

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 3 April 2019

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. The meeting will be held at Council's Administration building, 245 Sturt Road, Sturt.

Please note Council is currently undertaking works to the front entrance. Access will be via the side carpark (off Sturt Road) and a Council representative will open the doors to the public at 6:20pm – signage will indicate the access door.

A handwritten signature in blue ink, appearing to read "Alex Wright", is positioned above the printed name and title.

Alex Wright
ASSESSMENT MANAGER

26 March 2019

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 APRIL 2019
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 9 DUDLEY CRESCENT, MARINO

**Alterations and additions to existing dwelling, including garage addition,
retaining and landscaping**

Report Reference: CAP030419 - 2.1Page 1

2.2 5 CUNGENA AVENUE, PARK HOLME

**Land Division Residential Torrens Title - 1 into 3 allotments and the
subsequent construction of three, two storey row 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 3 APRIL 2019**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP030419 - 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 APRIL 2019**



Originating Officer:	Alex Wright Acting Team Leader - Planning
Applicant:	Mr Luke Mitchell
Development Description:	Alterations and additions to existing dwelling, including garage addition, retaining and landscaping
Site Location:	9 Dudley Crescent, Marino
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 2 / Merit
Lodgement Date:	02/07/2018
Development Plan:	Consolidated – 29 November 2018
Referrals:	nil
Delegations Policy:	1.4.1.2 Any 'merit' Application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed a desire to be heard by the Panel.
Categorisation:	Category 2 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) and/or length of 8 metres as Category 2 development.
Application No:	100/2018/1210
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

SUBJECT LAND & LOCALITY

The subject land is located at 9 Dudley Crescent, Marino. The site has a frontage of 16.14 metres to Dudley Crescent, a depth of 42.71 metres increasing to 57.46 metres, a rear frontage to the unnamed laneway of 35.72 metres and an overall allotment area of 1,099 square metres.

The land currently incorporates a single storey detached dwelling that incorporates a wall up to 4.96 metres in height and 15.92 metres in length along the western boundary. A store/basement area is located below the ground floor. Additionally, the subject land incorporates a 'sunken' garage which has been set into cut land and provides access to the rear laneway – a portion of this 'sunken' garage provides a decked area with direct access to the dwelling.

The rear yard is subject to significant retaining and earthworks, which have been present on the site in their current form since 2003, and in a similar form since before 1999 (the earliest Council has aerial photography of the site).

The allotment maintains a moderate south-to-north downward slope and therefore results in the ground floor level being approximately 1.7 metres below the ground level at the front boundary. Adjacent dwellings to the east and west achieve similar finished floor levels with comparable varying topography to the rear yard.

The locality is characterised by a mixture of single, two-storey and split level dwellings, being constructed in the 1950s – 60s at low residential densities. Given that the locality maintains an undulating landform, dwellings are typically designed to obtain views of the Adelaide CBD to the northeast and Gulf St Vincent to the northwest, via decks, balconies and the like.

Attachments I



PROPOSED DEVELOPMENT

The application seeks additions and alterations to the western side and rear of the dwelling by increasing the wall length from 15.92 metres to a maximum length of 25.8 metres and changing the material (and therefore visual presentation to the adjacent dwelling) from masonry brick to Scyon Axon cladding. Aesthetic alterations will occur to the remaining facades to improve the look and feel of the built form and promote a high design standard and appearance that responds to and reinforces positive aspects of the local environment.

The existing 'sunken' garage will be increased in width and incorporate a new roof top deck/balcony. In order to provide increased privacy to the western neighbouring property, landscaping, in the form of raised planter boxes, are positioned along the western and northern sides of the deck. Furthermore, a 1.8 metre high timber screen 4 metres in length is proposed to be situated along the western boundary to further provide visual privacy and minimise the extent of potential direct overlooking.

An infinity edge designed pool is proposed to the middle of the rear yard to take advantage of the existing earthworks.

An open arbour 16 metres in length and 3.23 metres in height is proposed to run the length of the rear boundary between the expanded garage to the west and existing entry point to the east and, whilst not an element of development pursuant to Schedule 3 Part 4 (3)(c) of the Development Regulations 2008, this structure is considered important as it creates additional opportunities to reduce the potential for overlooking to the adjacent allotments to the north.

Landscaping throughout the site is also proposed.

Refer Attachment II

PUBLIC NOTIFICATION

Properties notified:

- 14 properties were notified during the Category 2 public notification process.

Representations:

- 2 representations opposing the application were received by Council.

Persons wishing to be heard:

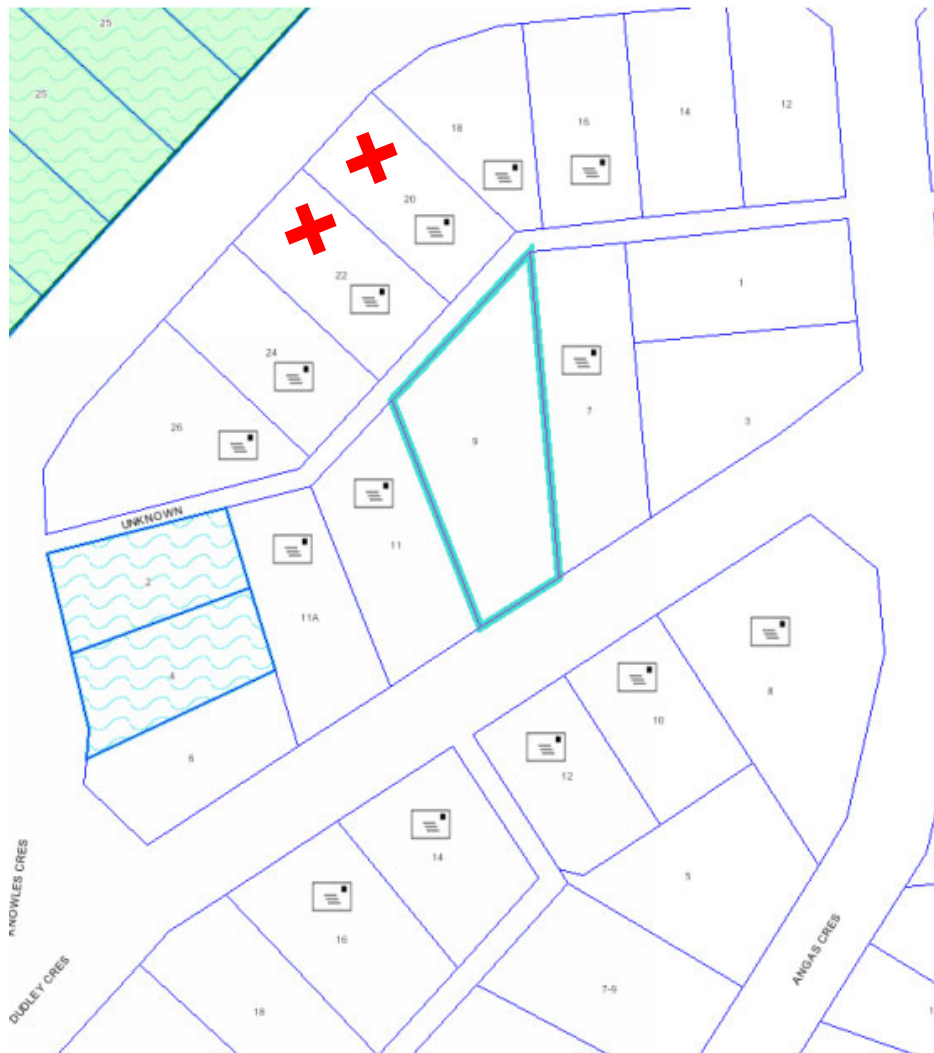
- Mr J Tonks of 22 Newland Avenue, Marino
- Mr R Jones of 20 Newland Avenue, Marino

Summary of representations:

- A copy of the representations received form *Attachment III*

Applicant's response:

- No response was provided by the applicant. The applicant has increased the length of the open arbour in an attempt to further minimise the potential for overlooking.



ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Hills Policy Area 11 are listed in the following table and discussed in further detail below:

Residential Zone

Objectives

- 1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.*
- 2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.*

Hills Policy Area 11

Objectives

- 1 A policy area primarily comprising detached dwellings at low densities.*
- 2 Residential development which is sensitive to the particular topography of the locality.*
- 3 Residential development which has minimal visual and environmental impacts.*
- 4 Development that contributes to the desired character of the policy area.*

Desired Character

The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.

The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.

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.

Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Appropriate designs will continue to include split-level buildings to reduce visual bulk and reduce the need to cut and fill sloping sites.

Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.

It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.

Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except in areas where land has been subdivided into smaller allotments than now desired in this policy area, any new land division and development will be at a lower density and intensity than existing. In addition, larger-than-minimum allotments may be preferable due to the natural topography.

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ <i>group dwelling</i> 	Satisfies
PDC 3	<p><i>Development should be designed and sited to relate to the slope of the land, so that:</i></p> <p><i>(a) the bulk and scale of the buildings do not dominate the landscape</i></p> <p><i>(b) the amount of cutting and filling of the natural ground profile is minimised.</i></p>	Partially Satisfies
PDC 6	<p><i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:</i></p> <p><i>(a) incorporating stepping in the design in accordance with the slope of the land</i></p> <p><i>(b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</i></p>	<p>Does Not Comply</p> <p>See comments below</p>

General Assessment

The proposed development maintains the existing low density character of the Hills Policy Area 11 as it proposes an extension to an existing detached dwelling on an existing allotment.

The application proposes to improve the internal and external function and appearance of the existing dwelling, which is in good condition. The proposed alternations and additions are considered to enhance the dwelling's presentation to the street by improving the look and feel of the built form and promote a high design standard and appearance that responds to, and reinforces, positive built form and design elements of the locality.

Boundary wall

A majority of works are proposed along the western boundary, where the existing wall will be increased in length from 15.92 metres to a maximum of 25.8 metres (increase of 9.88 metres) and achieve a maximum height from the existing finished floor level of 4.2 metres (roof pitch apex). The wall in its entirety is proposed to be clad in dark grey scyon Axon cladding.

The expanse of the western façade will be most apparent from the rear yard of the adjacent allotment at 11 Dudley Crescent due to both the sloping nature of the topography and gable end nature of the proposed wall (6° gable).

Although the extent of wall on the boundary does not comply with the quantitative criteria (no greater than 8 metres in length and 3 metres in height) and no articulation to this façade has been provided, landscaping in the form of mature trees currently exist on the adjacent allotment and will assist in screening a majority of the wall extension proposed. Should the existing mature landscaping be removed, then the additional portion of wall proposed will increase the considerable expanse of wall visible when standing in the adjacent allotment's rear yard.

Therefore visual and amenity impacts associated with the height and bulk of the proposed wall are largely limited to the proposed roof design reconfiguration. Given the current visual impacts posed by the wall, and the location of existing mature landscaping, the increase in visual or amenity impacts on occupants utilising the rear yard are not considered significant to a degree where refusal is warranted. Whilst the western façade would preferably incorporate a greater level of articulation, via stepping and/or a mix of materials, given the positioning of the proposed addition in relation to

the adjacent dwelling, the potential visual impact upon the adjacent property, above what is already in existence, is not considered unreasonable.



Image 1: Picture of current wall taken from rear yard of adjacent dwelling at 11 Dudley Crescent, Marino. Reconfiguration of roof will occur, whilst extension of wall on boundary will occur to the northern part of the wall, behind current tree.

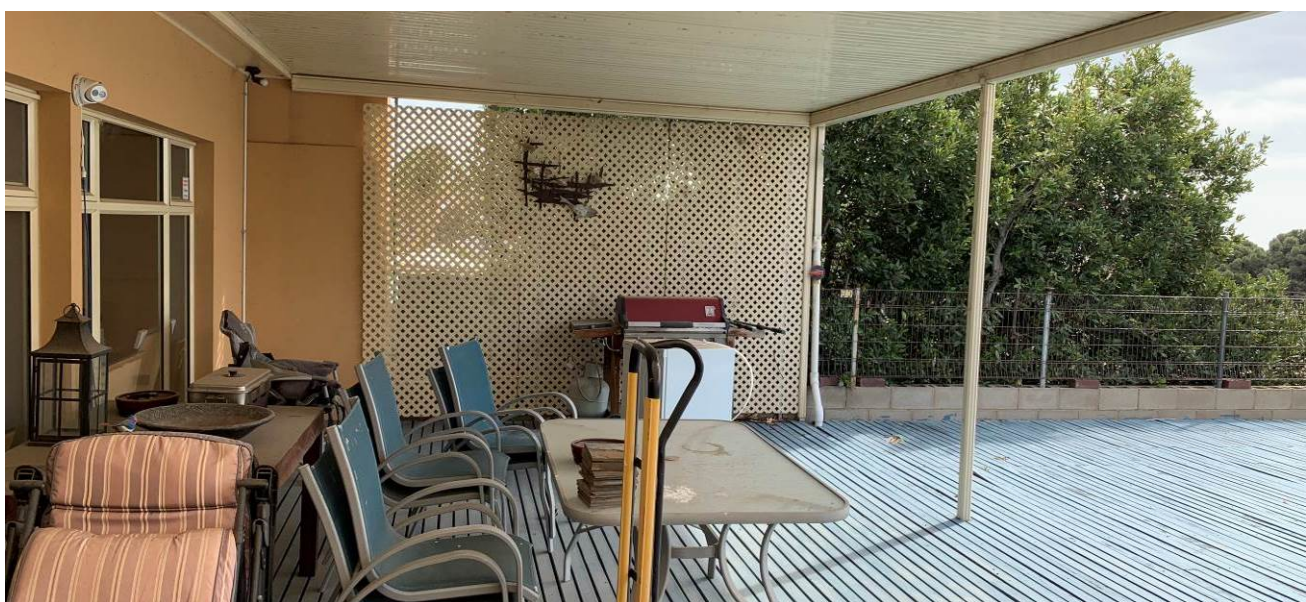


Image 2: Picture taken looking west (to adjacent allotment 11 Dudley Crescent) illustrating located of proposed boundary wall.

The increase in extent of structure located along the boundary is considerable. This notwithstanding, the boundary wall is located adjacent existing mature vegetation and therefore any adverse visual or amenity impacts on the occupants will be limited. Should the existing vegetation be removed, whilst an increase expanse of walling will be visible, the increase is not considered to further reduce the current level of amenity afforded to the adjacent occupants.

Rear balcony/deck

The existing 'sunken' garage will be increased in width and incorporate a new roof top deck. The current deck will form part of the dwelling addition, whilst the current garage roof will form the location of the new rooftop balcony/deck.



Image 3: Picture of current garage. Garage width will be increased, whilst roof area will be converted into a balcony/deck.

Due to the existing topography of the land, direct views over the rear laneway into POS areas and habitable room windows of the allotments to the north, whilst standing on existing ground level, are present which demonstrates a significant level of privacy within this locality is not presently afforded. Western views are distorted due to existing screening and mature vegetation located on the adjacent allotment.

Overlooking is a prevailing aspect of the locality and whilst considerable overlooking is already present from rear yard, the proposed deck is nonetheless expected to increase the potential for direct overlooking into the rear yards of the adjacent dwellings, in particular 22 and 24 Newland Avenue and 11 Dudley Crescent.

In order to minimise potential overlooking aspects, the application proposes a 2 metre setback from the western and northern boundaries and raised planter boxes within this space that achieve a minimum height of 1 metre. The location and height of these planter boxes, in addition to the associated landscaping, will assist in mitigating potential downward overlooking to the north and west. Unlike the northern setback to adjacent allotments which is provided with additional separation due to the laneway, given the close proximity to the western allotment, additional screening has

been provided to a height of 1.8 metres above the internal finished floor level to minimise overlooking to the south-west.

The extent of privacy treatments to the balcony/deck are considered appropriate and will appropriately reduce the extent of potential direct and unreasonable overlooking.



Image 4: Picture of current balcony which will be converted to addition (note a photo could not be taken on top of the deck due to safety/ WHS concerns).



Image 5: Picture of current garage roof, proposed location of balcony deck.

Design and Appearance

The Desired Character statement seeks the use of natural materials and to avoid of bright and reflective colours and materials. In my view, whilst the white render colour proposed for a majority of the dwelling facades does not necessarily reflect the type of colour sought by the Desired Character, the use of varying grey toned cladding, combined with the use of hardwood timber elements and brown/grey roof will promote a contemporary and positive aesthetic. The use of these materials is not considered to detract from the locality and the proposed are colours and materials are typically incorporated into the design of new dwellings within the locality.

The impacts of the extent of western wall, whilst considerable, is largely impacted to the direct adjacent allotment at 11 Dudley Crescent. The additional impacts posed by the wall extension, whilst considerable, are not considered unreasonable to the extent where refusal is warranted.

Earthworks

No major earthworks are proposed within the development application, with the exception further cut and retaining to accommodate the expanded garage. The extent of cut and retaining proposed to widen the garage is predominately hidden by the structure itself and the current rear yard and is considered acceptable. Minor alterations to existing retaining is proposed to accommodate the pool.

Existing Overlooking

The proposed alterations and additions will not change the current extent of overlooking possible from the existing rear yard, which at present, is considerable.

The nature of the sloping topography, combined with the elevated nature of the existing allotment's rear yard, provides considerable opportunities for view into the rear yard of allotments to the north. Conversely, the elevated nature of the yard provides opportunities of occupants of the allotments to the north to also gain view of the rear yards of allotments to the south (i.e. view of rear yards is a mutual element of the locality). It should be noted that it does not appear adjacent allotments have chosen to incorporate privacy measures of their own to provide and/or increase their own level of privacy and amenity.

Whilst proposed works such as the in-ground pool may increase the opportunity for the rear yard to have increased activity, the location of the pool effectively removes the opportunity for persons to gain an 'elevated' view at standing height, but rather lower the type and extent of view gained (i.e. person in the pool will have reduced viewing opportunities).

It should also be recognised that a swimming pool in this form and location could be applied for pursuant to Schedule 1A of the Development Regulations 2008, as an activation not requiring Development Plan Consent (i.e. only Building Rules Consent prior to full Development Approval). In this instance, no consideration to any potential impacts, i.e. increase in activity, privacy, amenity etc would be considered.

Nevertheless, the applicant has acknowledged an increase level of privacy and amenity for the subject land and adjacent allotments is sought. An open arbour, proposed to incorporate vegetation, 16 metres in length and 3.23 metres in height is proposed to run the length of the rear boundary between the expanded garage balcony/deck to the western side of the allotment and existing entry point to the eastern side of the allotment. Whilst the proposed structure is not an element of development pursuant to Schedule 3 Part 4 (3)(c) of the Development Regulations 2008, acknowledgement of this structure within the Development Application is considered important as it

illustrates an attempt to provide an opportunity to reduce the potential view gained from the existing rear yard into the rear yards of allotments to the immediate north.



Image 6: View from current rear yard into rear yard of 22 Newland Avenue.



Image 7: View from current rear yard into rear yard of 20 Newland Avenue.

QUANTITATIVE AND QUALITATIVE 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

Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.

Hills Policy Area 11: PDC 7

Does Not Satisfy

440m² (including alfresco & 'sunken' garage)
40.28%

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

Residential Zone: PDC 9

Partially Satisfies

Whilst the excess in site coverage does not impact on the provision of POS, nor is it considered to adversely affect the amenity of adjoining properties, the side setback provisions are not met due to the proposed boundary wall length. As such, the proposal cannot satisfy (a).

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

General Section: Residential Development: PDC 14

Satisfies

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

Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.

General Section: Residential Development: PDC 15

Satisfies

Private Open Space

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

Satisfies

602m² / 55%

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

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

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

Side Setbacks

Not applicable in Hills Policy Area 11, that part of Residential Character Policy Area 17 within the suburb of Marion, and Watercourse Policy Area 19, as walls on boundaries are generally not appropriate in these policy areas.

In all other policy areas of the Residential Zone –

- (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

Does Not Satisfy

The provision of a wall on the boundary, including consideration potential visual bulk and amenity impacts, is further discussed in the Desired Chapter of this report.

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 side setbacks do not comply with quantitative criteria, the shortfall in setback should not result in unreasonable impacts to adjacent properties.

Rear Setbacks

Minimum setback from rear boundary:

- (a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)
- (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

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

Does Not Satisfy

Due to the angled nature of the rear boundary, a minimum setback of 7.3 metres has been provided from the rear addition. Approximately 2 metres of the rear addition does not meet the minimum setback requirement.

Building Height

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

Satisfies

Residential Zone: PDC 6

Garages, Carports, Verandas and Outbuildings

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 50.97m
Maximum wall or post height	3 metres	Existing 3.25m height will not change
Maximum building height	5 metres	Existing 3.25m height will not change
Minimum setback from a rear or side vehicle access way	1 metre	Existing No change to current access – additional length will be setback further then existing portion of door.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Existing No change to current wall length or height for the garage proposed.
Maximum frontage width of garage or carport with an opening facing a rear access lane	No maximum	Satisfies 5.51m width proposed
Carports and garages should be setback from road and building frontages so as to:		Satisfies
(a) not adversely impact on the safety of road users		
(b) provide safe entry and exit.		

General Section: Residential Development: PDC 13

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

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

General Section: Design & Appearance: PDC 17

Partially Complies

The Desired Character statement seeks the use of natural materials and the avoidance of bright and reflective colours and materials.

The proposed dwelling generally reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. Articulation has been afforded to the façade through the breakage in built form and additional design elements. The western façade proposes considerable visual bulk given the expanses of uninterrupted wall facing the adjacent allotment. However it is my view that the design will not have an unreasonable or adverse impact upon the adjoining land via visual impact and building bulk.

In my view, whilst the white render colour does not necessarily reflect the type of colour sought by the Desired Character, the use of varying grey toned cladding, combined with the use of hardwood timber, brown/grey roof colour and white rendered walls will promote a contemporary and positive aesthetic.

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

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

Complies

The addition is design so that the main façade faces the primary street frontage and incorporates extensive glazing to provide visibility of the street.

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

In my opinion, the provision of shadow diagrams was not required.

a) North-facing windows of the adjacent dwellings will not be shadowed by the proposed additions during winter months.

b) Given that the dwelling is orientated to face the southern boundary (Dudley Crescent), a majority of winter shadow cast will be onto the POS areas if the adjacent allotment.

Given the size of the adjacent allotments area of POS, it is anticipated this space will receive in excess of 2 hours of direct sunlight between 9 am and 3 pm on 21 June.

The proposal is considered to adequately comply with Principles of Development Control 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

As discussed throughout this report considerable overlooking from the subject land into adjacent properties rear yards currently exists. The extent of mutual overlooking is considered an element of the locality and the proposal does not, in my opinion, increase the extent of overlooking to an unreasonable degree.

The proposed balcony/deck on top of the existing 'sunken' garage incorporates privacy measures that are considered to appropriately reduce the potential for, and extent of, direct overlooking whilst maintaining horizontal outwards views.

Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.

General Section: Design & Appearance: PDC 12

Does Not Satisfy

The proposed timber slat screening does not have been designed or coloured to 'complement' the associated building's external façade.

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

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

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

General Section: Energy Efficiency: PDC 3

Partially Complies

Whilst the proposed addition is located along the western boundary and results in an increased wall length, it is not anticipated there will be a significant or unreasonable loss of natural light or direct sunlight to the main activity areas of the adjacent dwellings will occur.

The proposed roof is orientated to face north and will enable the potential siting of solar collectors.

Landscaping, Fences and Walls

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 application proposes considerable landscaping throughout the rear yard and raised planter boxes.

Sloping Land

The cutting and/or filling of land should:

- (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation*
- (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment*
- (c) only be undertaken if the resultant slope can be stabilised to prevent erosion*
- (d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.*

General Section: Sloping Land: PDC 7

Retaining walls should:

- (a) not exceed 1.5 metres in height*
- (b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total*
- (c) be constructed to a high standard from high amenity materials*
- (d) be landscaped to enhance their appearance.*

General Section: Sloping Land: PDC 8

Siting and Visibility

Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:

- (a) the profile of buildings should be low and the rooflines should complement the natural form of the land*
- (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land*
- (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.*

General Section: Siting and Visibility: PDC 4

Partially Satisfies

A majority of the retaining currently present on the site will remain, with only minor earthworks and retaining proposed to accommodate the enlarged 'sunken' garage. The extent of earthworks proposed are considered reasonable.

Partially Complies

- (a) The combination hip-end and skillion roof form is considered to complement the natural form of the land.
- (b) No step back, articulation or design element to the western façade has been provided. The remainder of the building is well articulated.
- (c) The eave overhang to the front and rear façades will assist in reducing the visual bulk of the upper level by providing shadowed areas when viewed from the street.

The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

General Section: Siting and Visibility: PDC 5

Satisfies

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to overlooking and loss of privacy concerns have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The application predominately proposes alterations and additions to the existing dwelling, including the extension of a wall along the western boundary, creation of a balcony/deck on top of the existing 'sunken' garage and inclusion of an in-ground pool. Limited alterations to the existing retaining is proposed to occur and, whilst not development, an open arbour with landscaping is proposed along the rear boundary to assist in providing additional privacy.

The greatest extent of non-compliance proposed relates to the extension of the western boundary wall, which proposes an increase in length from 15.92 metres to a maximum of 25.8 metres (increase of 9.88 metres) which achieves a maximum height from the finished floor level of 4.2 metres (roof pitch apex). The expanse of the western façade will be most apparent from the rear yard of the adjacent allotment at 11 Dudley Crescent. Although the extent of wall on the boundary does not comply with the quantitative criteria (no greater than 8 metres in length and 3 metres in height) and no articulation to this façade has been provided, landscaping in the form of mature trees currently exist on the adjacent allotment and will screen a majority of the wall extension proposed. A reduced level of amenity is already experience by the occupants of the adjacent allotment, and given the provision of existing mature landscaping adjacent the proposed wall location, the anticipated increase in visual or amenity impacts on occupants utilising the rear yard are not considered significant to a degree where refusal is warranted.

Considerable mutual overlooking from allotments into rear yards is present within the immediate locality. This notwithstanding, the proposal is considered to appropriately address potential privacy concerns created as a result of the rear balcony/deck through the inclusion of screening along the western boundary, and 1 metre high planter boxes at a depth of 2 metres which will allow horizontal view but restrict downwards views. Whilst considerable view of adjacent allotments rear yards can currently be gained from the rear yard of the subject site, the provision of an open landscaped arbour long the rear boundary will assist in reducing views whilst also providing the existing allotment occupants with increased privacy. In my opinion, given the extent of mutual overlooking present within the locality, the proposed privacy treatments to the balcony/desk are considered appropriate and will satisfactorily reduce the extent of potential direct and unreasonable overlooking.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the 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 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: 100/1210/2018 for alterations and additions to existing dwelling, including garage addition, retaining and landscaping at 9 Dudley Crescent, Marino 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. 100/1210/2018, except when varied by the following conditions of consent.
- 2. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.
- 3. Any works undertaking on the property boundary are to be finished in a professional manner, similar to other external surfaces on the subject dwelling.
- 4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 5. 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.
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

Attachments

- Attachment I: Aerial Photograph & Site Locality Plan*
- Attachment II: Proposal Plan and supporting documentation*
- Attachment III: Statement of Representations*

**REPORT REFERENCE: CAP030419 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 3 APRIL 2019**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	SKS Surveys Pty Ltd
Development Description:	Land Division Residential Torrens Title - 1 into 3 allotments and the subsequent construction of three, two storey row dwellings
Site Location:	5 Cungena Avenue, Park Holme
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Merit
Lodgement Date:	28/11/2018
Development Plan:	Consolidated – 20 February 2018
Referrals:	Nil
Delegations Policy:	<p>4.1.9 Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.</p> <p>The Manager Development and Regulatory Services has determined that the application warrants assessment by the Panel due to its significant nature, by virtue of the undersized frontage widths proposed, which will fundamentally alter the character and pattern of development within the wider locality.</p>
Categorisation:	<p>Category 1 Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high, as Category 1 development; and,</p> <p>Schedule 9 (Part 1: 2(f)) of the Development Regulations 2008, which assigns the division of land which creates not more than 4 additional allotments, as Category 1 development.</p>
Application No:	100/2018/2239
Recommendation:	That Development Plan Consent be REFUSED subject to appropriate reasons

SUBJECT LAND & LOCALITY

The subject land is 5 Cungena Avenue, Park Holme (Lot 124). The land is generally flat, and demonstrates a site area of 837 square metres, derived from a frontage width of 18.29 metres and a site depth of 45.72 metres. The land presently comprises a 1950's era single storey detached dwelling, with a freestanding outbuilding and an in-ground swimming pool to the rear. No regulated or significant trees have been identified on the subject land or adjoining properties. Access to the subject land is presently obtained via a single width crossover on the western side of the frontage.

The subject land is located in eastern Park Holme, near Marion Road. The immediate streetscape comprises mostly original dwelling stock, typified by single storey detached dwellings on generous allotments which are comparable in size to the subject land. The broader residential locality comprises a greater variety of dwellings, including semi-detached dwellings and residential flat buildings, including those in battleaxe-style configurations. The locality also comprises some non-residential uses which front Marion Road. These are varied in nature, form, bulk and scale.

Refer Attachments I & II



PROPOSED DEVELOPMENT

The proposed development involves the Torrens-titled division of land from 1 into 3 allotments, and the subsequent construction of three two storey row dwellings. Each proposed allotment measures at 6.09 or 6.1 metres in width. The building, comprising all three dwellings side-by-side, presents towards the primary street as one continuous structure with a shared roof form.

Each dwelling comprises three bedrooms and two bathrooms, as well as a separate water closet. The main bedroom is located on the ground floor with an ensuite, while the other two bedrooms are each located upstairs with a shared bathroom and a living room. Each ground floor also comprises a separate water closet, laundry, and an open plan kitchen, living and dining room which opens via glass sliding door to the rear private open space. Dwelling 2 and 3 also comprise a separate narrow study adjacent the front entry and a timber pergola to the rear.

A single garage or carport provides one undercover car parking space per dwelling, in addition to a parking space located on each single-width driveway. Dwelling 3 is shown to achieve access from via the existing crossover point on the western side of the frontage, while Dwelling 1 and 2 shall require new crossover points onto Cungen Avenue.

Due to the flatness of the subject land, the extent of earthworks and retaining required are anticipated to be minimal. The demolition plan proposes the removal of all nominated trees and vegetation on the subject land, however none are regulated or significant trees.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Infrastructure Audit Unit:	Previously approved a driveway permit (#6006): 'subject to 1x6.0m of uprite kerb left between crossover to act as on street car park'.
Arborist:	Regarding a juvenile street tree at the front of the property: 'The tree is suitable to remove and replace and can be done once a fee of \$350 is paid by the applicant'.

ZONE AND POLICY AREA ASSESSMENT

Residential Zone

Objectives

- 1 *An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.*
- 2 *Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.*

Partially Satisfies

The subject land is located approximately:

- 600 metres from the South Plympton Neighbourhood Centre Zone, and 750 metres from the Park Holme Neighbourhood Centre Zone. Both contain a number of small shops and a supermarket;
- 250 metres from bus stops on Marion Road;
- 800 metres from Ascot Park Railway Station;
- 750 metres from public open space at Cowra Crescent Reserve and 900 metres from Hendrie Street Reserve.

The subject land is located within close proximity of buses on Marion Road. Activity centres, public open spaces and the Ascot Park Railway Station are located in the broader vicinity, approximately a 10 minute walk from the subject land.

The proposed increased dwelling density is partially supported by Objective 2.

Principles of Development Control

- 1 *The following forms of development are envisaged in the zone:*
 - *affordable housing*
 - *outbuilding in association with a dwelling*
 - *domestic structure*
 - *dwelling including a residential flat building*
 - *dwelling addition*
 - *small scale non-residential uses that serve the local community, for example:*
 - *child care facilities*
 - *consulting rooms*
 - *health and welfare services*
 - *offices*
 - *open space*
 - *primary and secondary schools*
 - *recreation areas*
 - *shops*
 - *supported accommodation.*

Satisfies

- 2 *Development listed as non-complying is generally inappropriate.*

Satisfies

- 3 *Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.*

Does Not Satisfy

The proposal seeks to develop underutilised land to increase housing choice through higher densities, but by virtue of the limited frontage width of the proposal, is not considered to be compatible with adjoining residential development.

Northern Policy Area 13

Objectives

- 1 *A policy area primarily comprising low scale, low to medium density housing.*
- 2 *Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.*
- 3 *Development that minimises the impact of garaging of vehicles on the character of the locality.*
- 4 *Development densities that support the viability of community services and infrastructure.*
- 5 *Development that reflects good residential design principles.*
- 6 *Development that contributes to the desired character of the policy area.*

Partially Satisfies

1 The site area of the proposed dwellings align with the low-to-medium density sought for the Policy Area. However, the limited frontage widths result in a presentation to the street which is more akin to medium scale and density.

2 The development is somewhat near a commercial area (40 metres at closest point) and may be subject to adverse impacts on amenity, such as noise.

Satisfies

3 The proposed garages are incorporated under the main roof of the associated dwelling, and therefore have an appropriate impact on the character of the locality.

4 The development density should support the viability of services and infrastructure.

5 The proposal reflects good residential design principles.

Partially Satisfies

6 The proposal partially satisfies the desired character of the Policy Area – refer to desired character assessment below.

Desired Character

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

The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development.

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Partially Satisfies

The proposal is deemed to be partially consistent with the Desired Character of the Northern Policy Area 13, as far as that it will provide two storey dwellings at a low-to-medium density, and redevelop the site at a greater density than that of original housing stock with a lesser primary street setback.

However, the proposal is not considered to promote a cohesive streetscape by virtue of its undersized frontage widths, and the consequentially narrow presentation of each dwelling to the street.

The impact of the dwellings' additional storey is not considered to unreasonably impact on the amenity of adjacent land in terms of overshadowing or overlooking, however a small portion of the upper floor may result in increased bulk and scale impacts upon adjoining property than that envisaged by the Development Plan by virtue of its reduced setback. Overshadowing and overlooking are discussed within the relevant sections of the table below.

The dwellings each contain three bedrooms, which is a typical dwelling size in the locality. Accordingly, the proposal does not increase the range of dwelling types in the locality to meet a variety of accommodation needs. That being said, it is noted that the two-storey dwellings with smaller backyards present a different dwelling

option to the typical original dwelling stock in the locality (single-storey dwellings with large backyards).

The proposal does not result in the removal of mature street trees in a road reserve. Council's Arborist has advised that a juvenile street tree accords with criteria of the City of Marion Tree Management Framework to be suitable to remove and replace at the applicant's cost. The tree is not considered to provide significant value to the landscape character of the locality.

Principles of Development Control	Satisfies
<p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	
<p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Partially Satisfies
<p>3 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:</p>	
<p>Minimum Site Area: 250 square metres</p>	<p>Satisfies Dwelling 1 (Lot 203): 278 square metres Dwellings 2/3 (Lots 202/201): 279 square metres</p>
<p>Minimum Frontage: 7 metres</p>	<p>Does Not Satisfy Dwelling 1 (Lot 203): 6.09 metres Dwellings 2/3 (Lots 202/201): 6.1 metres</p>
<p>Minimum Depth: 20 metres</p>	<p>Satisfies 45.72 metres</p>
<p>5 Residential development located on land within 60 metres of Marion Road Policy Area 1, South Road Policy Area 2, Sturt/Marion Road Corner Policy Area 3, Industry Commerce Policy Area 4, Industry/Commerce Edwardstown Policy Area 5 and Light Industry Policy Area 6 should incorporate appropriate noise attenuation measures noise sensitive rooms and private open spaces should be located away from potential noise sources.</p>	<p>Partially Satisfies The subject land is located 40 metres (at the closest point) from Marion Policy Area 1, and the proposal does not demonstrate any noise attenuation measures. Private open spaces are located away from potential noise sources.</p>

Policy Area Principle 3 states that a row dwelling should have a frontage to a public road not less than 7 metres in width. The proposed frontage width of Dwelling 1 (Lot 203) is 6.09 metres, while the proposed frontage widths of Dwelling 2 and 3 (Lots 202 and 201 respectively) are 6.1 metres. These represent a shortfall of 0.91 or 0.9 metres per dwelling, or 2.71 metres accumulatively, equating to a percentage shortfall of 13%.

To achieve the minimum frontage width sought by the Policy Area for three row dwellings, the subject land would need to bear a frontage width of no less than 21 metres. It achieves only 18.29

metres. For reference, to achieve the minimum frontage width sought by the Policy Area for two semi-detached dwellings, a property would need to bear a frontage width of no less than 18 metres – in this respect the subject land only narrowly exceeds the minimum sought for semi-detached dwellings.

In respect to allotment dimensions, the proposal is also at variance to Land Division Principle 3, which states that residential allotments should have a depth of no more than four times the width of their frontage. Each proposed allotment is approximately 7.5 times as deep as it is wide. When combined with the failure to achieve the minimum frontage width sought, the variance to this provision suggests that the proposal is not compatible with the pattern of division sought by the Policy Area.

Numerous provisions of the Development Plan seek that a development's relationship to its locality be considered. These include Residential Zone Principle 3, which seeks that whilst redevelopment should increase housing choice by providing dwellings at typically higher densities, dwellings should nevertheless be compatible with adjoining residential development. Additionally, Land Division Principle 10 seeks for allotments to have a size that encourages development which will not dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality. Development should also seek to promote cohesive streetscapes, as outlined by the Policy Area's desired character.

The proposed allotment widths and subsequent built form outcome are considered to be incompatible with adjoining residential development. Subsequently, it fails to promote a cohesive streetscape, and shall detrimentally affect the setting of the surrounding locality by irrevocably changing the pattern of development within the immediate locality.

Adjoining residential development, and indeed the prevailing character of the locality, comprises low scale single storey original dwelling stock on allotments with generous frontage widths of approximately 18 metres. While it is noted that the Policy Area seeks a shift in character away from that demonstrated by original dwelling stock, the Policy Area prescribes clear minimum frontage widths for new development in this regard and seeks for new development to also be primarily low scale. With reference to the minimum frontage widths sought by Policy Area Principle 3 for other dwelling types, it is clear that the proposed frontage widths of 6.09 and 6.1 metres per dwelling significantly fail to achieve the minimum sought for any dwelling type. The shortfall in each allotment's frontage width subsequently results in a constrained and dense appearance of the built form as it presents to the street, and is therefore not considered to align with the 'low scale' housing primarily sought by Policy Area Objective 1. As such, the proposal does not seek to promote a cohesive streetscape, is incompatible with adjoining residential development, and is indeed incompatible with the forms of development envisaged by, and reasonably anticipated within, the Northern Policy Area 13.

The proposal's failure to achieve the minimum frontage width also contributes to additional shortfalls against other provisions of the Development Plan (discussed further within this report). For the considerations detailed above, in addition to the other consequential shortfalls, the failure to achieve the minimum frontage width sought by Policy Area Principle 3 is considered to be inappropriate and fatal to the merits of the proposal.

GENERAL ASSESSMENT

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

Development Plan provisions:

Assessment:

Site Coverage

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.

Northern Policy Area 13: PDC 4

Site coverage:

Does Not Satisfy

Dwelling 1: 42.1% (117 square metres)

Dwellings 2/3: 41.9% (117 square metres)

Floor area ratio:

Satisfies

Dwelling 1: 0.51 (142 square metres)

Dwellings 2/3: 0.52 (144 square metres)

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

Residential Zone: PDC 9

Satisfies

The excess in site coverage is not contrary to the relevant (ground floor) setback provisions, private open space provisions, does not adversely affect the amenity of adjoining properties, and does not conflict with other relevant criteria of the Development Plan.

Site coverage should ensure sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking*
- (b) domestic storage*
- (c) outdoor clothes drying*
- (d) rainwater tanks*
- (e) private open space and landscaping*
- (f) convenient storage of household waste and recycling receptacles.*

General Section: Residential Development: PDC 14

Satisfies

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

Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.

General Section: Residential Development: PDC 15

Satisfies

33% (277 square metres)

Private Open Space

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

Satisfies

Dwelling 1: 33% (91.7 square metres); 6.09m x 15.06m.

Dwellings 2/3: 36.1% (100.65 square metres); 6.1m x 16.5m.

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

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

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

- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level
- c) All POS is located to the rear of the dwellings and 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 private open spaces.
- k) The POS areas are considered to have sufficient shape and area to be functional.

Does Not Satisfy

- g) Due to the current orientation of the allotment the proposed POS areas will maintain a southerly aspect. Given the Development Plan seeks for POS to be located to the side and/or rear of the dwelling this is an unavoidable aspect of the subject land.

Satisfies

100%

Building Setbacks from Road Boundaries

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

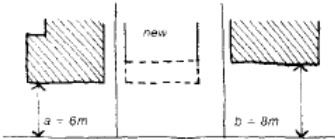
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 21

Satisfies

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6 metres is 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 $b > a > 2$, 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

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

Partially Satisfies

5.41 metres (upper minimum)
6 metres (ground floor entry)

(Dwellings on adjoining land set back approximately 7.9 and 8.3 metres, which equals an average setback of 8.1 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.

Satisfies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

Where the wall height is between 3 metres and 6 metres:

- (a) 3 metres if adjacent southern boundary
- (b) 2 metres in all other circumstances.

Where the wall height is greater than 6 metres:

- (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres
- (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.

Residential Zone: PDC 6

Satisfies

Ground floor: Minimum of 0.9 metres, generally 1.37 or 1.385 metres.

Does Not Satisfy

Upper floor: Minimum of 1.37 metres, generally 1.988 metres or 2 metres.

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

Partially Satisfies

Although the upper floor side setbacks do not entirely comply with quantitative criteria, the separation from the side boundaries for the majority of the upper floor is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise

for landscaping.

General Section: Design and Appearance: PDC 2

noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report).

The small portion of Dwelling 1 and Dwelling 3's upper floor which demonstrates a side setback of 1.37 metres offers some articulation to the otherwise featureless upper floor side elevations. However, it is notably closer than the minimum setback sought for such a wall height by the Development Plan, and therefore presents an increased bulk and scale impact on adjoining property than envisaged. It also does not maintain the character of the locality in regards to the patterns of space between buildings, and is a consequence of the undersized frontage width of each allotment.

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:

Dwelling 1: 15.065 metres
Dwellings 2/3: 16.5 metres

Upper floor:

Dwelling 1: 27.825 metres
Dwelling 2: 30.7 to 31.7 metres
Dwelling 3: 27.82 metres

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 rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). The rear 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

The proposed dwellings incorporate a maximum building height of 7.68 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

Each garage/carport is located beneath the main roof of the dwellings.

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
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 6.6 metres; 0.6 metres behind the ground floor's main face and 1.19 metres behind the upper floor's main face.
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 Dwelling 1: 0.9 metres
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Satisfies Dwelling 3: 6.14 metres
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Partially Satisfies Dwelling 1: 3.08 metres (59%) Dwelling 2: 3 metres (49%) Dwelling 3: 3.09 metres (51%)

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.

Satisfies

General Section: Residential Development: PDC 13

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.

Satisfies

Each dwelling is provided with 2 off-street vehicle parking spaces, one of which is covered.

General Section: Transportation & Access: PDC 34

Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered.
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Table Mar/2 - Off-street Vehicle Parking Requirements.

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).*

General Section: Transportation & Access: PDC 43

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.

Does Not Satisfy

d) e) Only 1 on-street car parking space shall remain available to the direct frontage of the subject land, and no surplus off-street vehicle parking is available to compensate.

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:
 (a) *3 metres wide for a single driveway*
 (b) *5 metres wide for a double driveway.*

General Section: Residential Development: PDC 39

Satisfies

Each new crossover is single width and is shown to be 3 metres wide.

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.).

General Section: Residential Development: PDC 40

Satisfies

New crossovers are proposed to be set back a minimum of 1 metre from existing street infrastructure. A juvenile street tree requires removal to accommodate Dwelling 1's crossover, which can be accommodated by Council's Arborist subject to payment of fees.

The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.

General Section: Transportation and Access: PDC 28

Partially Satisfies

Dwelling 1 and 2's proposed crossovers are shown to achieve a separation of 6 metres and are required by the approved driveway permit to achieve that.

Dwelling 2 and 3's crossovers do not achieve a separation of 6 metres.

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

Partially Satisfies

The proposed dwellings incorporate an attractive presentation to the streetscape despite their limited width. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of recycled brick, vertical cladding and render on the front façade
- Stepping of upper and lower storeys to reduce building height, mass and proportion
- Eave overhang and pitched roof form at 20 degree slope to upper floor
- Fenestration

However, the mass and proportion of the building is accentuated by each dwelling's limited frontage width. Despite incorporating attractive elements, the building's mass and proportion is not considered to reflect the

desired character of the locality.

The upper floor of the dwellings incorporate a 20 degree pitched Colorbond roof in basalt. The rear portion of the ground floor incorporates a 30 degree gable also in basalt. The garage of each dwelling is shown to feature a dark coloured garage 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

Each dwelling's front yard is shown to incorporate unpaved area of sufficient dimension to incorporate landscaping, while each dwelling has an individual entry. Habitable room windows overlook the street.

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

Satisfies

Each dwelling is clearly identifiable.

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

Partially Satisfies

The dwellings address the street by presenting a front entry door and habitable room windows toward the primary street frontage, but do not include a porch, portico or verandah. The cantilevered upper floor will provide limited shelter to the front entry.

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

Satisfies

The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door and habitable windows to the street.

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

The elevations of the dwellings feature a mixture of recycled brick, vertical cladding and render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

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

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

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

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

Satisfies

The dwellings incorporate window sill heights of 1.8 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Satisfies

The dwellings are oriented so that their open spaces and main activity areas face south. Their open spaces are of notable depth and well separated from the upper floor, and therefore should be subject to sufficient direct exposure to winter sunlight over a good portion of their surface.

While main internal activity areas also face south, their rear elevation incorporates floor-to-ceiling windows which should provide adequate natural light.

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 upper floor of the building incorporates a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could potentially be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Does Not Satisfy

The proposed development does not propose specific landscaping.

However there is sufficient unpaved area in which landscaping and plantings that achieve the relevant provisions could be established.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Land Division

When land is divided:

- (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) a sufficient water supply should be made available for each allotment*
- (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health*
- (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

General Section: Land Division: PDC 1

Land should not be divided if any of the following apply:

- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use*
- (b) any allotment will not have a frontage to one of the following:*
 - (i) an existing road*
 - (ii) a proposed public road*
 - (iii) access to a public road via an internal roadway in a plan of community division*
- (c) the intended use of the land is likely to require excessive cut and/or fill*
- (d) it is likely to lead to undue erosion of the subject land or land within the locality*
- (e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development*
- (f) the intended use of the land would be contrary to the zone objectives*
- (g) any allotments will straddle more than one zone, policy area or precinct.*

General Section: Land Division: PDC 2

Design and Layout

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.

General Section: Land Division: PDC 3

Satisfies

The survey plan shows that the subject land is very flat. No retaining walls are anticipated to be required. Typical boundary fencing of up to 2.1 metres in height could be constructed without requiring Development Approval.

Satisfies

- a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 6, 7 and 8.
- b) SA Water have confirmed that water supply is available (subject to conditions).
- c) SA Water have confirmed that sewerage connection is available (subject to conditions).
- d) N/A

Satisfies

- b) All allotments will have a frontage to the public road.
- c) Minor cut/fill is required.
- d) Erosion is unlikely.
- e) The area is sewerage.
- f) The intended use of the allotments is consistent with the zone objectives.
- g) The allotments are located wholly within the zone and policy area.

Partially Satisfies

- a) Whilst the dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use, the shortfall in frontage width will irrevocably change the pattern of allotments within the immediate locality.

Does Not Satisfy

The proposed allotments have a depth of 7.5 times the width of the frontage.

The design of a land division should incorporate:

- (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*
- (b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare*
- (c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones*
- (d) suitable land set aside for useable local open space*
- (e) public utility services within road reserves and where necessary within dedicated easements*
- (f) the preservation of significant natural, cultural or landscape features including State and local heritage places*
- (g) protection for existing vegetation and drainage lines*
- (h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development*
- (i) the preservation of significant trees.*

General Section: Land Division: PDC 7

Satisfies

Allotments should have an orientation, size and configuration to encourage development that:

- (a) minimises the need for earthworks and retaining walls*
- (b) maintains natural drainage systems*
- (c) faces abutting streets and open spaces*
- (d) does not require the removal of existing native vegetation to facilitate that development*
- (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.*

General Section: Land Division: PDC 10

Satisfies

(a) to (d): The allotments shall require minimal earthworks or retaining walls. Each allotment faces the primary street. No native vegetation of significance, or natural drainage systems have been identified.

Does Not Satisfy

(e) The shortfall in frontage width results in a development which is considered to detrimentally affect the setting of the surrounding locality by virtue of its inconsistency with adjoining development and the pattern of development sought by the Policy Area.

The layout of a land division should provide for efficient solar access.

General Section: Land Division: PDC 11

Satisfies

As a result of being situated on the southern side of a street, the layout of the land division provides good solar access to some habitable spaces in each dwelling. However, the majority of habitable areas within each dwelling are not north-facing. Despite being situated to the south of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.

Roads and Access

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:

- (a) the size of proposed allotments and sites and opportunities for on-site parking*
- (b) the availability and frequency of public and community transport*
- (c) on-street parking demand likely to be generated by nearby uses.*

General Section: Land Division: PDC 21

Satisfies

- a) Adequate on-site parking available
- b) Public transport services are accessible in the wider locality
- c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.

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).

Does Not Satisfy

1 on-street car parking space is provided for the proposed allotments.

General Section: Land Division: PDC 22

TABLE DISCUSSION

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

Upper floor side setback

Zone Principle 6 states that walls of between 3 and 6 metres in height to be setback a minimum of 2 metres from side boundaries. Dwelling 1 and Dwelling 3 each demonstrate a portion of the upper floor which protrudes to a side setback of only 1.37 or 1.385 metres. The percentage shortfall of around 31% against the minimum of 2 metres sought is significant, albeit the portion which protrudes is of limited length (2.34 metres). While minor, it is also worthwhile to note that the remainder of Dwelling 1's upper floor demonstrates a setback of 1.988 metres to the eastern boundary.

While the protruding sections to 1.37 or 1.385 metres add some articulation to the otherwise featureless upper floor side elevations, they impose increased bulk and scale impacts on adjoining property than that envisaged by the Development Plan. They also does not maintain the character of the locality in regards to the patterns of space between residential buildings, and in these respects, fail to satisfy Design and Appearance Principle 2(b) and (c).

The shortfalls in upper floor side setback are considered to be a direct consequence of the undersized frontage width of each allotment.

On-street parking

Land Division Principle 22 states that 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. The application proposes 3 allotments and no separately defined shared on-site visitor parking spaces, and therefore greater than one on-street car parking space should be provided. Only one is achieved to the direct frontage of the subject land.

Land Division Principle 21 allows for other matters to be taken into account when assessing on-street parking, including opportunities for on-site parking, the availability and frequency of public transport, and on-street parking demand likely to be generated by nearby uses.

- The proposal provides the minimum required on-site parking – therefore there is no surplus of on-site parking to compensate for the shortfall in on-street parking.
- Bus stops on Marion Road are located within convenient walking distance of the subject land, served primarily by the M44 route which is reasonably frequent during peak periods. However, the proximity of one public bus service is not considered sufficient grounds for on-street parking demand to be any considerably lesser.
- The subject land is located in reasonable proximity to commercial and community land uses, with a Commercial Zone located on Marion Road north of Cungenya Avenue, and a mosque

located on the corner of Condada Avenue and Marion Road. The mosque in particular is known to generate high demand for on-street parking at various times throughout the day. Such demand can extend to surrounding streets, including Condada Avenue.

With the above in mind, the Development Plan is considered to offer little justification for the shortfall in on-street parking. Further, although a driveway permit has been approved on the condition that 6 metres of upright kerb be present between crossovers to act as an on-street park, reference to the Typical Plan View Driveway Access provided in the Driveway Permit Application Form suggests that this cannot be achieved when a standard driveway invert's flare is accounted for. This may limit the length of a vehicle which can safely park in the allocated on-street parking space to a small car.

ANALYSIS/CONCLUSION

On balance, the proposal achieves most of the applicable Principles of Development Control contained within the Marion Council Development Plan. However, each dwelling and allotment's failure to achieve the minimum frontage width sought by Policy Area Principle 3 is significant. In short, the proposed dwellings and allotments are considered to be incompatible with adjoining residential development, promote an incohesive streetscape, and subsequently detrimentally affect the setting of the surrounding locality.

The proposed frontage widths have resulted in a development which is constrained in width but which accentuates the mass and proportion of each dwelling. The streetscape outcome is not considered to be consistent with the 'low scale' housing primarily sought by Policy Area Objective 1. In addition, the pattern of development demonstrated by the proposal is at variance to the frontage width sought by Policy Area Principle 3 and the frontage-to-depth ratio sought by Land Division Principle 3. The subsequent failure to promote a cohesive streetscape is at variance with the Desired Character of the Northern Policy Area 13. The subsequent impact upon the locality is considered to detrimentally affect its setting, at variance to Land Division Principle 10(e).

As a result of these considerations, in addition to the consequential shortfalls of upper floor side setback and on-street parking detailed in the Table Discussion, the failure to achieve the minimum frontage width is considered to be inappropriate and fatal to the merits of the proposal.

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. However, the proposed development does not sufficiently accord with the relevant provisions of the Marion Council Development Plan to warrant Development Plan Consent. Subsequently, as a result of the considerations detailed within this report, it is my view that the proposed development warrants 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 and Land Division Consent for Development Application No: 100/2239/2018 for Land Division Residential Torrens Title - 1 into 3 allotments and the subsequent construction of three, two storey row dwellings at 5 Cungen Avenue, Park Holme be REFUSED for the following reasons:

REASONS FOR REFUSAL

- 1. The proposal is considered to be at variance to the Desired Character sought within the Northern Policy Area 13 and Residential Zone Principle 3, in that it will result in a pattern of development that is inconsistent with the wider locality, is considered to be incompatible with adjoining residential development, and does not promote a cohesive streetscape.
- 2. By virtue of the proposed allotment frontage widths and the subsequent built form outcome which are inconsistent, incompatible and incohesive, the proposal is considered to detrimentally affect the setting of the locality, and subsequently does not accord with Land Division Principle 10(e).
- 3. The proposal fails to achieve the minimum frontage width sought for row dwellings by Policy Area Principle 3.
- 4. The proposal fails to achieve the minimum upper floor setback to side boundaries sought by Residential Zone Principle 6.
- 5. The proposal fails to provide sufficient on-street parking as sought by Land Division Principle 22.

Attachments

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