

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 2 May 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.



Robert Tokley
ASSESSMENT MANAGER

24 April 2018

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 MAY 2018
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 287A MORPHETT ROAD, OAKLANDS PARK

Alterations and addition to existing telecommunication tower, proposing a maximum height of 41.2 metres

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2.2 15 BEAUMONT STREET, CLOVELLY PARK

To vary Development Application 100/2243/2015 - four, two-storey row dwellings - amendments to building setbacks, materials and colours and internal layouts

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2.3 2 PARKMORE AVENUE, STURT

Land Division Residential Torrens - 1 into 3 allotments

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2.4 2 PARKMORE AVENUE, STURT

One two storey dwelling and two single storey dwellings to the rear of the site

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2.5 8 CEDAR AVENUE, WARRADALE

Two single storey dwellings

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3. OTHER BUSINESS

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 2 MAY 2018**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP020518 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 MAY 2018**



Originating Officer	Nicholas Timotheou Development Officer - Planning
Applicant:	Joanna Ward
Development Description:	Alterations and addition to existing telecommunication tower, proposing a maximum height of 41.2 metres
Site Location:	287A Morphett Road, Oaklands Park
Zone:	Defence Establishment Zone
Application Type:	Category 3 / Consent
Development Plan:	Consolidated – 28 November 2017
Referrals:	Nil
Delegations Policy:	Nil
Application No:	100/2017/2435
Recommendation:	Development Plan Consent (Granted) subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 Consent form of development by virtue of Section 38 of the Development Act 1993, which prescribes that any development that is not assigned to Category 1 or 2 by the regulations or a Development Plan will be taken to be a Category 3 development. The development does not fall within Category 1 criteria prescribed by Schedule 9 Part 1 2(g) of the Development Regulations 2008, as the proposed development is not considered to be of a minor nature only.

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

In 1999 an application was lodged to replace an existing 25-metre high telecommunications tower with a new 35 metre high structure in the same location. Records indicate that this application was granted Development Approval in June of 2000.

In 2005 an application was lodged involving a proposal to extend the existing 35 metre high telecommunications tower by a further 9 metres in height. The application was considered by the Panel at its meeting of 6 July 2005 and was issued Development Plan Consent.

Following the granting of Development Plan Consent for the 2005 application, an appeal was lodged with the Environment, Resources and Development Court from a representor objecting to the Panel's decision to grant consent to the application. Prior to the matter being heard before the Court, the applicant requested the authorisation be cancelled and an order (from the Court) was subsequently issued cancelling the application.

SUBJECT LAND AND LOCALITY

The subject land comprises 287a Morphett Road, Oaklands Park, which achieves an approximate site area of 22.9 hectares. The site is generally rectangular in shape, presenting frontage to both Morphett and Oaklands Roads. The subject land is situated on the eastern side of Morphett Road, south side of Oaklands Road and bordered by the Sturt Creek to the east and residential properties to the south.

The subject land comprises the existing long-standing Warradale Army Barracks. The site currently accommodates numerous buildings scattered throughout the subject land, car parking and dense vegetation. The existing telecommunication tower is situated within the south-western portion of the subject land and is setback approximately 55m from the southern boundary and 85m from the western boundary.

The subject land is situated within a Defence Establishment Zone, which does not extend beyond the subject land. A Residential Zone borders the subject land from the north-west to the south-eastern corner (in an anti-clockwise direction) and directly to the north. The Sturt Creek is situated adjacent the eastern boundary of the subject land, which is within an Open Space Zone. The Marion Leisure and Fitness Centre is situated north-east of the subject land, which is within a Community Zone and the Light City Buses – Morphettville Depot is situated north-west of the subject land, within a Commercial Zone. A variety of shops are situated south of the subject land within a Neighbourhood Centre Zone. The abovementioned Zones are detailed in Figure 2 and can be found on "Zone Map Mar/5" in Council's Development Plan.



Figure 1 – Locality map

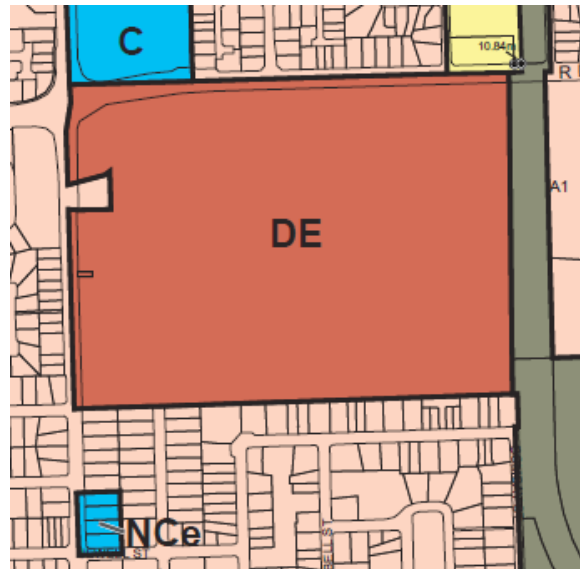


Figure 2 – Subject site and Zones within the locality

Refer Attachment I

PROPOSED DEVELOPMENT

The proposed development comprises a 5.5 metre high addition to the top of an existing telecommunications tower situated on the subject land, thereby extending the overall height of the existing structure from 35 metres to 40.5 metres in height. Associated equipment attached to the pole results in a maximum height of 41.2m. The additions comprise.

The proposal includes:

- The extension of the existing structure;
- The installation of a new Optus headframe on top of the proposed extension, bringing the total height of the pole to 40.5m;
- The installation of three (3) new Optus panel antennas;
- The installation of a new Optus Out Door Unit at the base of the existing monopole, within the existing compound area;
- The installation of twelve (12) Remote Radio Units (RRU) onto the proposed headframe;
- The installation of ancillary equipment including the aforementioned RRUs, Optus GPS antenna, combiners, feeder cables and works within the existing compound area.

Refer Attachment II

PUBLIC NOTIFICATION

Properties notified:

Members are advised that this application was notified on two separate occasions.

Section 38(5) of the Development Act states *“Where a person applies for a development assessment of a Category 3 development, notice of the application must be given, in accordance with the regulations, to—*

(a) the persons referred to in subsection (4); and

(b) any other owner or occupier of land which, according to the determination of the relevant authority, would be directly affected to a significant degree by the development if it were to proceed; and

(c) the public generally”.

Following the initial notification, it was considered that only points (a) and (c) had been satisfied for formal notification purposes. As such, a separate “round” of notification was undertaken by Council, which included formal notification to selected properties along Spruce Avenue, Kent Avenue, Cedar Avenue, Milton Street, Jewell Street, Barry Road and Morphett Road (to the south). Reasoning for this was due to the likely visibility of the proposal upon the selected properties.

The properties formally notified during the Category 3 public notification are outlined in Attachment II – Subject land and locality.

Representations:

11 representations were received during the Category 3 public notification, each of which were against the application.

It is also acknowledged that one representation was received from the Department of Planning, Transport and Infrastructure, who did not indicate whether they were in support or against the proposal.

Persons wishing to be heard:

Councillor Bruce Hull on behalf of:

- Mr Peter Miller;
- Mrs Rae Diane, Noel and Leanne Cotton, Carmel Shanatan, Wayne and Pam Dyson, Jan Smith and Paul Middleton.

Please refer to Attachment III for all representations received and Attachment V for the applicant's response to the representations.

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, and principles of development control of the Neighbourhood Centre Zone are listed in the following table and discussed in further detail below:

Neighbourhood Centre Zone		
<i>Objective 1</i>	<i>A zone primarily accommodating defence facilities in an open character setting.</i>	Does Not Satisfy
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> ▪ <i>defence facilities and installations.</i>	Does Not Satisfy
<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate.</i>	Satisfies

ASSESSMENT

The Objectives and Principles of Development Control of the Defence Establishment Zone seek to accommodate defence facilities and installations in an open character setting. Whilst not specifically identified as an envisaged land use, a telecommunications facility/tower is neither listed as being a complying nor non-complying form of development as such is to be assessed on its merits. Further, it is acknowledged the telecommunications tower has been in lawful use on the subject land for a number of years.

It is also of value to note, the Public Notification section of the Defence Establishment Zone identifies the construction of or change in land use to a telecommunication facility, such that it could be argued that the zone anticipates the proposed infrastructure, subject to appropriate compliance with other Principles of the Development Plan, which are further outlined and discussed in the following section 'Development Assessment'.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control (PDC):

Assessment:

Telecommunications Facilities		
Objective 1	Telecommunications facilities provided to meet the needs of the community.	Satisfies
<p>Objective 1 and PDC 1(a) of the General Section: Telecommunications Facilities stipulates that telecommunications facilities should be provided to meet the needs of the community. The applicant has made the following comments in relation to the need for the facility in their supporting documentation:</p> <p><i>“Optus has identified the need for a new site in the Oaklands Park area. Optus has a presence in the area however requires an additional site to cater for the increase demand in voice and data services. The additional Optus site will provide improve road coverage along major arterial roads. In addition it will provide capacity coverage to the existing and future residential and commercial uses at the site as well as providing coverage to the Warradale Army Barracks.</i></p> <p>...</p> <p><i>The existing facility currently hosts Telstra and Vodafone equipment. This existing carrier equipment will remain, with Optus intending to mount its equipment on the proposed pole extension. Optus network engineers have determined that installing the equipment below the existing carrier equipment would not meet the required coverage objectives, nor would it give the radio signals enough clearance of neighbouring buildings, trees and power lines. As a result, in order to meet Optus objectives without diminishing the service of existing carriers, it has been determined that a 3.8m pole extension is required.”</i></p> <p><i>The proposed infrastructure is not only required to ensure adequate coverage is available for the existing community, but to cater for the expanding population in this area. The proposal negates the requirement for each carrier to build its own facility preventing the proliferation of structures in the area.”</i></p> <p>The applicant has advised the reason for the proposed new extension is to meet the increased demand in voice and data services in the area. It was highlighted that the proposed development is designed to improve service along major arterial roads, existing and future residential and commercial uses and to the Warradale Army Barracks.</p> <p>Notwithstanding this explanation, recent decisions by the Supreme Court and Environment, Resources and Development (ERD) Court have determined that the need for telecommunications facilities is implicit when an application is lodged by a licenced telecommunications carrier.</p> <p>In the case of the Development Assessment Commission v 3GIS Pty Ltd & Anor [2007] SASC 216, the Supreme Court has summarised that:</p> <p><i>“Telecommunications facilities are therefore to be constructed in the area covered by the Development Plan in order to satisfy the community need for access to the relevant telecommunications technologies. The concern of the Development Plan then is to ensure that those necessary facilities are constructed in a manner which ensures that coverage is available to satisfy the need, but in a way which minimises the visual impact of those facilities on the amenity of the local environment.</i></p> <p><i>It is not... a matter of balancing the impact of a particular development on the amenity against some demonstrated demand need. The demand need is given.”</i></p> <p>In this respect, the proposed development satisfies Objective 1 and PDC 1(a).</p>		
Objective 2	Telecommunications facilities sited and designed to minimise visual impact on the amenity of the local environment.	Partially Satisfies (refer comments below).

PDC 1	<p><i>Telecommunications facilities should:</i></p> <ul style="list-style-type: none"> <i>(a) be located to meet the communication needs of the community</i> <i>(b) use materials and finishes that minimise visual impact</i> <i>(c) have antennae located as close as practical to the support structure</i> <i>(d) be located primarily in industrial, commercial, business, office, centre and rural zones</i> <i>(e) where technically feasible, be co-located with other telecommunications facilities</i> <i>(f) incorporate landscaping to screen the development, particularly equipment shelters and huts</i> <i>(g) be designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points and significant vistas.</i> 	<p>Partially Satisfies (refer comments below).</p>
<p>The proposal meets PDC 1 (a), (b), (c) and (e) for the following reasons;</p> <ul style="list-style-type: none"> (a) The need (demand) is given (refer earlier quote - Development Assessment Commission v 3GIS Pty Ltd & Anor [2007] SASC 216); (b) Subject to a recommended condition of consent, the proposal will maintain the non-reflective grey hues of the existing structure, which have been established as the most appropriate treatment to minimise visibility; (c) The antennae are located 1.5 from the supporting pole, reducing to 0.5m at the top of the structure; (e) Whilst requiring an extension to the pole, the co-location proposed avoids the need for a new structure within the locality and remains in accordance with PDC 1 (e). <p>PDC 1(d) states that telecommunications facilities should be located primarily in industrial, commercial, business, office, centre and rural zones. Whilst the proposal fails to satisfy this provision, the facility exists and has done so since (approximately) 2005. Furthermore, it is considered that the development is situated appropriately within a non-residential zone and located within a site which is able to maintain separation from allotment boundaries and nearby sensitive uses.</p> <p>The structure's associated equipment at ground level cannot be readily seen from outside of the Warradale Army Barracks site. As such, compliance with Principle 1(f) achieves little in this instance.</p> <p>PDC 1(g) stipulates that telecommunications facilities should be "designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points and significant vistas." The subject land and immediate locality is not considered to form a visually prominent area or main focal point, and does not maintain significant vistas. Therefore, for the reasons above, I am of the view the proposal complies with PDC 1(g).</p> <p>It is acknowledged the existing telecommunication tower can currently be viewed from various residential properties within the locality. As a result of the additional height proposed and its proximity to residential properties, it is evident that the structure will have some impact on the amenity of residential properties within the local environment, and particularly those located to the south and south-east of the subject land.</p> <p>The fact that the structure will have additional visual impact and impair the amenity of nearby residential properties does not necessarily establish non-compliance with Objective 2, as the objective seeks to <u>minimise</u> visual impact by siting and design.</p> <p>The existing mature vegetation in and around the site of the development will continue to assist with screening the proposed development when viewed from surrounding residential areas to the north and west of the subject site. This notwithstanding, it is acknowledged that the facility will become more visible when viewed from residential properties to the south and south-east.</p> <p>It is acknowledged that the tower is located due north of Milton Street, which runs in a north to south direction and therefore the structure is highly visible from this street and the front yards of properties with a frontage to this road.</p> <p>The proposed development maintains a "slimline" appearance with the required antennae located in practical locations and a short distance from the supporting monopole. Whilst the proposal will result in additional height and increased visual impacts upon nearby properties, regard should be had to the existing structure.</p> <p>It is considered that the additional height and design will not result in significant visual impacts upon the locality compared to those already experienced. The structure can be viewed from various parts of the locality, being most prominent when viewed from Milton Street. However, the positioning of dwellings, verandahs, outbuildings and medium-high vegetation assist in screening, in parts, view of the tower when viewed from areas within the rear yards of nearby residential properties.</p> <p>Whilst the addition to the structure will increase visibility of the tower, I do not consider the resultant impact will be</p>		

so severe as to compromise, to a significant degree, the amenity of nearby residential properties.		
The separation achieved from the southern boundary, design and appearance and mature vegetation within the subject land is considered to assist in minimising the visual impact of the structure on the amenity of the local environment. It is therefore considered that the proposal has been designed to minimise visual impact as far as practicable in accordance with the relevant criteria of PDC 1, and therefore partly satisfies Objective 2 with respect to design.		
PDC 4	<i>Telecommunications facilities should not have a direct or significant effect on the amenity, character and settings of Historic Conservation Areas, local heritage places, State heritage places or State heritage areas.</i>	Satisfies
Design and Appearance		
Objective 1	<i>Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.</i>	Partially Satisfies
PDC 1	<i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i> (a) <i>building height, mass and proportion</i> (b) <i>external materials, patterns, colours and decorative elements</i> (c) <i>roof form and pitch</i> (d) <i>façade articulation and detailing</i> (e) <i>verandas, eaves, parapets and window screens.</i>	Partially Satisfies
PDC 1 suggests that buildings should reinforce the Desired Character of the locality. The Defence Establishment Zone does not include a Desired Character statement; however, due to its substantial height of 41.2 metres, the proposed development is not considered to reinforce the positive aspects of the local environment and built form. This notwithstanding, the structure is somewhat nestled into the subject land. When viewed from the south and south-east, the visual appearance of the structure remains apparent and will increase as a result of the proposed alterations and additions; however, the preceding assessment has demonstrated the height and appearance of the proposal results in tolerable outcomes when having regard to the existing structure, separation from allotment boundaries, design and existing mature vegetation on the subject land.		
Interface between Land Uses		
Objective 1	<i>Development located and designed to minimise adverse impact and conflict between land uses</i>	Satisfies
Objective 2	<i>Protect community health and amenity from adverse impacts of development.</i>	Partially Satisfies
Objective 3	<i>Protect desired land uses from the encroachment of incompatible development.</i>	Partially Satisfies
PDC 2	<i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i>	Partially Satisfies
PDC 3	<i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i>	Satisfies
The proposed development has been designed to assist in minimising adverse impacts and conflict between existing and potential future land uses within the locality. It is considered that this has been achieved through the incorporation of a slimline design, generous separation from allotment boundaries and existing mature vegetation within with the subject land, which shall soften the appearance of the structure.		
Numerous vacant residential allotments are situated directly south of the telecommunications tower. It is acknowledged the owners of these properties are within their right to develop these allotments in accordance with the applicable planning controls. Whilst the proposed development would likely impact the amenity of these properties from a visual perspective, it is acknowledged the existing structure would result in similar outcomes. This notwithstanding, the proposed alterations and additions are not considered incompatible with the intent of the Defence Establishment Zone.		
The facility should not result in overlooking of adjacent land given that the monopole shall not be subject to activity except in the case of infrequent maintenance activities. Given the generous separation from the southern boundary		

and slimline design, shadow from the structure is likely to be cast in a narrow strip which would not overshadow habitable areas in a manner that would offend the relevant provisions of the Development Plan (see General Section: Design & Appearance: Overshadowing). Accordingly, the proposal is considered to adequately comply with PDC 3.

Orderly and Sustainable Development

<i>Objective 1</i>	<i>Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.</i>	Partially Satisfies
<i>Objective 3</i>	<i>Development that does not jeopardise the continuance of adjoining authorised land uses.</i>	Satisfies
<i>Objective 4</i>	<i>Development that does not prejudice the achievement of the provisions of the Development Plan.</i>	Partially Satisfies
<i>PDC 1</i>	<i>Development should not prejudice the development of a zone for its intended purpose.</i>	Satisfies
<i>PDC 7</i>	<i>Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.</i>	Satisfies

The proposed development will unlikely contribute to a safe, convenient and pleasant environment in which to live, nor will it impact the existing environment in respect to these points. From a “needs” perspective, the proposed development may assist the community by improving telecommunication related services for the area, which may in some cases, assist in creating convenience for residents and those passing through the area.

It is acknowledged the proposed alterations and additions are associated with an existing telecommunication tower and as such, is not considered to jeopardise the continuance of adjoining authorised land uses. Further, as the telecommunication tower exists and the subject land is generous in site area, it is considered that the proposed development should not prejudice the further development of the Defence Establishment Zone for its intended purpose, which has been in operation as the Warradale Army Barracks for a number of years.

The proposal seeks to maximise the use of existing infrastructure as a co-location opportunity is available, in accordance with PDC 7 as well as PDC 1(e) of the Telecommunication Facilities section of the Development Plan.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to visual amenity have been addressed in the body of the report.

The representors have also raised concerns over the impact on property values. Whilst 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.

Further concerns have been raised in relation to radiation emitted from the proposed development and the associated impacts on nearby resident's health/safety and the wildlife. Members are advised that Council's Development Plan is silent in respect to specific objectives and principles relating to the assessment of health related issues, such as those concerning the affects of exposure to Electromagnetic Radiation.

Nonetheless, the applicant has provided a comprehensive information pack which contains independent material in relation to electromagnetic energy (EME) levels from the existing facility and any proposed additional facilities. It is considered that this information should help to provide answers to questions relating to EME and health concerns.

Comments received from the Department of Planning, Transport and Infrastructure are noted. A review of Council's Development Plan has identified the proposal does not require referral to the Department of Infrastructure, Regional Development and Cities as the height of the development does not exceed 45m. This has been confirmed by the Airside Operations Manager of Adelaide Airport.

ANALYSIS/CONCLUSION

The proposed development seeks to make alterations and additions to the existing lawful telecommunication tower, constructed in the early 2000s. Whilst not specifically identified as an envisaged form of development within the Defence Establishment Zone, the Development Plan suggests the facility is well suited for the zone and subject land as it comprises a large non-residential site, interspersed with mature vegetation. The proposal makes efficient and effective use of existing telecommunications infrastructure, by providing an opportunity for two carriers to co-locate onto the existing structure, without the need to establish or construct new infrastructure at an alternative site.

In terms of design and appearance, the visual dominance of the structure is considered to be minimised by maintaining a “slimline” design. It is acknowledged that the structure will be made more prominent via the proposed additions; however, it is considered that the visual appearance of the proposed alterations and additions will not be significantly greater or intrusive than the visual impact attributed to the existing structure. Further, mature vegetation throughout the subject land and separation from the allotment boundaries is considered to assist in softening the overall appearance of the structure, which is somewhat nestled into the site.

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

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion (City) Development Plan; and**
- (c) That Development Plan Consent for Development Application No: 100/2017/2435 for alterations and addition to existing telecommunication tower, proposing a maximum height of 41.2 metres at 287A Morphett Road Oaklands Park be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/2435.**
- 2. The addition to the pole structure and all associated antennae shall incorporate a colour of non-reflective grey hues, to the reasonable satisfaction of Council.**
- 3. If the subject telecommunications facility and/or any associated equipment become obsolete or unused, it shall be removed and, where applicable, the site restored to its original condition within a period of 12 months from the date when the facility or equipment becomes obsolete or unused.**

Attachments

- Attachment I: Certificate of Title*
- Attachment II: Subject land and locality*
- Attachment III: Proposal Plan and supporting documentation*
- Attachment IV: Statement of Representations*
- Attachment V: Applicants Response to Representations*

**REPORT REFERENCE: CAP020518 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 MAY 2018**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Southern Home Improvements Pty Ltd
Development Description:	To vary Development Application 100/2243/2015 - four, two-storey row dwellings - amendments to building setbacks, materials and colours and internal layouts
Site Location:	15 Beaumont Street, Clovelly Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	30/11/2017
Development Plan:	Consolidated – 28 November 2017
Referrals:	None
Application No:	100/2017/2290
Recommendation:	That Development Plan Consent be REFUSED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3 metres (above natural ground level) as Category 2 development.

Given that the development was previously determined by the Council Assessment Panel (formally Development Assessment Panel) administrative staff have delegated authority to the Council Assessment Panel given the variation to the previous authorisation incorporates changes that have the potential to undermine or compromise the Panel's decision.

BACKGROUND

The subject proposal was previously granted Development Plan Consent under Development Application number 100/2015/2243 by the Council Assessment Panel (previously the Development Assessment Panel) at the meeting held on 21/12/2016 after initially being deferred by the Panel at the meeting held on 16/11/2016 for the following reasons;

- 1. To enable the applicant an opportunity to provide greater articulation to the facades of the building to provide an improved streetscape outcome and to minimise visual impact on adjacent land.*
- 2. To increase the setback of the dwellings from the rear (southern) boundary of the land.*

For Panel members' information, the proposal plans presented to the Panel comprised dwellings with a rear boundary setback of 6.0 metres reducing to 3.7 metres for 50% of the width of the rear boundary. In the subsequent report presented to the Panel at the meeting held on 21/12/2016, the author made the following observation;

It is appreciated the rear setback has not been increased as per part 2 of the Panel's reasons for deferral, however, it is noted the rear setback of the single storey portion of the building generally satisfies the applicable Development Plan control, whilst the upper level satisfies the rear setback criteria, save for the minor incursion of the linen area, which comprises a width of 2.2 metres for each dwelling.

A copy of the reports and meeting minutes relating to the deferral and subsequent approval has been provided for the Panel's information as Attachment VII and Attachment VIII. In addition, the approved proposal plans have been provided as attachment VI.

The applicant has subsequently lodged an application to vary the authorisation granted under Development Application number 100/2015/2243 incorporating a number of changes without changing the essential nature of the proposed development. An assessment of those changes follows.

SUBJECT LAND & LOCALITY



The subject land is situated on the south-western corner of Beaumont Street and Thirza Avenue at 15 Beaumont Street, Clovelly Park. The subject land comprises a large regular shaped allotment which has a 16.1 metre frontage (excluding the 4 x 4 metre corner cut-off) to Beaumont Street and a secondary frontage of 45.1 metres to Thirza Avenue to provide a total site area of approximately 920 square metres.

The subject land slopes gently downwards to the rear of the allotment and is developed with an existing single storey detached dwelling (circa 1950) fronting Beaumont Street. An inspection to the subject land reveals that the site is devoid of any regulated trees, whilst the certificate of title confirms that the land is clear of any encumbrances or easements.

The locality is characterised by a mix of older housing stock comprising mainly single storey detached dwellings on large regular shaped allotments together with single storey row dwellings and medium density dwelling units (circa 1980).

Many new dwellings also exist within the locality and comprise single storey semi-detached dwellings as exhibited on the east of the subject land on the opposite side of Beaumont Street as well as single and two storey detached and residential flat dwellings on mainly "battle-axe" shaped allotments as exhibited immediately to the south of the subject land.

In addition, it is worthy to note that Development Approval has been granted in respect to the land located immediately to the west of the subject land at 15 Percy Street for a similar proposal comprising four, two-storey row dwellings presenting to Thirza Avenue.

The only notable landmark within the immediate locality includes the Sacred Heart Middle School which is located to the west/south-west of the subject land on the corner of Thirza Avenue and Percy Avenue. This land is developed with various buildings and contains vast areas of open space and sporting fields which are clearly visible from the site of the development.

Refer Locality Map above and Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to amend Development Application 100/2015/2243 - to construct four, two storey row dwellings with all dwellings presenting to Thirza Avenue. The dwellings provide three bedrooms (master bedroom at ground level with en-suite) with open plan kitchen/dining/living areas with direct access to areas of private open space to the rear of each dwelling. The first floor of each dwelling is accessed via an internal staircase leading to a retreat, two bedrooms and a bathroom.

The dwellings have a modern appearance with second storey components displaying an adequate degree of articulation to help reduce the bulk and scale of the dwellings when viewed from adjacent land. Materials and finishes include a mix of exposed and rendered brick to external walls and Colorbond sheet metal roofing at a 25 degree pitch.

All dwellings are provided with a single width garage under the main roof with provision for one visitor's car parking space within the individual driveways located forward of each garage. Driveways are to be paved, whilst open front yard areas are to be landscaped with a combination of lawn, small trees, shrubs and ground covering vegetation.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	26 properties were notified during the Category 2 public notification process.
Representations:	1 representation (against the application, subject to amendments) was received by Council.
Persons wishing to be heard:	The sole representor has expressed the desire to be heard by the Panel
Summary of representations:	Please see attachment IV
Applicant's response:	Please see attachment V

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Northern Policy Area 13 that relate to the variation 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. 	<p>Satisfies</p> <p>The essential nature of the proposed development has not changed. The proposal remains for four, two-storey row dwellings each with vehicular access from Thirza Avenue.</p>

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies
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DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p>Northern Policy Area 13: PDC 4</p>	<p><u>Site coverage:</u></p> <p>Satisfies Residence 1: 38.8%</p> <p>Does Not Satisfy Residence 2: 50.7% Residence 3: 50.2% Residence 4: 50%</p> <p><u>Floor area ratio:</u></p> <p>Satisfies Residence 1: 0.54%</p> <p>Does Not Satisfy Residence 2: 0.71% Residence 3: 0.70% Residence 4: 0.64%</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>Residential Zone: PDC 9</p>	<p>Partially Satisfies (a)&(c) the excess in site coverage results in compromised provision of private open space with regard to shape and dimensions.</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>General Section: Residential Development: PDC 14</p>	<p>Partially satisfies Whilst the proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, landscaping and waste storage, the areas of private open space at the rear of the dwelling are not considered sufficient to accommodate the likely needs of the occupants.</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.

Satisfies

Residence 1: 39%
Residence 2: 23%
Residence 3: 23%
Residence 4: 23%

Residential Zone: PDC 7

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

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 side/rear of the dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- f) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.

Does Not Satisfy

- g) The proposed POS areas do not maintain a northerly aspect to provide for comfortable year round use due to the orientation of the allotments. It is however noted that the approved proposal also featured south facing areas of POS.
- k) The POS areas of all of the proposed dwellings are not considered to have sufficient depth to be functional and meet the likely needs of residents.

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

Verandas are not proposed as part of the application resulting in 100% of POS being open to the sky.

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

All dwellings: 4.76m

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 4.76 metres is considered to contribute positively to the function, appearance and desired character of the locality.

It is noted that four, two-storey row dwellings on adjoining land at 15 Percy Avenue (also fronting Thirza Avenue) have received Development Approval with a front setback of 5m to the main face and 5.5m to the garages of the dwellings. Development Approval for the dwellings lapses 23/3/2019.

Side Setbacks

Minimum setback from side boundaries:

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.

Residential Zone: PDC 6

Satisfies

Residence 4: 3.25m

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

General Section: Design and Appearance: PDC 2

Satisfies

Rear Setbacks

Minimum setback from rear boundary:
(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary
(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

Satisfies

Ground floor - Residence 1:
 6.65m for 23% the width of the rear boundary
 4.5m for 12% the width of the rear boundary
 3.4m for 41% the width of the rear boundary

Ground floor - Residence 2 & 3:
 6.65m for 30% the width of the rear boundary
 4.5m for 15% the width of the rear boundary
 3.4m for 54% the width of the rear boundary

Ground floor - Residence 4:
 6.65m for 31% the width of the rear boundary
 4.5m for 15% the width of the rear boundary
 3.4m for 54% the width of the rear boundary

Does Not Satisfy

First floor – all dwellings:
 Minimum setback of 7.88m achieved

<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>Garages, Carports, Verandas and Outbuildings</p>		
<p>Parameter</p>	<p>Value</p>	
<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></p>	<p>Satisfies</p> <p>All dwellings: 5.96m (1.2m behind the main face of the dwellings).</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> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <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 face brick at ground level, and rendered brickwork at first floor level on the front façade• Stepping of upper and lower storeys to minimise building height, mass and proportion• Protruding porticos• Eave overhang and pitched roof form at 25 degree slope• Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof with face brick (ground floor) rendered brick (first floor) facades. The garage of each dwelling features a Colorbond panel lift door. 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>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>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>Buildings should be sited and designed:</i></p> <ul style="list-style-type: none"> <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><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Partially Satisfies</p> <p>The dwellings are oriented so that their open spaces and open plan meals/kitchen areas face south providing limited exposure to winter sun.</p> <p>The dwellings do however comprise a lounge room at ground floor, bedrooms (ground floor and first floor) and a retreat (first floor) that all face north providing exposure to winter sun.</p> <p>In addition, 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> <ul style="list-style-type: none"> <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><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>

For clarity, the changes made to the proposal that constitute a variation to the application approved under Development Application number 100/2015/2243 are presented in the table and discussion below.

	Criteria		Res 1	Res 2	Res 3	Res 4
Site coverage	40%	Proposed:	38.8%	50.7%	50.2%	50%
		Previous:	34.5%	45%	45%	44.4%
		Change:	+4.3%	+5.7%	+5.2%	+5.6%
Private open space (POS)	20%	Proposed:	39%	23%	23%	23%
		Previous:	35.95%	26.7%	26.7%	26.8%
		Change:	+3.05%	-3.7%	-3.7%	-3.8%
	Should include a minimum area measuring 5m x 5m and be directly accessible from a living room	Proposed:	4.5m x 5.27m	11.11m x 3.4m		
		Previous:	5.5m x 5.5m achieved for each dwelling			
Change:		See discussion below				
Floor area ratio	0.6	Proposed:	0.54	0.71	0.70	0.64
		Previous:	0.52	0.68	0.68	0.67
		Change:	marginal increase	marginal increase	marginal increase	marginal decrease
Front setback	Average of adjoining dwellings	Proposed:	5.0m			
		Previous:	4.76m			
		Change:	-0.24m			
Garage setback	5.5m and behind/in line with main face	Proposed:	5.96m			
		Previous:	5.5m			
		Change:	+0.96m			
Rear setback (ground floor)	6m (may be reduced to 3m for no more than 50% the width of the rear boundary)	Proposed:	6.65m for 23%, 4.5m for 12% & 3.4m for 41% of width of boundary	6.65m for 30%, 4.5m for 15% & 3.4m for 54% of width of boundary	6.65m for 30%, 4.5m for 15% & 3.4m for 54% of width of boundary	6.65m for 31%, 4.5m for 15% & 3.4m for 54% of width of boundary
		Previous:	6m for 37%, & 3.7m for 39% of width of boundary	6m for 49%, & 3.7m for 50% of width of boundary	6m for 49%, & 3.7m for 50% of width of boundary	6m for 49%, & 3.7m for 49% of width of boundary
		Change:	See discussion below			
Rear setback (first floor)	8m	Proposed:	7.88m			
		Previous:	8m			
		Change:	-0.12m (120mm)			
Side setback (first floor)	2m (or 3m from a southern boundary)	Proposed:	n/a			1.99m
		Previous:	n/a			3.25m
		Change:	n/a			+1.26m

The variation proposes the additional following changes that impact the design and appearance of the dwellings resulting from modifications to the internal layouts of the dwellings and a change in material, finishes and built form;

- The previous proposal comprised side entry doors with a 2.74m x 1.75m balcony with glass balustrades over whereas as the variation has omitted the first floor balconies and have front entry doors and clearly defined porches presenting to the street.
- The variation provides greater articulation of the built form presenting to the street by the increase in garage setback provided to each dwelling.
- The variation adopts facing brickwork to the ground floor and rendered brickwork to the first floor in lieu of the alternating full-length facing brick and rendered brick vertical banding on the approved proposal.

TABLE DISCUSSION

Whilst the majority of the changes listed above are considered to be relatively minor (a marginal increase in floor area ratio, a decrease in front setback and a decrease in the rear setback of the first floor of each dwelling) or constitute an improvement on the approved proposal (an increase in garage setback of all dwellings and an increase in the side setback of the first floor of Residence 4) the changes to the internal layouts of the dwellings and the subsequent impact on the provision of private open space requires further analysis.

Whilst the rear setback of the dwellings continues to satisfy the numerical Development Plan criteria for minimum rear boundary setbacks, the variation has resulted in changes to the shape, and subsequently the functionality, of the private open space (POS) at the rear of each of the dwellings. Whilst the previous configuration of the dwellings achieved a minimum area of private open space measuring 5.5 metres by 5.5 metres at the rear of each dwelling, the variation achieves areas measuring 4.5 metres by 5.27 metres for Residence 1 and 11.11 metres by 3.4 metres for Residence 2, 3 & 4. Whilst the shape and dimensions of the private open space of Residence 1 is likely to accommodate the needs of future residents, the 3.4 metre depth of the private open space at the rear of Residence 2, 3 & 4 is unlikely to be sufficient to accommodate the needs of residents and falls significantly short of minimum Development Plan criteria. It should however be noted that despite a general decrease in the provision of private open space (Residence 2, 3 & 4) each of these dwellings continues to provide more than the minimum area anticipated by the Development Plan. Residence 1 has in fact benefited from an increase in private open space from 35.95% to 39% of total allotment area.

The provision of functional areas of private open space has also been constrained by an increase in site coverage of Residence 2, 3 & 4 which have increased to 50.7%, 50.2% and 50% respectively. The previous proposal had site coverage of 45%, 45% and 44.4% for Residence 2, 3 & 4 respectively whilst each achieving minimum areas of private open space measuring 5.5 metres by 5.5 metres.

During the assessment process, Council staff raised concerns that the reduction in rear setback of the dwellings may compromise the functionality of private open space. Whilst no changes were made to the proposal plans, the applicant responded by updating the landscape plan to show that the areas of private open space have sufficient depth to accommodate a 1.0 metre by 2.0 metre outdoor dining suite.

The concerns raised by the representor (with regards to the location of private open space and rear boundary setbacks) are not a result of the proposed variation and, respectfully, have therefore been given little weight in the assessment of the proposed changes to the previously approved proposal.

ANALYSIS/CONCLUSION

Whilst the changes made to the previously approved plans are likely to improve the streetscape outcome of the proposal through a considered approach to the articulation of building form, selection of materials and by providing clearly defined entrances to each of the dwellings, amendments to the internal layouts of the dwellings, an increase the site coverage of each dwelling and a reduction in rear setback of the dwellings has resulted in areas of private open space at the rear of the dwellings that have been compromised with regards to shape and overall functionality.

As a result of the above considerations, although 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, the proposed variation does not sufficiently accord with the relevant provisions of the Marion Council Development Plan to warrant the granting of Development Plan Consent and is recommended for refusal.

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: 100/2017/2290 to vary Development Application 100/2243/2015 - four, two-storey row dwellings - amendments to building setbacks, materials and colours and internal layouts at 15 Beaumont Street, Clovelly Park be REFUSED for the following reason:

REASONS FOR REFUSAL

1. The variation has resulted in the compromised provision of private open space with regards to shape and dimensions at the rear of the proposed dwellings identified as Residence 2, 3 & 4 rendering these areas less functional than previously approved and unlikely to accommodate the needs of residents. The variation is therefore inconsistent with Objective 5 of Northern Policy Area 13 in the Zone Section – Residential Zone, PDC 14 and PDC 16 of the General Section – Residential Development and PDC 9 of the Zone Section - Residential Zone of the Marion Council Development Plan.

Attachments

- Attachment I: Certificate of Title*
- Attachment II: Aerial Photograph & Site Locality Plan*
- Attachment III: Proposal Plan and supporting documentation*
- Attachment IV: Statement of Representations*
- Attachment V: Applicant's Response to Representations*
- Attachment VI: Approved proposal plans under Development Application 100/2015/2243*
- Attachment VII: Deferred DAP Report and meeting minutes presented at the meeting on 16th November 2016*
- Attachment VIII: DAP Report and meeting minutes presented at the meeting on 21st December 2016*

**REPORT REFERENCE: CAP020518 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 MAY 2018**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Orang Fallah-Bahnamiri
Development Description:	Land Division Residential Torrens - 1 into 3 allotments
Site Location:	2 Parkmore Avenue, Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	18/10/2017
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2017/1966
DAC Reference No:	100/D243/17
Recommendation:	Development Plan Consent, Land Division Consent and Development Approval (GRANTED)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a land division that creates no more than 4 allotments as a Category 1 form of development.

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

BACKGROUND

The proposed land division relates to the associated land use application, Development Application 100/2017/1107, which proposes to construct three dwellings, one two storey and two single storey on the subject land, which is to be considered by the Panel at the same meeting.

Due to the above, modifications to the proposal were not requested during the assessment process other than for the purpose of consistency with the related land use application.

SUBJECT LAND & LOCALITY

The subject site is located at 2 Parkmore Avenue, Sturt (Lot 76). The site is located at the south-western corner of the intersection with the Marion Road 'slip lane'. The site is irregular in shape; incorporating a northern boundary frontage to Parkmore Avenue of 17.07 metres, an eastern boundary frontage to Marion Road of 26.49 metres, an average east-west depth in the order of 22.25 metres, and comprising a total site area of 697 square metres.

The site contains a single storey detached dwelling, attached verandah, and an outbuilding adjacent the south-western corner of the site. The site also incorporates an in-ground swimming pool near the eastern boundary. The contour of the site is generally flat, incorporating a very shallow gradient of approximately 1-in-75 which gains height towards the south. The site contains some small trees and vegetation, however none are regulated or significant. The site has two existing crossover points: one from Parkmore Avenue near the intersection, and another from the Marion Road slip lane adjacent to the site's southern boundary.

The locality consists primarily of original housing stock, being single storey detached dwellings on allotments of 650 square metres or more. This is interspersed with some low to medium density redevelopment which demonstrates different dwelling types, including a pair of semi-detached dwellings, and three two-storey row dwellings, on allotments as small as 224 square metres.

The site is located in close, walkable proximity to public open spaces, approximately 100 metres from the Warriparinga Wetlands and subsequently the Sturt River linear trail. Two other local reserves are approximately 200 metres from the site. The site is approximately 450 metres from bus stops on Sturt Road, and 1 kilometre from the Tonsley Railway Station. The site is also located 120 metres from a bus stop on Marion Road, however this receives limited service. The nearest neighbourhood centre zone is approximately 800 metres away, on Main South Road, with other local shops also nearby. The Marion Regional Centre is approximately 1.4 kilometres away. Each of the above are measured in walking distances.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create three Torrens Title residential allotments, in essence creating two additional allotments over the existing.

Party wall easements are included on the plan of division, which relate to the party walls indicated on the associated application for three row dwellings on the subject land. A greater level of detail regarding how the land will be developed is detailed in Development Application 100/2017/1107, which is to be considered by the Panel at the same time as the subject application.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

State Commission Assessment Panel (SCAP)	Standard comments received 19 February 2018.
SA Water:	Standard comments received 21 February 2018.

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

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

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

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies The proposed allotments will cater for a density and built form which are consistent with the desired character for the Policy Area.
PDC 3	<i>Minimum Site Area:</i>	Does Not Satisfy Lot 1: 237m ² Lot 2: 233m ² Lot 3: 227m ²
	<i>Minimum Frontage:</i>	Satisfies Lot 1: 9.01m Lot 2: 9.6m Lot 3: 7.88m
	<i>Minimum Depth:</i>	Satisfies Lot 1: 25.19 – 27.43m ² Lot 2: 22.73 – 25.19m ² Partially Satisfies Lot 3: 17.07 – 22.73m ²

Assessment



..... Locality

The application seeks to create allotments for residential purposes, and to this end, the nature of the division is consistent with the zoning of the land.

It proposes to increase the density of the subject land by two. As a whole, the proposal incorporates a notable shortfall in site area for all three allotments, equating to an average site area of 232.3 square metres; 7.1% less than that sought (250 square metres).

The proposal is of a density similar, albeit slightly greater than a number of properties in the immediate and broader locality which have undergone subdivision in recent times. Three two storey row dwellings on comparably sized allotments are located directly opposite the site, which demonstrate site areas of 224, 236 and 267 square metres respectively. One group dwelling (2/912 Marion Road) demonstrates an exclusive site area of approximately 220 square metres, and is located among comparable examples of between 225 and 286 square metres within the same development.

There are other comparably dense examples of row dwellings, as well as group dwellings and residential flat buildings evident in the vicinity of Travers Street, approximately 250 metres south-west of the subject site, where allotment sizes are approximately 193 square metres in area (21A Travers Street). It is worthwhile to note that while these examples are within the same Policy Area, they are beyond the identified locality.

The Desired Character of the Policy Area seeks for low to medium density dwellings, at a higher density to that typical of the original dwelling stock in the area.

The subject land is located in an area with convenient access to public open space, and reasonable public transport options. It is noted that centre zones are located a considerable distance from the site, albeit land on the eastern side of Marion Road has recently been re-zoned to accommodate mixed use development (Suburban Activity Node Zone). As such, the locality does display attributes where increased densities are sought, in accordance with Objective 2 of the Zone.

Whether the shortfall in site area is 'fatal' to the application is subject to consideration upon whether the density and form of the proposed development reasonably satisfies that sought in the relevant Policy Area and Zone, and whether the proposed site areas contribute to irreconcilable failures or shortfalls when assessed against the Development Plan. This is outlined in the 'Table Discussion' section of the report. This relates largely to the built form attributes, and as such is discussed in more detail within the assessment of development application 100/2017/1107 which is to be considered by the Panel at this meeting.

LAND DIVISION ASSESSMENT

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

Land Division	
Objectives	Satisfies
<p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i></p>	

<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p>Satisfies The proposed site areas are considered appropriate for the dwellings as proposed in Development Application 100/2017/1107.</p>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<p>Satisfies The land division will integrate with adjacent residential land uses. A bus route is located in the immediate vicinity, however it is worthwhile to note that it currently receives limited service. A range of bus routes which link centres are located on Sturt Road, located a walkable 450 metres away. There land is supported by the necessary infrastructure.</p>
<p>Principles of Development Control</p> <p><i>1 When land is divided:</i> <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>	<p>Satisfies The proposed development is likely to result in stormwater being drained safely from the land. Water and sewer supply is available.</p>
<p><i>2 Land should not be divided if any of the following apply:</i> <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> <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>	<p>Satisfies</p>
<p>Design and Layout</p> <p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p>Satisfies</p>

<p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p>Satisfies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Satisfies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Partially Satisfies</p> <p>In this instance the secondary street frontage (only) maintains a direct northern orientation. Whilst this is not ideal it is typical for allotment on the southern side of a street.</p> <p>The associated land use application (100/2017/1107) where issues surrounding solar efficiency are discussed further.</p>
<p>Roads and Access</p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Satisfies</p> <p>3 on-street car parking spaces will remain available directly adjacent to the subject site, which is in excess of that required by Table Mar/2, and is sufficient in consideration of the provisions listed here.</p>
<p>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p>	<p>Satisfies</p> <p>As above.</p>

ANALYSIS/CONCLUSION

The subject proposal seeks land division for residential purposes. Given the site is situated within the Residential Zone, has access to sewer and potable water and will not result in substantial earthworks, the proposal is considered an acceptable form of development.

Despite the notable shortfall in site area per dwelling (and, on average across the site), the proposal is considered to demonstrate an appropriate medium density which will contribute to the low to medium density sought by the Policy Area's objectives. The built form, as assessed in 100/2017/1107, is considered to satisfy the majority of relevant principles, and is consistent with the desired character which seeks redevelopment at a 'higher density' to that of existing housing stock. The built form has been shown to demonstrate 'good residential design principles' that will contribute positively to the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/2017/1966 (100/D243/17) for Land Division Residential Torrens - 1 in to 3 allotments at 2 Parkmore Avenue, Sturt be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

- 1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/1966/2017, except when varied by the following conditions of consent.
- 2. 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.
- 3. 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.
- 4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

- 1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.

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.

2. **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 State Planning Commission marked “Not Negotiable” and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.**
3. **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. **This approval has been granted on the basis of the suitability of the land for three row dwellings as demonstrated in Development Application No: 100/2017/1107. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.**

Attachments

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

**REPORT REFERENCE: CAP020518 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 MAY 2018**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Alberto D'Andrea
Development Description:	One two storey dwelling and two single storey dwellings to the rear of the site
Site Location:	2 Parkmore Avenue, Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	20/06/2017
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2017/1107
Recommendation:	That the granting of Development Plan Consent be sub-delegated to the Manager Development and Regulatory Services, pending deposit of the Plan of Division for development application 100/D243/17 with the Land Titles Office.

CATEGORISATION & DELEGATION

The proposed development, is for the construction of three dwellings, one two storey, and two single storey. The applicant has provided a sectional detail which confirms that the proposed dwellings will each be joined by party walls, and as such, will form a single building. The associated land division application, 100/D243/17, confirms the locations of these party walls, and also confirms that each dwelling is intended to be located on its own exclusively held site with a frontage to a public road.

Given the above, the two elements of a 'row dwelling', as defined by Schedule 1 of the Development Regulations 2008, are considered be met, and for the purposes of this assessment, the proposed dwellings are considered to form row dwellings. The delay of a final decision, subject to the deposit of the related Plan of Division with the Lands Titles Office, will ensure that this is the case, in accordance with the judgement of Judge Cole in *Paor & Anor v City of Marion* [2014] SAERDC 42.

As such, 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 (up to two storeys in height) as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum of 250 square metres required for row dwellings

within the Northern Policy Area 13. Council has delegated decisions with respect to undersized allotments to the Development Assessment Panel.

BACKGROUND

The subject application is supported by a concurrent land division application, which indicate the exclusive allotments associated with each dwelling (refer 100/D243/17).

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

Amendments Requested	Amendments Made
Site coverage of each dwelling should be reduced to more closely align with Council's Development Plan provision of 40%.	Site coverage reduced from 58.4% to 56.9% for D1, from 61.6% to 58.8% for D2, and from 52.8% to 46% for D3.
Increase front setbacks to provide a transition to more generous front setbacks within the streetscape.	Front setback increased from 5m to 5.5m for D1 and D3, and from 5m to 6m for D2.
A minimum 20% private open space should be provided for each dwelling.	Private open space increased from 18.7% to 19.7% for D2, and from 22% to 22.9% for D3. D1 remains at 19.5%.
Raised concern with internal courtyards.	Internal courtyards removed.
Improve eastern elevation's visual consistency.	Eastern elevation appearance improved.
Incorporate greater fenestration and visual appeal to D3's northern elevation.	Greater fenestration and visual appeal incorporated.
Increase variety of colours and materials.	Variety of colours and materials increased.
Increase all proposed crossover widths to no less than 3 metres; alter location of D1's crossover to ensure infrastructure is avoided.	Crossover widths amended to 3 metres; D1's crossover location altered to use existing.
Remove eave overhang of D3's upper storey.	Eave overhang removed.

Information Requested	Information Provided
Engineered site works and drainage plan.	Provided.
Schedule of proposed colours/materials/finishes and/or colour elevations.	Colour elevations with notations provided.
Party wall detail.	Provided.

SUBJECT LAND & LOCALITY

The subject site is located at 2 Parkmore Avenue, Sturt (Lot 76). The site is located at the south-western corner of the intersection with the Marion Road 'slip lane'. The site is irregular in shape; incorporating a northern boundary frontage to Parkmore Avenue of 17.07 metres, an eastern boundary frontage to Marion Road of 26.49 metres, an average east-west depth in the order of 22.25 metres, and comprising a total site area of 697 square metres.

The site contains a single storey detached dwelling, attached verandah, and an outbuilding adjacent the south-western corner of the site. The site also incorporates an in-ground swimming pool near the eastern boundary. The contour of the site is generally flat, incorporating a very shallow gradient of approximately 1-in-75 which gains height towards the south. The site contains some small trees and vegetation, however none are regulated or significant. The site has two existing crossover points: one from Parkmore Avenue near the intersection, and another from the Marion Road slip lane adjacent to the site's southern boundary.

The locality consists primarily of original housing stock, being single storey detached dwellings on allotments of 650 square metres or more. This is interspersed with some low to medium density

redevelopment which demonstrates different dwelling types, including a pair of semi-detached dwellings, and three two-storey row dwellings, on allotments as small as 224 square metres.

The site is located in close, walkable proximity to public open spaces, approximately 100 metres from the Warriparinga Wetlands and subsequently the Sturt River linear trail. Two other local reserves are approximately 200 metres from the site. The site is approximately 450 metres from bus stops on Sturt Road, and 1 kilometre from the Tonsley Railway Station. The site is also located 120 metres from a bus stop on Marion Road, however this receives limited service. The nearest neighbourhood centre zone is approximately 800 metres away, on Main South Road, with other local shops also nearby. The Marion Regional Centre is approximately 1.4 kilometres away. Each of the above are measured in walking distances.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct three dwellings, which, for the purposes of this assessment, are considered to be row dwellings (see above). Dwellings 1 and 2 are to be single storey, and Dwelling 3 is to be two storeys. Each dwelling will incorporate three bedrooms, two bathrooms (one ensuite), an open plan kitchen/living/dining area which opens to an alfresco under the main roof to the rear. Each dwelling will incorporate a single garage and driveway, all of which will gain access from the Marion Road slip lane.

The façade of each dwelling will incorporate dark grey face brickwork and 'simply white' rendered finish. Dwelling 3 will also incorporate matrix cladding to the northern elevation of the upper floor, painted grey, and a feature spandrel painted dark grey. Dwelling fixtures include panel lift garage doors and timber entry doors. The roof is to be Colorbond ('basalt') in typical hipped form, set at a 25 degree pitch with 450mm eaves around the perimeter of each dwelling (excepting boundary walls). The eastern elevation of each dwelling will also incorporate a Dutch gable within the roof form.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Comments regarding street infrastructure and recommendation to 'flip' D1 to avoid interference. — <i>This has been undertaken.</i></p> <p>Install 3000L rainwater retention tanks fully plumbed into both toilet and laundry, instead of proposed dual retention/detention tanks. — <i>Council's stormwater retention/detention requirements have been included as a recommended condition of consent.</i></p>
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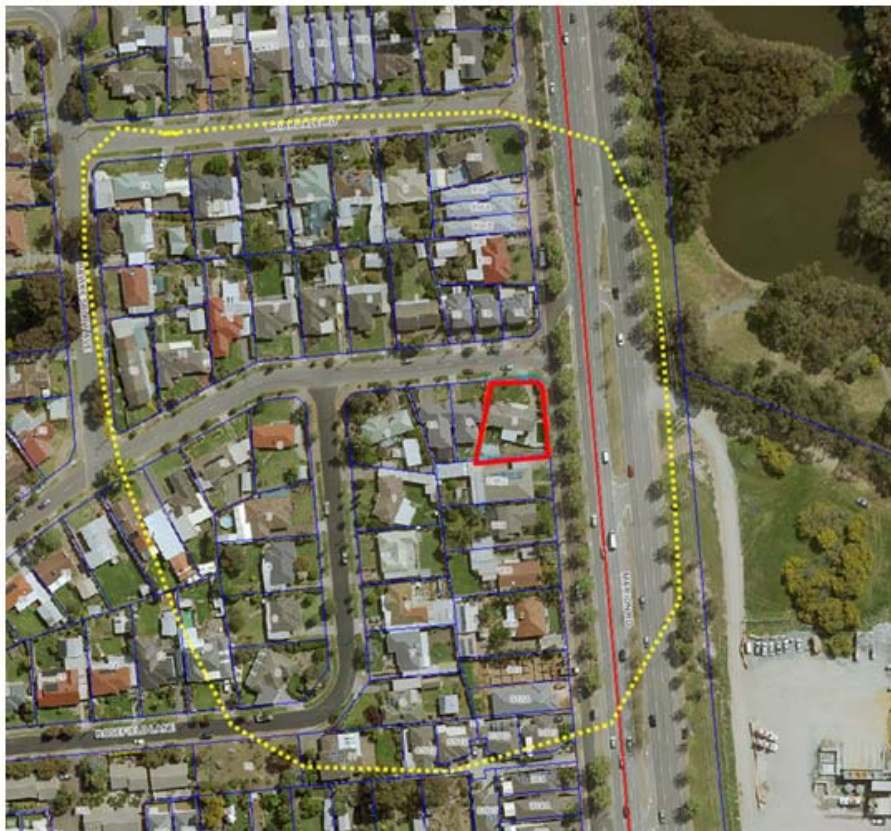
ZONE & POLICY AREA ASSESSMENT

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:</i>	Does Not Satisfy D1: 237m ² D2: 233m ² D3: 227m ²
	<i>Minimum Frontage:</i>	Satisfies D1: 9.01m D2: 9.6m D3: 7.88m
	<i>Minimum Depth:</i>	Satisfies D1: 25.19 – 27.43m ² D2: 22.73 – 25.19m ² SatisfiesPartially Satisfies D3: 17.07 – 22.73m ²

Assessment



..... Locality

The application proposes three row dwellings on an allotment which currently accommodates one detached dwelling, increasing the density of the land by two. It is noted that the construction of the dwellings will not impact any regulated or significant trees in the locality. As a whole, the proposal incorporates a notable shortfall in site area for all three dwellings, equating to an average site area of 232.3 square metres; 7.1% less than that sought (250 square metres).

The proposal is of a density similar, albeit slightly greater than a number of properties in the immediate and broader locality which have undergone subdivision in recent times. Three two storey row dwellings on comparably sized allotments are located directly opposite the site, which demonstrate site areas of 224, 236 and 267 square metres respectively. One group dwelling (2/912 Marion Road) demonstrates an exclusive site area of approximately 220 square metres, and is located among comparable examples of between 225 and 286 square metres within the same development.

There are other comparably dense examples of row dwellings, as well as group dwellings and residential flat buildings evident in the vicinity of Travers Street, approximately 250 metres south-west of the subject site, where allotment sizes are approximately 193 square metres in area (21A Travers Street). It is worthwhile to note that while these examples are within the same Policy Area, they are beyond the identified locality.

When turning to the Zone and Policy Area, the density proposed finds support in Objective 2 of the Zone, by increasing densities in close proximity to areas of open space and public transport routes.

The subject land is located in an area with convenient access to public open space, and reasonable public transport options. It is noted that centre zones are located a considerable distance from the site, albeit land on the eastern side of Marion Road has recently been re-zoned to accommodate mixed use development (Suburban Activity Node Zone). As such, the locality does display attributes where increased densities are sought, in accordance with Objective 2 of the Zone.

The proposal achieves the aim of Policy Area Principle 1 by providing low scale housing – albeit it is acknowledged the proposal seeks for medium density allotments, rather than the “low to medium” density sought.

Principles 3 and 5 are met, in that the garaging forms a ‘conventional’ and non-dominating element to the primary facades of the dwellings, whilst Dwelling 3 takes advantage of the northern orientation of the site and appropriately addresses both street frontages.

The proposal generally achieves the aims of the Desired Character, which seeks cohesive streetscapes and dwellings of a variety of types and architectural styles, at a higher density (albeit low to medium density) than the original housing stock. In this regard, the dwellings maintain the consistent presentation of dwellings to Marion Road (rather than facing dwellings to Parkmore Avenue), and incorporate a more contemporary form than the original dwelling stock.

It could be concluded however, that the provision of three bedroom dwellings, one of which is two storey incorporating a boundary wall abutting the adjoining dwelling, does not lead to a variety of housing types, nor a cohesive streetscape via the ‘abrupt’ positioning of Dwelling 3.

Further, it is acknowledged there are limited examples of the density proposed within the locality to support the departure from the minimum site areas proposed.

Whether the shortfall in site area is ‘fatal’ to the application is subject to consideration upon whether the density and form of the proposed development reasonably satisfies that sought in the relevant Policy Area and Zone, and whether the proposed site areas contribute to irreconcilable failures or shortfalls when assessed against the Development Plan. This is outlined in the ‘Table Discussion’ section of the report.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

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>Does Not Satisfy D1: 56.9% (134.8m²) D2: 58.8% (136.9m²) D3: 46.0% (104.4m²) Tot: 54.0% (376.1m²)</p> <p><u>Floor area ratio:</u></p> <p>Satisfies D3: 0.55</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Partially Satisfies Contrary to quantitative rear setback and private open space provisions. However, on a qualitative level, these are largely satisfied. This is elaborated on within following relevant table headings in 'Development Assessment' and in 'Table Discussion'.</p> <p>Does not adversely affect the amenity of adjoining properties or conflict with other relevant criteria of the Plan.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Satisfies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, landscaping and waste storage.</p> <p>Partially Satisfies The private open space provided for each dwelling exhibits minor shortfalls – see below. Despite these shortfalls, the private open space is generally considered to be adequately functional and sufficient for likely occupant needs.</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>

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

D3: 22.9% (52m²)

Does Not Satisfy

D1: 19.5% (46.2m²)

D2: 19.7% (46m²)

Partially Satisfies

All POS areas are directly accessible from a living room with an area of greater than 10% of the site area, and will demonstrate an appropriate gradient, however, all three dwellings fail to achieve a 5m dimension, otherwise known as a 5x5m 'square'.

D1 lacks such a dimension as its Bedroom 1 is setback to the western (rear) boundary and northern (internal) boundary by 4.4m, which contributes to an L-shaped area of POS. Its POS area can generally be described as a 5.7-6.8x4.4m space to the rear of the internal living area, and a 4.8x3.5-4.4m space to the rear of Bedroom 1. These spaces are not separate from each other, and together, are considered to demonstrate adequate functionality.

D2 lacks such a dimension due to a minor cut-off caused by the angled rear boundary. Its POS area can generally be described as a 10x4-5m space, as 5m is achieved in parts.

D3 lacks such a dimension due to the location of its internal living area, which contributes to an L-shaped area of POS. Its POS area can generally be described as a 4.1x6.3-7.3m space with northern exposure, and a 6x4.2-2.65m space to the rear including the alfresco. These spaces are not separate from each other, and together, are considered to demonstrate adequate functionality.

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*

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 side/rear of the dwellings and capable of being screened for privacy.
- d) The subject land does not possess natural features which warrant preservation.
- f) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

(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

Partially Satisfies

e) Part of D3's POS may be overlooked from upper floor windows of 1A to 1C Parkmore, located across the street. Landscaping is proposed which will hinder direct overlooking.
g) The proposed POS areas maintain a westerly aspect as a result of the proposed orientation of the site (the alternative being POS with a southerly aspect). Solar access will be available during most hours of the day, particularly in the early afternoon.

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 Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setbacks of 5.5m and 6m, 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

Partially Satisfies

D1: 5.5m
D2: 6m
D3: 5.5m

(The dwelling on adjoining land is set back approximately 7.9 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.

It is noted that D3 presents its front door to the northern elevation (Parkmore). Despite this, the Marion Road slip lane is considered to function as the primary street for assessment purposes, given that D3 is presented to the Marion Road slip lane in a manner which will complement and emulate the orientation and façade appearance of the other two dwellings.

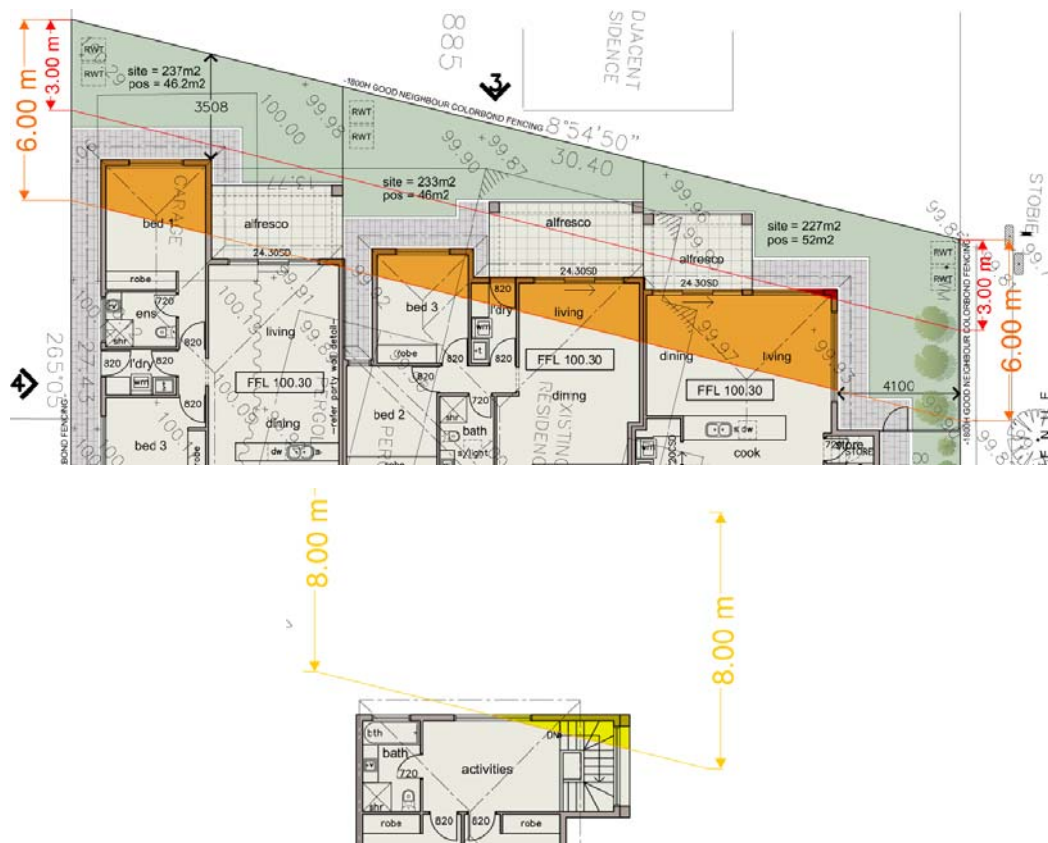
Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

Satisfies

D3: 2.7m to 3.1m (Parkmore)

<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>
<h2>Side Setbacks</h2>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>D1: 1.001m D2: N/A D3: N/A – see secondary street setback.</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><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>The proposal does not incorporate a wall on a side boundary of the subject land.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies</p> <p>Side setbacks comply with quantitative criteria, and the separation 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). 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><i>Minimum setback from rear boundary:</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 (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Satisfies</p> <p>D1: 3.508m increasing to 6.08m D2: 3.8m increasing to 5.2m D3: 2.65m increasing to 7.3m (ground) 7.0m increasing to 9.0m (upper)</p> <p>Refer to diagrams below.</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.

General Section: Design and Appearance: PDC 2

Satisfies

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

Building Height

Maximum building height (from natural ground level):
2 storeys of not more than 9 metres

Residential Zone: PDC 6

Satisfies

D1 and D2 incorporate a maximum height of 5.31m and 5.41m respectively. D3 incorporates a maximum building height of 7.87 metres, which is less than the maximum permitted in the Policy Area.

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

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
Minimum setback from a secondary road frontage	0.9 metres or in-line with the associated dwelling (whichever is the lesser)	Satisfies
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
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
<i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i> <i>General Section: Residential Development: PDC 13</i>		Satisfies

Vehicle Parking

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.

General Section: Transportation & Access: PDC 34

Satisfies

Each dwelling will provide two on-site parking spaces, one of is to be covered, as required by Table Mar/2.

Detached Semi-detached Row	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.	
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Multiple dwelling	0.7 per bedroom	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<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) Public transport is located in walking distance of the dwellings. Adequate on-site parking provided to compensate for the site's distance to centre facilities.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 3 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		<p>Satisfies</p> <p>3 on-street car parking spaces are provided directly adjacent the subject land, which will adequately cater for the proposal, satisfying PDC 22.</p>
Access		
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>		<p>Satisfies</p> <p>D1 to use existing crossover, D2 and D3 proposed with 3m single-width crossovers.</p>
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>		<p>Satisfies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree. The existing crossover will maintain its existing clearances.</p>
<p>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</p> <p>General Section: Transportation and Access: PDC 28</p>		<p>Partially Satisfies</p> <p>Vehicle access points of D2 and D3 are separated by a minimum distance of 6 metres, however the access points of D1 and D2 are not. Nevertheless, the secondary street frontage will offer two on-street parks for the use of the site which will not be inhibited by crossovers, in addition to the one at the front of the site between D2 and D3's crossovers.</p>

Design & Appearance

Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:

- (a) building height, mass and proportion*
- (b) external materials, patterns, colours and decorative elements*
- (c) roof form and pitch*
- (d) façade articulation and detailing*
- (e) verandas, eaves, parapets and window screens.*

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Satisfies

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:

- Mixture of brick, cladding and render on the front and secondary street façades;
- Stepping of D3's upper and lower storey to reduce the impact and appearance of building height, mass and proportion to the front and rear;
- Protruding portico to D1 and D2;
- Eave overhang and pitched roof form at 25 degree pitch;
- High level of fenestration to both street frontages – in particular, note the feature high window to D3's secondary street frontage.

The dwellings incorporate a 25 degree Colorbond roof in 'basalt', with white-rendered and dark grey brick façades. Painted cladding also features on D3. The garage of each dwelling features a panel-lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:

- (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants*
- (b) individual entries for ground floor accommodation*
- (c) opportunities to overlook adjacent public space.*

General Section: Residential Development: PDC 6

Satisfies

- (a) Proposed landscaping to contribute sufficiently for both purposes.
- (b) Each dwelling has a separate entry.
- (c) Each dwelling presents windows to the street, with D3 also presenting windows to both frontages.

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Satisfies

D1, D2: Both present their entries to the primary street frontage, with porticos highlighting their location. Both present a habitable room window to the primary street.

Partially Satisfies

D3 presents its entry to the secondary street (Parkmore), but nevertheless its façade design to the primary street frontage is consistent with that of D1 and D2, and its entry will be clearly visible, accessible, and highlighted by portico from the secondary street. It presents habitable room windows to both frontages.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.

General Section: Design & Appearance: PDC 16

Satisfies

D1, D2: The dwellings are designed so that their main façade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

The elevations of D1 and D2 feature a mixture of render, face brickwork, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

Partially Satisfies

D3: The dwelling is designed in a manner which emulates the orientation and façade appearance of the other two dwellings, maintaining a coordinated appearance. This is despite orienting its front entrance door to the other street frontage.

It is noted that approximately 3.6 metres of uninterrupted wall presents to the secondary street frontage, at the side of Bedroom 1. The impact is minimised by high levels of fenestration elsewhere on that façade, stepping, and a variety of materials.

D3 demonstrates a successful use of a corner site to achieve an attractive and 'open' relationship between the dwelling and public realm. The dwelling's façades to both street frontages present in a manner which contributes visual interest and appeal in equal measure – i.e. there does not appear to be a clear 'secondary' or inferior street frontage.

Overshadowing

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

- (a) windows of habitable rooms*
- (b) upper-level private balconies that provide the primary open space area for a dwelling*
- (c) solar collectors (such as solar hot water systems and photovoltaic cells).*

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Satisfies

- 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) The south forms a boundary with an adjacent residential property. The adjacent property's driveway and carport is located adjacent this boundary. Its private open space will not be affected by the proposal.

Some shadow will be cast into the western adjoining property during the early morning hours. This shadow will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties satisfies PDC 9 and 10.

Visual Privacy

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

- (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*
- (b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a 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

D3 incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the rear elevation. Upper storey windows on the front and secondary street elevations remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties. No windows are proposed on the upper storey's southern side.

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.

Noise

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

General Section: Residential Development: PDC 27

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

General Section: Residential Development: PDC 28

Partially Satisfies

The development is located adjacent to Marion Road – a main arterial. However, habitable rooms are separated from the road itself by at least 17 metres, which includes the dwellings' own landscaped front yards, the Marion Road slip lane, and an established landscaped buffer which comprises a consistent line of ground covers and mature trees which assist in absorbing traffic noise. No noise attenuation is proposed, and none is considered to be strictly required due to the above.

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

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

General Section: Residential Development: PDC 30

Satisfies

D1's second bedroom is located adjacent to D2's garage. While not ideal for noise separation, party walls typically assist in reducing the spread of noise from dwelling-to-dwelling. All other noise-sensitive rooms are separated from neighbouring garages.

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

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

The main activity areas of the dwellings are oriented west, which should nonetheless receive some northern winter sunlight. D3 incorporates some activity areas with direct northern exposure, which will provide those areas with efficient solar access all year round.

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

Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:
(a) taking into account overshadowing from neighbouring buildings
(b) designing roof orientation and pitches to maximise exposure to direct sunlight.

General Section: Energy Efficiency: PDC 3

Satisfies

D1 and D3 incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Partially Satisfies

While D2 incorporates the same hipped form, it is likely to be overshadowed by the upper storey of D3 for some parts of the day and solar collectors would be unlikely to receive optimal exposure.

Landscaping, Fences and Walls

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Satisfies

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas, with Manchurian Pear trees of up to 4 metres in height to frame the edge of the allotments, and other vegetation to frame paved areas.

<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 200 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2 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>
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TABLE DISCUSSION

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

- Minimum allotment size (all);
- Site coverage (all);
- Private open space, in area (Dwelling 1 and Dwelling 2) and minimum dimension (all);
- Rear setbacks (Dwelling 2 and 3);

Minimum allotment sizes

Row dwellings in Northern Policy Area 13 should achieve a minimum site area of 250 square metres. Dwelling 1 achieves a site area of 237 square metres, and is therefore 13 square metres (or 5.2%) undersized. Dwelling 2 achieves a site area of 233 square metres, and is 17 square metres (or 6.8%) undersized. Dwelling 3 achieves a site area of 227 square metres, and is 23 square metres (or 9.2%) undersized. As a whole, the proposed development equates to an average site area per dwelling of 232.3 square metres; 7.1% less than that sought (250 square metres).

In conclusion, the appearance of undersized allotments would not be readily apparent judging by their dwellings' presentation to the street. As such, this proposal is considered to contribute to the development of a low to medium density within the locality, while demonstrating good residential design principles as sought by the Policy Area's objectives.

It is acknowledged that the undersized sites are a contributing factor to some of the following quantitative shortfalls. However, in view of the proposal as a whole, for the reasons outlined in this report, such shortfalls are considered to be acceptable on balance with the merits of the proposal, given the level of satisfaction with relevant qualitative provisions.

Site coverage

Dwellings within Northern Policy Area 13 should have a maximum site coverage of 40%. The proposed dwellings demonstrate site coverages of 56.9%, 58.8%, and 46% respectively. The Development Plan states that site coverage should not exceed the provision unless it would not be contrary to setback and private open space provisions. While it is noted that there are some quantitative variations to rear setbacks and private open space provisions, in both cases these are considered to satisfy the majority of qualitative provisions (as elaborated below). The proposed level

of site coverage does not adversely affect the amenity of nearby properties, and does not conflict with other criteria of the Plan. Furthermore, the proposal will not come at the expense of space for the purposes listed in Residential Development – PDC 14.

Private open space

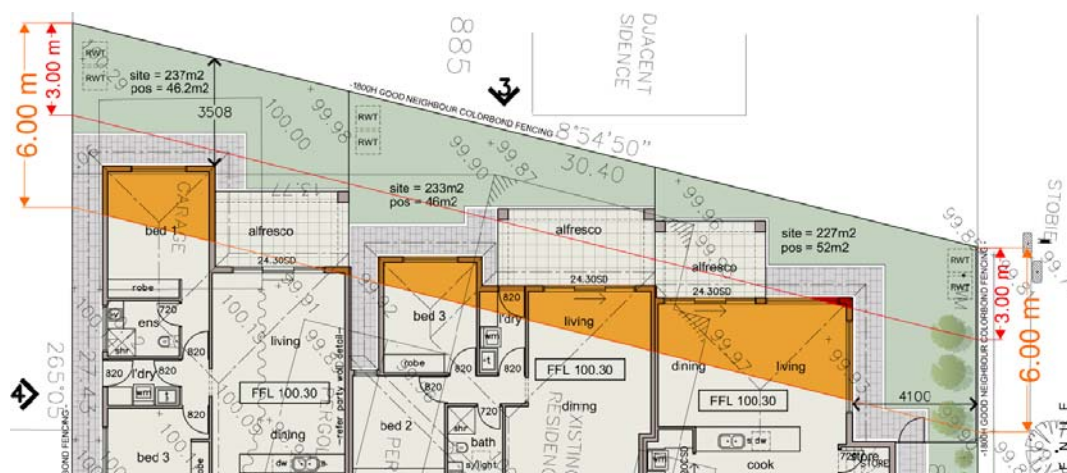
Dwellings within a Residential Zone should achieve a private open space area of greater than 20% of their respective site areas. Dwelling 1 and Dwelling 2 fall short of this provision, measuring at 19.5% and 19.7% respectively. The material shortfall in this circumstance are insignificant (1.2 square metres and 0.6 square metres), and as such are not considered to have any meaningful bearing on the balance of the proposal.

Private open space should also incorporate a minimum dimension of 5 metres (otherwise known as a 5-by-5 metre 'square'). While none of the proposed dwellings achieve this 'square', the proposed areas are each considered to offer comparable levels of functionality to if the 'square' was achieved. Where shortfalls in width of private open space are present, additional length is offered to compensate, particularly in the case of Dwelling 2 and 3, where lengths of approximately 10 metres and 7 metres respectively complement widths of approximately 4 metres.

The proposed areas of private open space are functional, and provide sufficient depth for separation of built form to adjacent properties, and the provision of landscaping. All of the provisions listed in Residential Development – PDC 16 which relate to private open space are considered to be satisfied, or partially satisfied. As such, the shortfall in dimension of such private open space areas are not considered to jeopardise the merit of the proposal.

Rear setback

Dwellings within Northern Policy Area 13 should maintain a rear setback of 6 metres, which may then be reduced to 3 metres for no more than 50% of the rear boundary's width. As seen in the diagram below, while the proposed rear setbacks are often less than the 6 metres sought, they are not less than the 3 metres permitted, with the exception of a localised corner of wall.



Although the proposed rear setbacks do not entirely comply with quantitative criteria, the separation from the western (rear) boundary is nevertheless 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 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. In addition, it is

worthwhile to note that the proposal will generally increase the separation of solid walls to the western boundary over that provided by the existing dwelling, therefore in keeping with the existing character of the area.

The upper storey demonstrates a rear setback to the western boundary of between 7 metres and 9 metres, when 8 metres is sought. The material shortfall in this case is insignificant and highly localised, and does not jeopardise the merit of the proposal.

ANALYSIS/CONCLUSION

The proposed development is considered to appropriately satisfy the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock at low to medium densities and a greater diversity in dwelling types.

Assessment of the proposal has demonstrated that the subject land can accommodate three row dwellings in the form proposed. It is acknowledged that this accommodation demonstrates some quantitative shortfalls to Development Plan principles – namely, site coverage, private open space and rear setback. However, these quantitative shortfalls are not considered to jeopardise the merit of the proposal, which is shown through the proposal's substantial satisfaction against the majority of relevant qualitative principles, and lack of tangible impact on adjoining properties or the locality. In fact, the proposal's design and configuration is considered to demonstrate a successful use of a corner site to achieve an attractive and 'open' relationship between the dwellings and public realm.

While the proposal demonstrates undersized allotments, and a medium density that is greater than the low to medium density sought for the Policy Area, it is my view that the shortfall in site areas are not 'fatal' to the overall merit of the application. Of particular note in this regard, is the ability of the proposal to provide a surplus of on-street parks, which are a usually a shortfall in equally dense developments. Furthermore, the dwellings demonstrate good residential design principles, and the shortfall in site areas do not lead to unreasonable impacts upon adjoining land.

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 the deposit of the relevant Plan of Division (for associated land division 100/D243/17) with the Lands Titles Office, in accordance with the judgement of Judge Cole in *Paor & Anor v City of Marion* [2014] SAERDC 42.

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: 100/2017/1107 for the construction of three dwellings, one two storey and two single storey at 2 Parkmore Avenue, Sturt be sub-delegated to the Manager Development and Regulatory Services, pending deposit of the Plan of Division for development application 100/D243/17 with the Land Titles Office, and 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. 100/2017/1107, 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. 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.
- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 5. All 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.
- 6. 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

Attachment I: Certificate of Title
Attachment II: Aerial Photograph
Attachment III: Proposal Plan and supporting documentation

**REPORT REFERENCE: CAP020518 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 2 MAY 2018**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Fairmont Homes Group
Development Description:	Two single storey dwellings
Site Location:	8 Cedar Avenue, Warradale
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	09/03/2018
Development Plan:	Consolidated – 20 February 2018
Application No:	100/2018/455
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

During the assessment process, Council staff did not request any modifications to the proposal plans, as there were no outstanding concerns of note.

SUBJECT LAND & LOCALITY

The subject land comprises 8 Cedar Avenue, Warradale (Lot 189). The site is located on the southern side of Cedar Avenue, near the modified T-junction with Sienna Street. The existing site is moderately wedge-shaped, as the frontage onto Cedar Avenue of 21.21 metres narrows to an irregular rear boundary width of 12.65 metres. The site demonstrates a depth of 38.1 metres when measured down the eastern boundary, and 41.17 metres when measured down the angled western boundary, contributing to a total site area of 649 square metres.

The existing site has been cleared and is now a vacant residential lot. The contour of the site is generally flat, gaining height towards the south at a very shallow gradient of approximately 1-in-100. The site has one existing crossover of approximately 3 metres in width, which gains access from Cedar Avenue at the eastern edge of the site's frontage. There are no regulated or significant trees on the site, and none have been identified on adjacent land.

The locality consists primarily of single storey dwellings on original allotments of between around 600 and 800 square metres. The locality's original pattern of development is progressively subsiding with growing examples of subdivision, however many of the examples within the immediate locality remain in the form of single storey, low scale detached dwellings, generally on allotments of around 350 square metres. Examples of row dwellings, both single storey and two storey, are seen on adjoining streets, however there are none within the locality.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development intends to construct two single storey dwellings. An associated land division (100/D322/17) intends to divide the land to create an exclusive allotment for each proposed dwelling, and will be processed by Council staff under delegation pending the Panel's decision on this application. As such, for the purposes of this assessment, the dwellings are considered detached dwellings.

The allotment is proposed to be 'split' essentially down the middle, with an angled internal boundary towards the rear reflecting the angled western boundary. This will create an almost-rectangular site area of 340 square metres for Dwelling 1, and a slightly irregular site area of 309 square metres for Dwelling 2. Each of the proposed dwellings are to be oriented to the north, with their façade and garaging presenting to Cedar Avenue.

Both dwellings will incorporate three bedrooms, two bathrooms (one ensuite), a single garage, and an open plan kitchen/living/dining area which opens directly to an alfresco under the main roof at the rear. Dwelling 1 also includes a separate open lounge area which opens to a courtyard to the rear of the garage, and a walk-in pantry adjacent the kitchen. The existing access at the eastern edge of the allotment is to be re-instated with kerbing, in favour of new access points on the western sides of each proposed site. A separation distance of greater than 6 metres will be provided between such crossovers, ensuring an on-street car parking space will remain.

The proposed earthworks are minor in nature and sympathetic to the site's very shallow gradient, minimising the need for any retaining. The site has already been cleared and no vegetation remains. The civil works plan notes that 'Colorbond fencing is to be provided around both sides and rear of the allotment with-in 6 months of handover where no existing fence is present, or existing is in poor condition'. Given the lack of proposed retaining works, such fencing would be unlikely to exceed 2.1 metres and constitute 'development'.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	The crossover location for Dwelling 2 is not ideal but still within safe sight stopping distance.
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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:</i>	Does Not Satisfy D1: 340m ² D2: 309m ²
	<i>Minimum Frontage:</i>	Satisfies D2: 12.17m Does Not Satisfy D1: 9.04m
	<i>Minimum Depth:</i>	Satisfies D1: 38.1m D2: 38.16m

Assessment



..... Locality

Both proposed site areas do not satisfy the Development Plan's minimum quantitative provision for detached dwellings of 375 square metres. However, it is worthwhile to note that if this application were to be assessed against Schedule 4: 2B of the Development Regulations 2008 (the Residential Code), then 'if the relevant Development Plan specifies different minimum site areas and minimum frontage requirements for detached and semi-detached dwellings respectively, the areas and frontage requirements that are lesser in size' would be taken as the relevant requirements. While it is acknowledged that this is not a Residential Code assessment, it is worthwhile to note that such an allowance is permitted by legislation 'as of right'.

This allowance is valid when applied to the proposed site for Dwelling 1, which satisfies the Policy Area's requirements for semi-detached dwellings, which are a minimum site area of 320 square metres, and a minimum frontage width of 9 metres. However, Dwelling 2 fails to meet the site area required of semi-detached dwellings, achieving only 309 square metres. The following points are offered to the Panel to assist in determining whether Dwelling 2's shortfall in site area and contribution to the locality's density is appropriate:

1. The average site area of the proposed sites equates to 324.5 square metres, which is greater than the minimum site area that the Development Plan envisions for semi-detached dwellings in this Policy Area. While it is acknowledged that the proposal is not for semi-detached dwellings, the aforementioned allowance provided by the Residential Code to apply such requirements to detached dwellings 'as of right' is a valid consideration. Furthermore, it is my opinion that the Development Plan foresees such a density by permitting two dwellings – albeit semi-detached – at such a site area.
2. Nevertheless, the Policy Area desires 'an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density'. The proposed dwellings are attractive, demonstrating good residential design principles. Furthermore, the proposed sites fulfil the 'higher density' sought by the Development Plan, while maintaining the 'low scale' built form sought within the Policy Area's objectives.
3. The proposed site areas reflect the irregular shape of the site by providing functional sites for development to take place. Requiring that each site surpass the minimum standard for semi-detached dwellings for the sole purpose of greater compliance would achieve little material change to the development outcome.
4. The undersized site areas do not contribute to other meaningful failings against the Development Plan, as elaborated on further within 'Development Assessment' and 'Table Discussion' sections of this report. The proposed built form is low scale, as sought within the Policy Area's objectives, and is not considered to form an 'overdevelopment' of the site, given both dwellings' high level of compliance with the Plan's relevant measures.

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:

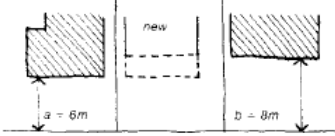
Assessment:

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>Does Not Satisfy D1: 57.8% (196.5m²) D2: 49.4% (152.5m²)</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>All setbacks are met, with the exception of a localised section of side setback variance for Dwelling 2 which is considered acceptable. Private open space provisions are achieved, adjoining amenity will not be compromised, and there are no other notable conflicts with the Plan.</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>20.3% (131.5m²)</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Satisfies</p> <p>D1: 20.1% (68.5m²)</p> <p>D2: 20.4% (63m²)</p>
Site area of dwelling	Minimum area of POS	Provisions	
Less than 175 square metres	35 square metres	<p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<i>Residential Zone: PDC 7</i>			

<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) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional. <p>Does Not Satisfy</p> <ul style="list-style-type: none"> g) The proposed POS areas are located to the south of the dwellings. While unfortunate, this is typical for dwellings on the southern side of the street, and there is little conventional alternative. Parts of the POS should nevertheless receive adequate direct sunlight during portions of the day.
<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 5.9 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>

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 $b \leq 2$, 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

Partially Satisfies

D1, D2: 5.9m

(The dwelling on adjoining land is set back approximately 7.3 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

D1: 0.9m adjacent eastern boundary.

Partially Satisfies

D2: 0.9m or greater adjacent western boundary, with the exception of a localised corner of enclosed wall which reduces to a minimum setback of 0.6m.

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.

Residential Zone: PDC 6

Satisfies

D2: 6.65m in length, 2.86m in height from natural ground level.

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

General Section: Design and Appearance: PDC 2

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 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 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>Minimum setback from rear boundary:</p> <p>(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</p> <p>(b) 8 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</p> <p>D1: 8m</p> <p>D2: 11.5m or greater.</p>				
<p>Buildings should be sited with respect to side and rear property boundaries to:</p> <p>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</p> <p>(b) minimise the impact of bulk and scale of development on adjoining properties</p> <p>(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</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is 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 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>				
Building Height					
<p>Maximum building height (from natural ground level):</p> <p>2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies</p> <p>The proposed dwellings incorporate a maximum building height of 5 metres, which is less than the maximum permitted in the Policy Area.</p>				
Garages, Carports, Verandas and Outbuildings					
<p>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p>General Section: Residential Development: PDC 10</p>	<p>Satisfies</p>				
<p>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:</p> <p>General Section: Residential Development: PDC 12</p>	<p>Satisfies</p>				
<table><tr><th>Parameter</th><th>Value</th></tr><tr><td>Maximum floor area</td><td>60 square metres</td></tr></table>		Parameter	Value	Maximum floor area	60 square metres
Parameter		Value			
Maximum floor area		60 square metres			
<table><tr><td>Maximum wall or post height</td><td>3 metres</td></tr></table>	Maximum wall or post height	3 metres			
Maximum wall or post height	3 metres				
<table><tr><td>Maximum building height</td><td>5 metres</td></tr></table>	Maximum building height	5 metres			
Maximum building height	5 metres				
	<p>Satisfies</p>				

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
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
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Satisfies
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
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 Two off-street parks (one of which is covered) are provided per dwelling, satisfying the requirements of Table Mar/2.
<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>Group Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Multiple dwelling</i>	<i>0.7 per bedroom</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<i>On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i>		Satisfies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 1 on-street car parking space shall remain available adjacent the subject land.
<i>General Section: Transportation & Access: PDC 43</i>		

<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>1 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
<h2>Access</h2>	
<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><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>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</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>Satisfies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <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"> • Render on the front façade, with aluminium slats to add visual interest above portico. • Protruding and raised portico • Eave overhang and pitched roof form at 27.5 degree slope • Fenestration <p>The dwellings incorporate a 27.5 degree Colorbond roof, with rendered façades. The garage of each dwelling will feature a Panel glide door. 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>Both front doors present directly to the street beneath porticos which are projecting and raised. Each dwelling presents a habitable room window to the street.</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 and habitable windows to the street.</p> <p>The elevations of the dwellings feature render, which is well interspersed with the design and materials of the portico to avoid extensive areas of uninterrupted walling exposed to public view.</p>

Overshadowing

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

- (a) windows of habitable rooms*
- (b) upper-level private balconies that provide the primary open space area for a dwelling*
- (c) solar collectors (such as solar hot water systems and photovoltaic cells).*

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Satisfies

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 north forms the street boundary, a majority of winter shadow will be cast within the rear yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

Noise

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

General Section: Residential Development: PDC 27

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

General Section: Residential Development: PDC 28

Satisfies

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

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

General Section: Residential Development: PDC 30

Satisfies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Partially Satisfies

The dwellings are oriented so that their open spaces and main activity areas face south. This is a typical and unfortunate outcome for dwellings located on the southern side of the street.

The main activity areas of the dwellings are oriented south, but each dwelling's living area incorporates window/s to the west and/or east, permitting some direct exposure to sunlight.

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

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

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

General Section: Energy Efficiency: PDC 3

Satisfies

The dwellings incorporate a hipped roof form set at a 27.5 degree pitch, with some north-facing sections upon which solar collectors could be sited efficiently. These sections are limited due to the orientation of the block, with roof slope primarily east-facing or west-facing.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Satisfies

The proposal does not include a landscaping schedule, and one was not considered necessary for the purposes of this assessment.

Nevertheless, the proposal includes pervious area to the front of each dwelling which will be capable of maintaining a landscaped garden, with sufficient space for some deep-rooted plants that could achieve the listed provisions.

<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 does not indicate any retaining walls. If a standard 1.8 metre high fence was to be constructed at any point along the boundary, it would be unlikely to form development based on the information provided.</p>
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TABLE DISCUSSION

The proposal satisfies the 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 (both) and frontage width (Dwelling 1);
- Site coverage (both);
- Localised section of side setback (Dwelling 2).

Minimum site area and frontage width

Detached dwellings in Northern Policy Area 13 should achieve a minimum site area of 375 square metres and minimum frontage width of 12 metres, but it is worthwhile to note that under the Residential Code, the semi-detached provisions of 320 square metres and 9 metres can be taken as the relevant provision 'as of right'. Dwelling 1 achieves a site area of 340 square metres, and a frontage width of 9.04 metres. Dwelling 2 achieves a site area of 309 square metres, and a frontage width of 12.17 metres. As discussed within the 'Zone & Policy Area Assessment' section of this report, when assessed against the Development Plan, shortfalls in both regards are considered to be acceptable and appropriate for the Policy Area and locality.

Site coverage

Dwellings within Northern Policy Area 13 should have a maximum site coverage of 40%. The proposed dwellings demonstrate site coverages of 57.8% and 49.4% respectively. The Development Plan states that site coverage should not exceed the provision unless it would not be contrary to setback and private open space provisions. The proposal satisfies the Development Plan's requirements in this regard, with the localised exception of side setback discussed below. Furthermore, the proposed level of site coverage will not adversely affect the amenity of nearby properties, and does not conflict with other criteria of the Plan. Furthermore, sufficient space will remain on the proposed sites for the purposes listed in Residential Development – PDC 14. As such, the proposed level of site coverage is not considered to jeopardise the merit of the proposal.

Side setback

The section at variance to the Development Plan is localised to a small corner of wall at the edge of Dwelling 2's bathroom, which reduces to a minimum setback of 0.6 metres at its closest point. It is worthwhile to note that the remainder of the side setback adjacent the western boundary is 0.9

metres or greater (excluding the section of wall built to the boundary, which meets requirements). This highly localised section of wall at a 0.6 metre setback is not considered to have an unreasonable impact on adjoining property, and will not obstruct access to the paved area to the rear of the garage. As such, it does not jeopardise the merit of the proposal.

ANALYSIS/CONCLUSION

The proposed development is considered to satisfy a high majority of relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages 'low scale' redevelopment at low to medium densities, 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 two detached dwellings in the form proposed. It is acknowledged that the site areas of the dwellings are less than that sought, however, in my opinion, the overall density of the proposal satisfies the Development Plan's envisaged density for this Policy Area. The undersized frontage width of Dwelling 1 could be accepted 'as of right' within a Residential Code assessment, and in a qualitative sense, it does not compromise the quality of the dwelling's presentation to the street or the cohesiveness of the streetscape. Overall, the undersized nature of the allotments do not contribute to unreasonable built form outcomes or impacts, with site coverage and a localised section of side setback being the only other quantitative variances to Development Plan criteria, which are not considered to jeopardise the merit of the proposal.

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: 100/455/2018 for two single storey dwellings at 8 Cedar Avenue, Warradale 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. 100/2018/455, except when varied by the following conditions of consent.
- 2. 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.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 5. All 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.
- 6. 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

Attachment I: Certificate of Title
Attachment II: Aerial Photograph
Attachment III: Proposal Plan and supporting documentation