

**REPORT REFERENCE: CAP050918 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 September 2018**



Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Potter Constructions (SA) Pty Ltd
Development Description:	Two storey detached dwelling with associated earthworks
Site Location:	113H Perry Barr Road, Hallett Cove
Zone:	Residential Zone
Policy Area:	Southern Policy Area 18
Application Type:	Category 2/ Merit
Lodgement Date:	10/04/2018
Development Plan:	Consolidated – 20/02/2018
Application No:	100/2018/641
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns retaining wall/s and/or earthworks which, other than where assigned Category 1, as a Category 2 form of development. In this instance the extent of earthworks and retaining proposed were not considered to be of a minor nature and therefore required Category 2 Public Notification. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

The application originally proposed a wall on the western side boundary. Following public notification of the proposal, and receipt of the representation, the applicant has since amended the dwelling footprint to provide a minimum 900mm setback from the dwelling to the western boundary.

The subject land was created as part of Land Division Application 100/2014/0027 (SCAP Ref 100/C001/14) which divided the original allotment into four, community titled properties. A preceding development application received approval for 8 group dwellings, ranging between one and two stories in height.

SUBJECT LAND & LOCALITY

The subject land is located to the north-western side of Perry Barr Road, Hallett Cove and forms one of eight allotments within the a community lot.

The allotment is combination skewed rectangular in shape and supports a frontage of 30.71 metres to Perry Barr Road, a frontage of 25.62 metres to the internal road, a depth ranging from between 9.93 metres and 22.39 metres and an overall allotment area of 418.76 square metres.

The site incorporates a predominately south to north fall. The eastern end of the site incorporates an average gradient of 29.6% (1 in 3.37), whilst the western end of the allotment incorporates an average gradient of 29.6% (1 in 5.4). The allotment is current void of any structures and vegetation.

The locality primarily comprises detached dwellings on large allotments, albeit with some unit development approximately 500m to the west of Perry Barr Road. Vacant land with Hills Face zoning lies directly north of the community lots, potentially affording sites with somewhat uninterrupted coastal views.

Refer Attachments I & II

Locality Map



PROPOSED DEVELOPMENT

The application proposes the construction of a storey detached dwelling with associated earthworks and retaining.

The ground floor incorporates two bedrooms, bathroom, laundry and rumpus room that provides direct access to an alfresco and an associated area of private open space. The ground floor also incorporates a double width garage that is set down approximately 1.8 metres lower than the remainder of the floor.

The upper level contains a bedroom with associated en-suite, walk-in-robe and north facing balcony, and an open plan kitchen/family/meals room with direct access to an upper level balcony located to the north-western corner of the allotment.

Whilst the allotment achieves a frontage to Perry Barr Road, the dwelling has been designed, and follows the intention of the preceding land division, to provide access to the internal driveway/roadway.

Additional retaining throughout the site is proposed to accommodate the proposed dwelling, provide an opportunity for safe and convenient access and enable levelled area of private open space.

Refer Attachment III

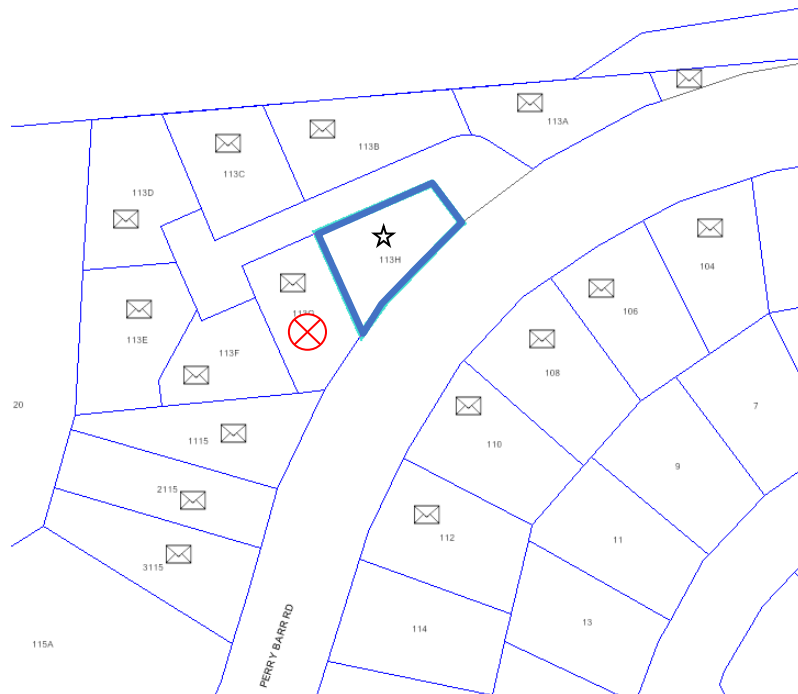
During the assessment process, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Greater emphasis should be placed on the design and appearance of the dwelling.	Minimal changes made to design.
A reduction in overall cut/fill and retaining should be considered to ensure dwelling appropriately relates to the adjacent allotment.	Minimal changes made to design, western side setback increased by 900mm to provide greater separation to side boundary.
Fixed and obscured glazing, to a height of 1.7 meters above the finished floor level, be incorporated to the rear facing windows	Screening provided.
Information Requested	
Amended engineered site works and drainage plan illustrating the total extent of cut and fill throughout the site.	Provided
landscaping plan nominating the proposed location and variety of native ground covers, shrubs and trees to be installed throughout the front yard.	Not provided
Provide amended plans and elevations that detail all proposed colours and materials.	Not provided

PUBLIC NOTIFICATION

Properties notified:

16 properties were notified during the Category 2 public notification process.



☆ Subject Site

⊗ Representor

Representations:

1 representation against the proposal was received by Council.

Persons wishing to be heard:

Mr & Ms Davis of 113G Perry Barr Road.

Summary of representations:

A copy of the issues raised by the representation can viewed via *Attachment IV*.

Applicant's response:

A copy of the applicants response can be viewed via *Attachment V*.

ZONE & POLICY AREA ASSESSMENT

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

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

The proposed development maintains the existing low density character of the Southern Policy Area 18 by proposing the construction of a detached dwelling on an existing allotment. Generally (as discussed further in this report), the building maintains acceptable setbacks and separation to the property boundaries which assist in reducing the potential visual impacts caused by the built form. As such, the proposal is considered to reasonably reflect Objective 1 and the Desired Character of the Policy Area.

Whilst considerable alteration to the existing land form is proposed, given the sloping topography and constricted dimensions of allotment, the extent of earthworks proposed, including the potential height and length of retaining along the western boundary, is not considered unreasonable and is reflective of other built form and newer development within the immediate locality. Given the dwelling has been designed to face the internal roadway, the extent of garaging proposed is not considered to result in unreasonable impacts on the character of the locality.

It is considered the proposed development adheres to the Desired Character of the Policy Area by providing a low density detached dwelling which is appropriately designed and sited. Furthermore, the dwelling has been designed to protect the landscape character of the Policy Area and, where possible, be designed to minimise bulk/scale and amenity impacts on adjoining land.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage		
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.5.</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p> <p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p> <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p> <p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>		
<p>Generally Satisfies</p> <p>Site coverage: 165.64m² / 39.55%</p> <p>Floor area ratio: 0.52</p> <p>Whilst the proposed site coverage exceeds the maximum desired by 4.5%, when considering the existing topography of the land and provision of sufficient area/dimensions of POS and setbacks (as further discussed in this report) the excess in building footprint is not considered to result in unreasonable impacts on future occupants or adjacent allotments.</p> <p>Furthermore, the proposal is considered to provide sufficient space for the parking of vehicles and typical household activities (such as bin storage, clothes drying areas and rainwater tanks).</p>		
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
<p><i>Residential Zone: PDC 7</i></p>		
<p>Satisfies</p> <p>The proposal provides three distinct areas of POS equating to 162 square metres (38.7%);</p> <ul style="list-style-type: none">• An upper level balcony with direct access to the open plan kitchen/meals/living area which comprises an area of 16.376m² and achieving dimensions of 4.45m by 3.68m.• An combined under main roof alfresco and side yard located to the eastern side of the dwelling which comprises an area of 44m² and achieving maximum, uninterrupted, dimensions of 5m by 8m.• The remainder of the rear yard which comprises of area of 102m² (51.46m² flat and usable and 51m² contained forming areas of retaining land between Perry Barr Road and the rear area of POS).		

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 16</i></p>	<p>Generally Satisfies</p> <ul style="list-style-type: none"> a) A majority of POS areas are directly accessible from the internal living rooms of the dwelling. b) A majority of POS is located at ground level with the exception of an upper level balcony which is approximately 16.376m². c) All POS is located to the side/rear of the dwelling 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. g) Two areas of POS generally maintain a northerly aspect which shall provide for comfortable year round use, whilst a third area is located to the rear of the dwelling and therefore incorporates a southern aspect. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.
<p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p> <p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Satisfies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where no established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p><i>5 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Satisfy</p>

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p> <p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Generally Satisfies</p>
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The proposed dwelling has the unique situation of incorporating dual street frontages to Perry Barr Road and an internal roadway servicing the eight community allotments.

As intended as part of the original land use application, the proposed dwelling has been designed to present to the internal roadway. Due to the varying dimensions and depth of the community lots, and the varying topography, the maintenance of consistent front setbacks from existing allotments to the internal roadway have not been achieved. In this instance, when considering the dimensions and topography of the subject allotment, and given no consistent street setback is provided, the maintenance of a front setback in the order of 5 metres is considered unnecessary. A front setback of 3.24 metres (11.9%), increasing to 4.43 metres, whilst less than the 5 metres desired by Principle 6, is considered acceptable and considered to contribute positively to the function, appearance and desired character of the locality. The dwelling incorporates suitable articulation, glazing and design elements to assist in reducing the visual impacts posed by the reduced front setback.

Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i></p> <p><i>0.9 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Satisfies</p> <p>Comments</p> <p><u>Eastern</u> 7.45m</p> <p><u>Western</u> Ground Floor: 900mm Upper Level: 2.6m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>See discussion below</p>

Due to the varying topography of the land and increase in building height, the required setbacks to the western boundary varies. The table below outlines the proposed boundary setbacks in relation to the wall height.

Setback	Wall height	Setback Required	Discrepancy
<i>Ground Floor – To Existing Ground Level</i>			
900mm	2.6m	900mm	-
900mm	1.6m	900mm	-
<i>Ground Floor – To Proposed Ground Level</i>			
900mm	3.8m	2m	800mm
900mm	2m	900mm	-
<i>Upper Level – To Existing Ground Level</i>			
2.6m	6.5m	2.5m	-
2.6m	5.5m	2m	-
<i>Upper Level – To Proposed Ground Level</i>			
2.6m	7.7m	3.7m	1.1m
2.6m	5.9m	2m	-

The application proposes to 'set down' and cut the garage into the existing slope of the land. If no further alteration to the existing landform was to occur, the ground and upper floors would comply with the relevant setback criteria.

If taken from the proposed ground level, the northern end of the garage will achieve maximum wall height of 800mm, whilst the western dwelling façade will achieve a maximum wall height of 7.7 metres, therefore falling 800mm and 1.1 metres short, respectfully, of the setback required.

It is worthy to not an approved development authorisation (Planning Consent only) exists for a two storey dwelling on the adjacent allotment at 113G Perry Barr Road. The ground floor adjacent the subject land incorporates a garage, setback 2.9 metres, and bathroom and laundry, setback 1 metre, on the ground floor. The eastern façade incorporates a door and high level window to the bathroom. The garage proposes a finished floor of 105.67, with the remainder of the dwelling proposed to achieve a finished floor level 106.55. A small service yard approximately 10 square metres in area is located adjacent the garage and eastern boundary (western boundary to proposed application) and maintains the same ground level as the laundry/bathroom. A copy of the plans will be made available for the Members benefit prior to the meeting.

Should the adjacent allotment at 113G Perry Barr Road be developed in accordance with its development authorisation, the proposed dwelling, achieving finished floor levels of 106.25 and 108.05 for the garage and ground floor, respectfully, will result in the construction of west facing walls achieving setbacks 800mm and 1.1 metres less than that required based on the total wall height proposed. The lack of setback, combined with the total wall height, will undoubtedly increase the visual bulk/scale and appearance of the dwelling when viewed from the adjacent allotment. The garage of the proposed dwelling is setback 5.5 metres, whilst the garage on the adjacent allotment is setback approximately 7 metres. Whilst the adjacent dwelling is setback an additional 1.5 metres, and therefore providing greater visibility, the extent of visible structure forward of the adjacent dwelling is not considered to result in unreasonable visual bulk/scale impacts.

Whilst the visual bulk and scale impacts will be considerable, given the adjacent dwelling has been designed to limit windows/openings to its eastern façade and provides a majority of private open space to the rear of the dwelling – therefore away from the subject proposal - the impacts will not be of such magnitude to warrant refusal of the application. Whilst a small service yard has been provided to the eastern side of the allotment adjacent the side boundary, this area does not form part of the primary area of private open space, and the potential visual, amenity and overshadowing impacts are not considered unreasonable to the extent where refusal is warranted. Furthermore, the

setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> <i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i> <i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p> <p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Does Not Satisfy Setbacks range from between 1.87 metres to 9.21 metres.</p>

The rear of the subject allotment abuts Perry Barr Road and given the curved nature of the Road, setbacks ranging from 9.2 metres to 1.8 to the rear boundary are proposed.

The lack of compliant setback to the rear boundary would, in normal circumstances, reduce the ability for the built form to provide appropriate separation form to the built form and areas of private open space on an adjacent allotment. Given the allotment abuts Perry Barr Road no amenity, bulk scale or visual impacts onto adjacent properties, as a result of the reduction in rear setbacks, is anticipated.

In addition, due to the sloping nature of the topography Perry Barr Road achieves a kerb level of 112.2 at the western end before lowering to 110.9 at the eastern end. Subsequently, as the dwelling is set below Perry Barr Road the built form, which achieves an upper finished floor level of 111.25, will predominately present as a single storey when viewed from both the south and east along Perry Barr Road.

Given limited visual and amenity impacts are anticipated, the proposed rear setbacks are considered to be compatible with other developments in the locality and the location of built form satisfactorily maintains the character of the locality in relation to patterns of space.

Sloping Land

<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) minimises the extent of cut and/or fill</i> <i>(d) minimises the need for, and the height of, retaining walls</i> <i>(e) does not cause or contribute to instability of any embankment or cutting</i> <i>(f) avoids the silting of watercourses</i> <i>(g) protects development and its surrounds from erosion caused by water runoff.</i> <p><i>General Section: Sloping Land: PDC 2</i></p> <p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i> <i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i> <i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i> <i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i> <p><i>General Section: Sloping Land: PDC 7</i></p> <p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <i>(a) not exceed 1.5 metres in height</i> <i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i> <i>(c) be constructed to a high standard from high amenity materials</i> <i>(d) be landscaped to enhance their appearance.</i> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Partially Satisfies</p>
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As previously discussed, the site incorporates a predominately south to north fall. The eastern end of the site incorporates an average gradient of 29.6% (1 in 3.37), whilst the western end of the allotment incorporates an average gradient of 29.6% (1 in 5.4). In addition, due to the sloping nature of the topography Perry Barr Road achieves a kerb level of 112.2 at the western end before lowering to 110.9 at the eastern end.

The dwelling incorporates a split between the ground floor and garage and has been designed so that it is partially 'cut' into the land.

The ground floor achieves a finished floor level of 108.05 which is approximately 3.5 metres lower than the average height of Perry Barr Road, and approximately 1.7 metres higher than the average height of the internal roadway. The garage is set an additional 1.8 metres below the level of the ground floor.

The finished bench level is set below natural ground level and proposes cut to a height of 2.15 metres to the south-eastern corner of the dwelling and is concealed by the dwelling, whilst cut to a height of 1.6 metres to the south-western corner of the allotment is proposed and will be visible should the adjacent allotment be redeveloped. The extent of cut is considered to assist in somewhat lowering the profile of the built form as viewed from Perry Barr Road.

To enable a usable area of open space to the rear of dwelling it is proposed fill to a maximum height of 1.6 metres be incorporated to the southern side of the garage and dwelling. To reduce visual impacts, the fill is proposed to be retained by two retaining walls – one along the boundary and one 900mm off the boundary.

The extent and height of cut/fill and retaining proposed along the western boundary, adjacent allotment 113G Perry Barr Road, will largely depend of how/if the dwelling is constructed in accordance with the development authorisation.

Additional retaining and batter is proposed forward of the dwelling to retain fill whilst, whilst retaining ranging in height from 10mm to 1.45 metres and batter is proposed to the rear of the year yard area to retain cut abutting the Perry Bar Road boundary.

No details as to the type, colour and form of retaining proposed have been provided.

Given the varying topography of the land, the extent of cut/fill and retaining proposed is not considered unreasonable and will assist in lessening the visual bulk/scale impacts created by the built form.

Siting and Visibility	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i></p> <p><i>(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</i></p> <p><i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p> <p><i>The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.</i></p> <p><i>General Section: Siting and Visibility: PDC 5</i></p>	<p>Partially Satisfies</p> <p>The dwelling, when viewed from the internal road way and adjacent allotment at 113G Perry Barr Road, is of a significant scale and size. Given the sloping topography it is not considered that gable roof and overall building profile complements the natural form of the land.</p> <p>This notwithstanding the dwelling incorporates variations in the facades and roof line, and provides eaves so as to create shadowed areas that will assist in reducing the bulky appearance of the built form. Additionally, the dwelling has been set down below the level of Perry Barr Road and will therefore maintain a lower profile when view from the south and east.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Satisfy</p> <p>The proposed dwelling incorporates a maximum building height of 9.8 metres, which exceeds the maximum permitted in the Policy Area.</p>
<p>The proposed dwelling is two storeys in height and achieves a maximum building height of 116.05 metres at its highest point above ground level (garage level – 106.25, dwelling at highest point 100.05). Given the slope of the topography and pitched roof of the dwelling, the non-compliance is largely limited to the western side of the dwelling. The excess in height over 9 metres is due to the lowered garage level, which is set down 1.8 metres below the remaining finished floor level of the dwelling.</p> <p>In my opinion, the excess in building height is not considered unreasonable as the dwelling essentially presents to the adjacent allotment to the west as a two storey dwelling, and to Perry Barr Road as a single storey dwelling.</p>	

The excess in building height is considered acceptable and will not result in unreasonable amenity, bulk/scale or loss of view impacts on dwellings within the immediate locality.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Satisfies

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street.
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall
Maximum 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)

Generally Satisfies

30.5m² area

5.5 metre setback from roadway

900mm setback to side boundary

3.84m wall height (if taken to proposed ground level).

The main failure relates to the proposed wall height which exceeds the maximum 3 metres sought. The potential impacts attributed to the excess in wall height has been discussed in the side setbacks section of this report.

Carports and garages should be setback from road and building frontages so as to:
(a) not adversely impact on the safety of road users
(b) provide safe entry and exit.

General Section: Residential Development: PDC 13

Satisfies

Vehicle Parking

Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.

General Section: Transportation & Access: PDC 34

<i>Detached Semi-detached Row</i>	<i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i>
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>	

On-site visitor parking spaces should be sited and designed to:

- (a) not dominate internal site layout*
- (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling*
- (c) be accessible to visitors at all times.*

General Section: Transportation & Access: PDC 42

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

The proposal provides 4 on-site parking spaces, two of which are covered.

Sufficient space for the parking of vehicles is available along Perry Bar Road.

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

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

Partially Satisfies

Whilst the proposed driveway does not conflict with any infrastructure, the driveway width of 6.2 metres exceeds the maximum 5 metres desired for a double width driveway.

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

Balconies should:

- (a) be integrated with the overall form and detail of the building*
- (b) include balustrade detailing that enables line of sight to the street*
- (c) be recessed where wind would otherwise make the space unusable.*

General Section: Design & Appearance: PDC 5

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Satisfies

The proposed dwelling reflects the desired character of the locality, as it incorporates an appropriate presentation to the internal roadway. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of render colours and inclusion of alternative materials
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico/balcony
- Eave overhang and pitched roof form at 20 degree slope
- Fenestration

The dwellings incorporate a 20 degree Colorbond roof, with rendered facades. The garage of each dwelling features Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The proposed balconies are integrated so that they are incorporated under the main roof and incorporate clear glass balustrading when facing the internal roadway to provide a clear line sight.

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

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Satisfies

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Satisfies

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

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. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

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

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

Satisfies

The dwelling incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the side (east and west) and rear (south) elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the internal roadway, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

The balcony on the front façade is oriented to obtain views of the internal roadway, whilst screening to a height of 1.7 metres above the internal finished floor level has been provided to the western façade to provide additional privacy to adjacent allotments.

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

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

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

General Section: Energy Efficiency: PDC 3

Partially Satisfies

Given north forms the internal street boundary, the provision of direct north facing POS is unachievable.

Two areas, the balcony to the upper level and west side yard, will nonetheless receive some northern winter sunlight.

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

The dwelling incorporates a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the lack of setback to the western façade (garage), extent of fill proposed to the rear of the dwelling and along the western boundary, and overlooking concerns from the upper level side balcony and rear facing windows have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

CONCLUSION

The proposed development maintains the existing low density character of the Southern Policy Area 18 by proposing the construction of a detached dwelling on an existing allotment. Generally (as discussed further in this report), the building maintains appropriate setbacks and separation to the property boundaries to appropriately reduce the potential visual impacts caused by the built form. It is considered the proposed development adheres to the Desired Character of the Policy Area by providing a low density detached dwelling which is appropriately designed and sited.

The greatest non-compliance in this regard is the proposed western façade wall height and the lack of appropriate setback to the western boundary. The lack of setback, combined with the total wall height, will undoubtedly increase the visual bulk/scale and appearance of the dwelling when viewed from the adjacent allotment. Whilst the visual bulk and scale impacts will be considerable, given the adjacent dwelling has been designed to limit windows/openings to its eastern façade and provides a majority of private open space to the rear of the dwelling, away from the subject proposal, the impacts will not be of such magnitude to warrant refusal of the application. Whilst a small service yard has been provided to the eastern side of the allotment adjacent the side boundary, this area does not form part of the primary area of private open space, and the potential visual, amenity and overshadowing impacts are not considered unreasonable to the extent where refusal is warranted. Furthermore, the setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Whilst considerable alteration to the existing land form is proposed, given the sloping topography and constricted dimensions of the existing allotment, the extent of earthworks proposed, including the potential height and length of retaining along the western boundary, is not considered unreasonable and is reflective of other built form and newer development within the immediate locality. The finished bench level is set below natural ground level and results in cut to a height of 2.15 metres to the south-eastern corner of the dwelling and is concealed by the dwelling, whilst cut to a height of 1.6 metres to the south-western corner of the allotment is proposed and will be visible, should the adjacent allotment be redeveloped. Nevertheless, the extent of cut is considered to assist in somewhat lowering the profile of the built form as viewed from Perry Barr Road and given the proposed adjacent dwelling incorporates limited windows along its eastern façade and provides the primary area of open space to the south-western corner of the allotment, the potential visual impacts are not considered to be unreasonable.

Whilst the proposed dwelling exceeds 9 metres in height, it is considered to be of suitable bulk and scale, and will not result in unreasonable amenity or visual impacts. The extent of overlooking has been minimised through the inclusion of appropriate screening to a height of 1.7 metres above the internal finished floor levels along the side and rear facades.

As such it is my view that the proposed development is not seriously at variance to the Development Plan. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/641/2018 for a two storey detached dwelling incorporating a wall on the western boundary and associated earthworks at 113H Perry Barr Road, Hallett Cove 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. 100/641/2018, being drawings;
 - 1 of 7 to 5 of 5 (inclusive) prepared by DJG Designs
 - Civil Plan and Details prepared by MQZ Consulting Engineersexcept when varied by the following conditions of consent.
2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
3. 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.
4. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
5. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

3. 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.).
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

Attachments

Attachment I: Certificate of Title
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plans
Attachment IV: Statement of Representations
Attachment V: Applicant's Response to Representations

**REPORT REFERENCE: CAP050918 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 SEPTEMBER 2018**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Kiro Sisios
Development Description:	One two storey residential flat building comprising three dwellings, and landscaping
Site Location:	459 Cross Road, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	18/12/2017
Development Plan:	Consolidated – 28 November 2017
Referrals:	Commissioner of Highways (DPTI)
Application No:	100/2017/2421
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a building of 2 storeys comprising dwellings as Category 2 development. The subject application is required to be determined by the Council Assessment Panel by virtue of the proposed dwellings supporting an average site area of less than the minimum of 300 square metres required for residential flat buildings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

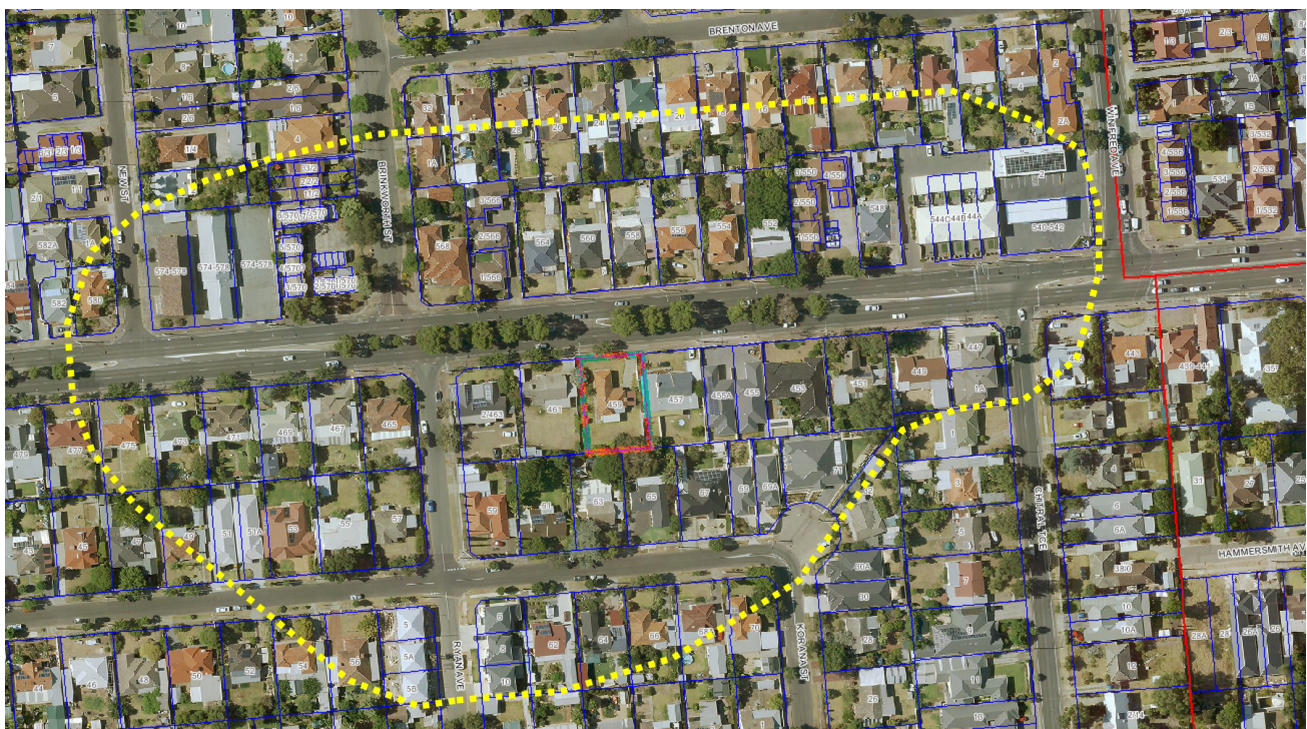
BACKGROUND

The lodgement plans proposed a different configuration to the current proposal plans. The application initially consisted of a common driveway running adjacent the eastern boundary for the entire length of the subject land, with the three dwellings oriented towards the driveway one behind the other. The applicant amended the configuration to a forward-oriented design to address multiple concerns.

Once the application was amended to a preliminary forward-facing design, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Increase one of the two proposed side boundary walls to a minimum side setback of 0.9 metres.	Both side boundary walls taken off their respective boundary to a setback of 0.9 metres.
Reduce site coverage.	Site coverage reduced from 53.9% per dwelling to between 46.6% and 48.7% per dwelling.
Reduce floor area ratio.	Floor area ratio reduced from 0.75 to 0.64 per dwelling.
Provide front landscaping and specify high visual quality paving materials to improve the streetscape appearance of the proposal and reduce the effects of garage dominance.	Front landscaping provided and coordinated paving plan shown.
Ground floor side wall height should be reduced from 3.4 metres to no more than 3 metres.	Ground floor side wall height reduced accordingly, with only parapets to remain at a height of 3.4 metres.
Specify garage door details.	Garage door details specified for Dwelling 2.

SUBJECT LAND & LOCALITY



The subject land, forming Lot 231 on the Certificate of Title, is located on the southern side of Cross Road, and is rectangular in shape. It comprises a frontage of 23.14 metres to Cross Road, a site depth of 35.28 metres, and a total site area of 816 square metres, being relatively flat with no discernible slope.

The subject land is vacant, having previously contained a single storey detached dwelling. The Certificate of Title confirms the land is free of encumbrances or easements. There are no regulated or significant trees on site. Vehicular access to the land is obtained from Cross Road using an existing crossover on the eastern side of the subject land's frontage.

The locality comprises a range of dwelling types, consisting of a mix of single storey detached dwellings on large allotments and residential flat buildings in various configurations of one or two storeys. Medium Density Policy Area 12 is located north to north-west of the subject land, which demonstrates increased density on some sites.

The subject land is within walking distance of centres and public transport. A Neighbourhood Centre Zone is located 450 metres east, and a Local Centre Zone is located 350 metres west, both on Cross Road. Stop 9 South Plympton of the Glenelg tram line is a 500 metre walk to the north, while the nearest bus stop on Cross Road is approximately 100 metres west of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal is for one two storey residential flat building which comprises three dwellings, and landscaping. All dwellings are presented towards the primary street, being Cross Road, and are joined by side party walls to one another. In this respect, the proposal's appearance is somewhat akin to that expected of row dwellings, however the sharing of a common area for vehicular ingress and egress prevent this from being the case.

Each dwelling is two storey, and each comprises a double garage, laundry, water closet, open plan kitchen/living/dining area, and a rear alfresco on the ground floor. On the upper floor of each dwelling are three bedrooms and two bathrooms (one ensuite). The rear yard of each dwelling is proposed to be landscaped with shrubs and a tree as proposed by the landscaping schedule. The proposal does not involve tree removal or fencing, and earthworks details have not yet been required due to the flatness of the subject land and lack of boundary walls.

Each dwelling will use a common driveway/vehicle turning area, which is to gain access to Cross Road from a new ingress crossover at the approximate location of the existing crossover, and an egress crossover near the western side of the subject land's frontage. The vehicular access arrangements are in accordance with DPTI's requirements. Landscaping has been provided, which skirts the edges of the turning area where possible. The turning area is to be paved with permeable paving in a patterned configuration as specified by the paving plan.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	14 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council.
Persons wishing to be heard:	Nil
Summary of representations:	Neutral, requesting that the Panel investigates the loss of neighbouring privacy in regards to first floor rear windows. <i>Refer Attachment IV</i>
Applicant's response:	Nil

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	<ul style="list-style-type: none">• No objection is raised to the proposed development subject to conditions.• DPTI are satisfied that forward ingress and egress can be achieved using the vehicle turning area and separated ingress/egress crossovers as proposed.
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Refer Attachment V

INTERNAL DEPARTMENT COMMENTS

Open Space:	Council's Arborist has advised that Council would prefer to see the street tree retained and protected. Given its location with respect to the application, separate crossovers, rather than a central crossover, would facilitate the tree's retention and a minimum 2.0 metre separation from its trunk face is required.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered</i></p>

throughout.

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

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

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Satisfies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies
PDC 3	Minimum Site Area: 300m ²	Does Not Satisfy Average including common land area: 272m ² Average excluding common land area: 198.3m ²
	Minimum Frontage: 20m	Satisfies 23.14m
	Minimum Depth: 45m	Does Not Satisfy 35.28m

Assessment

Objectives & Desired Character

The application proposes to replace what was previously a single storey detached dwelling with a two-storey residential flat building comprising three dwellings, which is a form of development anticipated by Policy Area Principle 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

The subject land is located approximately 450 metres from a Neighbourhood Centre Zone, and 350 metres from a Local Centre Zone. As discussed previously, public transport options are also within walkable proximity of the subject land. As such, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities. Density is discussed further in 'Site Areas', below.

It is noted that Policy Area Objective 3 seeks for development that minimises the impact of garaging of vehicles on the character of the locality. The orientation of the dwellings and their garages, which present towards the primary street, when combined with a double garage for each dwelling, contributes to a high prominence of garaging when viewed from the street. The heavy expanse of sealed areas forward of the dwellings further exacerbates the impact of garaging upon the streetscape presentation of the site. While the proposal demonstrates some considerations which will assist in reducing the associated impact, the underlying issue nevertheless remains.

On balance, the proposal is considered to adequately comply with a majority of the Objectives and Desired Character of the Northern Policy Area 13.

Site Areas & Depth

A minimum site area of 300 square metres is prescribed for residential flat dwellings in the Northern Policy Area 13, which equates to an average shortfall of 28 square metres (9.3%) per dwelling when including the common land area, or an average shortfall of 101.7 square metres (33.9%) per dwelling when excluding the common land area.

Given the shortfall in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings (of which the proposal shares a similar layout) require a minimum site area of 250 square metres within the Northern Policy Area 13, whereby a site of 750 square metres could theoretically accommodate 3 dwellings. The subject land maintains an overall site area of 816.4 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not inconsistent with that envisaged for the Policy Area.

Meanwhile, the Policy Area also seeks a minimum site depth of 45 metres for residential flat buildings, whereas the subject land achieves only 35.28 metres. It is acknowledged that the limited site depth has contributed to the infeasibility of other three-dwelling orientations, such as that originally proposed, and has contributed to limited space being available for landscaping to the front of the vehicle turning areas without requiring further dwelling alterations. Nevertheless, the shortfall in site depth is not considered to significantly affect the planning merit of the proposal in its current form, given that the proposal plans demonstrate an appropriately functional development which satisfies relevant setback and private open space provisions.

These considerations suggest that the shortfall in site area and depth may not be fatal to the merit of the subject application. The design and form of the dwellings is assessed in the following section 'Development Assessment'.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Satisfy</p> <p>D1, D3: 46.6% (126.83m²)</p> <p>D2: 48.7% (132.57m²)</p> <p>Total: 47.3% (386.23m²)</p> <p>(including common land area)</p>

			<p>D1, D3: 64% D2: 66.9% (excluding common land area)</p> <p>Floor area ratio: Does Not Satisfy 0.64 (175.2m²) (including common land area)</p> <p>0.88 (excluding common land area)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> (a) <i>would not be contrary to the relevant setback and private open space provisions</i> (b) <i>would not adversely affect the amenity of adjoining properties</i> (c) <i>would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>			<p>Satisfies The proposal demonstrates satisfactory setbacks and private open space, the excess in site coverage will not adversely affect the amenity of adjoining properties, and does not contribute to shortfalls against other relevant criteria of the Plan.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> (a) <i>pedestrian and vehicle access and vehicle parking</i> (b) <i>domestic storage</i> (c) <i>outdoor clothes drying</i> (d) <i>rainwater tanks</i> (e) <i>private open space and landscaping</i> (f) <i>convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>			<p>Satisfies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p>Does Not Satisfy 15.8% (126.68m²)</p> <p>The substantial driveway/turning area required by the proposal's location on an arterial road limit the potential for landscaped, pervious area to be provided across the site. The shortfall in pervious area is partially addressed through the incorporation of permeable pavers to the turning area's surface, albeit this does not directly satisfy the outcome sought by the provision.</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Satisfies 29.8% (59m²) per dwelling.</p>
Site area of dwelling	Minimum area of POS	Provisions	<p>All other listed criteria achieved. 7.71m x 5.95m dimension per POS, plus alfresco.</p>
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum</p>	

		gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	
Residential Zone: PDC 7			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p>General Section: Residential Development: PDC 16</p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p>General Section: Residential Development: PDC 17</p>			<p>Satisfies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level.</p> <p>c) All POS is located to the rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Satisfy</p> <p>g) The proposed POS areas maintain a southerly aspect. They should nevertheless receive direct sunlight over a portion of their surface at varying times throughout the day.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p>General Section: Residential Development: PDC 22</p>			<p>Satisfies</p> <p>85.9% of each POS will remain open to the sky and free from verandahs.</p>
Building Setbacks from Road Boundaries			
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p>Residential Zone: PDC 6</p>			<p>Satisfies</p> <p>8.9 metres to each front door, 9.8 metres to the main face (upper floor) of each dwelling.</p>

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Satisfies</p> <p>The proposed front setbacks will be compatible with those of buildings on adjoining land. The proposed dwellings are setback further than the previous dwelling on the subject land, which had a front setback of around 6.5 metres. The separation provided between the dwellings and the street will contribute positively to the function and appearance of the locality.</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Satisfies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<h2>Side Setbacks</h2>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p><u>Ground floor (wall height of 3m)</u> D1, D3: 0.9m, increasing to 1.1m and 2m.</p> <p><u>Upper floor (wall height of 5.5m)</u> D1, eastern side: 2m D3, western side: 2m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p>	<p>Satisfies</p> <p><u>Ground floor</u> 9.28m, reducing to 5.95m.</p> <p><u>Upper floor</u> 9.28m</p>

Residential Zone: PDC 6		
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p>General Section: Design and Appearance: PDC 2</p>		<p>Satisfies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height		
<p>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 6</p>		<p>Satisfies</p> <p>The proposed dwellings incorporate a maximum building height of 6.87 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p>General Section: Residential Development: PDC 10</p>		<p>Satisfies</p> <p>Each proposed garage is incorporated under the main roof of the associated dwelling.</p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p>General Section: Residential Development: PDC 12</p>		
Parameter	Value	
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.	<p>Satisfies</p> <p>All garages are located at a setback of 10.1m from the primary road frontage, being 0.3m behind the face of each upper storey and 1.2m behind the front entry door of each dwelling. The dwellings also incorporate a projecting portico forwards of the front entry door.</p>
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<p>Does Not Satisfy</p> <p>77.2% (16.47m) of the width of the front façade of the building. Each garage section is no greater than 6.07 metres in width.</p>

<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p>		<p>Satisfies</p>
<p>General Section: Residential Development: PDC 13</p>		
<p>Vehicle Parking</p>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		<p>Satisfies</p> <p>Each dwelling is provided with two covered garage spaces and an open visitor space to the front of each garage, which equals a total provision of 9 off-street parking spaces.</p> <p>1.5 resident spaces x 3 dwellings = 4.5</p> <p>Plus 1 visitor space required for 3 dwellings = 5.5 on-site spaces required.</p>
<p>General Section: Transportation & Access: PDC 34</p>		
<p>Group</p> <p>Residential flat building</p>	<p>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		<p>It is worthwhile to note that row dwellings – to which the proposal is similar – do not require dedicated visitor parks.</p>
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p>		<p>Does Not Satisfy</p> <p>(a) Visitor parks are located forward of each garage, which is an outcome typical of forward-facing dwellings. Albeit in this case, it is acknowledged that the additional amount of paved area forward of the garages, on which visitor parks are to be located, does contribute to a domination of site layout when viewed from the street. While considerations have been made to reduce the visual impact of this site domination, the underlying issue nevertheless remains.</p> <p>(b) As shown in assessment against Table Mar/2 (above) and Land Division PDC 22 (see further below), a sufficient total number of parks are available, and as such, while they are associated with each particular dwelling, there is no considered need for them to be separately defined.</p> <p>(c) As above.</p>
<p>General Section: Transportation & Access: PDC 42</p>		
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p>		<p>Satisfies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 2 on-street car parking spaces shall remain available adjacent the subject land (although it is noted that on-street parking on arterial roads cannot be guaranteed in perpetuity and are restricted during times the bicycle lane is operational).</p>
<p>General Section: Transportation & Access: PDC 43</p>		

<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Satisfies</p> <p>(a) (b) DPTI are satisfied that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>Does Not Satisfy</p> <p>(c) The proposed vehicle parking and turning areas are located forward of the dwellings, which contributes to a high proportion of paved surfaces forward of the building line.</p> <p>The proposal plans include some measures which intend to improve the appearance of the vehicle parking and turning areas, including:</p> <ul style="list-style-type: none"> • landscaping to front and partial sides; • paving plan with coordinated layout of patterns and colours. <p>However, the proposed landscaping lacks depth and area, and it is acknowledged upon maturity, the plantings will not comprehensively screen the vehicle parking/manoeuvring areas. While opportunities for increased landscaping may be available, this opportunity is limited by the area required for vehicle manoeuvring.</p> <p>Such requirements for vehicle manoeuvring area forward of the dwelling line will not reinforce or contribute to an attractive streetscape, despite the considerations made to improve the appearance of the area within the proposal plans.</p>
<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Does Not Satisfy</p> <p>(a) (b) The proposed visitor parking spaces and vehicle turning area are located forward of the building. It is noted that this outcome is similar to that expected of row dwellings, albeit with greater paved area than typical.</p> <p>Satisfies</p> <p>(c) All garaging is sited 0.3 metres behind the main face (upper floor) of the dwellings, and 1.2 metres behind each front entry door and further projecting portico.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Satisfies</p> <p>2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22. These parks are subject to bike lane restrictions, and are located on a DPTI-controlled arterial road.</p> <p>In the event that such spaces are rendered unavailable by DPTI in the future, the excess in off-street parking would accommodate the loss of on-street parking.</p>

Access

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

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 3 metres from the existing street tree.

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

Satisfies

Vehicle access points are separated by a minimum distance of around 12 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

Satisfies

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of render and face brick (porticos) on the front façade;
- Stepping of upper and lower storeys to minimise building height, mass and proportion;
- Protruding portico, slightly cantilevered upper level, parapet walls;
- Eave overhang and pitched roof form at 25 degree slope;
- Fenestration;
- Dwelling 2 incorporates an acrylic panel garage door which provides the illusion of additional fenestration.

The dwellings incorporate a 25 degree Colorbond roof in 'woodland grey', with rendered facades and face brick to the projecting portico. The garages incorporate an acrylic panel garage door, while others are suggested to be standard panel lift doors. 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

- (b) Each dwelling maintains a separate front entry door beneath a projecting portico.
- (c) Each dwelling presents a habitable room window which overlooks the street.

Partially Satisfies

- (a) Landscaping is provided around the perimeter of vehicle turning areas. However, the contribution of these landscaped areas to the spatial and visual structure of the street and privacy of future occupants may be limited due to its lack of depth and area.

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Satisfies

As above.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Satisfies

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

The elevations of the dwellings feature fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view, in addition to a mixture of render colours and face brick to some elements.

Building design emphasises pedestrian entry points beneath raised and projecting porticos which present towards the street.

Does Not Satisfy

While the proposed paving demonstrates a coordinated appearance with features of the dwellings, the extent of paved area will not “enhance the visual attractiveness of the locality”, as sought by Principle 14.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Satisfies

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

b) Ground level private open space of existing dwellings on adjacent allotments are anticipated to receive at least 2 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June

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.

Visual Privacy

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

(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct

(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms

(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.

General Section: Design & Appearance: PDC 11

Satisfies

The dwellings incorporate fixed obscure glazing to 1.8 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.

Noise

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

General Section: Residential Development: PDC 27

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

General Section: Residential Development: PDC 28

Partially Satisfies

The majority of bedrooms, as well as the living areas and private open space areas of the dwellings, are located to the rear of the building, oriented away from the noise source of Cross Road. However, Bedroom 1 of each dwelling is oriented towards Cross Road. To address potential impacts from noise, it has been included as a recommended condition of consent that these windows incorporate double glazing.

A landscaped buffer of shrubs is proposed between the dwellings and the road, which may assist in supplementing noise control. There are no front walls or fences proposed as part of this application, which does not discount the possibility of walls or fences being constructed in the future if the occupier/owner desires.

Nevertheless, the internal living areas and two of the three bedrooms of each dwelling are located towards the rear, with numerous non-habitable rooms located between their location and the noise source. As such, the aforementioned landscaping and any potential fence would provide limited acoustic benefit.

Site Facilities and Storage

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

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

(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)

(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.

General Section: Residential Development: PDC 31

Satisfies

a) Letterboxes are indicated to be located next to each crossover.

b) Not applicable, as the development does not contain more than 6 dwellings.

c) Each dwelling has a section to the side of it which may be used for private bin storage (as shown), screened from public view.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Partially Satisfies

The dwellings are oriented so that their open spaces and main activity areas face south. While it is acknowledged that some level of shading is subsequently expected, the POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.

The main activity areas of the dwellings are oriented south. In the case of Dwelling 1 and 3, windows facing to the east and west respectively will capture some direct sunlight during morning and afternoon hours.

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

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

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

General Section: Energy Efficiency: PDC 3

Satisfies

The dwellings incorporate a hipped roof form set at a 25 degree pitch. Due to the orientation of the dwellings, the roof contains a greater area of east and west-facing sections, upon which solar photovoltaic cells could be placed effectively.

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

Partially Satisfies

The proposed planting species (ornamental pear trees) and distribution to the front of the vehicle parking area will complement the dwellings' built form and, once mature, will improve the otherwise poor outcome produced by the high extent of paved area forward of the dwellings.

While it is acknowledged that the area provided for plantings is constrained, this has been necessary to ensure that sufficient unobstructed space is available for safe and convenient vehicle manoeuvring. Nevertheless, four ornamental pear trees are proposed adjacent the property frontage, which will assist in softening the view of the paved areas and provide shade accordingly.

The paving plan, which features paving type and colour coordinated with features of the dwellings, will assist in complementing the built form. Permeable paving on the vehicle turning area will reduce the amount of stormwater runoff from the development, allowing stormwater to soak into the soil beneath.

<p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Does Not Satisfy</p> <p>The landscaped area along the road frontage is only 0.5 metres in depth, rather than the 2 metres as sought by PDC 3. Nevertheless, the limited space is proposed to incorporate four ornamental trees, and shrubs. It is unclear whether it will be protected from damage.</p> <p>There is opportunity to provide additional landscaping areas, albeit in limited sections which may contribute to inconvenience. Ground covers are proposed on the side landscaping strips. The appearance of the site and shading of the paved areas would benefit from a species which has a greater mature growth height.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Satisfies</p> <p>The subject land is generally flat with no discernible slope. The need for retaining walls of any significance is unlikely. If a standard 1.8 metre high fence is constructed atop the anticipated modest height of any required retaining wall, it is unlikely it would exceed 2.1 metres in combined height. If a combined height of modestly greater than 2.1 metres should be required, it is anticipated that such a height would be considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p> <p>The provision of an engineered site works plan prior to Development Approval has been included as a recommended condition of consent.</p> <p>It is acknowledged that placement of a fence/wall between the proposed ingress and egress points would assist in screening from public view the extent of paved areas forward of the dwelling. However, due to the limited width available, it is unlikely such a structure would have acoustic benefits to the occupants of the dwellings.</p>

TABLE DISCUSSION

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

- Site coverage;
- Floor area ratio;
- Proportion of garage to building frontage; and,
- Vehicle turning areas (design and appearance).

Site coverage

The proposed site coverage exceeds that sought by Policy Area Principle 4, being a maximum of 40% of the site area. The proposed dwellings demonstrate site coverage of between 64% and 66.9%, however this figure is based upon the curtilage of the dwellings only, and does not include the common land area. When including the common area, overall site coverage for the whole of the development equates to 47.3%. While this measurement still exceeds the 40% maximum sought by the Development Plan, the following considerations are noted with regard to the discrepancy in site coverage;

- a. It is noted that this proportion of site coverage includes an under-main-roof alfresco area for each dwelling. If the alfrescos were excluded, the site coverage of the development would measure at 44.3%. Incorporation of an alfresco area with the subject application for the dwellings reduces the need for owners/occupiers of the land to construct verandahs in the future, and therefore the higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space in conjunction with the dwelling.
- b. Pursuant to Residential Zone Principle 9, the proposed site coverage does not come at the expense of acceptable setbacks and private open space, with the assessment showing that desired setbacks are achieved to all boundaries, and that private open space measures at 29.8% per dwelling. Further qualitative assessment has shown that the proposed site coverage will not adversely affect the amenity of adjoining properties.
- c. The proposal is deemed to satisfy Residential Development Principle 14, which seeks to ensure sufficient space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space and landscaping, and convenient storage of household waste and recycling receptacles. It is worthwhile to acknowledge that while landscaping areas have been provided forward of the dwellings, they are limited in depth and area. While the requirement for paved vehicle manoeuvring areas has been the limiting factor in this regard, it is also worthwhile to note that the dwellings' level of site coverage may also reduce the area available to accommodate increased landscaping.

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

Floor area ratio

The proposed floor area ratio exceeds that sought by Policy Area Principle 4, being a maximum of 0.60. The proposed floor area ratio measures at 0.88 against the dwellings' own curtilage, but with common land included, the measurement reduces to 0.64. This slight excess does not come at the expense of sufficient setbacks or private open space, which suggests that the size of the dwellings are acceptable having regard to the form of development proposed.

Proportion of garage to building frontage

The garaging of the proposed dwellings equates to a proportion of 77.2% of the building's frontage width, which exceeds the maximum of 50% sought by Residential Zone Principle 6. The visual dominance of garaging has been reduced through the following measures;

- a. Articulation of the dwelling façades will create visual interest forwards of the garage line. The main face of each upper floor is set 0.3 metres forward of the garages with a high degree of fenestration. A further portion of each dwelling's upper floor steps forward to be located in-line with the front entry door, 1.2 metres forward of the garage line, each

incorporating another window. A raised portico of face brick, offering material variety and further visual interest, separates each garage from the other;

- b. No section of continuous garage wall presenting to the street will exceed 6.07 metres in width, with each section of garage being separated from one another by raised and projecting porticos as outlined above;
- c. The garage door of Dwelling 2 is proposed to be acrylic panelled, which will create visual interest and will provide the illusion of additional fenestration presenting towards the street;
- d. The provision of a row of ornamental pears to the front of the development will provide a natural screen which will partially obscure the garages from view of the street. Furthermore, a mature street tree is intended to remain to the front of the subject land.

The points outlined above demonstrate that the impact of garaging width have been considered, and have been reduced through elements of the development's design. While it is acknowledged that further minimisation could be achieved through incorporating single garages, for example, the proposed dwellings are considered to present acceptably to the street.

Vehicle turning areas (design and appearance)

Transportation and Access Principle 42(a) seeks for vehicle parking areas not to dominate site layout; Principle 44 seeks for vehicle parking areas servicing more than one dwelling to reinforce or contribute to attractive streetscapes; and Principle 45 outlines that vehicle parking areas should not face the primary street frontage and should instead be located to the rear of buildings with access from a shared internal laneway. The intent of these principles reinforces Objective 3 of the Northern Policy Area 13, which seeks for development to minimise the impact of garaging of vehicles on the character of the locality.

The design of the proposal, including a common land area forward of the building for the purposes of vehicular manoeuvrability, results in a high proportion of paved surfaces forward of the dwellings, exacerbating the impact of garaging of vehicles on the character of the locality. Ordinarily, such an outcome would not be considered acceptable. However, the following considerations are noted with regard to the discrepancy in this provision;

- a. The subject land is located on an arterial road, where it is common for new dwellings to incorporate a high percentage of front yard areas to be allocated to vehicle manoeuvring parking areas;
- b. The provision of landscaping – albeit of depth and area which fails to satisfy Landscaping, Fences and Walls Principle 3 – has been provided to the sides and front of the vehicle turning areas. Such landscaping includes a row of ornamental pears to the front of the development which will provide a natural screen to soften the appearance of the turning areas when viewed from the street; and,
- c. The paving plan, which proposes permeable pavers to be laid out in a coordinated, patterned fashion which compliments the building's features.

The above considerations demonstrate that considered efforts have been made to reduce the visual impact of the turning areas and to improve the appearance of the proposed development when viewed from the street. Albeit there may be potential for further impact minimisations, on balance with the proposal's high level of compliance with other applicable Development Plan criteria, it is staff's view that the outcome of the vehicle turning area is not considered significant enough to warrant refusal of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to neighbouring visual privacy/overlooking have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters, through side and rear windows incorporating appropriate sill heights of 1.8 metres or obscure glazing.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13. While it is acknowledged that the proposal demonstrates a shortfall in average site area for residential flat buildings (9.3%), considerations within this report have demonstrated that the proposal demonstrates a density which is nevertheless consistent with that sought for the Policy Area, and will not contribute to unreasonable impacts on the amenity of adjacent land, the streetscape or the locality.

It has also been discussed that the proposal's other numerical variations to minimum site depth, maximum site coverage and floor area ratio will not materially detract from the functionality of the development. However, it is noted that their combined influence has contributed to the poor visual outcome forward of the dwelling line. Nevertheless, the assessment conducted herein has concluded that the impacts of such an outcome are considered to be acceptably reduced through the good residential design principles discussed herein. The streetscape appearance of the site, whilst heavily dominated by paved areas, is somewhat akin to the outcome anticipated for sites on arterial roads, due to the need for on-site manoeuvring areas.

When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the shortfalls or variations are not of such severity to warrant refusal of the application.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/2421 for one two storey residential flat building comprising three dwellings, and landscaping at 459 Cross Road, South Plympton, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/2421, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. The windows on the northern elevation of the dwellings shall be double glazed for sound attenuation purposes.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 6. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

DPTI CONDITIONS

10. All vehicles shall enter and exit the site in a forward direction.
11. All access to/from the site shall be located in accordance with the Site Plan produced by Inspire Design Studio, dated 30 May 2018, Rev B. The access points shall be 4.0 metres in width at the property boundary. Directional signage and/or line marking shall be provided at the access points to reinforce their operation.
12. The obsolete sections of the existing Cross Road crossover shall be reinstated to Council's standard gutter and kerb at the applicants cost. This shall be completed prior to the operation of the development.
13. The shared access and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (including meters, fences, vegetation, letter boxes and parked vehicles).
14. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
15. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Cross Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

NOTES

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

6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

REPORT REFERENCE: CAP050918 – 2.3
Previously Deferred at CAP010818
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 SEPTEMBER 2018



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Yong Guo
Development Description:	Two-storey residential flat building comprising three dwellings with associated car parking and landscaping
Site Location:	21 Pemberton Street, Oaklands Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	25/09/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Nil
Application No:	100/2017/1781
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Council Assessment Panel.

BACKGROUND

The application was first presented to the Panel for determination at the meeting held on 1 August 2018. At the meeting the CAP resolved that due to the absence of a land division application which defines three individual allotments to accommodate the proposed dwellings, the nature of the application in its current form is for a two-storey residential flat building comprising three dwellings and not three row dwellings as previously presented to the Panel. At the meeting, the Panel resolved to defer its determination of the application for the following reasons;

1. Provide the applicant an opportunity to clarify the dwelling type proposed.
2. Provide further information in respect to the construction implications in respect to the Significant Tree and in particular the manner in which it will be protected in relation to the proposed fence and associated construction.

In response to the reasons for deferral, the applicant subsequently advised Council staff that they do not wish to lodge a land division application to create individual allotments at this time and requests that the Panel considers the merits of the application as a two-storey residential flat building comprising three dwellings.

The applicant has also advised that whilst the perimeter fencing adjacent the northern boundary of the allotment is to be replaced with a new 1.8 metre high Colorbond fence, the existing perimeter fencing adjacent the southern (side) boundary and eastern (rear) boundary is to be retained to limit the potential for impacts on the significant tree located in the south eastern corner of the allotment.

In addition, the applicant has made a number of changes to the proposal plans that were presented to the Panel at the 1 August meeting, including;

- A reduction in the front setback of the first floor from 6 metres to 5.5 metres.
- Greater articulation of the front façade of the first floor.
- A reduction in the first floor rear boundary setback of Dwelling 2 from 25.0 metres to 24.7 metres.

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

Amendments Requested	Amendments Made
Reduction in site coverage for each dwelling.	A reduction in site coverage to less than 40% achieved for each dwelling.
Ensure all garages are setback a minimum distance of 0.5m behind the main face of the dwellings.	Achieved.
Amend driveway crossover access configuration to provide at least 1 on-street car parking space with a minimum length of 6.0 metres.	Achieved.
Increase first floor, southern boundary side setback to 3.0 metres.	Partially achieved. First floor setback of 2.32m achieved from southern side boundary, increasing to 3.0m beyond the 'Master Suite' positioned towards the front of the site.
Increase ground floor side boundary setback to 0.9 metres.	Achieved.
Information Requested	Comments
Engineered site works plan to determine extent of site works, finished floor levels, retaining walls and height of wall on the boundary.	Whilst an engineered siteworks plan has not been provided, relative site levels and finished floor levels have been included on the site plan.
Provide sectional detail to confirm the dwellings satisfy the definition of 'residential flat building' by comprising one building.	Information not provided.

SUBJECT LAND & LOCALITY



The subject land comprises 21 Pemberton Street, Oaklands Park. The allotment is rectangular, achieves a frontage width of 19.3 metres, a depth of 47.4 metres and a total site area of 914.8 square metres. The site currently accommodates a detached dwelling in average condition, with a setback of approximately 10.8 metres to the main façade from the boundary of the allotment adjacent Pemberton Street.

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

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

The subject land is within walking distance of frequent bus services on Diagonal Road and Sturt Road and is approximately 900 metres south east of Oaklands Railway Station. The locality is well serviced by public open space with Marion Oval located within walking distance. The nearest shopping and

commercial facilities and services are located within the Regional Centre Zone comprising Westfield Marion, SA Aquatic and Leisure Centre, Centrelink, Services SA, consulting rooms and Marion Cultural Centre within close walking distance, approximately 400 metres west of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

Following the judgements of *Terra Equities v The City of Mitcham* and subsequently *Paor & Anor v The Corporation of the City of Marion & Ors*, in the absence of a concurrent land division application, the subject application proposes the construction of a two-storey residential flat building comprising three dwellings with associated car parking and landscaping. Each dwelling comprises a lobby, WC, laundry, open plan kitchen, dining and living area and an internal staircase leading to three bedrooms (one containing a walk-in-robe, ensuite and access to a balcony presenting to Pemberton Street) and a bathroom. Each dwelling features a veranda under the main roof accessed from the ground floor living area.

The dwellings are orientated east-west and front Pemberton Street. The existing crossover access point is to be reused and two new driveway crossover access points are to be constructed to provide vehicular access to the dwellings. Council's arborist has advised the juvenile street trees forward of the subject land are suitable for removal and replacement to accommodate the proposed driveway crossover access locations. Dwelling 1 features a garage wall on the northern boundary of the allotment and the garage of the Dwelling 3 is setback 0.9 metres from the southern boundary.

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

Refer Attachment III

PUBLIC NOTIFICATION

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

INTERNAL DEPARTMENT COMMENTS

Coordinator – Arboriculture:	<p>Council's Coordinator – Arboriculture has advised that two recently planted Jacarandas forward of the subject land are suitable for removal and replacement at the applicant's cost.</p> <p>Council's Coordinator – Arboriculture has also advised that the construction of fencing to separate the private open space between Dwellings 2 & 3 is not likely to cause lasting damage to the significant tree located in the south eastern corner of the allotment provided the fence is constructed in accordance with the standard installation procedures for Colorbond fencing which requires the setting of fence posts in concrete filled holes measuring 0.2m in diameter, 0.6m deep and set out at 2.35m centres.</p>
Development Engineer:	<p>The site has been identified as being prone to flooding. Council's Development Engineer has provided advice confirming the proposed finished floor levels (FFLs) are appropriate.</p>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>
Northern Policy Area 13
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>
<p>Desired Character</p> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p>

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

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

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

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Satisfies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies
PDC 3	<i>Minimum Site Area: 300 sqm average per dwelling.</i>	Satisfies Total site area: 914.6 sqm Average site area per dwelling: 304.8 sqm
	<i>Minimum Frontage: 18m.</i>	Satisfies 19.29m
	<i>Minimum Depth: 45m.</i>	Satisfies 47.4m

Assessment

The application proposes a residential flat building comprising three dwellings on an allotment which currently accommodates a single detached dwelling, increasing the density of the land by two dwellings.

Given the subject land is located within walking distance of frequent public transport routes, areas of public open space, and in close proximity to a Regional Centre, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting an increase in residential densities.

Whilst the proposal seeks to increase the intensity of the use of the land by increasing residential density, the density proposed is still regarded 'low density' in accordance with generally accepted definitions of residential density and is considered to reflect the intent of Policy Area Principle 1 by promoting an increase in overall densities. The proposal further satisfies Principles 3 and 5 by providing a built form design that presents appropriately to the street, minimises visual impacts associated with garaging and promotes an active and attractive streetscape presentation.

DEVELOPMENT ASSESSMENT

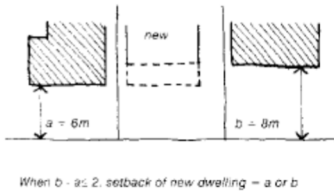
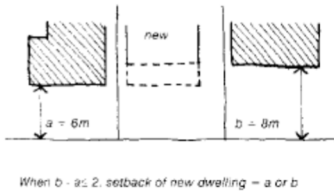
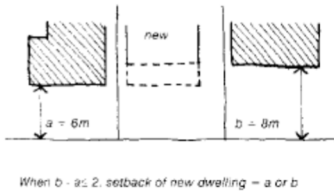
The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Site Coverage		
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>		
<p>Site coverage: Satisfies 302 sqm / 914.6 sqm = 33%</p> <p>Floor area ratio: Satisfies 452 sqm / 914.6 sqm = 0.49</p>		
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>		
<p>Satisfies Site coverage does not exceed the numerical standard in the Development Plan.</p>		
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>		
<p>Satisfies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>		
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>		
<p>Satisfies Approximately 53% of the site has a pervious surface.</p>		
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum</p>
<p>Satisfies 483 sqm / 914.6 sqm = 52.8%</p> <p>Each of the proposed dwellings provides an area of private open space measuring 24.98m by 19.29m which is accessible from a living room at ground level. Fencing is provided between the areas of private open space for privacy and to restrict access.</p>		

		dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	
Residential Zone: PDC 7			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p>General Section: Residential Development: PDC 16</p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p>General Section: Residential Development: PDC 17</p>			<p>Satisfies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and is capable of being screened for privacy.</p> <p>d) Despite the significant tree located in the south eastern corner of the allotment overshadowing a portion of the POS of Dwelling 2 and Dwelling 3, these dwellings are provided with sufficient uncovered POS beyond the canopy of the tree.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS areas are of sufficient depth to maintain a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p>General Section: Residential Development: PDC 22</p>			Satisfies
Building Setbacks from Road Boundaries			
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p>General Section: Design and Appearance: PDC 21</p>			<p>Satisfies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>

<p>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:</p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:</td></tr> <tr> <td colspan="2">  <p>When $b > a > 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p>When $b > a > 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Partially Satisfies 6.0 metres</p> <p>Note: Dwellings on adjoining land are set back approximately 6.5 and 7.8 metres, an average setback of 7.15 metres.</p> <p>PDC 21 states that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p>When $b > a > 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Satisfies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>								
<h2>Side Setbacks</h2>									
<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies <u>Ground floor:</u> 1.2m from northern side boundary 0.9m from southern side boundary</p> <p><u>First floor:</u> 2.0m from northern side boundary</p> <p>Does Not Satisfy <u>First floor:</u> 2.32m from southern boundary for 5.9m (12% of the length of the boundary) before increasing to 3.0 metres beyond the ‘Master Suite’.</p>								
<p>Maximum length and height when wall is located on side boundary: (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies (a) Garage wall on northern side boundary is 8 m in length and 2.96m in height (b) n/a</p>								
<p>Buildings should be sited with respect to side and rear property boundaries to: (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p>	<p>Satisfies Although the first floor side setback from the southern boundary of the allotment does not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks provided are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to</p>								

General Section: Design and Appearance: PDC 2		sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Rear Setbacks		
<p>Minimum setback from rear boundary:</p> <p>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</p> <p>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p>Residential Zone: PDC 6</p>		<p>Satisfies</p> <p>(a) 24.98m</p> <p>(b) 24.98m</p>
<p>Buildings should be sited with respect to side and rear property boundaries to:</p> <p>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</p> <p>(b) minimise the impact of bulk and scale of development on adjoining properties</p> <p>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p>General Section: Design and Appearance: PDC 2</p>		<p>Satisfies</p> <p>The separation from the rear boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height		
<p>Maximum building height (from natural ground level):</p> <p>2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 6</p>		<p>Satisfies</p> <p>7.7m</p>
Garages, Carports, Verandas and Outbuildings		
<p>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p>General Section: Residential Development: PDC 10</p>		<p>Satisfies</p> <p>The garage of each dwelling is incorporated into the design of the associated dwelling.</p>
<p>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</p> <p>General Section: Residential Development: PDC 12</p>		Satisfies
Parameter	Value	
Maximum floor area	60 square metres	

Maximum wall or post height	3 metres	Satisfies
Maximum building height	5 metres	Satisfies
Maximum height of finished floor level	0.3 metres	Satisfies
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Satisfies All dwellings: 6.5 metres. Each dwelling features a balcony over ground floor porches that reduces the visual impact of the garages beneath.
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 3: 0.9 metres.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Satisfies Dwelling 1: 8.0 metres.
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Satisfies Dwelling 1: 2.6 metres (50% of the width of the façade = 3.15 metres). Dwelling 2: 2.6 metres (50% of the width of the façade = 3.15 metres). Dwelling 3: 2.6 metres (50% of the width of the façade = 3.35 metres).
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Satisfies

Vehicle Parking

<i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		Satisfies Each dwelling provides 2 off-street car parking spaces (one of which is covered). A total of 6 off-street car parking spaces are provided (3 of which are covered).
<i>General Section: Transportation & Access: PDC 34</i>		
<i>Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Satisfies</p> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located within walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 1 on-street car parking spaces shall remain available adjacent the subject land.
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does Not Satisfy</p> <p>Only 1 on-street car parking space with a minimum length of 6.0 metres will remain following the construction of the proposed crossover access points.</p>
<p>Access</p>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Satisfies</p> <p>All dwellings: 3.0 metres.</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Satisfies</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Does Not Satisfy</p> <p>The driveway crossover access points serving Dwelling 1 and Dwelling 2 are separated by 6.0 metres whereas the driveway crossover access points serving Dwelling 2 and Dwelling 3 are separated by a distance of only 2.5 metres.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Satisfies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of rendered AAC (Hebel Powerpanel), horizontal cladding and glazed balustrading on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding porticos and balconies

	<ul style="list-style-type: none"> • Roof eaves overhang and pitched roof form at a 22.5 degree slope • Fenestration <p>The dwellings incorporate a 22.5 degree Colorbond roof in colour: 'Dune' (grey), with rendered facades. The garage of each dwelling features Colorbond panel lift doors. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p>General Section: Design & Appearance: PDC 5</p>	<p>Satisfies</p> <p>The proposed balconies are integrated into the portico design, with clear glass balustrading that enables a line of sight to the street to be maintained.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></p> <p><i>(b) individual entries for ground floor accommodation</i></p> <p><i>(c) opportunities to overlook adjacent public space.</i></p> <p>General Section: Residential Development: PDC 6</p>	<p>Satisfies</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p>General Section: Residential Development: PDC 8</p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p>General Section: Residential Development: PDC 9</p>	<p>Satisfies</p>
<p>Relationship to the Street and Public Realm</p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design & Appearance: PDC 13</p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design & Appearance: PDC 14</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p>	<p>Satisfies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico, first floor balcony and windows to habitable rooms to the street.</p> <p>The elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>

<p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Satisfies</p> <p>The applicant has provided shadow diagrams (Attachment IV) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.</p> <p>b) Given that two-storey components of the dwellings are limited to the front half of the proposed allotments, shadow cast over the ground floor private open space of adjoining dwellings is likely to be limited. Whilst some overshadowing is expected to the existing dwelling south of the subject land, this is generally limited to the existing carport associated with that dwelling.</p> <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties is considered to satisfy PDC 9 and 10.</p>
Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>Satisfies</p> <p>The dwellings incorporate fixed obscure glazing to a height of 1.7 metres above the finished floor level of the first floor of the dwellings for windows on side and rear elevations. First floor windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The balconies on the front façade of each dwelling are oriented to obtain views of the streetscape.</p> <p>The dwellings have been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>

Energy Efficiency

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

Whilst the dwellings are oriented east-west, the areas of private open space at the rear of the dwellings have sufficient depth for exposure to winter sun, and thereby provide for efficient solar access to open space year around.

The main activity areas of the dwellings are oriented east/west, which should nonetheless receive some northern winter sunlight.

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

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

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

General Section: Energy Efficiency: PDC 3

Satisfies

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

Flooding

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

General Section: Hazards: PDC 4

Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:

- (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*
- (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.*

General Section: Hazards: PDC 5

Satisfies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 100.7 metres, and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

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

A comprehensive landscaping plan has been provided.

The significant tree located in the south eastern corner of the allotment is to be retained with the nearest part of the proposed building setback a minimum distance of 21 metres from the tree.

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Partially Satisfies</p> <p>The application proposes to retain existing fencing adjacent the northern, eastern and southern boundaries of the site and to install new Colorbond fencing to a height of 1.8 metres between the areas of private open space of each dwelling to provide privacy and restrict access.</p> <p>As an engineered siteworks plan has not been provided at this time, the extent of any proposed retaining walls is unclear.</p>
<p>Significant trees</p>	
<p><i>Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.</i></p> <p>General Section: Significant Trees: PDC 2</p> <p><i>Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.</i></p> <p>General Section: Significant Trees: PDC 4</p> <p><i>Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.</i></p> <p>General Section: Significant Trees: PDC 5</p>	<p>Partially Satisfies</p> <p>Whilst the application does not propose to replace existing perimeter fencing adjacent the eastern (rear) or southern (side) boundaries of the allotment, fencing is proposed to separate the private open space of Dwellings 2 and 3 which may have some impact on the root system of the significant tree located in the south eastern corner of the allotment.</p> <p>Whilst the applicant has not provided the tree report notated on the Site Plan (Drawing No. A001 – Revision J), Council’s Coordinator – Arboriculture has advised that the construction of fencing to separate the private open space between Dwellings 2 & 3 is not likely to cause lasting damage to the significant tree located in the south eastern corner of the allotment provided the fence is constructed in accordance with the standard installation procedures for Colorbond fencing which requires the setting of fence posts in concrete filled holes measuring 0.2m in diameter, 0.6m deep and set out at 2.35m centres.</p>

TABLE DISCUSSION

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

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

First floor (southern) side boundary setback

The Development Plan calls for walls adjacent a southern boundary that are between 3.0 metres in height and 6.0 metres in height, to be setback a minimum distance of 3.0 metres from the boundary in order to minimise the potential for overshadowing of adjacent land. The proposed building achieves a first floor side setback from the southern boundary of the allotment of 2.32 metres for a length of

5.9 metres (representing 12% of the total length of the side boundary) increasing to 3.0 metres for the remainder of the first floor portion of the dwelling. The applicant has provided shadow diagrams to show the extent of shadow cast from the proposed development on adjoining land throughout the day on the winter solstice, June 21st. As expected, the diagrams demonstrate that whilst shade will be cast over the adjoining dwelling to the south at 19 Pemberton Street during morning hours, this largely impacts the carport of that dwelling, is unlikely to impact windows of habitable rooms (as any rooms located on the northern façade of the dwelling are currently shaded by the carport structure) and subsides by the late morning. Furthermore, the portion of the first floor component of Dwelling 3 that does not achieve the minimum setback standard of 3.0 metres is relatively short in length, at 5.9 metres or 12% of the total length of the southern boundary, and is positioned towards the front of the site further reducing the impact on the adjoining property. In addition, the proposed dwellings are positioned to the front of the site resulting in large rear yards, a minimum setback of 21 metres from the significant tree located in the south eastern corner of the allotment and limited overshadowing of areas of private open space on adjoining land. In conclusion, whilst it is acknowledged the first floor component of the dwelling proposed for Dwelling 3 should be setback a minimum of 3.0 metres from the southern boundary, the potential impacts of the shortfall are considered to be relatively minor and are therefore acceptable in this instance.

Shortfall in on-street parking

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

Whilst this shortfall is acknowledged, it should be considered within the context of the overall merits of the proposal. It is noted that the proposal satisfies minimum off-street car parking requirements for residential flat buildings. Furthermore, the subject land has the added advantage of being within walking distance of frequent bus services on Diagonal Road and Finnis Street and Oaklands Railway Station which may reduce the demand for car parking in the locality. The provision of off-street and on-street car parking is therefore considered to sufficiently satisfy the likely needs of future residents.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to:

- Streetscape character;
- Anticipated increase in traffic congestion;
- Impact on the significant tree located in the south eastern corner of the subject land;
- Side boundary setbacks; and
- Replacement of fencing and the subsequent impact on the existing garden at 19 Pemberton Street

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

Regarding the significant tree, the proposal provides a minimum setback of 21 metres from the trunk face of tree to the closest part of the proposed building, which is likely to be sufficient to maintain the health of the tree and its root system during the construction phase. Furthermore, Council's Coordinator – Arboriculture has provided advice that he is of the opinion that the construction of fencing to separate the private open space between Dwellings 2 & 3 is unlikely to cause lasting damage to the significant tree provided the fence is constructed in accordance with the standard installation procedures for Colorbond fencing, which requires the setting of fence posts in concrete filled holes measuring 0.2 metres in diameter with a depth 0.6 metres, set out at a minimum spacing of 2.35 metres (centres). It is also acknowledged that the application is not proposing the replacement

of boundary fencing adjacent the eastern (rear) or southern (side) boundaries of the allotment resulting in minimal disruption to the tree.

The representors have also raised concerns over anticipated interruptions during the construction phase including noise impacts and the potential for dust to contaminate water in rainwater tanks at 19 Pemberton Street.

While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

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

Assessment of the proposal has demonstrated that the subject land can accommodate a two-storey residential flat building comprising three dwellings in the proposed form. While the proposal demonstrates non-compliance with regard to the first floor side boundary setback for walls exceeding 3.0 metres in height adjacent a southern boundary, the shortfall is not considered 'fatal' to the overall merits of the application as it is unlikely to significantly impact on the amenity of adjoining land. Furthermore, the dwellings demonstrate good residential design principles and result in an improved streetscape outcome assisted by the two storey nature of the dwellings, the inclusion of balconies with glazed balustrades presenting to the streetscape and appropriate articulation of built form, producing a balanced streetscape outcome.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1781/2017 for a two-storey residential flat building three dwellings with associated car parking and landscaping at 21 Pemberton Street, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1781/2017, being drawing numbers A000 (Revision J), A001 (Revision J), A003 (Revision J), A004 (Revision J), A005 (Revision J), A006 (Revision J) A007 (Revision J) and A009 (Revision J), prepared by Yogo Design & Consulting, received by Council on 16 August 2018 except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. The existing River Red Gum tree (*Eucalyptus camaldulensis*) located in the south eastern corner of the property shall be retained. The area beneath the tree's canopy shall be retained at its existing level at all times with no excavation or fill occurring. (Please note that at any time in the future, if a property owner wishes to remove this tree, an approval from the Council must be obtained).
- 4. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 5. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.
- 6. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

7. 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.
8. 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.
9. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. Regarding the significant tree which is to be retained, the applicant is advised to consult Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites to ensure the incorporation of protective fencing, mulch and appropriate remedial treatments.

Requirements of the new standard include:

- The establishment of Tree Protection Zones to restrict activities including the dumping of waste, machine excavation, storage and preparation of chemicals, and physical damage to trees;

- The erection of protective fencing around a Tree Protection Zone prior to machinery or materials brought onto the site;
- The use of approved signs to identify the Tree Protection Zone;
- Mulching, watering and weed removal recommendations to maintain the tree protection zone.

Regular monitoring of tree protection measures should be undertaken throughout the development and construction process to ensure that any trees to be retained on the site are carefully managed to ensure their long-term survival and growth.

Attachments

<i>Attachment I:</i>	<i>Minutes from 1 August 2018 CAP meeting</i>
<i>Attachment II:</i>	<i>Certificate of Title</i>
<i>Attachment III:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment IV:</i>	<i>Proposal Plans and supporting documentation</i>
<i>Attachment V:</i>	<i>Statement of Representations</i>
<i>Attachment VI:</i>	<i>Applicant's Response to Representations</i>

CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

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

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

Recommendation

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 2.4 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

**REPORT REFERENCE: CAP050918 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 5 SEPTEMBER 2018**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Mr Colin Rettos
Development Description:	Land Division Residential Torrens Title - 1 in to 2 allotments
Site Location:	22 Moor Crescent, Hallett Cove
Zone:	Residential
Policy Area:	Southern Policy Area 18
Application Type:	Category 1 / Consent
Lodgement Date:	01/11/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Nil
Application No:	100/2017/2075
DAC Reference No:	100/D258/17
Recommendation:	Development Plan Consent, Land Division Consent and Development Approval be REFUSED

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a land division which creates not more than 4 allotments a Category 1 development.

The subject application is required to be determined by the Council Assessment Panel given one of the proposed allotments fails to satisfy the minimum site area required for dwellings in Southern Policy Area 18. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

BACKGROUND

The proposed land division relates to the associated land use application, Development Application 100/2017/1127, which proposes alterations and additions to an existing two-storey dwelling and the construction of a two-storey dwelling and associated earthworks, resulting in a two-storey building comprising two dwellings on the subject land.

For the Panel's information, Development Application No. 100/2017/1127 (compromise proposal to be considered by the Panel at this meeting) is currently before the Environment, Resources and Development Court on appeal. At the conference held on 24 July 2018, Commissioner Nolan advised that Development Application No. 100/2017/1127 could not proceed on appeal through the Court until a determination had been made on the subject land division application to enable the applications to be heard by the Court concurrently. As such, the subject land division application is presented to the Panel for determination.

SUBJECT LAND & LOCALITY

The subject site is located at 22 Moor Crescent, Hallett Cove. The land comprises an approximately rectangular corner allotment within the elbow of Moor Crescent, with a southern primary street frontage, an eastern 'secondary street' frontage, and a total site area of 815 square metres.

The subject land accommodates a two-storey detached dwelling in good condition with a driveway sited alongside the western boundary providing access to a single-width garage under the main roof of the dwelling. Access is gained to a balcony/deck sited at the rear from both the upper level of the dwelling as well as external stairs from the area of private open space at ground floor level, which takes advantage of coastal views to the north-west. Several trees are located on the subject land, none of which are classified as regulated pursuant to the current legislation.

The locality comprises a slope from the south-east to the north-west, and consists of predominantly single-storey and (to a lesser extent) two-storey, detached dwellings built since the 1970's at low densities.

Several areas of public open space are noted within the vicinity, the closest of which (Oakvale Way Reserve) is sited approximately 850 metres walking distance to the south of the site. Hallett Cove Railway Station is sited some 1.8 kilometres walking distance to the west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create two Torrens Title residential allotments. Lot 1 creates a new allotment for the construction of a dwelling whereas Lot 2 seeks to retain the existing dwelling.

Party wall easements are included on the plan of division, which relate to the party walls indicated on the associated application for a two-storey building comprising two dwellings under Development Application 100/2017/1127.

A greater level of detail regarding how the land will be developed is detailed in Development Application 100/2017/1127, for which a compromise proposal is to be considered by the Panel.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission (DAC):	Standard commentary received
SA Water:	Standard commentary received

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential and Southern Policy Area 18 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.*

Southern Policy Area 18

Objectives

- 1 A policy area primarily comprising low scale, low to medium density housing.*
- 2 Development that minimises the impact of garaging of vehicles on the character of the locality.*
- 3 Development that reflects good residential design principles.*
- 4 Development that contributes to the desired character of the policy area.*

Desired Character

This policy area encompasses the generally established residential areas in the suburbs of Hallett Cove (east of the Adelaide-Seaford railway), Sheidow Park (north), and Trott Park. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1970s which incorporate generous front and rear setbacks.

The desired character of the policy area is an attractive residential area comprising predominantly single-storey, low density dwellings exhibiting a variety of architectural styles. Future development of vacant land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity.

New buildings will minimise alteration of the natural or existing landform. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.

Buildings should not exceed two storeys in height and sloping sites should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Satisfies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Satisfies
PDC 3	<p>Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.</p>	<p>Does Not Satisfy Where not situated on the boundary, the ground floor and the first floor of the existing dwelling is setback 3.1 metres from the proposed boundary between the allotments.</p>
PDC 4	<p>Minimum Site Area:</p> <p>Detached dwellings: 420 sqm Semi-detached dwellings: 350 sqm</p>	<p>Does Not Satisfy Allotment 1: 347 sqm</p> <p>Satisfies Allotment 2: 468 sqm</p>
	<p>Minimum Frontage:</p> <p>Detached dwellings: 14 metres Semi-detached dwellings: 12 metres</p>	<p>Satisfies Allotment 1: 16.4m Allotment 2: 20m</p>
	<p>Minimum Depth: 20 metres</p>	<p>Does Not Satisfy Allotment 1: 19.5m (increasing to 22.37 metres)</p> <p>Satisfies Allotment 2: 22.37m</p>

Assessment

Whilst proposed Lot 1 is marginally short of the minimum site area and site depth for semi-detached dwellings in Southern Policy Area 18, the proposed dwelling lodged under Development Application 100/2017/1127 has nonetheless demonstrated that the allotment can accommodate a two-storey, three bedroom dwelling in the form proposed. However, the ground floor and the first floor of the existing dwelling will be setback a distance of 3.1 metres from the rear boundary that forms the side boundary of proposed Lot 1. The setbacks provided are not considered to provide consistency with Principle of Development Control 4 of Southern Policy Area 18 with regard to the siting of buildings.

LAND DIVISION ASSESSMENT

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

Land Division

Objectives

1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.

Satisfies

2 Land division that creates allotments appropriate for the intended use.

Does Not Satisfy

Whilst it has been demonstrated under Development Application No. 100/2017/1127 that proposed Lot 1 has sufficient depth, frontage width and site area to accommodate a dwelling, Development Application No. 100/2017/1127 has demonstrated that retaining the existing dwelling as proposed results in the existing dwelling being unable to satisfy Development Plan criteria regarding rear boundary setbacks.

3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.

Does Not Satisfy

Where not situated on the boundary, the ground floor and the first floor of the existing dwelling is setback 3.1 metres from the proposed boundary between the allotments.

Principles of Development Control

1 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.*

Satisfies

2 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.*

Does Not Satisfy

- (a)* Whilst it has been demonstrated under Development Application No. 100/2017/1127 that proposed Lot 1 has sufficient depth, frontage width and site area to accommodate the type of dwelling envisaged in Southern Policy Area 18, Development Application No. 100/2017/1127 has demonstrated that retaining the existing dwelling as proposed results in the existing dwelling being unable to satisfy Development Plan criteria regarding rear boundary setbacks.
- (f)* The proposed land division will increase the density of the land by one additional dwelling. Whilst the subject land is within walking

	<p>distance to areas of public open space and public transport routes (bus), the District Centre and Hallett Cove Railway Station are not easily accessible on foot and will require to use of other forms of transport like cycling, driving or using a taxi to access.</p>
<p>Design and Layout</p> <p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p>Satisfies</p>
<p><i>7 The design of a land division should incorporate:</i></p> <ul style="list-style-type: none"> <i>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</i> <i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i> <i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i> <i>(d) suitable land set aside for useable local open space</i> <i>(e) public utility services within road reserves and where necessary within dedicated easements</i> <i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i> <i>(g) protection for existing vegetation and drainage lines</i> <i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i> <i>(i) the preservation of significant trees.</i> 	<p>Satisfies</p>
<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises the need for earthworks and retaining walls</i> <i>(b) maintains natural drainage systems</i> <i>(c) faces abutting streets and open spaces</i> <i>(d) does not require the removal of existing native vegetation to facilitate that development</i> <i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i> 	<p>Satisfies</p>
<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p>Satisfies</p> <p>Proposed allotment 1 is oriented east-west and provides opportunities for north and west oriented areas of private open space.</p>
<p>Roads and Access</p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <ul style="list-style-type: none"> <i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i> <i>(b) the availability and frequency of public and community transport</i> <i>(c) on-street parking demand likely to be generated by nearby uses.</i> 	<p>Satisfies</p>

<p><i>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p>	<p>Satisfies Sufficient space remains available adjacent Lot 1 for the construction of a new driveway crossover access point and two on-street car parking spaces adjacent the eastern boundary of the existing allotment.</p>
<p><i>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</i></p>	<p>Satisfies</p>

ANALYSIS/CONCLUSION

The application seeks to create two Torrens Titled allotments from one existing allotment with the existing two-storey dwelling on proposed Lot 2 to be retained.

Whilst Lot 1 marginally fails to meet the minimum site area and site depth requirements for semi-detached dwellings in Southern Policy Area 18, the associated land use Development Application 100/2017/1127 (for alterations and additions to an existing two-storey dwelling and the construction of a two-storey dwelling and associated earthworks, resulting in a two-storey building comprising two dwellings on the subject land) has demonstrated, in the opinion of administrative staff, that the existing dwelling, which is to be retained, is situated on the site such that development plan criteria relating to minimum ground floor and first floor rear setbacks and the provision of private open space cannot be sufficiently satisfied to warrant the granting of Development Plan Consent.

It is however acknowledged that with a total site area of 815 sqm the existing allotment provides sufficient area for the creation of two allotments capable of accommodating semi-detached dwellings and falls 12.5 sqm (or 3%) of providing sufficient area for two allotments that could accommodate two detached dwellings. For Council to further consider the merits of the application, the plan of proposed division would need to be amended to show removal of the existing dwelling and associated outbuildings.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, the proposal however fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore 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, Land Division Consent and Development Approval for Development Application No: 100/2075/2017 for Land Division Residential Torrens Title - 1 in to 2 allotments at 22 Moor Crescent, Hallett Cove be REFUSED subject to the following conditions:

REASONS FOR REFUSAL

- 1. Allotment 1 does not meet the minimum site area and site depth requirements for dwellings in the Southern Policy Area 18 and is at variance with Principle of Development Control 4 of Southern Policy Area 18 and Principles of Development Control 2(a) & 2(f) of the Land Division section of the Development Plan.
- 2. The retention of the existing dwelling results in no or limited rear boundary setbacks for the ground floor and first floor components of the dwelling thereby not satisfying Objective 2 and 3 of the Land Division section of the Development Plan with regards to integration with adjacent land uses.

Attachments

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

CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

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

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

Recommendation

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 2.6 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

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2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 2.7 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.