

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 1 August 2018

Commencing at 6.30 p.m.

Committee Room 1 & 2

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.



Per Robert Tokley
ASSESSMENT MANAGER

25 July 2018

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 AUGUST 2018
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 21 PEMBERTON STREET, OAKLANDS PARK

Three, Two-Story Row Dwellings

Report Reference: CAP010818 - 2.11

2.2 42 LAWSON AVENUE, MORPHETTVILLE

Land Division Residential Torrens Title - 1 Into 3 Allotments And The Construction Of Three, Two Storey Row Dwellings

Report Reference: CAP010818 - 2.221

2.3 3 WOODLAND ROAD, MITCHELL PARK

Land Division Residential Community Title - 1 Into 3 Allotments And To Construct A Two Storey Dwelling And Single Storey Residential Flat Building At The Rear Of The Site With Associated Garaging And Landscaping

Report Reference: CAP010818 - 2.342

2.4 10 TENNYSON AVENUE, PLYMPTON PARK – CONFIDENTIAL ITEM

Three Single Storey Row Dwellings

Report Reference: CAP010818 - 2.467

3. OTHER BUSINESS

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 1 AUGUST 2018**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP010818 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 AUGUST 2018**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Yong Guo
Development Description:	Three, two-story row dwellings
Site Location:	21 Pemberton Street, Oaklands Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	25/09/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Nil
Application No:	100/2017/1781
Recommendation:	That Development Plan 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 high as Category 2 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 Council Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Reduction in site coverage for each dwelling.	A reduction in site coverage to less than 40% achieved for each dwelling.
Ensure all garages are setback a minimum distance of 0.5m behind the main face of the dwellings.	Achieved.

Amend driveway crossover access configuration to provide at least 1 on-street car parking space with a minimum length of 6.0 metres.	Achieved.
Increase first floor, southern boundary side setback to 3.0 metres.	Partially achieved. First floor setback of 2.32m achieved from southern side boundary, increasing to 3.0m beyond the 'Master Suite' positioned towards the front of the site.
Increase ground floor side boundary setback to 0.9 metres.	Achieved.
Information Requested	Comments
Engineered site works plan to determine extent of site works, finished floor levels, retaining walls and height of wall on the boundary.	Whilst an engineered siteworks plan has not been provided, relative site levels and finished floor levels have been included on the site plan.
Provide sectional detail to confirm the dwellings satisfy the definition of 'row dwellings' by comprising one building.	Information not provided.

SUBJECT LAND & LOCALITY



The subject land comprises 21 Pemberton Street, Oaklands Park. The allotment is rectangular, achieves a frontage width of 19.3 metres, a depth of 47.4 metres and a total site area of 914.8 square metres. The site currently accommodates a detached dwelling in average condition, with a

setback of approximately 10.8 metres to the main façade from the boundary of the allotment adjacent Pemberton Street.

Vehicular access is currently available via a crossover access point leading to a driveway and carport beyond, nearest the southern boundary of the allotment. The subject land is generally flat with a regulated tree located in the south eastern corner of the allotment setback approximately 1 metre from both the eastern rear boundary and the southern side boundary of the allotment. There are two juvenile street trees located within the road reserve.

The locality consists of both original housing stock which typically comprises single dwellings on large allotments with more recent development in the locality consisting of a variety of housing types including single storey detached dwellings, semi-detached dwellings, group dwellings and single and two storey row dwellings. It is also noted that Pemberton Street forms the boundary between Northern Policy Area 13 (eastern side of Pemberton Street) and Regeneration Policy Area 16 (western side of Pemberton Street).

The subject land is within walking distance of frequent bus services on Diagonal Road and Sturt Road and is approximately 900 metres south east of Oaklands Railway Station. The locality is well serviced by public open space with Marion Oval located within walking distance. The nearest shopping and commercial facilities and services are located within the Regional Centre Zone comprising Westfield Marion, SA Aquatic and Leisure Centre, Centrelink, Services SA, consulting rooms and Marion Cultural Centre within easy walking distance, approximately 400 metres west of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of three two storey row dwellings with associated car parking and landscaping. Each dwelling comprises a lobby, WC, laundry, open plan kitchen, dining and living area and an internal staircase leading to three bedrooms (one containing a walk in robe, ensuite and access to a balcony presenting to Pemberton Street) and a bathroom. Each dwelling features a veranda under the main roof accessed from the ground floor living area.

The dwellings are orientated east-west and front Pemberton Street. The existing crossover access point is to be reinstated to match the existing kerb and three new driveway crossover access points are to be constructed to service each of the proposed dwellings. Council's arborist has advised the juvenile street trees forward of the subject land are suitable for removal and replacement to accommodate the proposed driveway crossover access locations. Whilst the dwelling occupying Lot 1 features a garage wall on the northern boundary of the allotment, the garage of the dwelling occupying Lot 3 is setback 0.9 metres from the southern boundary.

The dwellings are to be constructed with a mixture of Hebel Power Panel with a rendered finish (in colour 'Surfmist' and 'Dune', Hardie Scyon Cladding with painted finish (in colour 'Elusive Gold') and glazed balustrades to balconies and Colorbond metal roof (in colour 'Dune') at 22.5 degree pitch.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	14 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council, 1 for the application and 1 against (co-signed 10 representors)
Persons wishing to be heard:	Mr G. Breschi
Summary of representations:	Refer Attachment IV
Applicant's response:	Refer Attachment V

INTERNAL DEPARTMENT COMMENTS

Open Space:	Council's arborist has advised that two recently planted Jacarandas forward of the subject land are suitable for removal and replacement at the applicant's cost.
Development Engineer:	The site has been identified as being prone to flooding. Council's Development Engineer has provided advice confirming the proposed finished floor levels (FFLs) are appropriate.

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>

6 Development that contributes to the desired character of the policy area.

Desired Character

This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).

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.

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.

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.

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.

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Satisfies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies
PDC 3	<i>Minimum Site Area: 250sqm</i>	Satisfies Lot 1: 298.6m ² Lot 2: 298.6m ² Lot 3: 317m ²
	<i>Minimum Frontage: 7m</i>	Does Not Satisfy Lot 1: 6.3m Lot 2: 6.3m Lot 3: 6.69m
	<i>Minimum Depth: 20m</i>	Satisfies All dwellings: 47.4m

Assessment

The application proposes three, two storey row dwellings on an allotment which currently accommodates one detached dwelling, increasing the density of the land by two.

Given the subject land is located within walking distance of frequent public transport routes and public open space, and in close proximity to a Regional Centre, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities. Whilst the proposal seeks medium density development, rather than the low and low to medium density sought in the Policy Area, it is nonetheless considered to reflect the intent of Policy Area Principle 1 by promoting an increase in overall densities. The proposal further satisfies Principles 3 and 5 by providing a built form design that presents appropriately to the street, minimises visual impacts associated with the respective garages and promotes an active and attractive streetscape presentation.

Whilst the nature and style of dwellings are anticipated within the zone, the allotments accommodating each dwelling fall short of the minimum width of 7.0 metres for row dwellings. Specifically, presenting a frontage width of 6.3 metres, Lot 1 and Lot 2 fall short of the numerical standard by 0.7 metres (or 10%) and Lot 3 falls short of the numerical standard by 0.31 metres (or 4.4%). A key consideration therefore is whether the shortfall in frontage widths are detrimental to the proposal when assessed against all of the applicable Principles of Development Control to the extent that the application warrants refusing.

Whilst the shortfall in the frontage widths is not insignificant, the frontage widths proposed are not considered to be unreasonable and are unlikely to adversely affect the functionality of the site or the amenity of adjoining land. However, it is important to consider whether the shortfall has resulted in subsequent design shortfalls when assessed against all of the relevant Development Plan criteria.

I note (as discussed further within the report) that the undersize frontage width does result in a shortfall in on-street parking (although this is a common result of row dwellings with a compliant frontage width of 7.0 metres).

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><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Satisfies</p> <p>Lot 1: $101.4/298.6 = 34\%$ Lot 2: $103.3/298.6 = 34.6\%$ Lot 3: $99.3/317 = 31.5\%$</p> <p><u>Floor area ratio:</u></p> <p>Satisfies</p> <p>Lot 1: 0.49 Lot 2: 0.51 Lot 3: 0.46</p>

<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>			<p>Satisfies</p>
<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>			<p>Satisfies</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>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>			<p>Satisfies</p>
Private Open Space			
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			<p>Satisfies</p> <p>Lot 1: 157m²/298.6m² = 52.6%</p> <p>Lot 2: 157m²/298.6m² = 52.6%</p> <p>Lot 3: 167.1m²/317m² = 54.8%</p>
Site area of dwelling	Minimum area of POS	Provisions	<p>Whilst Lot 1 and Lot2 comprise a rear yard measuring 6.3 metres by 22.78 metres directly accessible from the living room, Lot 3 comprises a rear yard measuring 6.69 metres by 22.78 metres directly accessible from the living room, thereby satisfying the minimum private open space requirements.</p>
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.	
<p>Residential Zone: PDC 7</p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <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><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Satisfies</p> <ul style="list-style-type: none"> 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 is capable of being screened for privacy. d) Despite the regulated tree located in the south eastern corner of the allotment overshadowing a portion of the POS of the dwellings proposed for Lot 2 and Lot 3, these dwellings are provided with sufficient uncovered POS beyond the canopy of the tree. 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. g) The proposed POS areas are of sufficient depth to maintain a northerly aspect to provide for comfortable year round use. 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.
<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>Satisfies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <ul style="list-style-type: none"> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Satisfies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>

<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:</td></tr> <tr> <td colspan="2">  <p>When $b > a$: setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p>When $b > a$: setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Partially Satisfies</p> <p>All dwellings: 6.0 metres</p> <p>(Dwellings on adjoining land set back approximately 6.5 and 7.8 metres, which equals an average setback of 7.15 metres)</p> <p>PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p>When $b > a$: setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<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>General Section: Residential Development: PDC 37</p>	<p>Satisfies</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>Residential Zone: PDC 6</p>	<p>Satisfies</p> <p>Ground floor; Lot 1: 1.2 metres (beyond garage) Lot 2: 1.0 metre (beyond garage) Lot 3: 0.9m</p> <p>First floor; Lot 1: 2.0 metres Lot 2: n/a (internal to site)</p> <p>Does Not Satisfy</p> <p>Lot 3: 2.32 metres increasing to 3.0 metres beyond ‘Master Suite’</p>								
<p><i>Maximum length and height when wall is located on side boundary:</i> (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies</p> <p>(a) Lot 1: wall on boundary is 8 metres in length and 2.96 metres in height (b) n/a</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>Satisfies</p> <p>Although the first floor side setbacks 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</p>								

General Section: Design and Appearance: PDC 2		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.
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) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p>Residential Zone: PDC 6</p>		<p>Satisfies</p> <p>All dwellings;</p> <p>(a) 22.78 metres</p> <p>(b) 25.0 metres</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>General Section: Design and Appearance: PDC 2</p>		<p>Satisfies</p> <p>The separation from the rear boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are 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). 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>
Building Height		
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p>Residential Zone: PDC 6</p>		<p>Satisfies</p> <p>All dwellings: 7.7 metres.</p>
Garages, Carports, Verandas and Outbuildings		
<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>General Section: Residential Development: PDC 10</p>		<p>Satisfies</p> <p>The garage of each dwelling is incorporated into the design of the associated dwelling.</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>General Section: Residential Development: PDC 12</p>		Satisfies
Parameter	Value	
Maximum floor area	60 square metres	

Maximum wall or post height	3 metres	Satisfies
Maximum building height	5 metres	Satisfies
Maximum height of finished floor level	0.3 metres	Satisfies
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.	Satisfies All dwellings: 6.5 metres. Each dwelling features a balcony over ground floor porches that reduces the visual impact of the garages.
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	Satisfies Lot 3: 0.9 metres.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Satisfies Lot 1: 8.0 metres.
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)	Satisfies Lot 1: 2.6 metres (50% of the width of the façade = 3.15 metres). Lot 2: 2.6 metres (50% of the width of the façade = 3.15 metres). Lot 3: 2.6 metres (50% of the width of the façade = 3.35 metres).
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Satisfies

Vehicle Parking

<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>		Satisfies Each dwelling comprises 3 bedrooms and provides 2 off-street car parking spaces (one of which is covered).
<i>General Section: Transportation & Access: PDC 34</i>		
<i>Detached Semi-detached Row</i>	<i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		

<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 & Access: PDC 42</i></p>	<p>Satisfies</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Satisfies</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 within 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 spaces shall remain available adjacent the subject land.
<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 Satisfy</p> <p>Only 1 on-street car parking space with a minimum length of 6.0 metres will remain following the construction of the proposed crossover access points.</p>
<p>Access</p>	
<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"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Satisfies</p> <p>All dwellings: 3.0 metres.</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>Satisfies</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><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Does Not Satisfy</p> <p>The driveway crossover access point serving proposed Lot 1 is separated from the driveway crossover access point serving proposed Lot 2 by 6.0 metres whereas the driveway crossover access point serving proposed Lot 2 is separated from the driveway crossover access point serving proposed Lot 3 by a distance of only 2.5 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"> <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><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>Satisfies</p> <p>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:</p> <ul style="list-style-type: none"> • Mixture of rendered AAC (Hebel Powerpanel), horizontal cladding and glazed balustrading on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding porticos and balconies • Roof eaves overhang and pitched roof form at 22.5 degree slope • Fenestration <p>The dwellings incorporate a 22.5 degree Colorbond roof in colour: 'Dune' (grey), with rendered facades. The garage of each dwelling features Colorbond panel lift doors. These materials should not result in glare to neighbouring 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>Balconies should:</i></p> <ul style="list-style-type: none"> <i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Satisfies</p> <p>The proposed balconies are integrated into the portico design, with clear glass balustrading that enables a line of sight to the street.</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> <ul style="list-style-type: none"> <i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Satisfies</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><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>Satisfies</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>Satisfies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico, first floor balcony and windows to habitable rooms to the street.</p> <p>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.</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> <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>Satisfies</p> <p>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:</p> <ul style="list-style-type: none"> 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) Given that two-storey components of the dwellings are limited to the front half of the proposed allotments, shadow cast over the ground floor private open space of adjoining dwellings is likely to be limited. Whilst some overshadowing is expected to the existing dwelling to the south of the subject land, this is generally limited to the existing carport associated with that dwelling <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of</p>

	adjacent properties is considered to satisfy PDC 9 and 10.
Visual Privacy	
<p><i>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:</i></p> <p><i>(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</i></p> <p><i>(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</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>Satisfies</p> <p>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> <p>The balcony on the front façade is oriented to obtain views of the streetscape.</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>
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>Satisfies</p> <p>Whilst the dwellings are oriented east-west, the areas of private open space at the rear of the dwellings have sufficient depth 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/west, 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><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>Satisfies</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>
Flooding	
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can</i></p>	<p>Satisfies</p> <p>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 that the proposed finished floor level of 100.7</p>

<p>achieve all of the following:</p> <p>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</p> <p>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</p> <p>General Section: Hazards: PDC 5</p>	<p>metres, and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</p>
<p>Landscaping, Fences and Walls</p>	
<p>Landscaping should:</p> <p>(a) include the planting of locally indigenous species where appropriate</p> <p>(b) be oriented towards the street frontage</p> <p>(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>Partially Satisfies</p> <p>A comprehensive landscaping plan has not been provided. Indicative landscaping has been shown on the site plan indicating the ratio of soft landscaped area to hard paved areas.</p> <p>The regulated tree located in the south western corner of the allotment is to be retained and the nearest dwelling (Lot 3) is setback 20.35 metres from the tree.</p>
<p>Fences and walls, including retaining walls, should:</p> <p>(a) not result in damage to neighbouring trees</p> <p>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</p> <p>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</p> <p>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</p> <p>(e) assist in highlighting building entrances</p> <p>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</p> <p>(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</p> <p>(h) be constructed of non-flammable materials.</p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Partially Satisfies</p> <p>The application proposes replacing existing fencing adjacent the northern, eastern and southern boundaries of the site with new Colorbond fencing to a height of 1.8 metres. As an engineered siteworks plan has not been provided at this time, the extent of any proposed retaining walls is unclear.</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:

- Shortfall in first floor side boundary setback (Lot 3);
- Shortfall in on-street parking;

First floor side boundary setback (Lot 3)

The Development Plan calls for walls adjacent a southern boundary that are between 3.0 metres in height and 6.0 metres in height, to be setback a minimum distance of 3.0 metres from the boundary in order to minimise the potential for overshadowing of adjacent land. The dwelling occupying Lot 3 achieves a first floor side setback from the southern boundary of the allotment of 2.32 metres for a length of 5.27 metres (representing 11% of the total length of the side boundary) increasing to 3.0 metres for the remainder of the first floor portion of the dwelling. The applicant has provided shadow diagrams to show the extent of shadow cast from the proposed development on adjoining land

throughout the day on the winter solstice, June 21st. As expected, the diagrams demonstrate that whilst some shade is likely to be cast over the adjoining dwelling at 19 Pemberton Street during morning hours, this largely impacts the carport of that dwelling, is unlikely to impact windows of habitable rooms (as any rooms located on the northern façade of the dwelling are currently shaded by the carport structure) and subsides by the late morning. Furthermore, the portion of first floor component of the dwelling on Lot 3 that does not achieve the minimum standard of 3.0 metres is relatively short in length (5.27 metres or 11% of the total length of the southern boundary) and is positioned towards the front of the site further reducing the impact on the adjoining property at 19 Pemberton Street. In addition, the proposed dwellings are positioned to the front of the site resulting in large rear yards, a minimum setback of 20 metres from the regulated tree located in the south eastern corner of the allotment and limited overshadowing of areas of private open space of adjoining land. In conclusion, whilst it is acknowledged the first floor component of the dwelling proposed for Lot 3 should be setback a minimum of 3.0 metres from the southern boundary, the potential impacts of the shortfall are considered to be relatively minor and are therefore acceptable in this instance.

Shortfall in on-street parking

The proposal provides for one on-street parking space (between the driveways of Lot 1 and Lot 2) whereby the Development Plan seeks for two.

In reality, it is impractical to provide two on-street parking spaces for row dwellings with a compliant frontage width of 7.0 metres. This shortfall is nonetheless acknowledged, and considered with the overall merit of the proposal. It is noted that each dwelling is provided with the minimum number of off-street car parking spaces for dwellings comprising three bedrooms. Furthermore, the subject land has the added advantage of being within walking distance of frequent bus services on Diagonal Road and Finnis Street and Oaklands Railway Station which may reduce the demand for car parking in the locality. The provision of off-street and on-street car parking is therefore considered to sufficiently satisfy the likely needs of future residents.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to:

- Streetscape character;
- Anticipated increase in traffic congestion;
- Impact on the regulated tree located in the south eastern corner of the subject land;
- Side boundary setbacks;

are considered to have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

Regarding the regulated tree, the proposal provides a minimum setback of 20 metres from the trunk face of tree to the closest dwelling which is considered sufficient to maintain the health of the tree and its root system.

The representors have also raised concerns over;

- anticipated interruptions during the construction phase including noise impacts and the potential for dust to contaminate water in rainwater tanks at 19 Pemberton Street.
- replacement of fencing and the subsequent impact on the existing garden at 19 Pemberton Street.

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

Row dwellings in the Northern Policy Area should achieve a minimum frontage width of 7.0 metres. The proposed frontage width of the dwellings on Lot 1 and Lot 2 is 6.3 metres (representing a 0.7 metre shortfall for each allotment) and the frontage width of Lot 3 is 6.69 metres (representing a 0.31m shortfall).

Despite the shortfall in frontage width of each allotment, the proposed development is considered to satisfy a majority of the relevant Objectives, Desired Character and Principles of Development Control of Northern Policy Area 13, which encourages low to medium density dwellings of a variety of architectural styles at a higher density and lesser front setback to that of the existing housing stock.

Assessment of the proposal has demonstrated that the subject land can accommodate three, two storey row dwellings in the proposed form. While the proposal demonstrates non-compliance with regard to minimum frontage widths and a lesser first floor side boundary setback for walls exceeding 3.0 metres in height adjacent a southern boundary, these shortfalls are not considered 'fatal' to the overall merits of the application as they are not considered to jeopardise the functionality of the proposed dwellings and are unlikely to significantly impact on the amenity of adjoining land. Furthermore, the dwellings demonstrate good residential design principles and result in an improved streetscape outcome assisted by the two storey nature of the dwellings, the inclusion of balconies with glazed balustrades presenting to the streetscape and the stepping-in of the first floor component of the dwellings from side boundaries, producing a balanced streetscape outcome where the dwellings do not appear exceptionally narrow in the locality despite presenting frontage widths under the minimum standard.

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: 100/1781/2017 for three, two-story row dwellings at 21 Pemberton Street, 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. 100/1781/2017, being drawing numbers A001 (Revision I), A003 (Revision I), A004 (Revision I), A005 (Revision I), A007 (Revision I), prepared by Yogo Design & Consulting, 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. 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.
- 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. (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: CAP010818 - 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 AUGUST 2018**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Nicklay Property P/L
Development Description:	Land Division Residential Torrens Title - 1 into 3 allotments and the construction of three, two storey row dwellings
Site Location:	42 Lawson Avenue, Morphettville
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	04/06/2018
Development Plan:	Consolidated – 20 February 2018
Referrals:	State Council Assessment Panel (SCAP) SA Water
Application No: SCAP Ref No:	100/2018/1007 100/D143/2018
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)(iv) of the Development Regulations 2008, which assigns the construction of row dwellings as Category 1 development. The subject application is required to be determined by the Council Assessment Panel by virtue of the proposed dwellings supporting an allotment area less than the minimum of 250 square metres required for row dwellings within 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 modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Amend the roof of Dwelling 1 to provide better presentation to the streetscape	No changes made

SUBJECT LAND & LOCALITY



The subject land comprises 42 Lawson Avenue, Morphettville. The allotment is approximately rectangular, achieves a frontage width of 22.56 metres (reducing to 16.46 metres at the rear of the site), a minimum depth of 36.58 metres (increasing to 37.08 metres) and a total site area of 714 square metres. The site currently accommodates a detached dwelling in good condition, with a setback of approximately 8.15 metres to the main façade from the boundary of the allotment adjacent Lawson Avenue.

Vehicular access is currently available via a crossover access point leading to a driveway and carport beyond nearest the eastern boundary of the allotment. The subject land is generally flat and there is no notable vegetation on the site.

The locality consists of both original housing stock which typically comprises single dwellings on large allotments with more recent development in the locality consisting of a variety of housing types

including single storey detached dwellings, semi-detached dwellings, group dwellings and single and two storey row dwellings.

The subject land is within walking distance of frequent bus services on Oaklands Road and Morphett Road and is approximately 1.5 kilometres north west of Marion Railway Station. The locality is well serviced by public open space with Rosedale Avenue Reserve, Kellett Reserve, Oaklands Wetlands and Reserve and Hendrie Street Reserve all within walking distance. Access to the Sturt River Linear Park Trail is gained via Rosedale Avenue Reserve approximately 200 metres east of the subject land. The nearest shopping and commercial facilities are located within the Neighbourhood Centre Zone at the corner of Oaklands Road and Marion Road, approximately 1.6 kilometres to the south east.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of three two storey row dwellings with associated car parking and landscaping. Res 1 comprises an entry/lounge room, WC, laundry, open plan kitchen, dining and living area and an internal staircase leading to three bedrooms (one containing an ensuite) and a bathroom on the first floor. Res 2 and Res 3 comprises a lobby, WC, laundry, bedroom with ensuite, open plan kitchen, dining and living area and an internal staircase leading to two bedrooms, a bathroom and a lounge room on the first floor. Each dwelling features a veranda under the main roof accessed from the ground floor living area.

The dwellings are orientated north-south and front Lawson Avenue. The existing crossover access point is to be reinstated to match the existing kerb and two new driveway crossover access points, one to access the driveways of Res 1 and Res 2 and one to access the driveway of Res 3, are to be constructed. Whilst Res 3 features a carport adjacent the western boundary of the allotment, the garage of Res 1 is setback 0.9 metres from the eastern boundary.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

State Commission Assessment Panel (SCAP):	Standard referral comments regarding land division
SA Water:	Standard referral comments regarding land division

Refer Attachment IV

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>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</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. 	Satisfies

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies
PDC 3	<i>Minimum Site Area: 250 sqm</i>	Does not satisfy Res 1: 242m ² Res 2: 239m ² Res 3: 232m ²
	<i>Minimum Frontage: 7m</i>	Satisfies Res 1: 8.45m Res 2: 7.0m Res 3: 7.1m
	<i>Minimum Depth: 20m</i>	Satisfies Res 1: 36.58m Res 2: 36.58m Res 3: 36.58m

Assessment

The application proposes to construct three two storey row dwellings on an allotment which currently accommodates a single storey detached dwelling, thereby increasing the density of the land by two. The assessment above has identified that each of the proposed dwellings occupies an allotment size that is less than the minimum standard specified in the Development Plan for row dwellings, which require a minimum site area of 250 square metres. Specifically, Res 1 occupies an allotment that is 8 square metres, or 3.2% undersized, Res 2 occupies an allotment that is 11 square metres, or 4.4% undersized and Res 3 occupies an allotment that is 18 square metres, or 7.2% undersized.

Whilst the dwellings are sited on marginally undersized allotments, it has nonetheless been demonstrated that the density proposed for the site is appropriate. Furthermore, the proposed development is consistent with the Desired Character of Northern Policy Area 13 in that it will contribute to a greater variety of dwelling types and architectural styles in the locality, at a higher density and a lesser setback from the primary road frontage than that of older housing stock. In addition, the density and type of development proposed is consistent with more recent development in the locality.

Given the subject land is located within walking distance of frequent public transport routes and public open space, and in close proximity to a Neighbourhood Centre, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities. Whilst the proposal seeks medium density development, rather than the low and low to medium density sought in the Policy Area, it is nonetheless considered to reflect the intent of Policy Area Principle 1 by promoting an increase in overall densities. The proposal further satisfies Principles 3 and 5 by providing a built form design that presents appropriately to the street, minimises visual impacts associated with the respective garage and promotes an active and attractive streetscape presentation.

The overall shortfall in the site area of the allotments is therefore not considered to be unreasonable and is unlikely to adversely affect the functionality of the site or the amenity of adjoining land.

However, it is important to consider whether the shortfall in allotment areas has resulted in subsequent design shortfalls when assessed against all of the relevant Development Plan criteria.

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><i>Northern Policy Area 13: PDC 4</i></p>	<p>Site coverage:</p> <p>Does Not Satisfy</p> <p>Res 1: $106.7/242 = 44\%$ Res 2: $115.5/239 = 48.3\%$ Res 3: $116.1/232 = 50\%$</p> <p>Floor area ratio:</p> <p>Satisfies</p> <p>Res 1: 0.58 Res 2: 0.58 Res 3: 0.6</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><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>Satisfies</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>Satisfies</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>Satisfies</p> <p>Res 1: $69.4/242 = 28.7\%$ Res 2: $70.43/239 = 29.5\%$ Res 3: $67.28/232 = 29\%$</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

Satisfies

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

Private open space should not include:

- (a) any area covered by a dwelling, carport, garage or outbuildings*
- (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas*
- (c) common areas such as parking areas and communal open spaces*
- (d) any area at ground level at the front of the dwelling (forward of the building line)*
- (e) any area at ground level with a dimension less than 2.5 metres*

General Section: Residential Development: PDC 17

Satisfies

- 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 rear of the dwellings and is 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.
- g) Despite their southerly orientation, the proposed POS areas are considered to be of sufficient depth to provide exposure to morning and afternoon sun to provide for comfortable year round use.
- 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.

A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.

General Section: Residential Development: PDC 22

Satisfies

Building Setbacks from Road Boundaries

Except in areas where a new character is desired, the setback of buildings from public roads should:

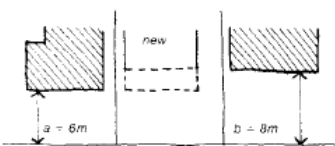
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 21

Satisfies

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setbacks of 6.7 metres (Res 1) and 6.3 metres (Res 2 & Res 3) are considered to contribute positively to the function, appearance and desired character of the locality.

Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:

Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
 <p>When $b \geq 2$, setback of new dwelling = a or b</p>	
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

Does Not Satisfy

Res 1: 6.7m
Res 1: 6.3m
Res 1: 6.3m

(Dwellings on adjoining land set back approximately 8.4 metres and 9.4 metres, which equals an average setback of 8.9 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.

Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.

General Section: Residential Development: PDC 37

Satisfies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

Where the wall height is not greater than 3 metres:
0.9 metres

Where the wall height is between 3 metres and 6 metres:
(a) 3 metres if adjacent southern boundary
(b) 2 metres in all other circumstances.

Where the wall height is greater than 6 metres:
(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.

Residential Zone: PDC 6

Satisfies

Ground floor;
Res 1: 0.9m
Res 2: n/a (internal to site)
Res 3: 0.965m beyond carport adjacent the side boundary

First floor;
Res 1: 2.0m (increasing to 2.4m) – eastern boundary
Res 2: 2.0m (dwelling is internal to site)
Res 3: 1.9m (increasing to 2.5m) western boundary

Does Not Satisfy

First floor;
Res 3: 1.9m (increasing to 2.5m) – western boundary

<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>Satisfies</p> <p>The separation from side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are 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 relatively minor shortfall in the first floor setback of Res 3 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>
<p>Rear Setbacks</p>	
<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>Satisfies</p> <p>All dwellings: 15.9m</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>Satisfies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are 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). Furthermore, 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>
<p>Building Height</p>	
<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>Satisfies</p> <p>The proposed dwellings incorporate a maximum building height of 7.3 metres, which is less than the maximum permitted in the Policy Area.</p>

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

Satisfies

The garage of each dwelling is incorporated into the design of the associated dwelling.

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	Satisfies
Maximum wall or post height	3 metres	Satisfies
Maximum building height	5 metres	Satisfies
Maximum height of finished floor level	0.3 metres	Satisfies
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.	Satisfies Res 1: 7.2m Res 2: 7.0m Res 3: 6.5m Each dwelling incorporates a canopy over the entry porch which assists in minimising the visual impacts of the garages/carports.
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	Satisfies Res 1: 0.9m
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Satisfies Res 3: 7.0m
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)	Satisfies Res 1: 3.0m Res 2: 3.0m Res 3: 3.15m
<i>Carports and garages should be setback from road and building frontages so as to:</i> (a) not adversely impact on the safety of road users (b) provide safe entry and exit. <i>General Section: Residential Development: PDC 13</i>		Satisfies

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>Satisfies</p> <p>Each dwelling comprises 3 bedrooms and provides 2 off-street car parking spaces (one of which is covered).</p>		
<table border="1"> <tr> <td> <p><i>Detached Semi-detached Row</i></p> </td><td> <p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p> </td></tr> </table>	<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
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<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>			
<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>Satisfies</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>Satisfies</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>d) e) 1 on-street car parking spaces shall remain available adjacent the subject land.</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 Satisfy</p> <p>Only 1 on-street car parking space with a minimum length of 6.0 metres will remain following the construction of the proposed crossover access points.</p> <p>An additional space with a length of 5.35m metres is provided and considered sufficient to accommodate a small vehicle.</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>Satisfies</p> <p>All dwellings: 3.0 metres.</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>Satisfies</p> <p>The proposed crossover of Res 3 is set back a minimum distance of 1 metre from existing</p>		

<p><i>General Section: Residential Development: PDC 40</i></p>	<p>street infrastructure.</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><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Does Not Satisfy</p> <p>The driveway crossover access point serving Res 3 is separated from the driveway crossover access point serving Res 2 by 6.9 metres whereas the driveway crossover access point serving proposed Res 1 is separated from the driveway crossover access point serving Res 2 by a distance of only 5.35 metres.</p>
<p>Design & Appearance</p>	
<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><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>Satisfies</p> <p>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:</p> <ul style="list-style-type: none"> • Mixture of rendered AAC (Hebel Powerpanel) and horizontal cladding to the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding canopies over porticos • Roof eaves overhang and pitched roof form at 25 degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof in colour: 'Monumnet' (dark grey), with rendered facades. The garage of each dwelling features Colorbond panel lift doors. These materials should not result in glare to neighbouring 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> <ul style="list-style-type: none"> <i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Satisfies</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><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>Satisfies</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>Satisfies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico, first floor balcony and windows to habitable rooms to the street.</p> <p>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.</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> <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>Satisfies</p> <p>Given the north-south orientation of the site, any 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>Given north forms the street boundary, a majority of winter shadow will be cast to the south into the subject land. 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 satisfies with PDC 9 and 10.</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

Satisfies

The dwellings incorporate fixed obscure glazing to 1.5 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.

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.

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

Satisfies

Despite their southerly orientation, the proposed POS areas are considered to be of sufficient depth to provide exposure to morning and afternoon sun providing for comfortable year round use.

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.

Does Not Satisfy

Due to the orientation of the site, the main activity areas associated with the areas of private open space are oriented south.

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

Partially Satisfies

Although the dwellings incorporate a hipped roof form set at a 25 degree pitch, only limited north-facing sections upon which solar collectors could be sited efficiently are provided.

Flooding

Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.

General Section: Hazards: PDC 4

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:

- (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*

Satisfies

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 99.92 metres, and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

<p><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><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p>General Section: Landscaping, Fences & Walls: PDC 2</p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 3</p>	<p>Satisfies</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>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(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</i> <i>(h) be constructed of non-flammable materials.</i> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Satisfies</p> <p>The application proposes to replace existing perimeter fencing with new 'Good Neighbour' Colorbond fencing.</p> <p>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.</p>
<h2>Land Division</h2>	
<p><i>When land is divided:</i></p> <ul style="list-style-type: none"> <i>(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</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> <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>General Section: Land Division: PDC 1</p>	<p>Complies</p> <ul style="list-style-type: none"> a) Stormwater is capable of being drained safely and efficiently from the allotment. b) SA Water have confirmed that water supply is available (subject to conditions). c) SA Water have confirmed that sewerage connection is available (subject to conditions). d) n/a

<p><i>Land should not be divided if any of the following apply:</i></p> <ul style="list-style-type: none"> <i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i> <i>(b) any allotment will not have a frontage to one of the following:</i> <ul style="list-style-type: none"> <i>(i) an existing road</i> <i>(ii) a proposed public road</i> <i>(iii) access to a public road via an internal roadway in a plan of community division</i> <i>(c) the intended use of the land is likely to require excessive cut and/or fill</i> <i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i> <i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i> <i>(f) the intended use of the land would be contrary to the zone objectives</i> <i>(g) any allotments will straddle more than one zone, policy area or precinct.</i> <p><i>General Section: Land Division: PDC 2</i></p>	<p>Complies</p> <ul style="list-style-type: none"> 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. b) All allotments will have a frontage to the public road. c) Due to the relatively flat topography only minor cut/fill is required d) Erosion is unlikely. e) The area is sewerred. f) The intended use of the allotments is consistent with the zone objectives. g) The allotments are located wholly within the zone and policy area.
<p><i>Design and Layout</i></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><i>General Section: Land Division: PDC 3</i></p>	<p>Complies</p>
<p><i>The design of a land division should incorporate:</i></p> <ul style="list-style-type: none"> <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> <i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i> <i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i> <i>(d) suitable land set aside for useable local open space</i> <i>(e) public utility services within road reserves and where necessary within dedicated easements</i> <i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i> <i>(g) protection for existing vegetation and drainage lines</i> <i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i> <i>(i) the preservation of significant trees.</i> <p><i>General Section: Land Division: PDC 7</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>Partially Complies</p> <p>Despite being situated to the east of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.</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:

- Excess in site coverage (all dwellings)
- Shortfall in the provision of on-street parking
- First floor side boundary setback (Res 3)

Site coverage (all dwellings)

The site coverage for each dwelling is marginally above the 40% provision within the Development Plan. Specifically, Res 1 has site coverage of 44% (or 38.4% excluding the rear veranda), Res 2 has site coverage of 48.3% (or 42.6% excluding the rear veranda) and Res 3 has site coverage of 50% (or 44.1% excluding the rear veranda). This excess in site coverage is not contrary to achieving the required setbacks from property boundaries or the provision of private open space and is therefore not considered fatal to the application.

There is no adverse planning consequence resulting from this departure. The proposal comfortably meets private open space requirements and side and rear setbacks. I do not consider this departure to result in any failing of the application such as to warrant refusal.

Furthermore, as 'Complying Development' under Schedule 4 of the Development Regulations would allow "as of right" site coverage for row dwellings of 70% (for additions and outbuildings), the development's site coverage is in effect, modest when compared to that permitted under other planning requirements.

Shortfall in the provision of on-street parking

The proposal provides for one on-street parking space (between the driveways of Res 2 and Res 3) whereby the Development Plan seeks for two.

In reality, it is impractical to provide two on-street parking spaces for row dwellings with a compliant frontage width of 7.0 metres. This shortfall is nonetheless acknowledged, and considered with the overall merit of the proposal. It is noted that each dwelling is provided with the minimum number of off-street car parking spaces for dwellings comprising three bedrooms. Furthermore, the subject land has the added advantage of being within walking distance of frequent bus services on Morphet Road and Oaklands Road which may reduce the demand for car parking in the locality. The provision of off-street and on-street car parking is therefore considered to sufficiently satisfy the likely needs of future residents.

First floor side boundary setback (Res 3)

The first of Res 3 comprises a 'stepped' layout that results in a side boundary setback of 1.9 metres at its closest point, marginally short of the 2.0 metres required from side boundaries that do not comprise a southern boundary of an allotment. Whilst the first floor is setback 1.9 metres from the side boundary at its closest point, it is setback a minimum of 2.0 metres for the majority of its length. It is also acknowledged that the dwelling is not parallel to the side boundary. Whilst some overshadowing of adjoining land is expected given the two-storey nature of the dwellings, it is considered to be within the reasonable limits expected in the relevant sections of the Development Plan regarding overshadowing.

ANALYSIS/CONCLUSION

The proposal achieves compliance with the majority of the relevant quantitative and qualitative provisions of the Development Plan for dwellings in the Residential Zone – Northern Policy Area 13.

Despite presenting site areas that are marginally undersized for row dwellings in the policy area, an assessment of the proposal against all of the relevant principles of the Development Plan has revealed general compliance in most respects. As such, I am of the opinion that the shortfall in site area is not fatal to the application. Furthermore, the proposed development is of a type, scale and intensity that is consistent with more recent development in the locality and is likely to make a positive contribution to the existing streetscape and locality more broadly.

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: 100/1007/2018 (SCAP Reference number: 100/D143/2018) for Land Division Residential Torrens Title - 1 into 3 allotments and the construction of three, two storey row dwellings at 42 Lawson Avenue, Morphettville be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1007/2018, being drawing numbers 01 to 10 (Revision B) (inclusive) of Job Number: 452 prepared by InProperty Design, and documentation titled 'Siteworks and Drainage Plan' (drawing number: C2, Issue: P2) prepared by P & G Structures Pty, Ltd and 'Allotment 60 in D4734' prepared by Zaina Stacey Development Consultants, 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. 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.
- 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.

Land Division Consent

1. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division 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.
2. 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.
3. 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.
4. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
5. 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.
6. Payment of \$13660 into the Planning and Development Fund (2 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
7. 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 Plan and supporting documentation
Attachment IV: External Agency Referral Comments

**REPORT REFERENCE: CAP010818 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 AUGUST 2018**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Wei & Zhu Pty Ltd
Development Description:	Land Division Residential Community Title - 1 into 3 allotments and to construct a two storey dwelling and single storey residential flat building at the rear of the site with associated garaging and landscaping
Site Location:	3 Woodland Road, Mitchell Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 1 / Consent
Lodgement Date:	25/05/2018
Development Plan:	Consolidated – 20 February 2018
Referrals:	State Commission Assessment Panel & SA Water
Application No:	100/2018/954
SCAP Reference No:	100/C133/18
Recommendation:	That Development Plan Consent and Land Division 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)(i)) of the Development Regulations 2008, which assigns the construction of 1 or more detached dwellings, and also Schedule 9 (Part 1: 2(a)(ii)), which assigns 1 or more single storey dwellings, as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwelling supporting an allotment area less than the minimum of 300 square metres required for detached dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The land use component of the proposal was previously lodged as DA 100/2327/2017. Following prompts by Council staff upon their satisfaction with the proposal, the land use component has since been merged into this combined application in its current form.

During the assessment process of this combined application, Council staff have requested a minor modification to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Increase separation from Dwelling 2's bedroom window to the rear of Dwelling 1's POS from 0.3 metres to no less than 0.9 metres.	Separation increased accordingly.

SUBJECT LAND & LOCALITY



The subject land, forming Lot 102 on the Certificate of Title, is located on the northern side of Woodland Road, and is rectangular in shape. It comprises a frontage of 17.06 metres to Woodland Road, and a site depth of 42.67 metres. The rear boundary of the subject land is adjacent to a Council open space reserve. The subject land comprises a total site area of 728 square metres.

The subject land is relatively flat and contains a 1960's era brick dwelling in fair condition with an attached carport, verandah and dwelling addition to the side and rear. The subject land also contains a freestanding outbuilding of modest scale. The Certificate of Title confirms the land is clear of encumbrances or easements. There are no regulated or significant trees which have been identified on site. Vehicular access to the land is obtained from an existing crossover on the eastern side of the subject land's frontage.

The original character of the locality, being typically single storey detached dwellings on large allotments, is dominant. The prevailing pattern of space within the locality consists of original

dwelling stock with reasonably generous setbacks and open spaces. The broader locality is in the very early stages of transition, where varied dwelling types and forms at higher densities are beginning to become more apparent, pursuant to the medium density sought by the Policy Area's Desired Character and Objectives.

The subject land is located in close proximity to public transport options, public open space, and the developing mixed use Tonsley precinct. The subject land is a 250 metre walk to the Clovelly Park Railway Station, and an 80 metre walk to a bus stop on Bradley Grove which is serviced by the W90 bus route, connecting the City and the Marion Shopping Centre interchange. The subject land is a 500 metre walk to the MAB (Machine Assembly Building) within the Tonsley precinct. Surrounding the MAB is the Regional Activity Zone, which envisages a wide variety of uses including retail and services, which may be of potential use and convenience to future occupants of the proposed development. The proposed gates at the rear of Dwellings 2 and 3 will shorten the walking distance to some of these destinations and encourage the use of the adjacent public open space in doing so.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal involves the construction of three dwellings and the associated Community-titled land division. More specifically, the land use component proposes to involve the construction of a two storey detached dwelling to the front, and a single storey residential flat building comprising two dwellings to the rear, as well as associated landscaping. The front dwelling (Dwelling 1) will contain an open plan kitchen/living/dining area, double garage, laundry and separate water closet on the ground floor, plus an outdoor alfresco located beneath the upper floor. On its upper floor, it will contain three bedrooms, two bathrooms (one ensuite), and an open activity/study area. Each rear dwelling (Dwellings 2 and 3) will incorporate two bedrooms, one bathroom, an open kitchen/living/dining area, and a single garage with inbuilt laundrette. The Community-titled land division component proposes to create a Community-titled allotment for each new dwelling, plus common property which includes vehicle turning areas and landscaping.

The proposed earthworks are predominantly fill, with associated boundary retaining walls indicated to be no greater than 0.61 metres in height. The proposal plans specify a Colorbond fence of 1.8 metres to the forward side of Dwelling 1 which will enclose its private open space from the street. Access will be achieved to all three dwellings using a common driveway which gains street access from the existing crossover. There are no street, regulated or significant tree removals proposed.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Refer Attachment IV for standard State Commission Assessment Panel (SCAP) and SA Water referral responses.

Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Arborist:	The street tree adjacent to the proposal is a semi-mature <i>Harpulia</i> and is a worthy development constraint. Any works footprint shall maintain a minimum of 2.5 metres radius setback from the trunk face of the tree.
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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"> <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i> 	<p>Satisfies</p> <p>The subject land is located approximately:</p> <ul style="list-style-type: none"> • 200 metres from the Regional Activity Zone within the developing Tonsley precinct, which envisages a range of retail and service uses to develop in the near-future. • 500 metres from the existing MAB at Tonsley. • 400 metres from the Local Centre Zone on McInerney Avenue. • 80 metres from bus stops on Bradley Grove • 250 metres from Clovelly Park Railway Station • Adjacent to public open space at the corner of Bradley Grove and Alawoona Avenue. <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"> <i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>outbuilding in association with a dwelling</i> ▪ <i>domestic structure</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>dwelling addition</i> ▪ <i>small scale non-residential uses that serve the local community, for example:</i> <ul style="list-style-type: none"> - <i>child care facilities</i> - <i>consulting rooms</i> - <i>health and welfare services</i> - <i>offices</i> - <i>open space</i> - <i>primary and secondary schools</i> - <i>recreation areas</i> - <i>shops</i> ▪ <i>supported accommodation.</i> 	<p>Satisfies</p> <p>The proposal incorporates three dwellings.</p>
<ol style="list-style-type: none"> <i>Development listed as non-complying is generally inappropriate.</i> 	<p>Satisfies</p>
<ol style="list-style-type: none"> <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>Satisfies</p> <p>The proposal seeks to develop underutilised residential land, increasing housing choice and density. The proposal's satisfaction with setback criteria ensure it will be compatible with adjoining residential development.</p>

<p>5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.</p>	<p>Not Applicable No outbuildings are proposed.</p>
<p>Medium Density Policy Area 12</p>	
<p>Objectives</p> <ol style="list-style-type: none"> 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. 2 Development that minimises the potential impact of garaging of vehicles on the character of the area. 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles. 4 Development that contributes to the desired character of the policy area. 	<p>Satisfies</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>Satisfies</p> <p>2 The proposed garages are incorporated under the main roof of their associated dwelling, and do not present to the streetscape. Therefore, they have an appropriate impact on the character of the locality.</p> <p>3 The development density should support the viability of services and infrastructure, given the site's proximity to train and bus stations and the Regional Activity 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</i></p>	<p>Satisfies</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 design to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and will 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 site is located within an expansive area of Medium Density Policy Area 12.</p> <p>The front dwelling will contain three bedrooms, which is a typical dwelling size in the locality. The two rear dwellings will each contain two bedrooms. As such, the proposal will increase the range of dwelling types in the locality to meet a variety of accommodation needs.</p> <p>The proposal does not result in the removal of mature street trees in a road reserve. Adequate space for attractive landscaping – as proposed on the site plan – is provided adjacent to the common driveway.</p> <p>On balance, the proposal is considered to adequately comply with the Desired Character.</p>

<i>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>Principles of Development Control</p> <p>1 <i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Satisfies The proposal incorporates three dwellings.</p>
<p>2 <i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Satisfies As above.</p>
<p>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></p>	<p>Partially Satisfies The proposed development involves a two storey dwelling, and two single storey dwellings to the rear. The ability to provide a third storey addition within the roof space is unclear. The two dwellings to the rear are single storey, as sought by Residential Development Principle 2.</p>
<p>4 <i>Upper level balconies may extend 1 metre closer to the road boundary than the associated dwelling.</i></p>	<p>Not Applicable No upper level balconies proposed.</p>
<p>5 <i>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.</i></p>	<p>Satisfies One common driveway is provided for access to all three proposed dwellings.</p>
<p>6 <i>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:</i></p> <p><i>Minimum Site Area:</i> Detached dwelling (D1): 300m² Residential flat building (D2/D3): 250m² (average)</p> <p><i>Minimum Frontage:</i> Detached dwelling (D1): 10m Residential flat building (D2/D3): 18m (4m 'handle' width)</p> <p><i>Minimum Depth:</i> Detached dwelling (D1): 20m Residential flat building (D2/D3): 45m (20m exclusive site depth as sought for other dwelling types)</p>	<p>Does Not Satisfy D1: 213m²</p> <p>Satisfies D2/D3: 256.5m² (average)</p> <hr/> <p><i>Note:</i> If measured on average, across the proposal as a whole, the average site area per dwelling is 242.7m².</p> <p>Satisfies D1: 12.57m</p> <p>Partially Satisfies D2/D3: 17.06m (4.5m 'handle' width)</p> <p>Partially Satisfies D1: 20.38m, decreasing to 17.08m and 11.38m. D2/D3: 42.67m (each dwelling's exclusive site demonstrates a depth of greater than 20m).</p>

Site Coverage

Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:

Site area	Maximum Site Coverage	Maximum Floor Area Ratio
< 250 m ²	100 m ²	0.7

Medium Density Policy Area 12: PDC 7

Site coverage:

Does Not Satisfy

D1: 107.53m²
D2/D3: 102.48m²

Floor area ratio:

Satisfies

D1: 0.68

Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:
(a) *would not be contrary to the relevant setback and private open space provisions*
(b) *would not adversely affect the amenity of adjoining properties*
(c) *would not conflict with other relevant criteria of this Development Plan.*

Residential Zone: PDC 9

Satisfies

The proposed site coverage exceeds the maximum sought by the Development Plan. However, it does not come at the expense of acceptable setbacks and private open space, and a qualitative assessment has shown that it will not adversely affect the amenity of adjoining properties.

Site coverage should ensure sufficient space is provided for:
(a) *pedestrian and vehicle access and vehicle parking*
(b) *domestic storage*
(c) *outdoor clothes drying*
(d) *rainwater tanks*
(e) *private open space and landscaping*
(f) *convenient storage of household waste and recycling receptacles.*

General Section: Residential Development: PDC 14

Satisfies

The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

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.

General Section: Residential Development: PDC 15

Satisfies

23.9% (174.3m²)

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

Satisfies

D1: 22.4% (47.8m²)
5x5.35m and 3x7m
D2: 22.6% (40m²)
8.53x4-5m
D3: 22.2% (40m²)
8.53x4-5m

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <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><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Satisfies</p> <ul style="list-style-type: none"> 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) The POS areas achieve sufficient separation from bedroom windows on adjacent sites. g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. 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.
<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>Satisfies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>5 metres within Medium Density Policy Area 12</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>D1: 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>Satisfies</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></p>	<p>Satisfies</p> <p>D1: Ground floor (<3m wall height) at 2m, increasing to 3m and 5m. Upper floor (3-6m wall height)</p>

<p>0.9 metres</p> <p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Where the wall height is greater than 6 metres: (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>Residential Zone: PDC 6</p>	<p>parallel with western boundary at 2m, increasing to 3m. D2/D3: Ground floor (<3m wall height) at 0.919m.</p>
<p>Maximum length and height when wall is located on side boundary: (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</p> <p>Residential Zone: PDC 6</p>	<p>Not Applicable No walls are proposed on external site boundaries.</p>
<p>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.</p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Satisfies 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>
<h2>Rear Setbacks</h2>	
<p>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</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies D1: Rear setback is internal to the site, abuts the common driveway landscaping strip.</p> <p>Partially Satisfies D2/D3: 5m (57%), reducing to 4m for 32% of rear boundary width.</p>
<p>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.</p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Satisfies Although the rear setback does not comply with quantitative criteria, 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</p>

	maintain the character of the locality in relation to patterns of space.													
Building Height														
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><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>Satisfies</p> <p>The proposed dwellings incorporate a maximum building height of 7.52 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>Satisfies</p> <p>The rear dwellings are single storey, in accordance with the outcome sought by this provision.</p>													
Garages, Carports, Verandas and Outbuildings														
<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>Satisfies</p> <p>Each garage is located beneath the associated dwellings' main roof.</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>														
<table><tr><th>Parameter</th><th>Value</th></tr><tr><td>Maximum floor area</td><td>60 square metres</td></tr><tr><td>Maximum wall or post height</td><td>3 metres</td></tr><tr><td>Maximum height of finished floor level</td><td>0.3 metres</td></tr><tr><td>Minimum setback from a primary road frontage</td><td>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.</td></tr><tr><td>Minimum setback from side or rear boundaries (when not located on the boundary)</td><td>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</td></tr></table>	Parameter	Value	Maximum floor area	60 square metres	Maximum wall or post height	3 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		
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	<p>Satisfies</p> <p>All garages do not present to the streetscape and all are largely obscured from view from the streetscape by the front dwelling.</p>													
	<p>Satisfies</p>													
<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>Satisfies</p>													

General Section: Residential Development: PDC 13		
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>		<p>Satisfies</p> <p>D1: 2, both of which are covered.</p> <p>D2/D3: 2 per dwelling, one of which is covered. For D2/D3 combined, 4 spaces are required and 4 spaces are achieved.</p>
Detached (D1)	2 per dwelling containing up to 3 bedrooms one of which is to be covered.	
Residential flat building (D2/D3)	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>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		<p>Partially Satisfies</p> <p>The visitor spaces provided for the use of Dwelling 2 and 3 are located to the front of each dwelling's garage and do not dominate internal site layout. While they are not clearly defined as visitor spaces and are somewhat associated with each dwelling, they are nevertheless considered to be satisfactory to the anticipated needs of future occupants and visitors of the two bedroom dwellings, as shown by compliance with PDC 34 above.</p>
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Satisfies</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>d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>		<p>Satisfies</p> <p>(a) (b) 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 front dwelling and therefore should maintain an attractive streetscape.</p>

<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>					<p>Satisfies</p> <p>The parking areas are located to the rear of the front dwelling with access from the common driveway, and therefore do not face the primary street frontage.</p>
Access					
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></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>Satisfies</p> <p>The proposal will use the existing crossover, which has a width of approximately 3 metres.</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>Satisfies</p> <p>Existing crossover to be used.</p>
<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p>					<p>Satisfies</p> <p>Comments</p>
Dwellings served	Trafficable width (metres)				<p>Satisfies</p> <p>3.3m trafficable width is achieved for the length of the driveway, with landscaping of 0.6m achieved on both sides where possible.</p>
	Intersection with public road and first 6 metres		Width beyond first 6 metres	Minimum landscape strips on both sides of d'way (metres)	
	Arterial roads	Other roads			
1 – 3	6	3	3	0.5	
<p>General Section: Residential Development: PDC 41</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>Satisfies</p> <p>The existing crossover will be used as the sole access point, maintaining an uninterrupted length of approximately 12 metres to the direct frontage of the site for on-street parking.</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> <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><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>General Section: Design & Appearance: PDC 3</p>					<p>Satisfies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. Dwelling 1's façade incorporates the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none">• 'Off-white' render to upper floor external walls• Stepping of upper and lower storeys, in parts, to minimise building height, mass and proportion• Eave overhang and pitched roof form at 20 degree slope• Fenestration towards the streetscape <p>Dwellings 2 and 3, while they do not present to the streetscape, nevertheless include some desired</p>

	<p>design elements, such as:</p> <ul style="list-style-type: none"> • Eave overhang and pitched roof form at 25 degree slope • Fenestration towards common driveway area <p>The dwellings incorporate Colorbond roofing at 20 or 25 degree slopes in 'shale grey'. Dwelling 1 has a rendered façade, whereas Dwellings 2 and 3 will incorporate face brick work. The garage of each dwelling features a 'timber look' panel lift door, which are largely obscured from view from the streetscape. These materials should not result in glare to neighbouring 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>Satisfies</p> <p>(a) Landscaping is provided to the front of Dwelling 1 and sides of the common driveway which will contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants.</p> <p>(b) Each dwelling will have a separate front entry door, with Dwelling 1's presenting toward the street.</p> <p>(c) Dwelling 1 overlooks the street with numerous windows. Dwellings 2 and 3 incorporate a gate to adjacent public open space.</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>Satisfies</p> <p>Dwelling 1's front entry door presents towards the street. Dwelling 2 and 3's doors present on a 45-degree angle to their respective visitor parking spaces, but will not be visible from the street. This outcome is typical of battle-axe development.</p>
Relationship to the Street and Public Realm	
<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>Satisfies</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>Dwelling 2 and 3 will be largely obscured from view from the streetscape, in an outcome typical of battle-axe development. They do, nevertheless, contain some desired elements.</p> <p>The elevations of Dwelling 1 features render, stepping, and a significant amount of fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p>

General Section: Design & Appearance: PDC 16	
Overshadowing	
<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>General Section: Design & Appearance: PDC 9</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>General Section: Design & Appearance: PDC 10</p>	<p>Satisfies</p> <p>a) It is anticipated that north-facing windows to habitable rooms of existing dwellings on adjacent allotments shall remain largely unaffected, and shall continue to 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 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>
Visual Privacy	
<p><i>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:</i></p> <ul style="list-style-type: none"> <i>(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</i> <i>(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</i> <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>General Section: Design & Appearance: PDC 11</p>	<p>Satisfies</p> <p>The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations, and a condition of consent is recommended to secure this requirement. 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> <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>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p>General Section: Design & Appearance: PDC 12</p>	<p>Satisfies</p> <p>No external screening devices are proposed.</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>Satisfies</p> <p>The proposed development is located 75 metres from an electrified passenger train line, and is not located near an arterial road. Bedrooms and other noise sensitive areas or spaces are located sufficiently away from noise sources. No attenuation measures are considered necessary.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Satisfies</p> <p>Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the trafficable area by 0.9 metres and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping will provide sufficient “separating or shielding” to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
<p>Site Facilities and Storage</p>	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</i></p> <p><i>General Section: Residential Development: PDC 31</i></p>	<p>Satisfies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Each dwelling maintains side access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
<p>Energy Efficiency</p>	

<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> <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><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Satisfies</p> <p>The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The main activity area of Dwelling 1 is oriented with windows presenting west and east, which should nonetheless receive some northern winter sunlight. It also incorporates a window to the south.</p> <p>The main activity areas of Dwellings 2 and 3 are oriented with windows presenting north and west, or north and east, which should both 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> <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><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Satisfies</p> <p>The dwellings incorporate a hipped roof form set at a 20 or 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Flooding	
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>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:</i> <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><i>General Section: Hazards: PDC 5</i></p>	<p>Satisfies</p> <p>Council's flood survey does not identify the subject land as being subject to inundation or 'flood prone'.</p>
Landscaping, Fences and Walls	

<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <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> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Satisfies</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>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(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</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Satisfies</p> <p>The application proposes retaining walls varying in height to a maximum 610 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.41 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. A recommended note has been added which reminds the applicant of the need for approval if such fencing is to be constructed.</p>
<p>Land Division</p>	
<p><i>When land is divided:</i></p> <ul style="list-style-type: none"> <i>(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</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> 	<p>Satisfies</p> <ul style="list-style-type: none"> a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent. b) SA Water have confirmed that water supply is available (subject to conditions). c) SA Water have confirmed that sewerage connection is available (subject to conditions). d) N/A

<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><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>Satisfies</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) The allotment for Dwelling 1 will have a direct frontage to the public road with access provided via the common driveway which is shared with Dwellings 2 and 3.</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>Satisfies</p> <p>Each proposed allotment is appropriately proportioned in association with the related built form. No proposed allotment's depth exceeds four times its width.</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>Satisfies</p> <p>(a) A convenient linkage with the adjacent public open space is proposed to be provided using rear gates for Dwellings 2 and 3.</p> <p>(b) Safe and convenient access provided.</p> <p>Other provisions relate more closely to large scale subdivisions and are not applicable in this instance. No significant trees have been identified on the subject land.</p>
<p><i>Allotments in the form of a battleaxe configuration should:</i></p> <p><i>(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)</i></p> <p><i>(b) contain sufficient area on the allotment for a vehicle to turn</i></p>	<p>Satisfies</p> <p>(b) The common area provides sufficient area for a vehicle to turn around to enable it to egress the allotment in a forward direction.</p> <p>(c) The subject land's one existing access point is</p>

<p><i>around to enable it to egress the allotment in a forward direction</i> <i>(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</i> <i>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</i></p> <p><i>General Section: Land Division: PDC 8</i></p>	<p>proposed to be retained as the sole access point servicing the proposal.</p> <p>Partially Satisfies (d) The prevailing pattern of development is single storey detached dwellings on mostly large, original allotments. The Policy Area envisages this pattern to evolve. In addition, the pattern of space directly adjacent the subject land is already inconsistent, being 'broken up' by the public open space to the rear. As such, the pattern of space of the proposal is not considered to have a detrimentally incompatible impact on the locality.</p> <p>Does Not Satisfy (a) The proposed allotment areas fail to meet minimum allotment sizes for their respective dwelling types when the 'handle' is excluded. However, as shown through the built form assessment, the allotments are sufficiently sized to function appropriately and contain dwellings which align with the majority of Development Plan criteria. Further, density across the site as a whole aligns with the medium density sought by the Policy Area.</p>
<p><i>Access ways serving allotments in the form of a battleaxe configuration should:</i> <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> <i>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</i> <i>(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings</i> <i>(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.</i></p> <p><i>General Section: Land Division: PDC 9</i></p>	<p>Satisfies The proposal incorporates a 4.5 metre 'handle' width, serving 3 dwellings. The driveway is less than 35 metres in length.</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i> <i>(a) minimises the need for earthworks and retaining walls</i> <i>(b) maintains natural drainage systems</i> <i>(c) faces abutting streets and open spaces</i> <i>(d) does not require the removal of existing native vegetation to facilitate that development</i> <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>Satisfies The associated built form involves a minor level of earthworks and retaining walls to support fill of up to 0.61 metres. Such 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.</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>Satisfies The private open spaces of the associated built form maintain a northerly aspect to provide for efficient solar access throughout the day.</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>Satisfies</p> <p>a) Adequate on-site parking available.</p> <p>b) Public transport services are accessible in the immediate locality.</p> <p>c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</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>Satisfies</p> <p>2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</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 site area;
- Subject land's frontage width and site depth (to cater for residential flat buildings);
- Rear setback of Dwellings 2 and 3; and,
- Site coverage.

Minimum site area

The minimum site area of Dwelling 1 measures at 213 square metres, which is less than the minimum sought of detached dwellings in Policy Area Principle 6, being 300 square metres.

It is worthwhile to note that although Dwelling 1 is considered a detached dwelling for categorisation purposes, its functional reality in the context of the proposal is more akin to a group dwelling or residential flat building, where its method of vehicular access is shared via a common driveway. The minimum average site area per dwelling sought for group dwellings or residential flat buildings in the Policy Area is 250 square metres. The average site area per dwelling, measured across the subject land, measures at 242.7 square metres. This equates to a shortfall of only 2.9%.

Despite this shortfall, the density of the proposal satisfies the medium density sought by Policy Area Objective 1 and satisfies the intent of Residential Zone Objective 2, which seeks for increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces. Furthermore, as sought by the Desired Character of the Policy Area, the proposal will increase housing choice in the locality, through the construction of two, two bedroom dwellings which are appropriate for the site.

Subject land's frontage width and site depth (to cater for residential flat buildings)

Policy Area Principle 6 also sets minimum guidelines for an allotment to meet if it is to cater for residential flat buildings. These are: a frontage width of greater than 18 metres, and a site depth of

greater than 45 metres. The subject land achieves a frontage width of 17.06 metres, and a site depth of 42.67 metres. In both cases, the proposal's merits are considered to demonstrate that these shortfalls in the subject land's dimensions are nominal only. The proposal plans show that three dwellings, of which two are residential flat buildings, can be functionally and appropriately situated on the subject land.

Rear setback of Dwellings 2 and 3

Although the rear setbacks of Dwellings 2 and 3 do not explicitly comply with that sought by Residential Zone Principle 6, the separation from the rear boundary is considered sufficient. While the proposed rear setback of 5 metres does not achieve the desired 6 metres, it is considered to minimise the visual impact of bulk and scale on adjacent properties, particularly as the subject dwellings are single storey, and the land to the rear is a large area of well-vegetated public open space. Furthermore, the same numerical principle allows for rear setback to decrease to 3 metres for up to 50 percent of the rear boundary width, which the proposal does not require, demonstrating a minimum rear setback of 4 metres for only 32 percent of the rear boundary width. The proposed rear setback does not contribute to noise impacts, privacy or overshadowing concerns. 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, where outbuildings are often located near the rear boundary, and therefore should maintain the character of the locality in relation to patterns of space.

Site coverage

The proposed site coverage of 107.53 square metres for Dwelling 1, and of 102.48 square metres for Dwellings 2 and 3 respectively, exceed the 100 square metre maximum sought by the Development Plan.

In relation to Dwelling 1, it is worthwhile to note that its proportion of site coverage includes an under-main-roof alfresco area. If excluded, the site coverage of the dwelling alone measures at 91.53 square metres. Incorporation of an alfresco area with the subject dwelling application reduces the need for owners/occupiers of the dwelling to construct a verandah in the future, and therefore the higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space in conjunction with the dwelling.

In relation to each dwelling, the proposed site coverage does not compromise the proposal from achieving sufficient setbacks and private open space, and a qualitative assessment has shown that it will not adversely affect the amenity of adjoining properties or the locality. Therefore, Residential Zone Principle 9 is satisfied. Furthermore, sufficient space will remain for the domestic requirements listed under Residential Development Principle 14.

ANALYSIS/CONCLUSION

The preceding assessment 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 compared to the original housing, and is opportunely located a short distance from multiple public transport opportunities, public open space and the developing mixed use Tonsley precinct. Despite the deficiencies in site area, the assessment discussion contained within this report has demonstrated that the subject land can appropriately and functionally accommodate three dwellings in the form proposed, without resulting in amenity impacts on the locality or adjoining land.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal demonstrates some numerical shortfalls, being site coverage and rear setback, and also the dimensions of the subject land to cater for the types of dwelling proposed. Further assessment of these shortfalls and 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 to the amenity of adjacent land, the streetscape, or the locality. When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies.

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: 100/954/2018 for Land Division Residential Community Title - 1 into 3 allotments and to construct a two storey dwelling and single storey residential flat building at the rear of the site with associated garaging and landscaping at 3 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. 100/954/2018, being drawing number(s):

- A-1, prepared by D'Andrea & Associates, Amendment E, dated 18 July 2018;
- CF5, prepared by PZ of Zafiris & Associates, dated 20 July 2018; and
- 19549-COM, prepared by John C Bested & Associates, Version 3,

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. All existing vegetation nominated to be retained and 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.
6. 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.

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.
9. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division 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.
10. 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.
11. 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.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

2. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
3. Payment of \$13660 into the Planning and Development Fund (2 allotments @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, 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 State Commission Assessment Panel (SCAP) 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. 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.
6. The applicant is reminded that Development Approval from the Council is required for any retaining wall over 1.0 metre in height, any masonry fence over 1.0 metre in height, any non-masonry fence (e.g. Colorbond, tubular, wood paling, brush, etc.) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).

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: CAP010818
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 1 AUGUST 2018**



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 Council 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, 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 2.4 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.