0.3 metres	Complies Dwelling 1: 0.3m Dwelling 2: 0.3m Dwelling 3: 0.3m
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies Dwelling 1: 7.5m
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Dwelling 1: 2.75m (50% of the width of the façade = 5.375m)
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies Sufficient vehicle manoeuvring space has been provided to allow for safe and convenient access and egress to and from the site and from designated car parking spaces to allow vehicles to exist the site in a forward direction
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		Complies Each dwelling provides 2 car parking spaces, one of which is covered (total of 5.5, rounded up to 6 required).
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		

<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Complies</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) e) The proposal results in the loss of an on-street parking space. Subsequently no on-street parking spaces (i.e. a space located entirely in front of the proposed allotment) is provided.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does Not Comply</p> <p>No on-street parking spaces have been provided.</p> <p>Nevertheless sufficient on-site parking has been provided in accordance with PDC 7 and I am satisfied that as transportation and Access Principle 43 has been achieved, the number of on-street spaces is considered acceptable.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Does not comply</p> <p>The proposal widens an existing 5m wide driveway crossover to 7.6m to accommodate 2 separate driveways with landscaping strips between them and at either side.</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossover is set back a minimum of 1 metre from existing street infrastructure</p>

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:					
Dwellings served	Trafficable width (metres)				Complies Shared drive way to Dwellings 2 & 3: 3.5m in width with a 0.5m wide landscaping strip on the western side and a 0.75m wide landscaping strip on the eastern side.
	Intersection with public road and first 6 metres		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	
	Arterial roads	Other roads			
1 – 3	6	3	3	0.5	
General Section: Residential Development: PDC 41					
The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking. General Section: Transportation and Access: PDC 28					Complies Only 1 vehicle access point is proposed. Given the proposed driveway width no on-street parking spaces have been provided.
Design & Appearance					
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (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. General Section: Design & Appearance: PDC 1 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists. General Section: Design & Appearance: PDC 3					Complies The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance: <ul style="list-style-type: none">• Mixture of brick, and render on the front façade• Stepping of upper and lower storeys to minimise building height, mass and proportion• Protruding portico• Eave overhang and pitched roof form at 25 degree slope• Fenestration The dwellings incorporate a 25 degree Colorbond roof in 'Monument' colour, with rendered facades. The garage of each dwelling features Colorbond roller doors in grey colour. These materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following: (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants (b) individual entries for ground floor accommodation (c) opportunities to overlook adjacent public space. General Section: Residential Development: PDC 6					Complies

<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p>
<p>Relationship to the Street and Public Realm</p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>Dwelling 1 is designed so that its main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of brickwork, render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>
<p>Overshadowing</p>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms 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 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed Dwelling 1. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p> <p>Dwellings 2 & 3 are single-storey only and are unlikely to overshadow adjoining land to a substantial degree.</p>

Visual Privacy

Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:

- (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 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.*

General Section: Design & Appearance: PDC 11

Complies

Dwelling 1 incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

Dwelling 1 has therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

Dwellings 2 & 3 are single-storey only and are unlikely to pose an impact on visual privacy of adjoining land.

Noise

Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, and protect these areas with appropriate noise attenuation measures.

General Section: Residential Development: PDC 27

Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade.

General Section: Residential Development: PDC 28

Complies

External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:

- (a) active communal recreation areas, parking areas and vehicle access ways*
- (b) service equipment areas and fixed noise sources on the same or adjacent sites.*

General Section: Residential Development: PDC 30

Complies

Dwellings 2 features bedroom windows sited adjacent the common driveway. The window of Bedroom 1 is separated from the common driveway by a distance of 0.5 metres and incorporates landscaping between the driveway and bedroom window. The window of Bedroom 2 is separated from the common driveway by a distance of 1.5 metres. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.

Site Facilities and Storage

Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:

- (a) mail box facilities sited close to the major pedestrian entrance to the site*

Complies

- a) Common letterboxes are featured at the entrance to the common driveway.
- b) Not applicable, as the development does not

<p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i> <i>(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</i></p> <p>General Section: Residential Development: PDC 31</p>	<p>contain more than 6 dwellings. c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
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Energy Efficiency

<p>Development should provide for efficient solar access to buildings and open space all year around.</p> <p>General Section: Energy Efficiency: PDC 1</p> <p><i>2 Buildings should be sited and designed:</i> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p>General Section: Energy Efficiency: PDC 2</p>	<p>Complies The dwellings are oriented so that their open spaces and main activity areas face east and north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p>General Section: Energy Efficiency: PDC 3</p>	<p>Complies The dwellings incorporate hipped roof forms set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>

Flooding

<p>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</p> <p>General Section: Hazards: PDC 4</p> <p>Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:</p> <p><i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i> <i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p>General Section: Hazards: PDC 5</p>	<p>Complies Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor level of 10.30m, finished paving level of 10.15m and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</p>
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Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

- (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)*
- (b) enhance the appearance of road frontages*
- (c) screen service yards, loading areas and outdoor storage areas*
- (d) minimise maintenance and watering requirements*
- (e) enhance and define outdoor spaces, including car parking areas*
- (f) provide shade and shelter*
- (g) assist in climate control within buildings*
- (h) maintain privacy*
- (i) maximise stormwater re-use*
- (j) complement existing native vegetation*
- (k) contribute to the viability of ecosystems and species*
- (l) promote water and biodiversity conservation.*

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

General Section: Landscaping, Fences & Walls: PDC 2

Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

Fences and walls, including retaining walls, should:

- (a) not result in damage to neighbouring trees*
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street*
- (e) assist in highlighting building entrances*
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
- (h) be constructed of non-flammable materials.*

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 300 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.1 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

Land Division

When land is divided:

- (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) a sufficient water supply should be made available for each allotment*

Complies

- a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 6, 7 and 8.
- b) SA Water have confirmed that water supply is

<p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p> <p>General Section: Land Division: PDC 1</p>	<p>available (subject to conditions).</p> <p>c) SA Water have confirmed that sewerage connection is available (subject to conditions).</p> <p>d) N/A</p>
<p><i>Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p><i>(i) an existing road</i></p> <p><i>(ii) a proposed public road</i></p> <p><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p> <p>General Section: Land Division: PDC 2</p>	<p>Complies</p> <p>a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.</p> <p>b) All allotments will have a frontage to the public road.</p> <p>c) Minor cut/fill is required.</p> <p>d) Erosion is unlikely.</p> <p>e) The area is sewerred.</p> <p>f) The intended use of the allotments is consistent with the zone objectives.</p> <p>g) The allotments are located wholly within the zone and policy area.</p>
<p>Design and Layout</p> <p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p>General Section: Land Division: PDC 3</p>	<p>Complies</p>
<p><i>The design of a land division should incorporate:</i></p> <p><i>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</i></p> <p><i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i></p> <p><i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i></p> <p><i>(d) suitable land set aside for useable local open space</i></p> <p><i>(e) public utility services within road reserves and where necessary within dedicated easements</i></p> <p><i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i></p> <p><i>(g) protection for existing vegetation and drainage lines</i></p> <p><i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i></p> <p><i>(i) the preservation of significant trees.</i></p> <p>General Section: Land Division: PDC 7</p>	<p>Complies</p>

<p><i>Access ways serving allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</i></p> <p><i>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</i></p> <p><i>General Section: Land Division: PDC 9</i></p>	<p>Complies</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p> <p><i>General Section: Land Division: PDC 10</i></p>	<p>Complies</p>
<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>	<p>Complies</p> <p>As a result of being situated on the northern side of a street, the layout of the land division provides good solar access to some habitable spaces in each of the dwellings.</p>
<p>Roads and Access</p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>General Section: Land Division: PDC 21</i></p>	<p>Complies</p> <p>a) Adequate on-site parking available</p> <p>b) Public transport services are accessible in the wider locality</p> <p>c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>

TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. However, the following non-compliances are noted and discussed in further detail below:

- Minimum allotment sizes (Dwellings 1 & 2)
- Minimum site depth and site frontage width
- Site coverage (Dwellings 2 & 3)

Minimum allotment sizes (Dwellings 1 & 2)

Dwellings within a residential flat building in Medium Density Policy Area 12 should achieve a minimum site area of 250 square metres. Achieving a site area of 197 square metres, the allotment of Dwelling 1 is 53 square metres (or 21.2%) undersized. Achieving an allotment of 207 square metres, Dwelling 2 is 43 square metres (or 17.2%) undersized. Whilst the shortfall in site area for

Dwellings 1 & 2 is significant and cannot be considered a minor departure from the numerical standard, the assessment within this report has demonstrated that the proposed density is not necessarily inconsistent with that envisaged within the Policy Area. Whilst the allotments are undersized, the design and layout of the dwellings demonstrates that the site areas provided are sufficient in size to accommodate the dwellings in the form proposed.

Minimum site depth and site frontage width

To accommodate a residential flat building comprising dwellings in Medium Density Policy Area 12, an allotment should comprise a minimum depth of 45 metres and a minimum site of 18 metres. The proposed development occupies a trapezoid-shaped allotment with a minimum depth of 36.09 metres along its western boundary and 39.10 metres along its eastern boundary. The allotment has a 15.24 metre frontage that increases to 30.48 at the rear of the site. The resulting area of the allotment is 824 square metres, some 14 square metres greater than a rectangular allotment measuring the numerical standard of 18 metres by 45 metres. In addition, the proposed development has demonstrated that the site can adequately accommodate three dwellings without compromising on internal layouts, provision of private open space and sufficient space to accommodate the manoeuvring and parking of vehicles on the site. It is therefore my opinion that the shortfalls in site depth and frontage width are not fatal to the application and should be given limited weight.

Site coverage (Dwellings 2 & 3)

Dwellings within Medium Density Policy Area 12 should have a maximum site coverage of 100 square metres for allotments under 250 square metres and 130 square metres for allotments between 250 square metres and 325 square metres. With a site coverage of 135.6 square metres, Dwelling 2 exceeds the maximum numerical standard by 35.6 square metres or 35.6%. Dwelling 3 has a site coverage of 137.8 square metres which exceeds the numerical minimum standard by 37.8 square metres or 29%. Although the excess in site coverage in both cases is significant and cannot be considered a minor departure from the numerical standard, the excess in the dwelling footprints has not come at the expense of the amount of POS provided for each dwelling, nor the achievement of appropriate setbacks to boundaries.

ANALYSIS/CONCLUSION

Assessment of the proposal against the quantitative and qualitative Development Plan provisions has demonstrated that the proposal complies with a significant number of applicable criteria and achieves appropriate design outcomes envisioned for residential development. It is acknowledged however the proposal maintains significant shortfalls relating to the site area of Dwellings 1 and 2 and high site coverage for Dwellings 2 and 3. Whilst Dwellings 1 and 2 are significantly undersized, the design and layout of the dwellings demonstrates that the sites areas are of sufficient size to accommodate a detached dwelling and residential flat building comprising two dwellings in the form proposed. Furthermore, the excess in the dwelling footprints has not come at the expense of the amount of POS provided for each dwelling, nor the achievement of appropriate setbacks to boundaries.

The proposal also maintains several other quantitative shortfalls; however, these shortcomings have not resulted in a poor layout and design of the dwellings, nor do they adversely impact the amenity of adjacent properties, the streetscape or the locality. These shortfalls, in my opinion, are relatively minor in nature and consideration of their potential impacts and consequences demonstrates that they do not adversely jeopardise the layout and function of the proposed development, nor do they result in unreasonable impacts on the amenity of adjacent land, the streetscape or the immediate locality.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent and Land Division Consent subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/1251/2017 for Land Division (Community Title - 1 into 3 allotments) and the construction of a residential flat building comprising one, two-storey dwelling and two, single-storey dwellings at 49 Limbert Avenue, Seacombe Gardens be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1251/2017, being drawing number(s) 01 'Site Plan' prepared by Structural Systems Consulting Engineers and 'Site Plan' (1 of 10), 'Title Plan' (2 of 10), 'Landscape Plan' (3 of 10), 'Ground Floor Plan - Dwelling 1 (4 of 10), Elevation Plans - Dwelling 1 (5 of 10), Floor Plan - Dwelling 2 (6 of 10), Elevation Plans – Dwelling 2 (7 of 10), Floor Plan – Dwelling 3 (8 of 10), Elevation Plans – Dwelling 3 (9 of 10), Parti-wall Detail (10 of 10) prepared by Angelyn Building Designs received 29/08/2017, except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

- 3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
9. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$13352 into the Planning and Development Fund (2 allotments @ 6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).

- 5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

Attachment I: Certificate of Title
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plans

**REPORT REFERENCE: CAP011117 – 3.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Rob Tokley Acting Policy Planner
Applicant:	Mr Shaun Chun Ho Yiu
Development Description:	Residential Torrens Title land division - 1 into 2 allotments and carport to western side of existing dwelling
Site Location:	60 Bray Street, Plympton Park
Zone:	Residential
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	11/07/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Nil
Application No:	100/2017/1246
DAC Reference No:	100/D146/2017
Recommendation:	Development Plan Consent and Land Division Consent (GRANTED)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Clause 2(d) and 2(f) of Schedule 9 of the Development Regulations 2008, which assigns a carport and land division that does not change the nature of an existing road, respectively, as a Category 1 development.

The subject application is required to be determined by the Council Assessment Panel given that proposed Lot 702 fails to satisfy the minimum site area required for detached dwellings in the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

BACKGROUND

The proposed land division relates to an associated land use application, Development Application 100/2017/1706, which proposes to construct a detached dwelling on the subject land.

SUBJECT LAND & LOCALITY

The land is situated at 60 (Lot 6) Bray Street Plympton Park, and enjoys a frontage width of 18.29 metres, a depth of 46.52 metres; providing a total site area of 853 square metres. The Certificate of Title confirms the land is free of easements and encumbrances.

A single storey detached dwelling, in good condition, exists on the land. Later improvements, including a small dwelling addition, verandah and carport are attached to the rear and side of the dwelling, respectively.

A small outbuilding is located adjacent the rear of the dwelling. The land is relatively flat, with no discernible slope, whilst there is little vegetation of note on the land.

The locality is predominantly residential in nature, accommodating (typically) single storey detached dwellings constructed in the 1950s and 60s. More recent development has taken the form of single storey detached, row and group dwellings.

A group of single storey shops, situated within the Local Centre Zone are situated directly to the north of the site. The centre accommodates a small delicatessen, hairdresser, take-away food outlet and post office.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct a carport to the western side of the existing dwelling and divide the subject land to create one Torrens Title residential allotment, in a hammerhead/battleaxe formation.

A greater level of detail regarding how the land will be developed is detailed in Development Application 100/2017/1706, which is to be considered by the Panel at the same time as the subject application.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission (DAC):	Standard referral comments received regarding SA Water requirements and payment to the Planning and Development Fund.
SA Water:	Standard referral comments regarding sewer access/connection.

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential and Northern Policy Area 13 are listed in the following table and discussed in further detail below:

Residential Zone		
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Minimum Site Area: Detached dwellings: 375 sq metres</i>	Complies Lot 701: 417 sq metres Does Not Comply Lot 702: 305 sq metres
	<i>Minimum Frontage: Detached dwellings: 12 metres Hammerhead allotment: 4.0 metres</i>	Complies Lot 701: 14.0m Lot 702: 4.29m
	<i>Minimum Depth: Detached dwellings: 20 metres</i>	Complies Lot 701: 30.02m Does Not Comply Lot 702: 16.5m

Assessment

Despite the shortfall in site area of proposed Lot 702, the average site area excluding the 'handle' of the hammer equates to 361 square metres; marginally less than that sought for two detached dwellings, and exceeding that required for semi-detached and group dwellings. This demonstrates that the shortfall in site area does not result in a density exceeding that sought in the Policy Area.

Proposed Lot 702 incorporates a substantial shortfall in depth; equating to 16.5 metres, where 20 metres is sought. Despite this shortfall, the dwelling proposed for this Lot (in Development Application 100/2017/1706) exceeds the minimum rear setback sought, ample private open space is provided to the rear of the dwelling and vehicle parking areas enable the safe and convenient manoeuvring of vehicles to ensure forward entry and exit.

To this end, it is my view that the proposed division adequately complies with the applicable Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13.

Garages, Carports, Verandas and Outbuildings

<i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i> <i>General Section: Residential Development: PDC 10</i>		Partially Complies Whilst the proposed carport incorporates a flat roof, such a structure can be erected 'as of right' pursuant to Schedules 1A and 4 of the Development Regulations 2008.
<i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i> <i>General Section: Residential Development: PDC 12</i>		Complies
Parameter	Value	
Maximum floor area	60 square metres	

Maximum wall or post height	3 metres	Complies
Maximum building height	5 metres	Complies
Maximum height of finished floor level	0.3 metres	Unknown A siteworks and drainage plan, detailing existing ground levels and proposed floor levels has not been provided at this stage
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Carport for Existing Dwelling: 6.0m
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Does Not Comply</p> <p>The carport serving the existing dwelling does not meet the relevant Australian Standard (in width) and will require vehicles to reverse onto Bray Street, in conflict with Transportation and Access Principle 26.</p>

LAND DIVISION ASSESSMENT

The relevant objectives and principles of development control from the General Section: Land Division section of the Marion Council Development Plan are listed and assessed in the following table:

Land Division	
<p>Objectives</p> <p>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</p>	Complies
<p>2 Land division that creates allotments appropriate for the intended use.</p>	<p>Complies</p> <p>The suitability of the proposed Lots to accommodate detached dwellings is demonstrated in DA 100/2017/1706, to be considered by the Panel at this meeting.</p>

<p>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</p>	<p>Complies</p>
<p>Principles of Development Control</p> <p>1 When land is divided:</p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	<p>Complies</p> <p>(a) Stormwater can be adequately directed to the street water table.</p> <p>(b) Water supply is available.</p> <p>(c) Sewage connection is available to both Lots.</p> <p>(d) N/A</p>
<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Complies</p> <p>(a) The size and dimensions of the proposed Lots are suitable for their intended use, as demonstrated in DA 100/2017/1706.</p> <p>(b) Both allotments will have frontage to a formed public road.</p> <p>(c) The land is relatively flat, with no discernible slope.</p> <p>(d) Complies</p> <p>(e) Sewer connection is available</p> <p>(f) Complies</p> <p>(g) Complies</p>
<p>Design and Layout</p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Complies</p>
<p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p>Complies</p> <p>(a) N/A</p> <p>(b) Both allotments will have frontage to a formed public road.</p> <p>(c) Complies</p> <p>(d) N/A</p> <p>(e) N/A</p> <p>(f) N/A</p> <p>(g) N/A</p> <p>(h) N/A</p> <p>(i) N/A</p>

<p>8 Allotments in the form of a battleaxe configuration should:</p> <p>(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)</p> <p>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</p> <p>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</p> <p>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</p>	<p>Does Not Comply</p> <p>(a) The site area of proposed Lot 702, excluding the 'handle' is less than that sought for detached dwellings. However, the applicant/owner has demonstrated the shortfall in area does not compromise the site to accommodate a dwelling in general accordance with Council's Development Plan;</p> <p>(b) The design of the dwelling on proposed Lot 702 ensures safe and convenient on-site vehicle manoeuvring can be achieved.</p> <p>(c) Two access points are proposed, enabling one on-street parking space;</p> <p>(d) A number of hammerhead developments/divisions are evident within the locality</p>
<p>9 Access ways serving allotments in the form of a battleaxe configuration should:</p> <p>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</p> <p>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</p> <p>(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings</p> <p>(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.</p>	<p>Partially Complies</p> <p>(a) Access 'handle' equates to a length of 30 metres (approximately);</p> <p>(i) Width equates to 4.29 metres, to abut the eastern side of the existing dwelling</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p> <p>(a) Complies</p> <p>(b) N/A</p> <p>(c) Complies</p> <p>(d) Complies</p> <p>(e) Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Does Not Comply</p> <p>Both dwellings are to accommodate south-facing private open space areas</p>
<p>Roads and Access</p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Complies</p> <p>One on-street parking space will be available in front of the subject land</p>

<p><i>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p>	<p>Complies</p>
<p><i>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</i></p>	<p>Complies</p>

ANALYSIS/CONCLUSION

Despite the shortfall in site area for proposed Lot 702, it is my view that the applicant/owner has demonstrated the suitability of both allotments via Development Application 100/2017/1706, which is to be considered by the Panel at this meeting.

It is acknowledged the carport serving the existing dwelling will require vehicles to reverse onto Bray Street, which is discouraged by Transportation and Access Principle 26, as this road accommodates more than 6000 vehicles per day.

In considering the merits of this element of the proposal, it is of value to acknowledge that such a structure can be erected 'as of right' pursuant to Schedules 1A and 4 of the Development Regulations. Furthermore, a high majority of allotments with a direct frontage to Bray Street accommodate reversing movements only onto Bray Street.

Council's Development Engineer is of the view that whilst reversing movements onto Bray Street is not ideal, the proposed division provides improvements to on-road safety, by reducing conflict in proximity to the Ferry Avenue intersection – as vehicles exiting the site from the eastern (proposed hammerhead) access should do so in a forward direction, compared to current reversing movements.

As such, despite the failure of the proposal to satisfy Transportation and Access Principle 26, the proposal provides marginal improvements in on-road safety.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent and Land Division Consent, subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/1246/2017 for a residential Torrens Title land division - 1 into 2 allotments and carport to western side of existing dwelling at 60 Bray Street, Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

- 1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/1246/2017 (100/D146/17), except when varied by the following conditions of consent.
- 2. All works to the existing dwelling, including demolition of existing carport and construction of proposed carport shall be substantially completed and available for use, prior to the Council advising the Development Assessment Commission that it raises no objection to the issue of a Certificate pursuant to Section 51 of the Development Act.
- 3. All structures/buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other material shall be cleared from proposed Lot 702, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a Certificate pursuant to Section 51 of the Development Act.
- 4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 5. A certificate from a suitably qualified person shall be submitted confirming that the building has been adequately fire-separated in accordance with the provisions of the Building Code of Australia and/or the South Australian Housing Code, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

- 1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
- 2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

3. **Payment of \$6676 into the Planning and Development Fund (one allotments @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.**
4. **A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**
5. **All existing buildings and paved areas on proposed Lot XXXX shall be connected to a stormwater collection and disposal system that meets the requirements of AS3500, that does not cross the boundaries of other allotments, and is connected to the street water table (or, where relevant, back of block drainage pipes in registered easements) via impervious pipe prior to Council issuing Section 51 clearance to the Development Assessment Commission. (Note, the stormwater collection and disposal system can incorporate stormwater detention or retention tanks as necessary).**

NOTES

1. **This approval has been granted on the basis of the suitability of the land for a detached dwelling as demonstrated in Development Application No: 100/2017/1706. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.**

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>External Agency Referral Comments</i>

**REPORT REFERENCE: CAP011117 – 3.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Rob Tokley Acting Policy Planner
Applicant:	Guo Yong
Development Description:	Demolition of existing carport, construction of carport to western side of existing dwelling and construction of a single storey dwelling to the rear of the site
Site Location:	60 Bray Street, Plympton Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	14/09/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Nil
Application No:	100/2017/1706
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii) and Part 1: 2(d)) of the Development Regulations 2008, which assigns the construction of single storey dwellings and carport structures as Category 1 development. The subject application is required to be determined by the Council Assessment Panel by virtue of the proposed new dwelling supporting an allotment area less than the minimum of 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

BACKGROUND

During the assessment process, Council staff requested the provision of a site survey to confirm to the position of the existing dwelling on the land.

SUBJECT LAND & LOCALITY

The land is situated at 60 (Lot 6) Bray Street Plympton Park, and enjoys a frontage width of 18.29 metres, a depth of 46.52 metres; providing a total site area of 853 square metres. The Certificate of Title confirms the land is free of easements and encumbrances.

A single storey detached dwelling, in good condition, exists on the land. Later improvements, including a small dwelling addition, verandah and carport are attached to the rear and side of the dwelling, respectively.

A small outbuilding is located adjacent the rear of the dwelling. The land is relatively flat, with no discernible slope, whilst there is little vegetation of note on the land.

The locality is predominantly residential in nature, accommodating (typically) single storey detached dwellings constructed in the 1950s and 60s. More recent development has taken the form of single storey detached, row and group dwellings.

A group of single storey shops, situated within the Local Centre Zone are situated directly to the north of the site. The centre accommodates a small delicatessen, hairdresser, take-away food outlet and post office.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to demolish the existing carport situated on the eastern side of the dwelling and construct a new carport structure to the western side, with a new driveway crossover/invert.

A new single storey dwelling is proposed to be constructed to the rear of the site, accommodating three bedrooms (main with en-suite), an open plan kitchen/living/dining area, typical wet areas, carport and 'alfresco' (under main roof verandah). This dwelling will utilise the existing driveway crossover adjacent the eastern side of the site.

The proposed dwelling is to be constructed of face brick (in 'Domino Black'), colorbond roof at a 22.5 degree pitch (in 'Monument') and aluminium framed windows.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Northern Policy Area 13 are listed in the following table and discussed in further detail below:

Residential Zone		
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Minimum Site Area: Detached dwellings: 375 sq metres</i>	Complies Existing dwg: 417 sq metres Does Not Comply Proposed dwg: 305 sq metres
	<i>Minimum Frontage: Detached dwellings: 12 metres Hammerhead allotment: 4.0 metres</i>	Complies Existing dwg: 14.0m Proposed dwg: 4.29m
	<i>Minimum Depth: Detached dwellings: 20 metres</i>	Complies Existing dwg: 30.02m Does Not Comply Proposed dwg: 16.5m

Assessment

The proposal seeks to make minor additions to the existing dwelling and to construct a single storey dwelling to the rear of the site.

Both dwellings are considered to represent the low scale, low density form of development sought in the Policy Area, by virtue of the single storey nature of the buildings, compliant setbacks to property boundaries, ample private open space and marginal 'excess' in site coverage.

A Local Centre Zone is located in close proximity, offering a number of conveniences, whilst Bray Street accommodates a high frequency bus route, providing services to the City and Marion Regional Centre. An area of public open space is located within convenient walking distance (370 metres by foot) to the north-north-east of the site. As such, the locality is one that is identified as warranting increased densities in accordance with Residential Zone Objective 2.

Despite the shortfall in site area servicing the proposed dwelling, the average site area excluding the 'handle' of the hammer equates to 361 square metres; marginally less than that sought for two detached dwellings, and exceeding that required for semi-detached and group dwellings. This demonstrates that the shortfall in site area does not result in a density exceeding that sought in the Policy Area.

The site accommodating the proposed dwelling incorporates a substantial shortfall in depth; equating to 16.5 metres, where 20 metres is sought. Despite this shortfall, the proposed dwelling exceeds the minimum rear setback sought, ample private open space is provided to the rear of the dwelling and vehicle parking areas enable the safe and convenient manoeuvring of vehicles to ensure the forward entry and exit of vehicles.

To this end, the proposal adequately complies with the applicable Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Site Coverage		
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p>Northern Policy Area 13: PDC 4</p>		
<p>Site coverage:</p> <p>Does Not Comply</p> <p>Existing dwg: 175 sq metres (41.9%)</p> <p>Proposed dwg: 130.4 sq metres (42.7%)</p>		
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p> <p>Residential Zone: PDC 9</p>		
<p>Complies</p>		
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>		
<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>		
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p>General Section: Residential Development: PDC 15</p>		
<p>Complies</p>		
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room 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>Complies</p> <p>Existing dwg: 110 sq metres (26.3%)</p> <p>Proposed dwg: 99.1 sq metres (32.5%)</p>		

		The remainder of the space should have a minimum dimension of 2.5 metres.	
Residential Zone: PDC 7			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) 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.</i></p> <p>General Section: Residential Development: PDC 16</p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p>General Section: Residential Development: PDC 17</p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>g) The proposed POS areas maintain a southerly aspect and are likely to experience significant shading during winter months. Having said this, both POS areas are likely to receive some early morning and late afternoon solar access.</p> <p>h) The POS areas are likely to be significantly shaded during winter by the associated dwelling or adjacent development.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p>General Section: Residential Development: PDC 22</p>			<p>Complies</p> <p>Existing dwg: 60% open to sky</p> <p>Proposed dwg: 85% open to sky</p>
Side Setbacks			
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i></p> <p><i>0.9 metres</i></p> <p>Residential Zone: PDC 6</p>			<p>Complies</p> <p>Minimum side setback to dwelling: 1.9m</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report).</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Min setback: 4.84m, increasing to 6.04m for 50% of rear boundary</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report).</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The proposed dwelling incorporates a maximum building height of 4.4 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies</p>
<h2>Garages, Carports, Verandas and Outbuildings</h2>	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p>

<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Unknown A siteworks and drainage plan, detailing existing ground levels and proposed floor levels has not been provided at this stage</p> <p>Complies</p> <p>Complies Carport for Proposed Dwelling: 0.75m</p> <p>Complies Carport for Existing Dwelling: 6.0m</p> <p>Complies</p>
Parameter	Value	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	
Maximum building height	5 metres	
Maximum height of finished floor level	0.3 metres	
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<p>Complies</p>
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<p>Does Not Comply</p> <p>The carport serving the existing dwelling does not meet the relevant Australian Standard (in width) and will require vehicles to reverse onto Bray Street, in conflict with Transportation and Access Principle 26.</p>
Vehicle Parking		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		<p>Complies</p> <p>Existing dwg: 3 on-site spaces (1 of which is covered)</p> <p>Proposed dwg: 2 on-site spaces (1 of which is covered)</p>
Detached Semi-detached Row	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</p> <p>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	

Table Mar/2 - Off-street Vehicle Parking Requirements.	
<p>35 Development should be consistent with <i>Australian Standard AS: 2890 - Parking facilities</i>.</p> <p>General Section: Transportation & Access: PDC 35</p>	<p>Does Not Comply The proposed carport serving the existing dwelling incorporates a maximum width of 2.964 metres – less than the 3.0 metres identified in the applicable Australian Standard</p> <p>Complies The carport of the proposed dwelling incorporates a width of 3.03 metres</p>
<p>On-site visitor parking spaces should be sited and designed to:</p> <ul style="list-style-type: none"> (a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times. <p>General Section: Transportation & Access: PDC 42</p>	<p>Complies</p>
<p>On-site vehicle parking should be provided having regard to:</p> <ul style="list-style-type: none"> (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). <p>General Section: Transportation & Access: PDC 43</p>	<p>Complies</p> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 1 on-street car parking space shall remain available adjacent the subject land.
<p>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</p> <ul style="list-style-type: none"> (a) not face the primary street frontage (b) be located to the rear of buildings with access from a shared internal laneway (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building. <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The proposal provides for an on-site parking area serving the existing dwelling adjacent the side of the dwelling; typical of dwellings in the locality.</p> <p>The proposed dwelling provides car parking areas out of view from the street, in accordance with Principle 45.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>1 on-street car parking space is provided for the proposed allotments, which satisfies PDC 22.</p>
Access	
<p>Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.</p> <p>General Section: Transportation and Access: PDC 26</p>	<p>Does Not Comply</p> <p>Bray Street has been identified as accommodating up to 9,000 vehicles per day. The carport serving the existing dwelling will require vehicles to reverse onto Bray Street, in conflict with Principle 26.</p>

<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p>														
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Partially Complies</p> <p>The proposed crossover serving the existing dwelling is clear of street infrastructure.</p> <p>The driveway serving the existing dwelling is to utilise an existing crossover, which based upon the proposal plans will be situated within 500mm of an existing stobie pole. As the driveway crossover exists currently, the applicant/owner is entitled to the continued use of the driveway in its current form.</p> <p>A crossover 500mm from the stobie pole is therefore a slight improvement in vehicular safety.</p>														
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p> <table><tr><th rowspan="3">Dwellings served</th><th colspan="2">Trafficable width (metres)</th><th rowspan="3">Width beyond first 6 metres</th><th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th></tr><tr><th colspan="2">Intersection with public road and first 6 metres</th></tr><tr><th>Arterial roads</th><th>Other roads</th></tr><tr><td>1 – 3</td><td>6</td><td>3</td><td>3</td><td>0.5</td></tr></table> <p>General Section: Residential Development: PDC 41</p>	Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	1 – 3	6	3	3	0.5	<p>Complies</p>
Dwellings served		Trafficable width (metres)				Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)								
		Intersection with public road and first 6 metres													
	Arterial roads	Other roads													
1 – 3	6	3	3	0.5											
<p>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>														
<p>Design & Appearance</p>															
<p>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</p> <p>(a) building height, mass and proportion</p> <p>(b) external materials, patterns, colours and decorative elements</p> <p>(c) roof form and pitch</p> <p>(d) façade articulation and detailing</p> <p>(e) verandas, eaves, parapets and window screens.</p> <p>General Section: Design & Appearance: PDC 1</p> <p>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</p> <p>General Section: Design & Appearance: PDC 3</p>	<p>Complies</p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none">Exposed brick;Protruding portico and alfresco features;Eave overhang and pitched roof form at 22.5 degree slopeFenestration <p>The dwelling incorporates a Colorbond roof in 'Monument', with exposed brick facades. The garage of the dwelling features 'Surfmist' Colorbond Panel lift door. These materials should not result in glare to neighbouring</p>														

	<p>properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></p> <p><i>(b) individual entries for ground floor accommodation</i></p> <p><i>(c) opportunities to overlook adjacent public space.</i></p> <p>General Section: Residential Development: PDC 6</p>	<p>Complies</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p>General Section: Residential Development: PDC 8</p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p>General Section: Residential Development: PDC 9</p>	<p>Complies</p> <p>The entry area of the proposed dwelling is easily identifiable by visitors, via the protruding portico and north-facing entry door.</p>
<p>Relationship to the Street and Public Realm</p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design & Appearance: PDC 13</p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design & Appearance: PDC 14</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 16</p>	<p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the proposed dwelling features exposed brick and reasonable articulation to avoid extensive areas of uninterrupted walling exposed to public view.</p>

Overshadowing

The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:

- (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).*

General Section: Design & Appearance: PDC 9

Except where otherwise specified in a zone, policy area or precinct, development should ensure that:

- (a) north-facing windows to living rooms 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 3 pm on the 21 June*
- (b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level private open space*
 - (ii) 35 square metres of the existing ground level private open space*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.*

General Section: Design & Appearance: PDC 10

Complies

The single storey nature of the proposed dwellings is such that:

a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June

b) A majority of winter shadow will be cast within the rear yard of the proposed dwelling. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Energy Efficiency

Development should provide for efficient solar access to buildings and open space all year around.

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

- (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings*
- (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.*

General Section: Energy Efficiency: PDC 2

Partially Complies

The proposed dwelling is oriented so that the open space and main activity areas face south. However, the living area does incorporate a north-facing window for exposure to winter sun.

As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.

Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:

- (a) taking into account overshadowing from neighbouring buildings*
- (b) designing roof orientation and pitches to maximise exposure to direct sunlight.*

General Section: Energy Efficiency: PDC 3

Complies

The dwelling incorporates a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

- (a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)*
- (b) enhance the appearance of road frontages*
- (c) screen service yards, loading areas and outdoor storage areas*
- (d) minimise maintenance and watering requirements*
- (e) enhance and define outdoor spaces, including car parking areas*
- (f) provide shade and shelter*
- (g) assist in climate control within buildings*
- (h) maintain privacy*
- (i) maximise stormwater re-use*
- (j) complement existing native vegetation*
- (k) contribute to the viability of ecosystems and species*
- (l) promote water and biodiversity conservation.*

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

General Section: Landscaping, Fences & Walls: PDC 2

Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.

General Section: Landscaping, Fences & Walls: PDC 3

Partially Complies

The applicant has not provided a landscaping plan for the proposed development. However, adequate provision has been made for the placement of plantings on both sides of the hammerhead driveway and adjacent the northern side of the dwelling.

Ample area remains forward of the existing dwelling to assist in achieving a number of applicable criteria of Principle 1.

In the event the Panel are supportive of the application, it is recommended that a condition is included in the consent, requiring the provision of a landscape plan, to be considered and approved by administration, prior to the issue of Development Approval.

TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. However, the following non-compliances are noted and discussed in further detail below:

- Site coverage of both dwellings;
- Orientation of private open space (both dwellings);
- Width of carport serving existing dwelling;
- Vehicles will reverse on to Bray Street.

Site coverage of both dwellings

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the 'excess' in site coverage:

- (a) The proposal achieves sufficient areas of private open space (POS) and setbacks from boundaries. Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land; and
- (b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.

Orientation of private open space (both dwellings)

Both sites are to incorporate the primary area of private open space (POS) to the rear of the dwelling, in accordance with Residential Development Principle 16(c). This positioning results in the dwelling casting substantial shadow over this area in winter months.

Whilst POS areas free from shadow throughout winter months is ideal, to achieve such would require the POS to be located forward of the dwelling, which for the existing dwelling would require the provision of fencing; 'closing' the streetscape appearance of the site and preventing opportunity for casual surveillance of the public realm.

Due to the single storey nature of both dwellings, some early morning and late afternoon solar access will be available to the POS areas.

In conclusion, the location of the POS areas fail to satisfy Residential Development Principle 16(g) and (h).

Width of carport serving existing dwelling

The carport serving the existing dwelling incorporates a width of 2.964 metres. The relevant Australian Standard seeks for car park spaces to be free of obstructions for a width of 3.0 metres (refer to Attachment IV).

The 3.6cm shortfall in width is unlikely to inhibit the safe entry, parking and exit of vehicles and as such, in my view, is not 'fatal' to the application.

Vehicles to reverse on to Bray Street

A recent traffic survey on Bray Street (May 2017) observed that approximately 9,000 vehicles per day utilise Bray Street.

Transportation and Access Principle 26 seeks for sites adjacent roads exceeding 6,000 vehicle movements per day to be designed to "avoid the need for vehicles to reverse onto or from the road".

The proposal seeks to continue to permit occupants of the existing dwelling reversing movements onto Bray Street.

Whilst this is not a preferred outcome, it does not alter the existing vehicle movements from the dwelling.

A reversing bay forward of the dwelling could alleviate the need for vehicles to reverse onto Bray Street, however, this would be at the detriment of the streetscape; resulting a substantial area forward of the dwelling to be sealed.

It is acknowledged the proposal fails to satisfy Transportation and Access Principle 26, which is considered against the merit of the proposal.

ANALYSIS/CONCLUSION

The proposed development meets a high majority of the applicable criteria contained within the Marion Council Development Plan.

The location of the site is one which is encouraged for increased densities, as the land is in close proximity to a Local Centre Zone, bus routes along Bray Street and an established area of public open space to the north of the site.

The proposal satisfies all setback criteria, provides appropriate private open space for each dwelling (albeit, south-facing), adequate on-site car parking and a reasonable level of amenity for future occupants.

It is acknowledged the width of the carport serving the existing dwelling does not meet the relevant Australian Standard, however, the shortfall (3.7 cm) should not inhibit the safe entry, parking, alighting and exit of a typical domestic vehicle from that space.

It is acknowledged the carport serving the existing dwelling will require vehicles to reverse onto Bray Street, which is discouraged by Transportation and Access Principle 26, as this road accommodates more than 6000 vehicles per day.

In considering the merits of this element of the proposal, it is of value to acknowledge that such a structure can be erected 'as of right' pursuant to Schedules 1A and 4 of the Development Regulations. Furthermore, a high majority of allotments with a direct frontage to Bray Street accommodate reversing movements only onto Bray Street.

Council's Development Engineer is of the view that whilst reversing movements onto Bray Street is not ideal, the proposed division provides improvements to on-road safety, by reducing conflict in proximity to the Ferry Avenue intersection – as vehicles exiting the site from the eastern (proposed hammerhead) access should do so in a forward direction, compared to current reversing movements.

As such, despite the failure of the proposal to satisfy Transportation and Access Principle 26, the proposal provides marginal improvements in on-road safety.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1706/2017 for the demolition of existing carport, construction of carport to western side of existing dwelling and construction of a single storey dwelling to the rear of the site at 60 Bray Street, Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1706/2017, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 4. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.
- 5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

- 6. Landscaping shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council.
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

- Attachment I: Certificate of Title*
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation
Attachment IV: AS 2890 – Figure 5.2

**REPORT REFERENCE: CAP011117 – 3.6
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Rob Tokley Acting Policy Planner
Applicant:	Mr David Lands
Development Description:	To vary Development Application 100/2012/2036 – as varied by Development Application 100/2014/1583 – to increase capacity from 115 persons to 160 persons
Site Location:	1022 and 1024-1026 South Road, Edwardstown
Zone:	Commercial Zone
Policy Area:	South Road Policy Area 2
Application Type:	Category 1 / Consent
Lodgement Date:	06/09/2017
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2017/1650
Recommendation:	That Development Plan Consent and Development Approval be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of clause 2(g) of Schedule 9 of the Development Regulations 2008, which assigns development of a minor nature to be classified as a Category 1 form of development.

The proposal is considered to be a minor form of development given the site maintains existing use rights as a function centre and the increase in the capacity of the venue is not anticipated to result in unreasonable impacts upon the owners or occupiers of land in the locality. This is further explained in the following report.

BACKGROUND

At its meeting of 18 September 2013, Council's Development Assessment Panel granted consent for a change of use of the site/building from Bridal Centre (shop) to Function Centre – limited to a maximum capacity of 80 persons; based upon the available car parking spaces on the site (3) and adjacent land 1024-1026 South Road (22 spaces).

On 10 December 2014, Council's Development Assessment Panel granted consent for an increase in the capacity of the centre from 80 to 115 persons, following receipt of documentation from the

applicant and their traffic consultant, demonstrating that adequate car parking was available on-site and on-street, given observed methods of transport taken by patrons.

Both consents were subject to a number of conditions, including the following;

- **The function centre shall only operate during times when the business(es) operating from the land and/or building(s) at 1024-1026 South Road, Edwardstown (properties identified as Lots 1 and 2 in Certificate of Title volume 5590 folio 715 and Lot 142 in Certificate of Title volume 5514 folio 903) is not operating.**
- **This consent is only valid on the basis that the 22 car park spaces, within the car park area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) are available for the exclusive use of the function centre during the operating times of the function centre.**

SUBJECT LAND & LOCALITY

The land is situated at 1022 (lot 305) and 1024-1026 (Lot 142 only) South Road, Edwardstown.

The property comprising the function centre incorporates a frontage to South Road of 10.54 metres, a depth of 56.28 metres and an overall area of 593.2 square metres.

A right of way, with a width of 1.22 metres, is available to the land adjoining the northern boundary of the property.

Lot 142 comprises a car park used in conjunction with the function centre, and maintains a frontage width of 18.9 metres, depth of 42.5 metres and a total area of 793 square metres.

A majority of the land is developed with a large building, abutting the front, rear and southern side boundaries and 1.5 metres from the northern side boundary.

An open area, used for storage and car parking (maximum of three spaces) is situated towards the rear of the building, accessed by the right of way along the northern boundary of the site.

The internal layout of the building has been altered to reflect the approved use as a function centre – being operational for some 3 years. Wet areas and a kitchen are situated towards the eastern end of the building.

The locality comprises a range of office, retail and industrial land uses. Directly to the north and south of the site are offices with associated car parking.

Castle Plaza Shopping Centre is located further to the north, offering a range of small and large scale retail outlets, fast food shops/restaurants and hotel (bar).

To the south and west of the land, within the suburb of Edwardstown, a mix of heavy and light industrial uses exist, many of which have been operating from their respective sites for some 50 years.

The eastern side of South Road, within the City of Mitcham, comprises commercial land uses, such as shops, retail showrooms and service trade premises.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to increase the maximum capacity of the previously-approved (and currently operating) function centre from 115 to 160 persons.

The operating hours of the centre are not proposed to alter as part of the application.

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	Referral to the Department was not warranted, as the proposal to increase the capacity of the venue did not satisfy the criteria of Part 3 of Schedule 8 of the Development Regulations.
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INTERNAL DEPARTMENT COMMENTS

Traffic and Parking:	<p>The application was referred to Council's Traffic and Parking department, for review of existing parking restrictions in the locality. In staff's view, existing parking restrictions do not alter the merits of the proposal.</p> <p>A response was not received prior to the close of the Agenda, however, advice will be available at the meeting, in the event the Panel seek this information.</p>
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Commercial Zone and South Road Policy Area 2 are listed in the following table and discussed in further detail below:

Commercial Zone		
<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>	Complies
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Complies (See discussion re: car parking)

Assessment

South Road Policy Area 2		
Objectives		
1	<i>Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road.</i>	Partially Complies
2	<i>Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential</i>	

<p>zones.</p> <p>3 Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor.</p> <p>4 Development that contributes to the desired character of the policy area.</p>	
<p>Desired Character</p> <p>Development along South Road is highly commercialised and provides an important servicing role to local, neighbourhood and significant district and metropolitan wide population. It contains a major concentration of motor vehicle related uses, service trade premises and bulky goods outlets. Due of the importance of South Road as a major arterial road, new development must be consistent with its arterial road function.</p> <p>The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.</p> <p>The architectural style and finishes of building development will be varied and display high aesthetic qualities to enhance the visual character of the locality.</p>	Complies

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control

Assessment

Interface Between Land Uses	
<p>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</p> <p>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</p> <p>(b) noise</p> <p>(c) vibration</p> <p>(d) electrical interference</p> <p>(e) light spill</p> <p>(f) glare</p> <p>(g) hours of operation</p> <p>(h) traffic impacts.</p> <p>General Section: Interface Between Land Uses: PDC 1</p>	<p>Complies</p> <p>See discussion below</p>
<p>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</p> <p>General Section: Interface Between Land Uses: PDC 2</p>	<p>Complies</p> <p>See discussion below</p>
Transportation and Access	
<p>Land Use</p> <p>Development that:</p> <p>(c) provides off-street parking</p> <p>(d) is appropriately located so that it supports and makes best use of existing transport facilities and networks</p> <p>(e) provides convenient and safe access to public transport stops</p> <p>General Section: Transportation and Access: Obj 2</p>	<p>Partially Complies</p>

<p><i>Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.</i></p> <p><i>General Section: Transportation and Access: PDC 1</i></p>	<p>Complies</p>
<p>Movement Systems</p> <p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p><i>General Section: Transportation and Access: PDC 2</i></p>	<p>Complies</p>
<p><i>Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p><i>General Section: Transportation and Access: PDC 5</i></p>	<p>Complies Existing bus routes operate along South Road</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Does Not Comply See discussion below</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Partially Complies Existing car park area being used, however, proposal seeks for additional patron numbers not serviced by adequate car park numbers.</p>
<p>Crime Prevention</p> <p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Partially Complies The use of the car park, some 80 metres away by foot, results in predictable routes taken by patrons; somewhat at variance to Principle 9 above. However, adequate street lighting along South Road and Woodlands Terrace should provide sufficient visibility for patrons.</p>
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>General Section: Crime Prevention: PDC 9</i></p>	

TABLE DISCUSSION

During the processing of the 'original' application, the applicant advised that it was their intention to provide a smaller, 'boutique' venue for wedding receptions and the like, as such premises are limited in metropolitan Adelaide. By providing a smaller venue for customers, costs would be reduced, whilst a smaller building footprint provides a more intimate setting for events.

Having now operated the business for some 3 years, the applicant has found that the limit to patron numbers of 115 persons (up from 80 persons via the 'original' application) compromises the ability of the business to host a number of functions.

The increase in the capacity of the venue will provide the operator the flexibility in accommodating more functions at the premise, which appears to have traded relatively successfully to date.

Table Mar/2 of Council's Development Plan does not identify a parking rate for a function centre. As such, determination of parking demand/rate should be assessed on needs basis.

The applicant has provided a report from qualified Traffic Engineer, Mr Phil Weaver. Mr Weaver's report includes a survey of the car park and premises on two separate occasions – both Saturday evening events, one of which accommodated 160 persons ('one off' exemption granted by administration staff).

As can be seen in Attachment III, it was found that, at most, there was a demand for 41 car parking spaces (1:4 persons) for an event of 160 persons.

Assuming this is reflective of the travelling modes of most persons, there is a need for use of 16 on-street parking spaces within the locality, in addition to the available 25 off-street parking spaces.

In the event that demand exceeds the capacity of on-site parking spaces and patrons were to use the adjoining public street network (excluding South Road which has parking restrictions), ample on-street parking would be available.

In considering the appropriateness of the increase in capacity, the character of the locality is to be considered. As Members are likely to have witnessed in viewing the site/locality, land uses surrounding the site are commercial or industrial in nature. These businesses are highly unlikely to operate outside of core business hours – the hours when the subject function centre is likely to be trading.

Given this, the use of available on-street parking by function centre patrons is unlikely to impact the use of these spaces by adjacent land uses, as there will be no 'competing demands' for these spaces, whilst noise associated with running engines, closing doors and patrons entering or exiting the centre or their vehicles will not erode the amenity enjoyed by nearby persons.

As such, it is my view that despite the proposal resulting in a likely car parking demand exceeding that provided on-site (including spaces at 1024-1026 South Road), there is unlikely to be negative consequences resulting in the parking of vehicles on adjacent streets.

ANALYSIS/CONCLUSION

The proposal seeks to increase the capacity of the venue from 115 to 160 persons. Based upon a review undertaken by Traffic Engineer, Mr Phil Weaver, this is likely, at times to exceed the capacity of available on-site car parking.

Given a majority, if not all other businesses in the locality are unlikely to be trading during the operation of the function centre, I do not envisage any unreasonable impacts will result upon nearby persons or businesses as a result of patrons utilising existing on-street parking spaces in the event all on-site spaces are utilised.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent and Development Approval, subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/1650/2017 for Increase in customer cover in existing function centre at 1022 and 1024-1026 South Road, Edwardstown be GRANTED subject to the following conditions:

CONDITIONS

- (1) The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1583 and 100/2012/2036, being documentation dated 27 May and 4 July 2013, and additional documentation dated 6 November 2014, except when varied by the following conditions of consent.
- (2) The maximum capacity of the function centre is to be limited to 115 patrons.
- (3) The function centre shall only operate during times when the business(es) operating from the land and/or building(s) at 1024-1026 South Road, Edwardstown (properties identified as Lots 1 and 2 in Certificate of Title volume 5590 folio 715 and Lot 142 in Certificate of Title volume 5514 folio 903) is not operating.
- (4) This consent is only valid on the basis that the 22 car park spaces, within the car park area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) are available for the exclusive use of the function centre during the operating times of the function centre.
- (5) The car parking area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) shall be appropriately lit during the operation of the function centre to provide safety and security of patrons, during non-daylight hours, to the reasonable satisfaction of Council. Details of the lighting to be installed shall be provided to Council for consideration and approval, prior to Development Approval being issued.
- (6) All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the function centre, with the marking maintained in a clear and visible condition at all times.

- (7) The existing signs to the car park shall be modified to reflect after hours use by the function centre.**
- (8) Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times. Details shall be provided to Council for consideration and approval, prior to Development Approval being issued.**
- (9) Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.**
- (10) All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.**
- (11) The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.**
- (12) All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

Attachments

Attachment I: Certificates of Title
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation
Attachment IV: 'Original Plans'

**REPORT REFERENCE: CAP011117 – 3.7
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	City Of Marion
Development Description:	Two (2) freestanding advertisements, one of which incorporates internal illumination
Site Location:	287 Diagonal Road, Oaklands Park
Zone:	Regional Centre Zone
Precinct:	Precinct 9 Northern Fringe Marion
Application Type:	Category 1 / Consent
Lodgement Date:	14/06/2017
Development Plan:	Consolidated – 28 April 2016
Application No:	100/1066/2017
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, as the proposed signage is considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

BACKGROUND

During the assessment process, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
The height of Sign 1 should be reduced ensuring the associated building remains as the main elevation presenting to the streetscape.	Height of Sign 1 reduced from 4.8 metres to 4.0 metres and subsequent reduction in display area from 9.9sqm to 6.68sqm per side.

SUBJECT LAND & LOCALITY

The subject land is located on the southern side of Diagonal Road at 287 Diagonal Road, Oaklands Park. The allotment is irregular in shape, supporting a frontage to Diagonal Road of 65.27 metres and a frontage to Warracowie Way of 90.83 metres. The site has an approximate area of 7213 square metres. The allotment is located within a Regional Centre Zone.

The subject land comprises the existing Marion Cultural Centre, which has been landmarked as being of architectural significance and unique in its design. The building won the Award of Merit in 2002, which was awarded by the Australian Institute of Architects (SA Chapter). The building incorporates a mixture of colours and materials, including different shades of orange, rusted copper/metal and white/cream. The contour of the land is generally flat; however, the vegetated garden bed adjacent the Marion Cultural Centre falls away from the building towards the Diagonal Road and is slightly elevated towards the vehicle entry point.

The locality predominantly features a balance of residential uses within a Residential Zone (north side of Diagonal Road), while the SA Aquatic & Leisure Centre (situated on the northern side of Warracowie Way) and car parking area associated with Westfield Marion Shopping Centre (immediately south of the subject land) are within a Regional Centre Zone.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application seeks to construct two freestanding signs. One of the signs will incorporate internal illumination and be situated within the garden bed adjacent the Marion Cultural Centre building. The second sign will be non-illuminated and be situated within the garden bed adjacent the vehicle entry point of the Marion Cultural Centre.

The proposed illuminated advertisement (Sign 1) will be double-sided and achieves a north-west to south-east orientation in order to gain maximum visual exposure to traffic travelling along Diagonal Road. The sign will incorporate an Alucobond finish to the main panel, vertical Alucobond decorative sections at the bottom of the sign and information regarding the use of the land in an acrylic finish. The logo and information of the freestanding sign incorporate acrylic faces, while the main panel area incorporates internal illumination. The total display area of the proposed freestanding sign equates to 13.36 square metres or 6.68 square metres per sign face.

The non-illuminated sign (Sign 2) will be single sided and is oriented to gain exposure to those visiting the subject land via the vehicle entry point of the Marion Cultural Centre. The sign will incorporate an Alucobond finish and information regarding the use of the land in an acrylic finish. The total display area of the proposed freestanding sign equates to 2.9 square metres.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Commissioner of Highways:	<p>DPTI is of the view that the proposal is unlikely to result in a reduction in road safety on or adjacent the arterial road as opposed to the existing installation.</p> <p>DPTI does not object in-principle to the proposal, subject to conditions.</p>
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Regional Centre Zone and Precinct 9 Northern Fringe Marion are listed in the following table and discussed in further detail below:

Regional Centre Zone		
Objectives 1 <i>A centre representing the primary focus for business and commercial services for the region, outside the central business district of Adelaide, providing a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, and public and private office development.</i> 2 <i>A centre providing a focus for public transport interchanges and networks.</i> 3 <i>Development of a visually and functionally cohesive and integrated regional centre.</i> 4 <i>A centre accommodating high density residential development in conjunction with non-residential development.</i> 5 <i>Development that contributes to the desired character of the zone.</i>		Complies The existing Marion Cultural Centre has been in operation for a significant period of time within the Regional Centre Zone and the continuation of this use is considered appropriate within the locality and Zone.
PDC 1	The following forms of development are envisaged in the zone: <ul style="list-style-type: none"> - affordable housing - bank - child care centre - civic centre - community health centre - consulting room - department store - dwelling in conjunction with non-residential development - educational establishment - emergency services facility - entertainment facility - hospital - hotel - indoor games centre - library - motel - motor repair station 	Complies Whilst the proposed use of the land does not form part of the assessment of this particular application, it is worthy to note that the proposed free-standing signage is associated with the Marion Cultural Centre which has been in operation on the subject land for a number of years.
Precinct 9 Northern Fringe Marion		
PDC 21	The following forms of development are envisaged in the precinct: <ul style="list-style-type: none"> - cafes - community and human services facilities - concession stalls and open air markets developed along main pedestrian and/or vehicle linkages - consulting rooms - library - licensed premises - offices - public halls - recreation and entertainment activities - restaurants - small-scale specialty shops. 	Complies The proposed free-standing signage is associated with the Marion Cultural Centre which has been in operation on the subject land for a number of years.

DEVELOPMENT ASSESSMENT

The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p>(a) <i>consistent with the predominant character of the urban or rural landscape</i></p> <p>(b) <i>in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p>(c) <i>co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	
<p>Complies</p> <p>Sign 1 shall be located between the Marion Cultural Centre and the Diagonal Road allotment boundary and therefore it is considered to become one of the main elements in view from the streetscape. Notwithstanding this, the siting and height of the advertisement display is not considered to unreasonably detract from the architectural design of the Marion Cultural Centre. Administration has reviewed the original application plans of the Marion Cultural Centre and identified the building achieves a height equal to 5.5 metres. Given Sign 1 achieves a maximum height of 4 metres and be situated within the garden bed which falls away from the building, the advertisement will not be higher than the walls of the associated building. The advertisement incorporates similar colours and materials to the Marion Cultural Centre and has been appropriately designed to form an integrated and complementary addition of the existing building. As such, it is my opinion that Sign 1 has been designed in such a way that it is co-ordinated with and complementary to the architectural form and design of the Marion Cultural Centre.</p>	
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p>(a) <i>clutter</i></p> <p>(b) <i>disorder</i></p> <p>(c) <i>untidiness of buildings and their surrounds</i></p> <p>(d) <i>driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>The design and information on each sign is considered to be displayed in a clear and concise manner to avoid clutter, disorder, untidiness of buildings and their surrounds and driver distraction.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>Complies</p> <p>The advertisements are limited to information relating to the legitimate use of the subject land. The LED component of Sign 1 shall display information relating to upcoming events, and therefore also relates to the legitimate use of the associated land.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p>(a) <i>be completely contained within the boundaries of the subject allotment</i></p> <p>(b) <i>be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p>(c) <i>not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p>Complies</p> <p>a) The advertisements shall be contained within the boundaries of the subject allotments.</p> <p>b) The advertisements should not result in damage to significant vegetation, as they are proposed in the existing garden beds of the Marion Cultural Centre.</p> <p>c) The signs should not obscure views of objects/vistas of high amenity value.</p>

<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i></p> <p><i>(b) a road, median strip or traffic island</i></p> <p><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> <p><i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p>Complies</p> <p>The advertisements are located within the subject land, which is used for community/administrative purposes.</p>
<p><i>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p> <p><i>General Section: Advertisements: PDC 9</i></p>	<p>Complies</p> <p>The signs shall not protrude beyond the architectural outline of the associated building.</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p>Complies</p> <p>The supporting advertising hoardings shall be effectively concealed from view.</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p>Complies</p> <p>The advertisements have been designed with a consistent theme of Alucobond background in “natural copper”, white lettering and the City of Marion logo. This theme is considered simple and clear. The content of the signs relates to use of the site and features concise language.</p>
<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>a) Recommended conditions of consent ensure that the signs shall not be so highly illuminated to cause driver discomfort.</p> <p>b) A recommended condition of consent stipulates that the content of the LED sign shall not be confused with an official traffic signal. The LED sign shall primarily use white text on a black background, which should not result in conflict with traffic signals.</p> <p>c) The illuminated LED sign is located approximately 160 metres from the nearest traffic signals at the Diagonal Road vehicle entry to Westfield Marion Shopping Centre, and therefore should not distract drivers from their primary driving task at a location where demands on driver concentration is high.</p> <p>d) The advertisements should not obscure a driver's view of other features of the road.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p>Complies</p> <p>The signs are not located in close proximity to existing electricity mains.</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other</i></p>	<p>Complies</p> <p>The proposed LED sign is located approximately 160 metres from the</p>

<p><i>important traffic control devices.</i></p> <p><i>General Section: Advertisements: PDC 17</i></p>			<p>nearest traffic signals at the Diagonal Road/Westfield Marion Shopping centre vehicle access point.</p>
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>			<p>Complies</p> <p>a) Sign 1 is considered the primary advertisement for the site, whereas Sign 2 aims to serve vehicles/pedestrians entering the site.</p> <p>b) The size and scale of signs is considered to be in keeping the desired character of the locality. The signs are considered compatible with the development on the site.</p>
<p><i>The maximum height and display area or panel size of freestanding advertisements and/or advertising hoardings should not exceed the following dimensions within the respective zones:</i></p>			<p>Complies</p> <p>Sign 2 – 2.9 square metres</p>
Zone	Maximum Height (metres)	Maximum Display Area or Panel Size (square metres)	<p>Does Not Comply</p> <p>Sign 1 - 6.68 square metres per sign face</p>
Regional Centre Zone	8	12 (6 per side if double-sided)	<p>Despite the slight excess in display area for Sign 1, the design is considered to complement the existing building and locality. The sign is considered to avoid clutter and the information relates to the lawful use of the subject land. It is my opinion that the additional 0.68 square metres of display area shall not result in unreasonable visual amenity impacts upon the locality.</p>
<p><i>General Section: Advertisements: PDC 21</i></p>			
<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>			<p>Complies</p> <p>The advertising signs are sited along Diagonal Road which has a speed limit of 60 km/h.</p>

ANALYSIS/CONCLUSION

Assessment relating to the qualitative Principles of Development Control identifies the development satisfies a majority of the relevant and applicable Development Plan criteria.

Although Sign 1 incorporates a larger display area than that anticipated by the Development Plan, it is unlikely to dominate the landscape character or result in significant visual amenity impacts on adjacent land uses. The proposed LED sign should not result in driver distraction given that it is located a sufficient distance from the nearest traffic signals, and the level of illumination shall be controlled by way of conditions of consent.

The overall design, size and location of the signs are generally consistent with the overall design of the Marion Cultural Centre building and offer a more coordinated and modern appearance for advertisement of the building and associated events. The proposal should improve the legibility of the land for users of the Marion Cultural Centre and associated community services/facilities.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1066/2017 for two (2) freestanding advertisements, one of which incorporates internal illumination at 287 Diagonal Road, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1066/2017, except when varied by the following conditions of consent.
- 2. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
- 3. The proposed non-illuminated signs shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety
- 4. The proposed signage shall not include any element that scrolls, flashes, moves or changes.
- 5. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of Council.
- 6. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.
- 7. The illumination of the sign shall be limited to a low level in order to minimise the impact of the sign on the safety and conspicuity of the adjacent traffic signals.

Department of Planning, Transport and Infrastructure Conditions

- 8. Sign 1 shall be located a minimum 1.5 metres from the Diagonal Road property boundary.
- 9. The electronic sign shall be permitted to display one message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds.
- 10. The signs shall not flash, scroll or move.
- 11. All messages displayed on the signs shall be self-contained messages that are simple, effective and easily assimilated by glance appreciation.

12. All messages displayed on the signs shall not imitate a traffic control device or constitute a direction to traffic in any way.
13. The signs shall not permitted to display images, texts or backgrounds that are predominantly red, yellow/amber or green in colour.
14. Sequential messages (i.e. messages that are displayed as part messages over two or more displays) shall not be permitted on the LED screen.
15. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED component of Sign 1 shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (LUX)	Sign Luminance (Cd/m ²) Max
Sunny Day	40 000	6 300
Cloudy Day	4000	1 100
Twilight	400	300
Dusk	40	150
Night	<40	100

16. The luminance contrast between consecutive displays of the LED sign shall be limited to a maximum 2:1 (Note: For the purposes of this condition luminance contrast is defined as the ratio of the average luminance of the consecutive displays).
17. The electronic sign shall be operated by a closed circuit system that is impervious to hacking or unauthorised modification.
18. The operational system for the sign electronics shall incorporate automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction. The screen shall only be reactivated in the next available off peak period.
19. The surface of the signs shall have an effective anti-reflection coating to avoid the possibility of specular reflection.

Attachments

- Attachment I: Certificate of Title*
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation
Attachment IV: External Agency Referral Comments

**REPORT REFERENCE: CAP011117 – 3.8
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Alice Wright
Development Description:	Two storey detached dwelling with associated earthworks, retaining and swimming pool (including pool fencing)
Site Location:	1 Vista Street, Seacombe Heights
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 2/ Consent
Development Plan:	Consolidated – 28 April 2016
Application No:	100/890/2016
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

BACKGROUND

The subject application was originally considered by the Development Assessment Panel at its meeting of 15 March 2017, whereby a decision upon the application was deferred for the following reasons;

- 1. To enable the applicant to address overlooking into the adjoining property from the windows on the northern façade of the building; and**
- 2. To consider reducing the extent the 'Alucobond' hood adjacent Bedroom 1.**

The applicant has revisited the design of the proposal in light of the then Development Assessment Panel's position, and amended the proposal where practicable.

The original report can be found on the online DAP agenda on Council's website www.marion.sa.gov.au/development-assessment-panel, or by contacting the author of this report. A copy of the original plans will be provided for members benefit on the night.

DISCUSSION

Overlooking Concerns

The applicant has amended the proposal by incorporating obscure glazing to the two westernmost windows along the northern façade (windows marked #17 on the respective elevation). The total obscuring of these windows will prevent the achievement of view.

A third upper level window along this façade has not been obscured, however due to its position potential view gained will be generally limited to the predominately windowless southern façade of the adjacent dwelling. Whilst oblique downward view onto the pool/patio area sited forward of the adjacent dwelling to the north will be possible from westernmost windows, the extent of overlooking is not direct and potential view gained into the adjacent allotment will be interrupted by boundary fencing and existing fencing/screening on the adjacent allotment. A 550mm internal ledge within the dwelling further restricts persons from gaining maximum view.

In my opinion, the dwelling has been reasonably designed to minimise direct overlooking of habitable rooms and private open spaces of the adjacent dwelling.

The existing pool/terrace of the adjacent dwelling to the north is located forward of the dwelling and does not form part of the allotments private open space, nonetheless the proposed design does provide some level of privacy through the inclusion of 1.8 metre high screening to the northern balcony façade. Furthermore, as discussed above, downwards views from the north facing living room windows into the pool/patio area will be significantly constrained by the window location and design, internal limitations as to how close a person can stand to the edge of the window, and external structures such as boundary fencing and existing screening.

Given the comparable finished floor levels of the proposed dwelling's upper level and the adjacent northern dwelling's deck, the extent of additional overlooking (in addition to the existing mutual overlooking currently occurring) is not considered unreasonable.

As such, in staff's view, amendments to proposal reasonably satisfy the then Development Assessment Panel's first reason for deferral.

ANALYSIS/CONCLUSION

The provision of obscure glazing to the two westernmost north facing windows is considered to achieve the DAP's first reason for refusal as potential overlooking from the northern façade will be significantly reduced.

No attempt however has been made to reduce the extent of the 'Alucobond' hood adjacent Bedroom 1, DAP's second reason for deferral.

As stated in the original report, due to the placement of the dwelling, a disruption of northern views currently achieved from the upper balcony and north-western views achieved from within the dwelling at 3 Vista Street will occur. The dwelling at 3 Vista Street has been designed and orientated to primarily achieve views to the west, and to a lesser extent, views to the north-west. The proposed development will have an impact on the views that are currently experienced from the site in a north-westerly direction. These views are primarily achieved to the side of the dwelling, and therefore over the adjacent vacant allotment (and subsequent allotments) to the north. Due to the proposed setback of the dwelling, and protruding nature of the upper level, existing northern views achieved from within the kitchen of the coastline and Gulf St Vincent, and a portion of north-westerly

views achieved from the balcony and within the living room will be lost. Considerable western views of the coastline and Gulf St Vincent from the living room and balcony will be retained, whilst north-westerly views of the coastline and Gulf St Vincent from the balcony views will be retained.

In my opinion, the development as proposed will not have such an adverse impact upon the amenity of this property when taking into consideration existing views, the extent of likely view loss and the overall reasonableness of the proposal as a whole as to warrant refusal of the application. The removal or a redesign of the 'Alucobond' hood would marginally increase the extent of view gained, however the extent of view lost by its inclusion is not significant enough to warrant refusal of the application.

It is my view that, although the proposed reason for deferral has not been met, the proposed development is not seriously at variance to the Development Plan. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/890 for a two storey detached dwelling with associated earthworks, retaining and swimming pool (including pool fencing) at 1 Vista Street, Seacombe Heights be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/890, being;
 - 1.1. 'A-100', 'A-102', 'A-110', 'A-104', 'A-120' and 'A-100' all prepared by PSA Design,
 - 1.2. 'A-111 received on 1/09/2017, prepared by PSA Design
 - 1.3. 'Landscape Plan' prepared by Dimension Design Studio and
 - 1.4. 'Drainage Plan' Revision PC prepared by TMK Consulting Engineers.
 except when varied by the following conditions of consent.
- 2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 3. Any deviation to the driveway design must be contained within private land and should not straddle the boundary between the subject allotment and the Council road reserve.
- 4. The driveway crossover should be constructed at the western boundary crossing the front boundary retaining wall at 90 degrees so that any load bearing impact of earthworks on the retaining wall is minimised.
- 5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. Any damage to the existing retaining wall on the road reserve is to be repaired to Council's satisfaction, at the owners cost.
2. A structural engineering assessment of the impact of the driveway and consideration of the maximum driveway grades should form part of the building assessment.
3. Emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
4. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
5. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
6. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
7. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
8. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

Attachment I: Aerial Photograph & Site Locality Plan

Attachment II: Proposal Plans

**REPORT REFERENCE: CAP011117 – 4.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017**



CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, which permits the meeting to be closed to the public for business relating to the following:

- (viii) provision of legal advice;
- (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place

Recommendation

1. The Development Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Acting Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 4.1 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

REPORT REFERENCE: CAP011117 – 4.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 NOVEMBER 2017



Originating Officer: Rob Tokley
 Acting Policy Planner

Description: Endorsement of sub-delegations

REPORT OBJECTIVE:

To provide Members of the Council Assessment Panel with the opportunity to review previous sub-delegations from the (then) Development Assessment Panel to the administration and, if considered appropriate, to endorse new sub-delegations to the administration.

DISCUSSION:

Pursuant to Section 20 of the Development Act 1993, Council must delegate certain powers, functions and duties to either staff under delegation, or in the alternative, to the Council Assessment Panel.

Pursuant to Section 33 of the Development Act 1993, Council has delegated the power, as the relevant authority, to assess a development against the provisions of the Development Plan and grant with or without conditions or refuse consent with respect to certain types of development to the Council Assessment Panel.

A copy of the current delegations to the City of Marion Council Assessment Panel is attached (Refer Attachment I). It is noted that the *“said powers, functions and duties of the Panel, may be sub-delegated by the Panel to an office or officers of the Council”*. The most recent sub-delegations from the (then) Development Assessment Panel to the administration were made on 15 July 2015 and are outlined in Attachment II.

As the Council Assessment Panel is a new body delegated (currently) under the Development Act, review and endorsement of sub-delegations to the administration is timely. Members are asked to familiarise themselves with each of the sub-delegations. Staff will be available at the meeting to clarify how the sub-delegations operate in practice, including the frequency and rationale behind each sub-delegation.

The sub-delegations recommended by staff to be endorsed by the CAP are entirely consistent with that previously sub-delegated by the Development Assessment Panel, except to reflect the new title of the Manager Development and Regulatory Services.

CONCLUSION:

Sub-delegations to administration for certain types of applications enables those applications to be handled more efficiently and for the Panel to focus and deliberate on more complex and/or contentious applications (such as proposals subject to representation/s).

Notwithstanding the above, nothing prevents administration from presenting any application for consideration and determination by the Panel that may otherwise be determined under delegation by the administration. Previous members of the Development Assessment Panel will recall a number of applications are presented to the Panel (commonly recommended for refusal), where opportunities for compromise with the applicant have been exhausted.

Members should also be aware that sub-delegations will be used with discretion, ensuring that applications that are contentious and/or complex in nature to be determined by the Panel, should the Manager Development and Regulatory Services consider such a course of action warranted.

RECOMMENDATION:

That the Council Assessment Panel sub-delegate to the Manager – Development and Regulatory Services, Team Leader – Planning, Senior Development Officer – Planning and Development Officer – Planning, the powers, duties and functions of the CAP to assess a proposed development against the provisions of the Marion Council Development Plan and to grant or refuse consent to that application, in relation to the following:

- a) Applications (land division and/or land use) for group dwellings and/or residential flat building(s); if the overall area of an allotment or site (including any common areas such as driveways, etc.) when divided by the proposed number of dwellings and/or allotments satisfies the minimum site area designated for that dwelling type as prescribed within the relevant zone and/or policy area in the Marion Council Development Plan;**
- b) Applications for advertisements; which do not exceed the maximum height and display area/panel size requirements as prescribed within the relevant zone and/or policy area and/or within the General Section: Advertisements in the Marion Council Development Plan;**
- c) Applications (land division and/or land use) for dwelling(s) (including detached dwellings, semi-detached dwellings, row dwellings, group dwellings and residential flat buildings); where the proposed allotment(s)/site area(s) are no greater than 5% less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;**
- d) Applications (land division and/or land use) for, or that include, detached dwelling(s); that propose allotment/site area(s) for the detached dwelling(s) which satisfy the minimum site area required for semi-detached dwelling(s), as designated in the relevant zone and/or policy area in the Marion Council Development Plan;**
- e) Applications for land divisions; that relate to a previously approved land use application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;**
- f) Applications that seek variations to applications previously determined by the Council Assessment Panel (CAP); that, in the opinion of the Manager Development and Regulatory Services, Team Leader - Planning, Senior Development Officer - Planning or Development Officer - Planning, do not compromise or undermine the CAP's decision; and**
- g) Applications for dwellings; where the application delineates that the development will comprise detached, semi-detached or row dwelling(s) once a plan of division has been deposited with the Lands Titles Office, and where the allotments either satisfy the site area requirements for the above-mentioned applicable form of development, or are no greater than 5% less than the applicable minimum allotment or site area, as designated in the relevant zone and/or policy area in the Marion Council Development Plan.**

Attachment I: Council delegations to CAP – endorsed 10 October 2017

Attachment II: Previous sub-delegations to administration from Development Assessment Panel

**INSTRUMENT OF DELEGATION UNDER THE
DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008**

**DELEGATIONS UNDER THE DEVELOPMENT ACT 1993
AND DEVELOPMENT REGULATIONS, 2008**

Pursuant to Section 20 and 34(23) of the Development Act 1993 and effective from 10th October 2017, the Council delegates to the Council Assessment Panel the following powers, functions and duties of the Council under the Development Act and Regulations, and the said powers, functions and duties may be sub-delegated by the Council Assessment Panel to an officer or officers of the Council.

Ref DA/DAP- _	Sub-delegation
119. The power, as the relevant authority and pursuant to Section 33 of the Development Act 1993, to assess a development against the provisions of the appropriate Development plan and grant with or without conditions or refuse consent in respect of each of the following:	
a Development that has been the subject to Category 2 or 3 public notification where there has been written representations by third parties expressing opposition to the proposal that cannot be satisfied by conditions or modifications to the plans, other than <ul style="list-style-type: none"> • where the representor/s has not expressly identified they wish to appear before the Panel (either in person or by a representative); and/or • where concerns raised in a representation, in the opinion of the Manager Development and Regulatory Services, relate solely to elements of the proposal that comply with the quantitative Development Plan policies relevant to that development. 	
b Development that has been classified as non-complying. The Manager Development and Regulatory Services may determine to proceed with further assessment with a non-complying development. Such decisions shall be reported to the next meeting of the DAP.	
c Development that includes or is likely to include a new Liquor License or substantial amendment to an existing Liquor License other than for applications or amendments of a minor nature which may be determined by the Manager Development and Regulatory Services. Such applications shall be reported to the next meeting of the DAP.	
d Residential development and land division applications received by Council after 14 August 2003 that incorporate proposed allotments or site areas below the minimum allotment or site areas designated in respective zones and policy areas in the City of Marion Development Plan, unless the Manager Development and Regulatory Services intends to refuse such an application.	
e Development that includes outdoor advertising signs: <ul style="list-style-type: none"> • all new signs (whether freestanding or attached to a building) where the face of the advertising structure exceeds 10m² in area (10m² each side when double sided). 	

**INSTRUMENT OF DELEGATION UNDER THE
DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008**

Ref DA/DAP- _	Sub-delegation
<ul style="list-style-type: none"> • alterations and/or additions to an existing sign (whether freestanding or attached to a building) where the proposed works would result in the face of the advertising structure exceeding 10m² in area (10m² each side when double sided) • of a “billboard” construction/design • any illuminated advertisement that has been referred to the Department for Planning, Transport and Infrastructure where the Department raises opposition to the proposal 	
<p>f Any matter that is referred for consideration or determination under Part 4 of the Development Act 1993 at the discretion of the Manager Development Services that may otherwise be considered or determined by the Manager Development and Regulatory Services, Team Leader Planning or Development Officer Planning under separate delegation from Council or the Chief Executive Officer.</p>	

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DAP150715

3. OTHER BUSINESS**3.1 Review of sub-delegations**

The Development Assessment Panel resolve to endorse the sub-delegations to staff, as attached to these minutes as Appendix A, with the inclusion of the following;

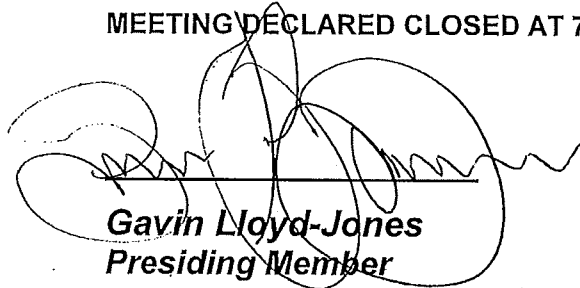
- (a) Applications (land division or land-use) that relate to a previously approved and corresponding land division or land-use where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- (b) Applications for a single dwellings received by Council after 14 August 2003 on existing allotment(s)/site(s) that are below the minimum allotment or site area(s) designated in respective zones and policy areas in the City of Marion Development Plan.

3.2 Appeals update**3.3 Policy Observations****4. CONFIRMATION OF MINUTES**

The minutes of this meeting held Wednesday 15 July 2015 taken as read and confirmed this fifteenth day of July 2015

5. CLOSURE

MEETING DECLARED CLOSED AT 7.48PM



Gavin Lloyd-Jones
Presiding Member

Appendix A

Development Assessment Panel (DAP) sub-delegate to the Manager Development Services, Team Leader Planning, Senior Development Officer Planning and Development Officer Planning the powers, duties, and functions of the DAP to assess a proposed development against the provisions of the Marion Council Development Plan and to grant or refuse consent to that application, in relation to the following:

- a) Applications (land division and/or land use) for group dwellings and/or residential flat building(s); if the overall area of an allotment or site (including any common areas such as driveways, etc.) when divided by the proposed number of dwellings and/or allotments satisfies the minimum site area designated for that dwelling type as prescribed within the relevant zone and/or policy area in the Marion Council Development Plan;
- b) Applications for advertisements; which do not exceed the maximum height and display area/panel size requirements as prescribed within the relevant zone and/or policy area and/or within the General Section: Advertisements in the Marion Council Development Plan;
- c) Applications (land division and/or land use) for dwelling(s) (including detached dwellings, semi-detached dwellings, row dwellings, group dwellings and residential flat buildings); where the proposed allotment(s)/site area(s) are no greater than 5% less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- d) Applications (land division and/or land use) for, or that include, detached dwelling(s); that propose allotment/site area(s) for the detached dwelling(s) which satisfy the minimum site area required for semi-detached dwelling(s), as designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- e) Applications for land divisions; that relate to a previously approved land use application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- f) Applications that seek variations to applications previously determined by the Development Assessment Panel (DAP); that, in the opinion of the Manager Development Services, Team Leader Planning, Senior Development Officer Planning or Development Officer Planning, do not compromise or undermine the DAP's decision; and
- g) Applications for dwellings; where the application delineates that the development will comprise detached, semi-detached or row dwelling(s) once a plan of division has been deposited with the Lands Titles Office, and where the allotments either satisfy the site area requirements for the above-mentioned applicable form of development, or are no greater than 5% less than the applicable minimum allotment or site area, as designated in the relevant zone and/or policy area in the Marion Council Development Plan.