

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 6 June 2018

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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

A handwritten signature in black ink, appearing to read "Robert Tokley".

Robert Tokley
ASSESSMENT MANAGER

30 May 2018

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 JUNE 2018
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 8/36 TRUMARA ROAD, MARINO

Two storey dwelling, with associated earthworks and retaining walls

Report Reference: CAP060618 - 2.1Page 1

2.2 15 BEAUMONT STREET, CLOVELLY PARK

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

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2.3 10 TENNYSON AVENUE, PLYMPTON PARK

Three single storey row dwellings

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2.4 10 PITCAIRN AVENUE, MARION

A pair of single storey semi-detached dwellings

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2.5 CONFIDENTIAL ITEM

9 NELSON STREET, SOUTH PLYMPTON

To construct a single storey dwelling and a single storey residential flat building at the rear of the site, comprising two dwellings with associated car parking and landscaping

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3. OTHER BUSINESS

3.1 INFORMATION ONLY ITEM

8 GULFVIEW ROAD, SEAVIEW DOWNS

Retaining wall and associated filling of the land

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3.2 APPEALS UPDATE

3.3 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 6 JUNE 2018**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP060618 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 JUNE 2018**



Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Stuart Peters
Development Description:	Two storey dwelling, with associated earthworks and retaining walls
Site Location:	8/36 Trumara Road, Marino
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 3 / Consent
Lodgement Date:	23/08/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Nil
Delegations Policy:	X
Application No:	100/2017/1560
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

At the time of lodgement, the subject application was processed as Category 3, as the proposal did not meet the forms of development identified as a Category 1 or 2 in either the Council's Development Plan or Schedule 9 of the Development Regulations, 2008. As the proposal was not considered minor in nature, the application was processed as a Category 3 form of development.

(If the application was lodged and processed today, the dwelling would satisfy the Schedule 1 definition of 'group dwelling' (as the building on Lot 1 is now occupied as a dwelling) – a two storey group dwelling is identified as a Category 2 form of development pursuant to Schedule 9 of the Development Regulations).

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

BACKGROUND

In October 2010, Development Approval was granted for the division of 36 Trumara Road, Marino into eight (8) allotments for residential purposes. The division also included the construction of a common driveway providing access to Lots 2 – 8, and secondary access to Lot 1.

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

Amendments Requested	Amendments Made
The roof form should complement the natural slope of the land.	Northern section of roof form altered to slope up from north to south
The building should incorporate neutral colours and minimise bright/reflective materials. The 'off-white' render to most facades should be revised.	Render altered to 'vintage beige' or equivalent
The dwelling floor levels should seek to balance the extent of cut and fill proposed	Minor step in floor plan provided and lowering of floor levels proposed

SUBJECT LAND & LOCALITY

The property subject to the application is identified as 8/36 (Lot 8) Trumara Road, Marino. The land is located on the northern (and lower) side of the street.

Lot 8 incorporates a combined 'frontage' to the common driveway (western boundary) of 46.41 metres, a northern boundary (adjacent Lot 7) of 20.34 metres, an eastern boundary of 36.61 metres, a southern boundary (in a south-western alignment) of 22.84 metres; incorporating a total site area of 909 square metres.

The land incorporates an average grade in the order of 1:6.9 (14.4%), with a relatively consistent grade from the south-west to the north-east part.

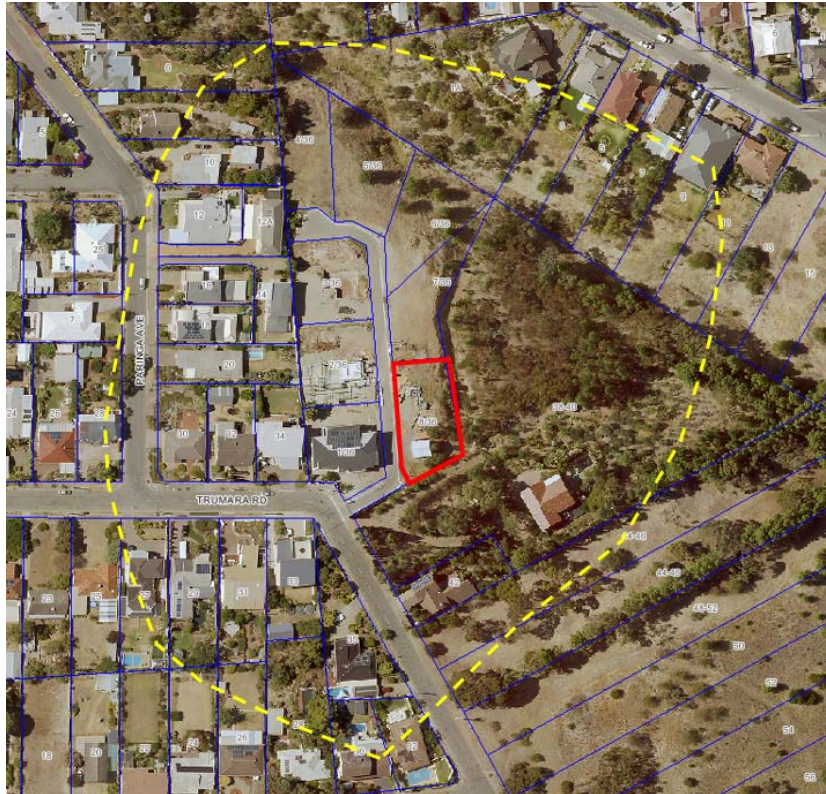
Several small shrubs/trees are located adjacent the eastern side boundary and the southern rear boundary, none of which are classified as Regulated.

The locality is characterised by single and two storey detached dwellings on large, sloping allotments.

Land on the eastern side of Trumara Road differs from that which typifies the locality, as these properties range between 3,000 – 23,000 square metres in area, many of which are vacant and comprise varying densities of native and exotic vegetation.

Land on the western side of Trumara Road and in surrounding streets are typically 600 – 1,000 square metres in area and comprise older (1950s – 60s) dwellings and more recently-constructed dwellings.

Recent development is typically split level or two storeys in height, due to the topography of the land and opportunity to obtain attractive views to the north and west. The locality has a high level of amenity with well-maintained dwellings and landscaped front yards.



PROPOSED DEVELOPMENT

The application seeks to construct a two storey dwelling, incorporating the following;

Ground Floor;

- Two bedrooms and study;
- 'Media' and family rooms;
- Double garage with access from the common driveway;
- Laundry and bathroom; and
- Terrace.

Upper Level;

- Two bedrooms (main with ensuite and walk-in-robe);
- Open plan kitchen/living/dining area;
- Bathroom; and
- Balcony.

Outside of the building footprint, it is proposed to accommodate associated earthworks and retaining walls, driveway paving, paved terrace and landscaping.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	8 (eight) properties were notified during the Category 3 public notification process.
Representations:	1 representation was received by Council.

Persons wishing to be heard:	Dr Maria Tomasic
Summary of representations:	Concern the site has been previously filled, that fill should be removed and no soil should encroach into adjoining property to east. <i>Refer Attachment IV</i>
Applicant's response:	Refer Attachment V

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Hills Policy Area 11

Objectives

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

Desired Character

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

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

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

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

Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly

reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.

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

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

PDC 1	The following forms of development are envisaged in the policy area: ▪ detached dwelling ▪ group dwelling	Satisfies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Satisfies Refer comments below
PDC 3	Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.	Partially Satisfies Refer comments below
PDC 5	Development that would be prominently visible from the Adelaide Plains should: (a) achieve a profile that blends with the topography of the land (b) avoid the use of bright and highly reflective external materials and finishes (c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.	Satisfies Refer comments below
PDC 6	Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by: (a) incorporating stepping in the design in accordance with the slope of the land (b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.	Satisfies Refer comments below

Assessment

The subject proposal seeks to construct a group dwelling, as the dwelling will be one of two dwellings, one of which (the subject dwelling) will not have a frontage to a public road. The dwelling is to be sited on an existing allotment of some 900 square metres. In this regard, the proposal is consistent with the density envisaged within the Policy Area. (It is acknowledged that density is also measured by site coverage, setbacks to boundaries and the height, bulk and scale of buildings – these are discussed throughout this report).

Earthworks

The Policy Area emphasises the importance of development to be “sensitive to the...topography of the area”, so that “the amount of cutting and filling...is minimised”, preferably via a split-level design.

Further, important features of natural character, such as watercourses and steep gullies “warrant protection from inappropriate development and earthworks”.

The site incorporates a steep grade of approximately 14% (1:7). Up to 450mm of exposed cut and up to 1.5 metres of exposed fill is sought to accommodate the proposed dwelling.

In my view, the design of the dwelling has made an acceptable attempt at reducing and avoiding inappropriate earthworks and being sensitive to the topography of the land, albeit more could be done to reduce earthworks, in particular, filling.

A majority of the proposed cutting of the land will be concealed by a small retaining wall south of the proposed garage – a height of which does not constitute ‘development’ pursuant to the Development Act.

The exposed cut will not be readily visible from adjoining land or the street, and in this regard, will have minimal amenity impacts.

The amount of filling proposed is more considerable. The dwelling and associated terrace will incorporate a floor level up to 1.7 metres above existing ground level and resulting in a retaining wall, to be located along the eastern side boundary, of a maximum height up to 1.5 metres.

The design of the dwelling has sought to reduce the extent of fill by stepping the ‘middle’ part of the building 750mm below the garage, and incorporating a further 300mm step down to the ‘northern’ section of the dwelling. In total, stepping of 1.05 metres is proposed.

Whilst a more traditional split-level floor plan may be more appropriate over the steep land grade, an additional technique employed to address the extent of fill includes incorporation of a deep-end rebate along the eastern façade – assisting to reduce ‘exposed’ fill required by approximately 900mm in height.

Furthermore, ground level around the northern and eastern parts of the dwelling will be graded down, assisting to reduce the overall height of retaining along the eastern side boundary which will tapers down to meet existing ground level at the intersection of the northern and eastern property boundaries.

To this end, the height of retaining is generally in accordance with that sought in the Hills Policy Area and General Section: Sloping Land provisions of the Council’s Development Plan.

Furthermore, the exposed retaining structures are not located in close proximity to habitable rooms or primary areas of private open space of adjoining properties. It is also likely that a dwelling on Lot 7 will orientate living areas and open space to the north (to maximise solar gain and to capture attractive views). As such, I do not consider the extent of fill to have an unreasonable impact upon adjoining land by way of overlooking or excessive building height (discussed further below).

In conclusion, the extent of earthworks required to accommodate the building is acceptable and in general accordance with that sought for the locality.

Amenity

The Policy Area seeks for dwellings of more than one storey to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the land”, be split level “to reduce visual bulk” and “[set] back the upper storey...from...the lower storey”. Buildings should “pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development”.

The dwelling incorporates a height above ground level exceeding 9.0 metres (refer 'Building Height' assessment below); and in contravention of that sought in the Policy Area, pursuant to Zone Principle 7.

The nearest neighbouring dwelling is that sited at Lot 1/36 Trumara Road. That dwelling is separated by approximately 13 metres from the proposed building and designed to take advantage of views in a northerly direction; not towards the subject land.

The dwelling located at 38-40 Trumara Road is separated by some 35 metres, with dense vegetation positioned between the proposed and existing dwelling.

The dwelling located at 42 Trumara Road is separated by some 40 metres, with dense vegetation between.

(Further discussion regarding the impact of the proposed dwelling upon the amenity of adjoining land with reference to view loss is discussed below).

The proposed dwelling maintains appropriate setbacks from the property boundaries to ensure no unreasonable overshadowing of adjoining land, or that the amenity of neighbouring properties is not unduly affected by the height, size or location of the building.

Impact on landscape

The Desired Character statement of the Policy Area seeks that buildings do “not dominate the landscape” via bulk and scale.

When considering whether the dwelling “dominate[s] the landscape” via bulk and scale, the level of articulation afforded to the building is acknowledged. Further, the dwelling will be no less than 1.9 metres below the roof ridge of the adjacent dwelling to the west (1/36 Trumara Road), and only 1.7 metres above top of kerb level where the common driveway meets Trumara Road; significantly lower in height than those dwellings on the southern and western sides of Trumara Road in close proximity. As such, the dwelling will be ‘back-dropped’ by the hill to the south, and will not protrude above the highest part of ground level in the locality.

The pitched roof form of the dwelling complements the slope of the land, softening the built form and reducing the prominence of the dwelling within the local landscape, as sought by Policy Area Objectives 2 and 3, the Desired Character statement and Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

As such, it is my view that the dwelling will not “dominate” the landscape for the reasons listed above.

Environmental impacts

The Objectives, Principles and Desired Character of the Policy Area seek for minimal environmental impacts, and encourage the revegetation of land. The Desired Character statement also seeks for the employment of natural materials and the avoidance of bright and reflective colours and materials.

At present, the subject land is relatively free from substantial vegetation. What does remain is a mix of native (not endemic) and exotic plant species. The development of the site will provide an

opportunity for the land to be revegetated, assisting in minimising erosion and complementing the natural setting of the site.

The dwelling comprises a mix of colours and materials that will present an attractive development, complementary to a number of more recently-constructed dwellings within the locality.

It is likely that some reflection will occur from the windows of the dwelling, however the generous eave overhangs and verandah and balcony elements will provide shading to glazing for a large proportion of the day.

The use of 'basalt' (dark grey) roofing will soften the appearance of the dwelling within the landscape, and the use of 'vintage beige' for the building render is also an appropriate selection.

If the 'Scyon Matrix Cladding' on the western facade is of a high sheen finish (rather than matte), it is likely to be reflective; failing the Desired Character.

To this end, it has been included as a recommended condition of consent that the 'Scyon Matrix Cladding' is of a matte finish.

Loss of view

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land if the proposed development is approved. In assessing the loss of views, I have not only had regard to the Marion Council Development Plan, but also relevant decisions of the Environment, Resources and Development (ERD) Court and Supreme Court.

In assessing the potential loss of views, it is my opinion, that the two properties most affected by the proposed development are those located at 42 Trumara Road, and to a lesser degree, 38-40 Trumara Road.

In the Supreme Court judgment of *Hutchens v City of Holdfast Bay*, Justice DeBelle stated that, when determining whether to grant consent to a new building which will obstruct views enjoyed by existing developments, regard *"must be had to the nature and extent of the view, the extent to which the view will be obstructed by the proposed development, and the reasonableness of the proposal as determined by reference to planning controls"*.

Justice DeBelle endorsed a four-part test for the assessment of a development which would result in the obstructing of views of existing developments. In the interests of brevity, these are;

- Step 1: Assess the views to be affected (i.e. water, land, coast etc);
- Step 2: Consider from which part of the property the views were being obtained;
- Step 3: Assess the extent of impact of the loss of views; and lastly
- Step 4: Assess the reasonableness of the development proposal.

The following assessment considers the potential loss of view experienced by those properties identified, following the four-part test.

Introduction

Prior to undertaking a views assessment, I believe it is of value to recognise that the subject property is a private parcel of land, divided in 2010. The owner/s of the allotment has a right to develop the property for a residential dwelling, in general accordance with the Council's Development Plan.

Given the fact that adjacent dwellings are designed to take advantage of views over the subject land, and that two storey dwellings are envisaged in the Policy Area, any two storey dwelling on the subject land will have an impact upon the outlook currently available to adjacent properties.

I believe it is also worthwhile providing context to the Debelle J decision to the City of Marion. In *Alexander & Anor v The City of Marion* [2010] SASC 86, Bleby J stated that “[i]t should be noted that in *Hutchens v City of Holdfast Bay* the relevant Development Plan contained many more specific provisions relating to protection of coastal views...” (para 19). It was further stated that “[the] protection of coastal views receives less attention in this [Marion Council] Development Plan than in some others” (para 23).

This is not to say that view loss should not be considered – the Marion Development Plan nonetheless contains principles relating to the protection of amenity (Design and Appearance PDC 2(a), Siting and Visibility Obj 1, PDC 1, PDC 2, PDC 3 and PDC 4, Sloping land Obj 1 and PDC 2 and Hills Policy Area 11 Desired Character). However, it is also appropriate to conclude that the protection of views, as is now an established planning consideration, can be given less weight where the applicable Development Plan places less importance on such matters.

42 Trumara Road, Marino

Views currently available from this dwelling span from the north-west to the north-north-east (in a clock-wise direction), and are available from the upper level comprising a living and dining area and adjacent balcony. Attractive views are also available through a large clearstory-type window when viewed from the kitchen and adjacent meals area, which are located somewhat centrally within the building. There are other rooms to the rear of the dwelling (ground floor lounge room and bedrooms), however, views are not available due to dense vegetation on the adjoining land.

The lounge and dining area have large north-facing windows to take advantage of the view, whilst the adjacent balcony, albeit not of generous proportion, nonetheless affords the same view.

Views comprise the waters of Gulf St Vincent and to almost due north, over the subject land, the Adelaide metropolitan coastline – spanning from south Brighton to Port Adelaide. Of the available view, based upon the Debelle decision, there are ‘icons’, being the jetties of Brighton and Glenelg, the Glenelg ‘skyline’ and other structures. Views to the north-north-east are of the Adelaide metropolitan area; attractive but not incorporating any distinguishing features/‘icons’.

Views can be gained in a sitting and standing position, albeit when one is standing, views are more expansive. In addition, the views available are more generous, the further north one is within the building or on the balcony.

The information provided by the applicant, assuming as I must that it is accurate to the best of their knowledge, provides adequate understanding of the height of the proposed dwelling in relation to the adjacent dwelling at 1/36 Trumara Road and the street kerb level, which provides context in respect to the extent of view loss likely to be experienced from 42 Trumara Road and 38-40 Trumara Road.

This information has allowed me to conclude that the uppermost part of the dwelling (roof ridge) at 1/36 Trumara Road maintains an AHD (Australian Height Datum) level of 84.43 (based upon the plans approved for that dwelling). The proposed dwelling has a maximum height of 82.55 AHD (measured to the top of the skillion roof pitches). As such, when considering the extent of view loss, one can assume that the proposed dwelling will be located no less than 1.88m below the top roof ridge of the building at 1/36 Trumara Road.

From my calculations, when standing at the northern end of the living room/dining room or on the balcony of the dwelling at 42 Trumara Road, the proposed building will not remove any available view, due to that portion of the view currently being screened by a Eucalypt tree on the adjoining property. In the event this tree was to be removed, it is likely the proposed dwelling would screen the lower/southern-most part of the water view.

Whilst some view impact is likely, and will be greater when experienced from a sitting rather than standing position, from my calculations, the 'icons' within the view; Brighton and Glenelg jetties, and a high percentage of the water view will be maintained at both a sitting and standing position (refer photo below and Attachment VI).



In conclusion, it is my opinion that the impact of view loss from the upper level of 42 Trumara Road will be minor.

In the event that I am wrong, and the building is to sit higher in the landscape than I have calculated, when one is at a standing position on the upper level of the dwelling at 42 Trumara Road, view of Brighton jetty (an 'icon') (and therefore Glenelg jetty) is nonetheless likely to be maintained (from a standing position).

To prevent view of Brighton jetty would result in the building incorporating a height some 2.0 – 3.0 metres higher than I have calculated. Given the information available to me, and assuming the dwelling at 1/36 Trumara Road has been constructed at the height and levels in accordance with the approved plans (I have no reason to assume or conclude that it has not), I am comfortable that my conclusions relating to view impacts as experienced by occupants of 42 Trumara Road have a high degree of accuracy.

38 – 40 Trumara Road, Marino

Views currently available from this dwelling span from the north-west to the north (in a clock-wise direction), and are available from the upper level comprising a living and dining area and adjacent

balcony. Attractive views are also available from ground level to the north of the building, however, views are not as extensive due to dense vegetation on the subject land.

The lounge and dining area have large north-facing windows to take advantage of the view, whilst the adjacent balcony affords the same view.

Views available comprise the waters of Gulf St Vincent and to almost due north, the Adelaide metropolitan coastline – spanning from south Brighton to Port Adelaide. Of the available view, based upon the Debelle decision, there are ‘icons’, being the jetties of Brighton and Glenelg, the Glenelg ‘skyline’ and other structures.

Views can be gained in a sitting and standing position, albeit when one is standing, views are ‘improved’. Further, the views available are more generous, the further north one is within the building.

The proposed dwelling is likely to remove part of the ocean horizon and dwellings in the foreground when viewed in a north-westerly direction. It may be that the setting sun is obscured from view during certain times of the year – most likely around the equinox. However, the more attractive views; those of the larger in-tact view of the Gulf St Vincent and of the Adelaide metropolitan coastline will be unaffected by the proposed dwelling (see below and Attachment VI).

As such, it is my opinion the proposed dwelling will have a minor impact upon the views currently enjoyed from 38-40 Trumara Road, Marino.



Following the Debelle decision, one must also consider the reasonableness of the proposal, having regard to the relevant planning controls.

Building height and Natural Ground Level

Following the legal interpretation of ‘building height’ as contained within Schedule 1 of the Development Regulations 2008, to find ‘building height’, one must measure the vertical distance from the highest point of the building (excluding antennae and the like) to the lowest part, or to natural ground level; whichever is the lower. These two points need not be directly above/below one another.

Prior to calculating 'building height', one must first identify natural ground level. In this matter, natural ground level is difficult to decipher.

Council's records identify a previous owner of the land, in 1986, was granted consent to place up to 10 metres on fill on (what was then) 36 Trumara Road, Marino. Details provided in that application identify that the fill was intended to be placed towards (what is now) the northern 'quarter' of Lot 8, and over the southern 'half' of Lots 6 and 7.

To further complicate matters, the more recent owner of the land (not the current owner) has advised that often when clearing the land of weeds, a grading machine (or similar) was used to scrape the top layer of soil (and weeds), which was pushed towards the eastern boundary of the land. (This activity is exempt from the definition of 'development' and as such, did not necessitate prior Council authorisation).

It is clear when one is standing adjacent the eastern boundary of the subject allotment, that considerable fill has been placed on the land over time. A rather steep embankment, of approximately 3 – 4 metres in height is evident on or near that boundary.

From cross-referencing Council's records regarding the grade of the land, it appears the fill placed, and any subsequent alteration of ground level has resulted in a 'softening' of the grade of the subject property – excepting the embankment adjacent the eastern boundary. From my calculations, I have concluded that there is up to (approximately) 3.5 metres in height of fill on the land, located towards the north-east corner of the property.

Based upon this conclusion, it is my view there are three ways to consider the height of the building;

1. Measure the highest point of the building relative to (assumed) *natural* ground level (ground level prior to any authorised filling) based upon Council's records, directly below the footprint of the proposed dwelling; or
2. Measure the highest point of the building relative to *existing* ground level based upon the survey documentation provided with this application, directly below the footprint of the proposed dwelling; or
3. Measure the height of the building in accordance with Residential Zone Principle 7, which in my opinion does not require the same measurement as is required when determining 'building height' pursuant to Schedule 1.

I shall explain each below.

Approach #1

From the best of my abilities with the information available to me, it is my opinion that below the footprint of the proposed dwelling, the lowest point of ground level that existed prior to the filling in 1986 (and any subsequent works since) has a level (relative to the proposed site/floor levels in this application) of (approximately) 70.5. The highest part of the dwelling incorporates a level of 82.55 (top of skillion roof pitches).

The building therefore, measured to its highest point, incorporates a building height of 12.05 metres above *natural* ground level.

Approach #2

The lowest part of existing ground level below the proposed dwelling footprint incorporates a level of 72.30. As such, the building, measured to its highest point (82.55), incorporates a building height of 10.25 metres above *existing* ground level.

Approach #3

Residential Zone Principle 7 states the “maximum building height (from natural ground level)” should not exceed 9 metres.

In my view, to consider whether a proposal satisfies Principle 7, one must identify a point 9 metres above natural ground level. This point should run parallel with ground level over the entire building footprint. The intent of the Principle is that the building would not protrude through the 9.0 metre line.

I appreciate this position is different to the approach taken for ‘Building Height’ as per Schedule 1 of the Development Regulations, however, the ‘Parameter’ in Zone Principle 7 comprises different wording.

Whether ‘natural ground level’ should reference what was the ground level of the land before it was disturbed in any way by excavation, levelling or filling, or whether it can include the authorised filling of the land in 1986 (and/or any subsequent works) is of importance.

For the purposes of this approach, I will identify both the height above natural ground level (based upon my calculations of ground level prior to the 1986 authorisation for fill) and the height above existing ground level.

Maximum building height – from natural ground level

When applying the contours of natural ground level over the dwelling footprint, due to the diagonal cross-fall of the slope over the footprint, most of the eastern part of the building exceed 9.0 metres above natural ground level, whilst the western parts do not.

For the benefit of the Panel, the images below identify;

- (a) The contours of natural ground level over the dwelling footprint (contour plan copied from plan submitted in 1986);
- (b) The natural ground level at the eastern elevation and a 9.0 metre line above that point; and
- (c) The natural ground level at the western elevation and a 9.0 metre line above that point.

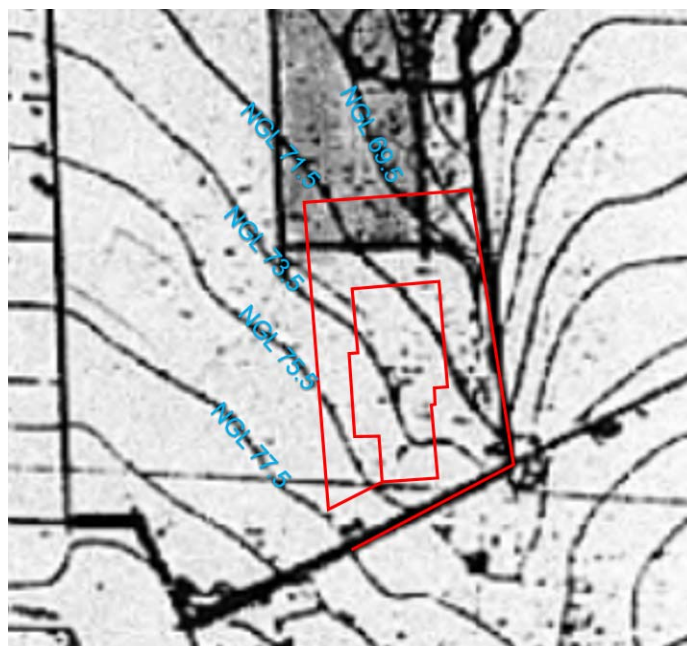


Image (a) Natural ground level contours in 1986 with proposed dwelling footprint overlayed (levels have been assumed by administration – reference point being existing ground level at north-west corner of land)

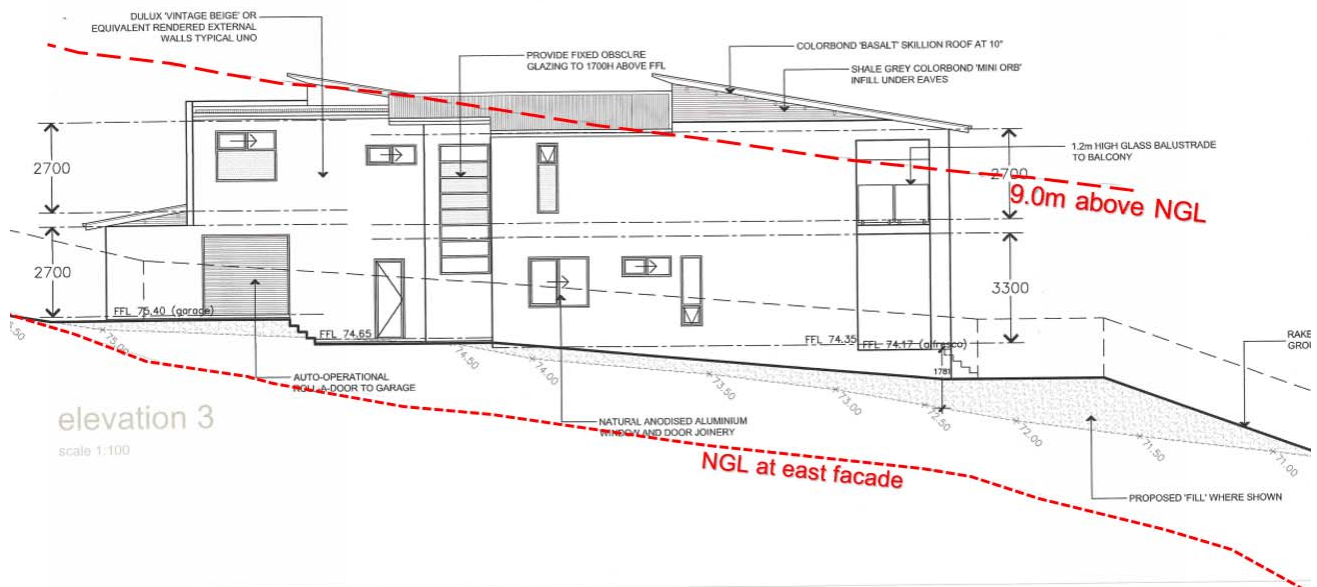


Image (b) Natural ground level contours at eastern façade and 9.0m height directly above (approximate levels prepared by administration)



Image (c) Natural ground level contours at western façade and 9.0m height directly above (approximate levels prepared by administration)

As can be seen from the images above, when viewed from the east, the building has a height well exceeding 9.0 metres above natural ground level (up to 11.1 metres – measured vertically), whereas when viewed from the west, the building is no more than 9.0 metres above natural ground level.

Maximum building height – from existing ground level

Based upon my approach (where a point measured 9.0m vertically above ground level is applied), the dwelling incorporates a maximum height of 9.05 metres above existing ground level. This point is the south-eastern corner of the highest part of the northern skillion pitch. Approximately 2.0 square metres of this roof is located 9.0 metres above ground level – the remainder of the building measures less than 9.0 metres when measured directly vertical to ground level below. As such, of

the dwelling's 272 square metre footprint, 0.7% of the building exceeds a height of 9.0 metres above ground level.

If I am wrong in my approach, and the measurement of building height in Zone Principle 7 should be calculated as per the recognised methodology as per Schedule 1, it is acknowledged the building incorporates a maximum height above existing ground level of 10.35 metres – measured at the northern end of the southern skillion roof to the lowest part of ground level – at the north-east corner of the ground level terrace.

If it is the case that natural ground level, prior to any authorised works (or other activities that may have manipulated ground levels (whether requiring consent or not)) is the appropriate measure, the building will incorporate a building height of 12.05 metres above natural ground level.

In conclusion, as Panel members may recall when recently considering the matter of building height on land that had been augmented over time, whilst there may be a number of methods to reach a building height calculation, one must also consider the appropriateness of the height, bulk and presence of the dwelling, and in context with other buildings in the locality.

In this regard, it is my view that the height of the building is appropriate, having regard to the relatively inconsequential impact upon adjoining land, the wider locality and the integrity of the Policy Area.

Boundary setbacks

As can be seen in the table below, the dwelling generally meets or exceeds the side and rear setbacks sought in the Policy Area.

Building bulk/scale

The proposed dwelling is an attractive building, with a reasonable level of articulation provided to the front and side elevations; breaking up the bulk of the building when viewed from the south and north.

Whilst it is appreciated the rear elevation offers limited articulation, this eastern façade is sited adjacent a densely vegetated, steep part of the adjacent property. As discussed earlier in this report, I do not consider the building setbacks, or design of the eastern facade will have an unreasonable impact upon adjoining land.

Further, the bulk and scale of the dwelling is akin to a number of new dwellings to be found within the locality, and as such, is considered an appropriate building in context with the locality.

Site coverage and floor area ratio

The dwelling incorporates a site coverage of 30% and a floor area ratio of 0.36. These figures indicate the dwelling does not extend over a large proportion of the property; reinforced by the fact that over 50% of the land is provided as private open space.

Conclusion

In conclusion, view from the dwelling at 42 Trumara Road will be marginally impacted. View from 38-40 Trumara will also be minor in nature.

I do not consider the impact of views/outlook resulting from the proposed building will have an unreasonable impact upon the amenity currently enjoyed by occupants of adjacent land.

I am of the opinion that the proposal finds adequate compliance with the applicable Objectives and Principles and the Desired Character of the Hills Policy Area 11.

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 0.4.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>	<p><u>Site coverage:</u></p> <p>Satisfies 30.2% (272 sq metres)</p> <p><u>Floor area ratio:</u></p> <p>Satisfies 0.363 (330 sq metres)</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</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</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Satisfies</p>
Private Open Space	
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>	<p>Satisfies Approx 450 sq metres (50%)</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.	
<i>Residential Zone: PDC 7</i>			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <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><i>General Section: Residential Development: PDC 16</i></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><i>General Section: Residential Development: PDC 17</i></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 dwelling and capable of being screened for privacy.</p> <p>d) Minimal earthworks are required to accommodate the private open space area.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS areas 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>Partially Satisfies</p> <p>e) The POS areas may be overlooked by the adjacent dwelling to the south-west (Lot 1). However, reasonable separation exists (via the common driveway), whilst there also remains mutual overlooking between the dwellings/properties.</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>			Satisfies

Building Setbacks from Road Boundaries	
<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>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 2 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>Minimum setback to side boundaries 6.7m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report).</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> (a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres) (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Satisfy</p> <p>Min setback 5.83m, increasing to 9.1 metres.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies</p> <p>Although the rear setback does not satisfy the relevant quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the</p>

		shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Building Height		
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>		<p>Does Not Satisfy</p> <p>The proposed dwelling is located on a battleaxe allotment and is two storeys in height. Whilst this offends Principle 2, the intent is to avoid bulky buildings placed 'in the backyard' of adjoining land, in more conventional patterns of division; typically on the Adelaide Plains part of the Council area.</p> <p>Given the substantial separation to adjoining properties, and for the reasons above relating to acceptable visual and privacy impacts, I do not consider the two storey nature of the dwelling to be of such consequence as to warrant refusal of the application.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		Satisfies
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		Satisfies
Parameter	Value	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	
Maximum building height	5 metres	
Maximum height of finished floor level	0.3 metres	Does Not Satisfy Garage floor level is up to 600mm above existing ground level
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Satisfies

Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	Satisfies
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Satisfies
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Satisfies
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. General Section: Transportation & Access: PDC 34		Satisfies 4 (four) on-site parking spaces available
Detached Semi-detached Row	3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
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 dwelling reflects the desired character of the locality, as it incorporates an attractive, articulated design. The dwelling façades incorporate the following elements to enhance their design and appearance: <ul style="list-style-type: none">• Mixture of cladding and render on the front façade• Stepping of upper and lower storeys to minimise building height, mass and proportion• Protruding portico and balcony• Eave overhang and skillion roof form complementary of the slope of the land at a 10 degree slope• Fenestration On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
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		Satisfies The proposed balcony is integrated into the overall building design, with clear glass balustrade on the northern façade that enables line of sight to the common driveway for enhanced surveillance.

<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <ul style="list-style-type: none"> <i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Satisfies</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies</p>
<p>Relationship to the Street and Public Realm</p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Satisfies</p> <p>The dwelling is designed so that the main facade faces the common driveway, presenting an entrance door, portico and habitable windows to the area frequented by residents.</p> <p>The elevations of the dwelling features a mixture of render, 'matrix' cladding and 'mini orb' cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>
<p>Overshadowing</p>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to living rooms of existing dwelling(s) on</i> 	<p>Satisfies</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) A majority of winter shadow will be cast within the front yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.</p>

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

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

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

Partially Satisfies

The dwelling incorporates fixed obscure glazing to 1.7 metres above floor level on the eastern façade. Upper storey windows on the front (western) elevation remain unobscured to provide surveillance to the common driveway, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

The balcony can obtain views of the common driveway via the northern façade, however, a screen (1.5m in height) has been provided on the western façade, which prevents the ability for direct view to the driveway area.

It is acknowledged the balcony, and to a lesser extent, the terrace on the northern side of the building, will gain unimpeded view into the adjoining (vacant) allotment (Lot 7), and on face value, this highly offends Principle 12. Having said this, it is arguable that this Principle has 'work to do' as there is currently no "habitable rooms and private open spaces of dwellings" on this land. However, in my opinion, it would be inappropriate to have no regard to the likely placement of a dwelling and associated private open space of adjoining properties when considering a dwelling/s that incorporate elevated decks and floor levels.

For Member's reference, Lot 7 is owned by the same party as Lot 1 (owner of the whole of the land prior to subdivision in 2010).

Whilst it is not standard practice for administration to accept such overlooking of an adjoining property, whereby the privacy of that property is not demonstrated (and therefore 'committed to') in the same application, I am comfortable that a high level of privacy can be maintained for Lot 7. Council's Development Plan encourages a design whereby the living and private open space areas are located on the northern side of that dwelling/allotment, and given the views/outlook available, it is highly likely the design of a dwelling on this land will do the same.

Whilst not a relevant consideration for the Panel, Members are advised that Lots 1 – 8 incorporate a 'Scheme Description', which dictates the maximum height of a dwelling on each Lot, to provide a reasonable level of northern view to each property. As such, persons purchasing land within the division will be fully aware of the intent for each higher property to gain some view over their land, as they would seek over the land below.

As such, it is considered that whilst the proposed dwelling will overlook Lot 7, reasonable measures can, and are likely to be taken for the design of a dwelling on that land to protect the privacy of the future occupants.

In conclusion, whilst it is accepted that the dwelling does not incorporate treatments to provide privacy to adjoining allotments (within the division), for the reasons above, I do not consider the proposal will result in the unreasonable loss of privacy for the future occupant of Lot 7.

<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Satisfies</p>
<p>Energy Efficiency</p>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Satisfies</p> <p>The dwelling is oriented so that the open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>As identified in the Overshadowing section of this table, the proposed dwelling is designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <ul style="list-style-type: none"> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Satisfies</p> <p>The dwelling incorporates a skillion roof form set at a 10 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Partially Satisfies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Satisfies</p> <p>The application proposes retaining walls varying in height to a maximum 1.5 metres, adjacent the eastern side boundary</p> <p>This retaining height will not unreasonably affect the visual amenity or access to sunlight of adjoining land, whilst it will prevent the erosion and encroachment of soils into adjoining properties.</p>
<h2>Sloping Land</h2>	
<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>General Section: Sloping Land: PDC 2</p>	<p>Partially Satisfies</p> <p>See comments below</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>General Section: Sloping Land: PDC 7</p>	<p>Partially Satisfies</p> <p>See comments below</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>General Section: Sloping Land: PDC 8</p>	<p>Partially Satisfies</p> <p>See comments below</p>

Siting and Visibility

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

General Section: Siting and Visibility: PDC 4

Partially Satisfies
 See comments below

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

General Section: Siting and Visibility: PDC 5

Satisfies
 See comments below

Throughout this report, I have discussed the building's relationship with ground level and the extent of earthworks proposed and have concluded that given the steep slope, the concealed nature of a majority of the cut and the treatment to exposed fill, the proposal is considered acceptable in context to the Objectives, Principles and Desired Character of the Hills Policy Area.

It is acknowledged that more could be done to reduce the extent of fill and therefore the total height of the building – noting the proposal exceeds the maximum height sought in the Policy Area. However, as the building is set well down in the local topography, the height of the building will not be overly apparent from the street or existing dwellings. As identified in the views assessment earlier in this report, the prominence of the building from those properties/dwellings most affected is likely to be minor to moderate.

As such, I am of the view that whilst more could be done to reduce the extent of fill, the resultant impact upon the integrity of the Policy Area, streetscape and amenity of adjoining land is acceptable.

I have previously commented on the roof form of the dwelling, which follows the slope of the land and is set well below the high point of the local topography. The roof pitch will soften the appearance of the building, as well as imitating the slope of the land. The proposal finds compliance with Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

REPRESENTOR'S CONCERNS

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

ANALYSIS/CONCLUSION

The proposed dwelling demonstrates a high level of compliance with Council's Development Plan.

It is acknowledged that the dwelling provides little treatments to protect the privacy of future occupants of the adjoining (vacant) allotment (Lot 7). However, as a future dwelling is highly likely to be designed with the primary living areas and associated private open spaces areas away from the 'overlooked' area (for reasons stated in this report), I do not consider the privacy impacts of the development to be unreasonable.

It is acknowledged that alternative designs could have been pursued to limit the extent of fill. The design of the dwelling has attempted to address the slope of the land – with a total of 1.05 metres stepping between the highest and lowest part of the dwelling floor levels. The extent and height of fill and retaining is reasonable having regard to the applicable Development Plan criteria.

The height of the dwelling exceeds the maximum 9 metres sought in the Policy Area – this measurement varies depending upon the approach to ground level (natural or existing). I do not consider the additional height above 9.0 metres to have a detrimental impact upon the amenity of the adjoining land, nor compromise the integrity of the Policy Area. This dwelling is nestled towards the lower part of the immediate topography, and will not be readily visible from the street.

Further, the proposal will not disrupt the more attractive and in-tact views currently enjoyed from the dwellings and associated balconies of 38-40 and 42 Trumara Road. The preceding assessment has identified that views of 'icons' such as Brighton and Glenelg jetties are highly likely to be unimpeded by the proposed building.

Further to this point, the openness and vista available to both adjacent dwellings will generally remain intact. The extent of view loss likely to be experienced by adjacent dwellings is considered to be minor to moderate. There will not be an 'obliteration' of views, as was the case in *Hutchens v City of Holdfast Bay*.

In conclusion, having regard to the nature of the impacts associated with the development, the restrictive nature of the slope of the land and the compliance of the proposal with a number of design criteria, I am of the view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/1560 for a two storey dwelling, with associated earthworks and retaining walls at 8/36 Trumara Road, Marino be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/1560, except when varied by the following conditions of consent.
- 2. The external finish of the 'Scyon Matrix' cladding shall be dull/matte, to assist in minimising the opportunity for glare/reflection, to the reasonable satisfaction of Council.
- 3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 4. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 5. The stormwater collection and disposal system shall be connected to the common property (inclusive of any system via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

NOTES

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

3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Location Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>Photographs</i>

**REPORT REFERENCE: CAP060618 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 JUNE 2018**



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

CATEGORISATION & DELEGATION

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

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

BACKGROUND

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

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

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

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

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

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

SUBJECT LAND & LOCALITY



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

The subject land slopes gently downwards towards the rear of the allotment and comprises a single storey detached dwelling (circa 1950) fronting Beaumont Street and a detached garage accessed from Thirza Avenue. The subject land is devoid of any regulated trees and the certificate of title confirms that the land is clear of any encumbrances or easements.

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

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

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

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

Refer Locality Map above and Attachments I & II

PROPOSED DEVELOPMENT

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

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

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

Refer Attachment III

PUBLIC NOTIFICATION

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

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <ol style="list-style-type: none"> 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. 		
Northern Policy Area 13		
<p>Objectives</p> <ol style="list-style-type: none"> 1 A policy area primarily comprising low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that minimises the impact of garaging of vehicles on the character of the locality. 4 Development densities that support the viability of community services and infrastructure. 5 Development that reflects good residential design principles. 6 Development that contributes to the desired character of the policy area. 		
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>		
PDC 1	<p><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. 	<p>Satisfies</p> <p>The essential nature of the proposed development has not changed since Development Plan Consent was granted under Development Application Number 100/2015/2243. The proposal remains for four, two-storey row dwellings each presenting to Thirza Avenue.</p>

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Satisfies Residence 1: 38.8%</p> <p>Does Not Satisfy Residence 2: 48.3% Residence 3: 48.7% Residence 4: 48.4%</p> <p><u>Floor area ratio:</u></p> <p>Satisfies Residence 1: 0.54%</p> <p>Does Not Satisfy Residence 2: 0.67% Residence 3: 0.69% Residence 4: 0.62%</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Satisfies (b) the excess in site coverage is unlikely to adversely impact the amenity of adjoining properties.</p> <p>Partially Satisfies (a)&(c) the excess in site coverage results in compromised provision of private open space with regard to shape and dimensions.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Satisfies The proposal is considered to provide sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and waste storage to accommodate the likely needs of the occupants.</p>

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Satisfies

Residence 1: 36.3%
Residence 2: 25.7%
Residence 3: 25.7%
Residence 4: 25.6%

Partially Satisfy

Residence 1: the area of private open space directly accessible from a living room does not achieve the minimum 5 metre dimension in both directions. An area of 4.5m by 5.3m is achieved directly accessible from the living room.

Residences 2, 3 & 4: the area of private open space directly accessible from a living room does not achieve the minimum 5 metre dimension in both directions. An area of 4.0m by 11.11m is achieved directly accessible from the living room.

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Satisfies

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

Does Not Satisfy

- g) The proposed POS areas do not maintain a northerly aspect to provide for comfortable year round use due to the orientation of the allotments. It is however noted that the previously approved proposal also featured south facing areas of POS.

<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 Verandas are not proposed as part of the application resulting in 100% of POS being open to the sky.</p>
<h3>Building Setbacks from Road Boundaries</h3>	
<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 All dwellings: 4.76m</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 4.76 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p> <p>It is noted that four, two-storey row dwellings on adjoining land at 15 Percy Avenue (also fronting Thirza Avenue) have received Development Approval with a front setback of 5m to the main face and 5.5m to the garages of the dwellings.</p>
<h3>Side Setbacks</h3>	
<p><i>Minimum setback from side boundaries:</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>Residential Zone: PDC 6</i></p>	<p>Satisfies Residence 4: 3.25m</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>
<h3>Rear Setbacks</h3>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>Ground floor - Residence 1: 6.65m for 23% the width of the rear boundary 4.5m for 12% the width of the rear boundary 3.4m for 41% the width of the rear boundary</p> <p>Ground floor - Residence 2 & 3: 6.65m for 30% the width of the rear boundary 4.5m for 15% the width of the rear boundary 3.4m for 54% the width of the rear boundary</p> <p>Ground floor - Residence 4: 6.65m for 31% the width of the rear boundary</p>

	<p>4.5m for 15% the width of the rear boundary 3.4m for 54% the width of the rear boundary</p> <p>Does Not Satisfy First floor – all dwellings: Minimum setback of 7.88m achieved</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></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>Garages, Carports, Verandas and Outbuildings</p>	
<p>Parameter</p>	<p>Value</p>
<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></p> <p>Satisfies All dwellings: 5.96m (1.2m behind the main face of the dwellings).</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) building height, mass and proportion</p> <p>(b) external materials, patterns, colours and decorative elements</p> <p>(c) roof form and pitch</p> <p>(d) façade articulation and detailing</p> <p>(e) verandas, eaves, parapets and window screens.</p> <p>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>	<p>Satisfies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of face brick at ground level, and rendered brickwork at first floor level on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding porticos • Eave overhang and pitched roof form at 25 degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof with face brick (ground floor) rendered brick (first floor) facades. The garage of each dwelling features a Colorbond panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <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><i>General Section: Residential Development: PDC 6</i></p>	<p>Satisfies</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies</p>
<p>Relationship to the Street and Public Realm</p>	
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Satisfies</p>
<p>Energy Efficiency</p>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Partially Satisfies</p> <p>The dwellings are oriented such that their open spaces and open plan meals/kitchen areas face south providing limited exposure to winter sun.</p> <p>The dwellings do however comprise a lounge room at ground floor, bedrooms (ground floor and first floor) and a retreat (first floor) that all face north providing exposure to winter sun.</p> <p>In addition, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>

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

	Criteria		Res 1	Res 2	Res 3	Res 4
Site coverage	40%	Proposed:	38.8%	48.3%	48.7%	48.4%
		Previous:	34.5%	45%	45%	44.4%
		Change:	+4.3%	+3.3%	+3.7%	+4.4%
Private open space (POS)	20%	Proposed:	36.3%	25.7%	25.7%	25.6%
		Previous:	35.95%	26.7%	26.7%	26.8%
		Change:	+0.35%	-1.0%	-1.0%	-1.2%
	Should include a minimum area measuring 5m x 5m and be directly accessible from a living room	Proposed:	4.5m x 5.3m	11.11m x 4.0m		
		Previous:	5.5m x 5.5m achieved for each dwelling			
Change:		See discussion below				
Floor area ratio	0.6	Proposed:	0.54	0.67	0.69	0.62
		Previous:	0.52	0.68	0.68	0.67
		Change:	marginal increase	marginal decrease	marginal increase	marginal decrease
Front setback	Average of adjoining dwellings	Proposed:	4.76m			
		Previous:	5.0m			
		Change:	-0.24m			
Garage setback	5.5m and behind/in line with main face	Proposed:	5.96m			
		Previous:	5.5m			
		Change:	+0.46m			
Rear setback (ground floor)	6m (may be reduced to 3m for no more than 50% the width of the rear boundary)	Proposed:	6.65m for 23%, 4.5m for 12% & 3.4m for 41% of width of boundary	6.65m for 30%, 4.5m for 15% & 3.4m for 54% of width of boundary	6.65m for 30%, 4.5m for 15% & 3.4m for 54% of width of boundary	6.65m for 31%, 4.5m for 15% & 3.4m for 54% of width of boundary
		Previous:	6m for 37%, & 3.7m for 39% of width of boundary	6m for 49%, & 3.7m for 50% of width of boundary	6m for 49%, & 3.7m for 50% of width of boundary	6m for 49%, & 3.7m for 49% of width of boundary
		Change:	See discussion below			
Rear setback (first floor)	8m	Proposed:	7.88m			
		Previous:	8m			
		Change:	-0.12m (120mm)			
Side setback (first floor)	2m	Proposed:	n/a			2.0m
		Previous:	n/a			3.25m
		Change:	n/a			- 1.25m

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

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

TABLE DISCUSSION

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

Whilst the rear setback of the dwellings continues to satisfy the numerical Development Plan criteria for minimum rear boundary setbacks, the variation has resulted in changes to the shape, and subsequently the functionality, of the private open space (POS) at the rear of each of the dwellings. Whilst the previous configuration of the dwellings achieved a minimum area of private open space measuring 5.5 metres by 5.5 metres at the rear of each dwelling, the variation achieves areas measuring 4.5 metres by 5.3 metres for Residence 1 and 11.11 metres by 4.0 metres for Residences 2, 3 & 4. Whilst a minimum area of private open space measuring 5.0 metres by 5.0 metres directly accessible from a living room has not been achieved, the shape and dimensions of the areas of private open space are considered to be sufficient to accommodate the likely needs of occupants. In addition, each of the dwellings continues to exceed the minimum numerical standard of 20% private open space as of the total allotment area by 16.3%, 5.7%, 5.7% and 5.6% for Residences 1, 2, 3 & 4 respectively.

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

ANALYSIS/CONCLUSION

The changes made to the previously approved plans are relatively minor and are likely to improve the streetscape outcome of the proposal through a considered approach to the articulation of building form, selection of materials and by providing clearly defined entrances to each of the dwellings.

Whilst amendments to the internal layouts of the dwellings has resulted in an increase in the site coverage of each dwelling, a reduction in the rear setback of each dwelling and subsequent changes to the shape of the private open space provided at the rear of each dwelling, the areas of private open provided are likely to be sufficient to accommodate the needs of occupants with regard to their area, shape and overall functionality.

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.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/2290 to vary Development Application 100/2015/2243 – four, two-storey row dwellings - amendments to building setbacks, materials and colours and internal layouts at 15 Beaumont Street, Clovelly Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the amended plans and details submitted with and forming part of Development Application No.100/2015/2243 (being drawing numbers 1 through 15) prepared by Southern Homes dated as received 7 May 2018, except where varied by the following conditions of consent.
- 2. A revised, 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, stormwater disposal details, and the location of all existing street infrastructure and street trees.
- 3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. 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.
10. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.

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. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

**REPORT REFERENCE: CAP060618 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 JUNE 2018**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	D'Andrea & Assoc
Development Description:	Three single storey row dwellings
Site Location:	10 Tennyson Avenue, Plympton Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	07/11/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	None
Application No:	100/2017/2097
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii) and (iv)) of the Development Regulations 2008, which assign the construction of single storey dwellings, and the construction of 3 or more row dwellings as Category 1 development respectively. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

During the assessment process of this application, Council staff were generally satisfied with the proposal. In writing to the applicant regarding street trees and requesting information, staff suggested that the applicant consider modifications be made to the proposal plans to increase the proposal's level of compliance with Council's Development Plan. These suggestions and requests are detailed in the tables below:

Amendments Suggested	Amendments Made
That site coverage be reduced from 54.7%, 54.7% and 57.2% respectively.	Site coverage has mostly been reduced and now measures at 52.1%, 55.5% and 55.6% respectively.
That opportunities to increase rear setback be investigated and considered.	Limited change to rear setback has occurred; Council staff remain satisfied. A small portion of Dwelling 3's rear setback has been changed over previous revisions.
Required that crossover locations be amended to accord with Arborist's advice relating to street trees.	Crossover locations amended accordingly.

Information Requested	Information Provided
Fully engineered site works plan.	Provided.
Clarification on minor points regarding built form and access.	Clarification provided.

SUBJECT LAND & LOCALITY



The subject land, forming Lot 246 on the Certificate of Title, is located on the south-western corner of the intersection between Tennyson Avenue and Byron Avenue, and is rectangular in shape. It comprises a frontage of 14.32 metres to Tennyson Avenue, a secondary frontage of 38.1 metres to Byron Avenue, and incorporates a 3-by-3 metre corner cut-off. The subject land's depth is generally 17.37 metres from east-to-west and 41.14 metres from north-to-south, comprising a total site area of 708 square metres.

The subject land is relatively flat and contains a 1960's era brick dwelling in average condition with an attached addition and verandah to the rear and an attached carport to the side, built with a brick wall to the boundary of the secondary street frontage. The subject land also contains a freestanding verandah and two small garden sheds at the rear. The Certificate of Title confirms the land is clear of any encumbrances or easements. There are no regulated or significant trees which have been identified on site. Vehicular access to the land is obtained primarily from a crossover at the corner of the street intersection, with access also available to the rear of the site from a separate crossover onto Byron Avenue.

The original character of the locality, being typically single storey detached dwellings on large allotments, is in a stage of transition where varied dwelling types and forms at higher densities are becoming apparent. As such, numerous original properties within the locality have been redeveloped into two or occasionally three dwellings, in the form of mostly detached and semi-detached dwellings in typical modern styles of one or two storeys. Isolated examples of other dwelling types within the locality include three group dwellings in a battle-axe configuration which are under construction opposite the subject land on Tennyson Avenue, and three, two storey row dwellings at 10 Byron Avenue which are near completion. Redevelopments on corner sites within the locality often reorient dwellings to the secondary street frontage and generally display lesser front setbacks to that frontage than adjacent original dwelling stock and of mid-streetscape redevelopment.

The subject land is a 300 metre walk from Plympton Park Oval, which incorporates a large recreational oval and playground. It is also near public transport options, with the nearest bus stop on Ferry Avenue a 100 metre walk, offering a service between the City and Marion Regional Centre. Other transit options include the Glenelg-City tram line, where Plympton Park Stop 11 is a 600 metre walk, and further bus services on Marion Road, also a 600 metre walk, adjacent to the South Plympton Neighbourhood Centre Zone which offers a variety of shops and services.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development is the construction of three single storey row dwellings. Each dwelling will orient its primary frontage and access onto Byron Avenue. It is anticipated that the existing dwelling and associated structures will be demolished to enable the proposal to be undertaken – however this has not been applied for within this application.

Each dwelling will contain three bedrooms, two bathrooms (one ensuite), an open plan kitchen/living/dining area with direct access to alfresco and private open space, and a single garage with inbuilt laundrette. Each dwelling's forward two bedrooms will present their windows to the street on either side of the front entry door, which are each located beneath a portico which varies in style from dwelling to dwelling.

The proposed earthworks are predominantly fill, with associated boundary retaining walls indicated to be no greater than 0.2 metres in height. The proposal plans specify a 'light weight rendered fence' of 1.8 metres in height to the proposed secondary street frontage, being Tennyson Avenue. Access is proposed to be achieved by three separate single-width crossovers onto Byron Avenue,

one for each dwelling. The location of Dwelling 1's proposed crossover will require the removal of a street tree, which Council's Arborist has nominated as suitable for removal.

A detailed landscaping schedule nominates four different species of plantings to be placed across the site, in both front and rear yards, including two *Manchurian pears* per front yard, and one per rear yard.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

<p>Arborist:</p>	<p>Provided advice regarding the numerous street trees adjacent the subject land's Byron Avenue frontage, summarised below:</p> <ul style="list-style-type: none"> • The second northern-most tree adjacent the subject land's Byron Avenue frontage be maintained at a clearance of 2.1 metres to crossovers and any other works across the verge. • The third and fourth northern-most trees adjacent the subject land's Byron Avenue frontage may be removed subject to payment. • The southern-most tree adjacent the subject land's Byron Avenue frontage be maintained at a clearance of 2 metres to crossovers and any other works across the verge. <p><i>Note:</i> The applicant has amended crossover locations to require the removal of the third northern-most tree, subject to payment if consent is granted. All other street trees will be retained at their required clearances.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>
Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Satisfies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies See further comment below.
PDC 3	<i>Minimum Site Area: 250m²</i>	Does Not Satisfy D1: 245m ² D2: 230m ² D3: 234m ²
	<i>Minimum Frontage: 7m</i>	Satisfies D1: 14.14m D2: 13.24m D3: 10.72m
	<i>Minimum Depth: 20m</i>	Does Not Satisfy D1: 17.37m D2: 17.37m D3: 17.37m, reducing to 14.32m only adjacent to the corner cut-off.

Assessment

The application proposes to increase the subject land's density from one dwelling into three. Objective 1 of Northern Policy Area 13 seeks for low scale, low-to-medium density housing, while Objective 2 of the Residential Zone desires increased dwelling densities close to centres, public transport and public open spaces. The subject land is situated in walkable proximity to a significant portion of each of these attributes – with a large area of public open space within 300 metres of the subject land, public transportation options between 100 and 600 metres away, and the South Plympton Neighbourhood Centre Zone located 600 metres away.

The proposal is considered to reflect the Objectives and Desired Character of both the Residential Zone and the subject Policy Area, given that it will replace the existing housing stock with greater density development and will introduce a greater range of dwelling types to the locality, while remaining mindful of the existing streetscape character and demonstrating good residential design principles.

Nevertheless, the proposal does display numerical shortfalls with respect to minimum site area and site depth, and these are discussed below, with the above in mind.

Site Area

Each proposed allotment incorporates a site area under the minimum 250 square metres sought for row dwellings within the Northern Policy Area 13. The allotments measure at 245 square metres for Dwelling 1 (2% undersized), 230 square metres for Dwelling 2 (8% undersized), and 234 square metres for Dwelling 3 (6.4% undersized). The total site area of the subject land is 708 square metres, which is 42 square metres (5.6% undersized) short of the minimum sought for row dwellings within the Policy Area (750 square metres).

The subject land, being a corner site, in addition to its location in proximity to public features, is considered to be an appropriate site for the proposed low-medium density development, which is slightly denser than may otherwise be sought by the Policy Area for less opportune sites. Furthermore, while low-medium density, the proposal's wide frontages, dwelling design and proposed landscaping contribute to the appearance of a low scale built form, as sought by the Policy Area.

Depth

Each allotment accommodates a depth of 17.37 metres, which is 2.63 metres short of that sought within the Policy Area. The quantitative shortfall in front and rear setbacks can be somewhat attributed to the lack of allotment depth. However, as discussed further within the report, the dwellings are nevertheless considered to achieve qualitatively acceptable front, side and rear setbacks, in addition to adequate dimensions and area of private open space. As such, it is considered the achievements of these provisions does not affect the functionality of the site, nor compromise neighbouring amenity, and therefore the shortfall in allotment depth is not considered fatal to the proposal.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Site coverage:</p> <p>Does Not Satisfy D1: 52.1% (127.6m²) Excl. alfresco: 47.1% D2: 55.5% (127.6m²) Excl. alfresco: 50.1% D3: 55.6% (130.1m²) Excl. alfresco: 46.6%</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> (a) would not be contrary to the relevant setback and private open space provisions (b) would not adversely affect the amenity of adjoining properties (c) would not conflict with other relevant criteria of this Development Plan.</p> <p><i>Residential Zone: PDC 9</i></p>	<p>Partially Satisfies Whilst the proposed setbacks do not meet the relevant setback provisions, as discussed further within the report, they are considered appropriate.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.</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>Satisfies 25.6% (181m²)</p>

Site coverage for the proposal is somewhat high, with Dwellings 1, 2 and 3 demonstrating site coverage of 52.1%, 55.5% and 55.6% respectively, which notably exceeds the Policy Area's desired 40% maximum. The excess in site coverage, in this instance, is considered acceptable given that each proposed dwelling is considered to demonstrate acceptable setbacks, appropriate areas and dimension of private open space, and each satisfy the majority of other criteria of the Plan, without compromising neighbouring amenity or resulting in an undesirable outcome for future occupants of the proposal itself.

Due to the requisite nature of row dwellings forming a single building, with at least one dwelling being built boundary to boundary, site coverage is generally higher than that of detached or semi-detached dwellings. It should also be noted that under the Residential Code – in which this is a gazetted area – a dwelling can achieve site coverage of up to 60%, albeit this is not applicable for row dwellings. Furthermore, a row dwelling can incorporate site coverage of up to 70% when constructing a verandah or outbuilding under Schedule 1A or Schedule 4 of the Development Regulations 2008. Given that an alfresco is incorporated within the design of each dwelling, a further increase in site coverage may be unlikely.

On balance, with the proposal's satisfaction of other Development Plan criteria in mind, the excess in site coverage is not considered to be fatal to the merit of this application.

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

Satisfies

D1: 24.1% (59m²)
D2: 23.9% (55m²)
D3: 20.1% (47m²)

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

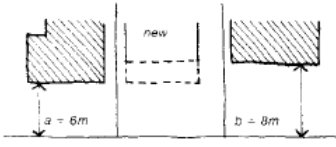
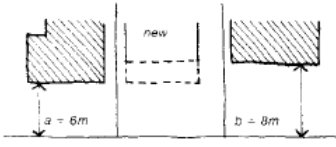
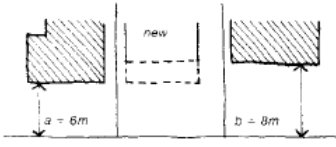
General Section: Residential Development: PDC 17

Satisfies

- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level
- c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- g) The proposed POS area of Dwelling 3 maintains a northerly aspect to provide for comfortable year round use, while Dwellings 1 and 2's area maintains a westerly aspect, which will be capable of achieving direct sunlight, increasing as the day progresses.
- 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.

Does Not Satisfy

- f) Part of the POS area of Dwelling 2 is located somewhat near to bedrooms of the adjacent dwelling to the west (12 Tennyson).

<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 D1: 82.0% D2: 80.7% D3: 58.3%</p>								
<p>Building Setbacks from Road Boundaries</p>									
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (a) <i>be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> (b) <i>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 The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.094 metres for Dwellings 1 and 2, and 4.194 metres for Dwelling 3, is considered to contribute positively to the function, appearance and desired character of the locality.</p>								
<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:</td></tr> <tr> <td colspan="2">  <p>When $b > a > 2$, 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><i>General Section: Design and Appearance: PDC 22</i></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 D1: 4.094m D2: 4.094m D3: 4.194m</p> <p>(Dwelling on adjoining land set back approximately 7.5 metres).</p> <p>PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.</p> <p>See further comment below.</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><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies D3: 2.51m</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 Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>								

The proposed front setbacks of 4.094 and 4.194 metres respectively are considered to be appropriate in context of the locality and consistent with that sought by the Policy Area, despite being closer than that displayed by the adjacent dwelling on Byron Avenue.

In addition to the fact that the Policy Area seeks a 'lesser' front setback for new development, it is important to note that the subject land is a corner site, where maintaining a consistent front setback is not as essential to the maintenance of streetscape cohesiveness. This observation is evidenced by a number of other corner site redevelopments* within the locality, which demonstrate front setbacks of between 4 and 4.5 metres, despite the adjacent presence of original dwelling stock at greater, more traditional front setbacks. Furthermore, existing development both on the subject land and directly opposite (at 8 Tennyson), treat Byron Avenue as the secondary frontage, and as such include structures which are built onto or near the boundary with the streetscape, providing a poor outlook at present.

With this in mind, the proposed front setbacks of 4.094 and 4.194 metres respectively are considered to be sufficiently compatible with similar corner site developments in the locality, and will contribute positively to the function, appearance and Desired Character of the locality, forming a considerable improvement over the subject land's existing presentation to Byron Avenue.

**Including: 1A Byron, 2 and 2A Tennyson, 31 Stradbroke and 50 Clement.*

Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies D1: 0.908m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Satisfy D1: 5.1m, to 4.3m (26%), 3m (30%). D2: 5.1m, to 4.3m (28%), 3m (32%). D3: 6.2m, to 5.5m (7%), 2.11m (17%), 0.9m (35%).</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>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space, despite the change in the site's orientation.</p> <p>See further comment below.</p>
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Each dwelling fails to meet the quantitative minimum setback of 6 metres, which can be reduced to 3 metres for up to 50% of the rear boundary's width.

Dwelling 1 and Dwelling 2 are quite similar in this regard, where they demonstrate a rear setback of 5.1 metres at their furthest point, which is then reduced to 4.1 metres and 3 metres respectively. The sections at a rear setback of 3 metres are less than the 50% permitted, measuring at 30% and 32% respectively, while the sections at a rear setback of 4.1 metres measure at 26% and 28% respectively. Despite the variance to the quantitative provision, the qualitative built form and separation outcome of Dwelling 1 and Dwelling 2's rear setback is comparable to that which would be achieved through strict adherence to the provision. It is important to note that the alfrescos are excluded from the measurement of rear setback, as it is measured to the dwellings' solid wall.

Dwelling 3 has been designed where its main area of private open space and built form relief is to its side, adjacent the secondary street frontage. While its rear setback is technically as little as 0.9 metres (for 35% of its western boundary width), this is considered appropriate in context of the site and adjacent property. The enclosed sections of Dwelling 3 near the western boundary are setback from the northern boundary by 5.61m, which would be a reasonably anticipated front setback if the primary street frontage was Tennyson Avenue. As such, if this were the case, the western setback would be considered as the side setback, and as such would be considered appropriate at 0.9 metres. It is also worthwhile to note that Dwelling 3 is able to achieve a northerly aspect to its private open space as a result of its proposed configuration, without contributing to unreasonable impacts on neighbours or the streetscape.

Building Height

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>The proposed dwellings incorporate a maximum building height of 5.75 metres, which is less than the maximum permitted in the Policy Area.</p>
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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. Outbuildings should not protrude forward of any part of the associated dwelling.
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall
Maximum 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

Satisfies

Satisfies

Each garage is 5.594 metres from the primary road frontage, and each is situated behind the main face of the associated dwelling by a distance of 1.4 or 1.5 metres.

Satisfies

Integrated within the form of each dwelling.

Satisfies

D1: 3.1m (23%)
D2: 2.9m (22%)
D3: 2.9m (26%)

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

Satisfies

All dwellings contain 3 bedrooms and 2 on-site car parking spaces, 1 of which is covered.

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

<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 in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 3 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>Satisfies</p> <p>3 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <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><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Satisfies</p> <p>The proposed crossovers are set back greater than 1 metre from existing street infrastructure, and greater than the required distance from the street trees which are to be retained as advised by Council's Arborist. One street tree, which has been deemed suitable for removal, is to be removed for Dwelling 1's crossover.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Satisfies</p> <p>Vehicle access points are separated by a sufficient distance to ensure that ample on-street parking will remain adjacent the subject land.</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <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 face brick and half-strength white render on the front façade; • Articulation offered by differentiation between garage and dwelling setbacks, and blade wall between adjacent garages; • Protruding porticos, one of which is raised with parapet, offering a visually different element to the typical pitched roof form; • Dwelling 3's protruding alfresco with parapet to the secondary street frontage, albeit behind a proposed fence, will offer a visually different element toward that frontage;

	<ul style="list-style-type: none"> • Eave overhang and pitched roof form at 25 degree slope; • Fenestration. <p>The dwellings incorporate a 25 degree Colorbond roof in 'shale grey', with façades that incorporate face brick and half-strength white render. The garage of each dwelling features a panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <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><i>General Section: Residential Development: PDC 6</i></p>	<p>Satisfies</p> <p>(a) Notable landscaping as indicated by schedule to contribute a vegetated character and offer privacy for occupants;</p> <p>(b) Individual entries for each dwelling, each present to the street and are well highlighted by respective porticos.</p> <p>(c) Habitable room windows overlook the public realm (streetscape).</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies</p> <p>Each dwelling's front entry door presents to the street and are well highlighted by their respective porticos. Each dwelling projects the windows of two bedrooms towards the primary street.</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Satisfies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of render and face brick, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Satisfies

The proposed single storey dwellings should cast a modest extent of shadow in winter. Furthermore, the most significant extent of shadow cast will be to the south toward the front yard and driveway of the adjacent dwelling (2 Byron Avenue). As such, the extent of shadow cast should not unreasonably impact habitable windows, POS or solar collectors of adjacent properties.

PDC 10 (a) and (b) are therefore reasonably expected to be satisfied.

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

Satisfies

The development is not located near any known high noise sources. Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.

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

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

General Section: Residential Development: PDC 30

Satisfies

Bedroom windows present to the street, behind notable landscaping as shown on the schedule. Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.

Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Satisfies</p> <p>Dwelling 3 is oriented so that its open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The main activity areas of Dwellings 1 and 2 are oriented west, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Satisfies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with some north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Satisfies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Satisfies</p> <p>The application proposes retaining walls varying in height to a maximum 200 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
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CONCLUSION

Assessment against the quantitative criteria has demonstrated that a number of Development Plan provisions are satisfied, albeit with shortfalls relating to site area, site depth, front setbacks, rear setbacks, and an excess in site coverage. Consideration of these matters has identified that the discrepancy in these areas will not adversely impact on the functionality of the dwellings or compromise the integrity of the Policy Area or locality. Furthermore, appropriate area and dimension of private open space has been provided to each dwelling and will not have a negative impact on future occupants or adjacent allotments.

In my opinion, the proposed development satisfies the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock with low scale, low to medium density development, and a greater diversity in dwelling types.

When all failings are assessed and considered in relation to their impacts on both future occupants and adjacent allotments, it has been demonstrated that the dwellings will function appropriately and the amenity of the locality will not be adversely affected. Further, assessment against the relevant qualitative provisions has shown that the proposed design and layout is compatible with that anticipated by Council's Development Plan and Policy Area. On balance, the overall merit of the proposal is considered to outweigh any discrepancies, and shall assist in providing positive contribution to the streetscape, a vast improvement over the existing built form of the subject land.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to 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: 100/2097/2017 for three single storey row dwellings at 10 Tennyson Avenue, Plympton Park, be **GRANTED** subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2097/2017, being:
 - Sheet 01 of 01 prepared by D'Andrea and Associates (labelled Revision D, received in hard copy by Council on 17 May 2018); and,
 - Drainage Plan, being drawing number CRD/PB, prepared by TMK Consulting Engineers and received in hard copy by Council on 17 May 2018;except when varied by the following conditions of consent.

2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

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

**REPORT REFERENCE: CAP060618 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON 6 JUNE 2018
WEDNESDAY**



Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Mr Ray Radice
Development Description:	A pair of single storey semi-detached dwellings
Site Location:	10 Pitcairn Avenue, Marion
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1/ Consent
Lodgement Date:	04/05/2018
Development Plan:	Consolidated – 20 February 2018
Referrals:	n/a
Delegations Policy:	n/a
Application No:	100/2018/812
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iii)) of the Development Regulations 2008, which assigns the construction of 1 or more sets of semi-detached dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum of 320 square metres required for semi-detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

SUBJECT LAND & LOCALITY

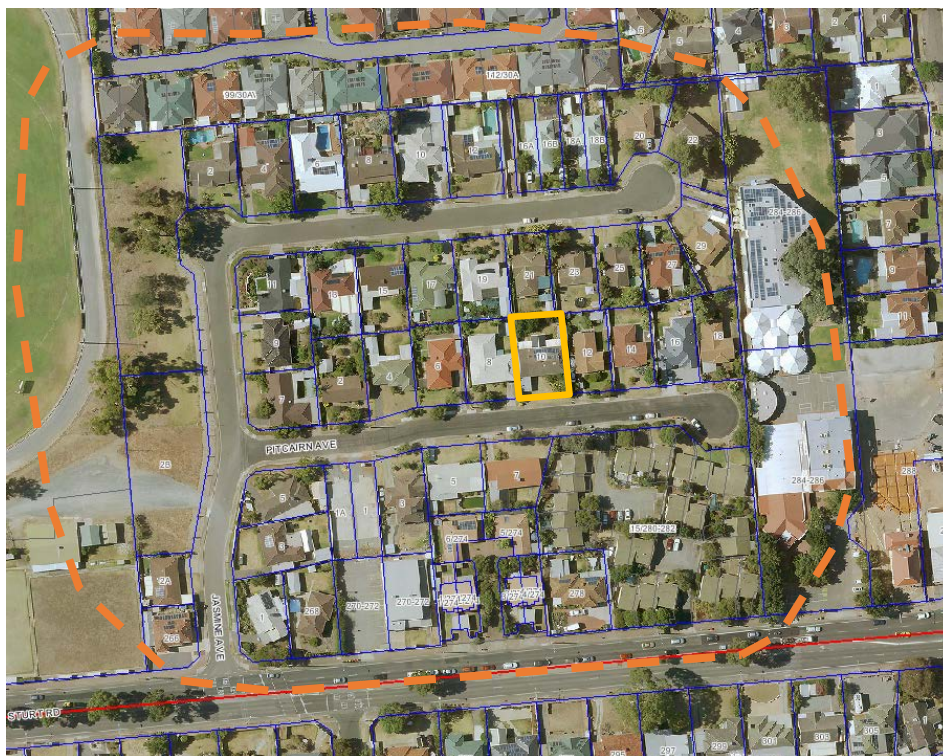
The subject land is located to the northern side of Pitcairn Avenue, Marion (lot 8). The allotment is rectangular in shape and supports a frontage width of 18.49 metres, a depth of 30.48 metres and an overall allotment area of 565.25 square metres.

The subject site is relatively flat and contains a conventional 1980's era brick and tiled roof dwelling in average condition and a small outbuilding to the north-eastern side of the allotment adjacent the boundary. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through a crossover located to the western side of the allotment.

The immediate and wider locality varies significantly in terms of the built form and land use characteristics.

The immediate locality is typically defined by single storey detached dwellings on allotments of 550m² to 650m². The original pattern of development is largely intact with limited examples of sub-division within the immediate locality, with the exception of a Housing SA site incorporating 24 dwellings to the southwest of the site, opposite Pitcairn Avenue. The wider locality comprises Sunrise Christian School located to the eastern end of Pitcairn Avenue, the Marion Sports and Community Club located to the west of the allotment at the intersection of Pitcairn Avenue and Jasmine Avenue (approximately 120 metres) and a retirement village comprising a range of dwelling types at different densities, located within 100 metres to the north of the site.

The subject allotment is within 120 and 250 metres of Adelaide Metro Bus Services located along Sturt and Marion Road, respectively, which provides services to the Adelaide CBD, Flinders Medical/University Precinct and the Marion Regional Centre, 120 metres to Marion Sports and Community Club and 400 metres to the Warriparinga Wetlands which provide open space recreation opportunities and 650 metres from the Marion Regional Centre.



Refer Locality Map above and Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes the demolition of the existing dwelling and associated outbuildings and the construction of a pair of semi-detached dwellings.

Each dwelling is single storey in nature and incorporates three bedrooms, en-suite, walk-in-robe, separate bathroom and water closet, laundry and a combined kitchen/meals/family room with direct access to the associated area of private open space (including an alfresco). Each dwelling is afforded a single width garage, which has direct access to Pitcairn Avenue. A new centralised crossover is proposed to provide access to Dwelling 1 and 2.

A detailed landscape schedule nominating the location and species of plantings thought out the front and rear yards of the dwellings has been provided.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

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

<p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>		
PDC 1	<p><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: 320m²</i>	Does Not Satisfy Dwelling 1: 281.79m ² Dwelling 2: 283.46m ²
	<i>Minimum Frontage: 9m</i>	Satisfies Dwelling 1: 9.19m Dwelling 2: 9.3m
	<i>Minimum Depth: 20m</i>	Satisfies Dwelling 1: 30.48m Dwelling 2: 30.48m

Assessment

The application proposes a pair of semi-detached dwellings on an allotment which currently accommodates one detached dwelling, increasing the density of the land by two. It is noted that the construction of the dwellings will not impact any regulated or significant trees in the locality. As a whole, the proposal incorporates a notable shortfall in site area for each dwelling, equating to an average site area of 282.6 square metres; 37.35 square metres or 11.6% less than that sought (320 square metres).

It should be recognised that consideration of density not only relates to the average site area per dwelling, but other aspects of a proposal, such as proximity of buildings to boundaries, the height, bulk and scale of buildings and site coverage. Whilst the original pattern of development is largely intact, there are longstanding and more recent examples of increased densities within the locality to the north and south of the subject allotment.

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

impacts associated with the respective garage and promotes an active and attractive streetscape presentation.

The proposal generally achieves the aims of the Desired Character, which seeks cohesive streetscapes and dwellings of a variety of types and architectural styles, at a higher density (albeit low to medium density) than the original housing stock. The proposed dwellings are attractive, demonstrating respectable residential design principles.

Furthermore, the proposed sites fulfil the 'higher density' sought by the Development Plan, while maintaining the 'low scale' built form sought within the Policy Area's objectives. The proposed allotments maintain the general pattern of development found within the immediate locality given the built form provides setbacks to both side boundaries and therefore existing separation will be maintained.

There are limited examples of the proposed density and built form within the locality to support the departure from the minimum site areas proposed and it could be considered that the provision of two (2) three bedroom dwellings does not promote a variety of housing types as sought within the Policy Area. This notwithstanding, the built form design and locality incorporates attributes that assist in mitigating the impact attributed to the shortfall in site area. The undersized nature of each allotment is not considered to result in other meaningful failings against the Development Plan, as discussed further within this report. The proposed built form is low scale, as sought within the Policy Area's objectives, and is not considered to represent an 'overdevelopment' of the site.

The shortfall in site area is not considered to be 'fatal' and the proposed density and form of development is considered to reasonably satisfy that sought by the relevant Policy Area and Zone requirements.

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:

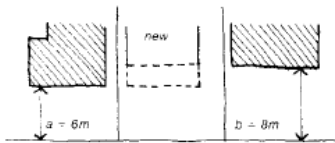
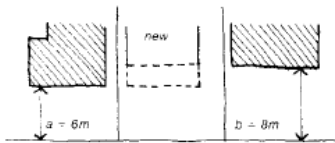
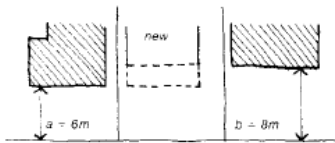
Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Satisfy</p> <p>Dwelling 1: 136.21m² / 48.33%</p> <p>Dwelling 2: 136.21m² / 48%</p> <p><i>* Figures above include an alfresco</i></p>

Site coverage for the proposed development exceeds the Council's desired 40% maximum by 8.3% and 8%, respectively for Dwellings 1 and 2. The excess in site coverage is considered marginal and although the single storey rear setbacks afforded to each dwelling fall (marginally) short of the minimum requirements, the proposal nevertheless results in an appropriate and functional use of land and enables the provision of appropriate setbacks and private open space.

Notwithstanding the above, the high site coverage is unlikely to create an adverse visual impact on adjoining properties. It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code and whilst not applicable due to the undersized nature of each allotment, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants.

<p>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p> <p>Residential Zone: PDC 9</p>			<p>Satisfies</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>			<p>Satisfies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>			<p>Satisfies</p> <p>420m² / 26%</p>
<p>Private Open Space</p>			
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			<p>Satisfies</p> <p><u>Dwelling 1</u></p> <p>56.73m² / 20.1%</p> <p>9.3m by 5.19m dimensions</p> <p><u>Dwelling 2:</u></p> <p>56.78m² / 20%</p> <p>9.3m by 5.19m dimensions</p>
<p>Site area of dwelling</p>	<p>Minimum area of POS</p>	<p>Provisions</p>	
<p>175 square metres or greater</p>	<p>20 per cent of site area</p>	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p>Residential Zone: PDC 7</p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Satisfies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and 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) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Satisfies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <ul style="list-style-type: none"> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Satisfies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 7.5 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>

<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2">  <p>When $b < a \leq 2$, 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><i>General Section: Design and Appearance: PDC 22</i></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 $b < a \leq 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Satisfies Dwelling 1 & 2: 7.5 metres</p> <p>(Dwellings on adjoining land set back approximately 7.5 and 8 metres, therefore 7.5 metre setback is applicable).</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 $b < a \leq 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Satisfies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>								
<h2>Side Setbacks</h2>									
<p><i>Minimum setback from side boundaries where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies Dwelling 1: 1.03m increasing to 1.09m Dwelling 2: 1.11m</p>								
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <ul style="list-style-type: none"> (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><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight. As 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> <ul style="list-style-type: none"> (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres <p><i>Residential Zone: PDC 6</i></p>	<p>Complies Dwelling 1 & 2: 7.49m, decreasing to 5.19m (48.2%).</p>								

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>		<p>Satisfies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height		
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Satisfies</p> <p>The proposed dwellings incorporate a maximum building height of 4.53 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><i>General Section: Residential Development: PDC 10</i></p>		Satisfies
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p>Satisfies</p> <p>21.51m²</p>
Parameter	Value	
Maximum floor area	60 square 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.	<p>Satisfies</p> <p>Garage of each dwelling is setback 7.5 metres to the street.</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>Satisfies</p> <p>Dwelling 1 & 2: 2.4m / 29.3%</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		Satisfies

Vehicle Parking			
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>	<p>Satisfies</p> <p>Each dwelling is provided with two parking spaces, 1 of which is covered.</p>		
<table> <tr> <td> <p><i>Detached Semi-detached Row</i></p> </td><td> <p><i>2 per dwelling containing 3 or less bedrooms one of which is to be covered.</i></p> </td></tr> </table>	<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing 3 or less bedrooms one of which is to be covered.</i></p>	
<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing 3 or less bedrooms one of which is to be covered.</i></p>		
Table Mar/2 - Off-street Vehicle Parking Requirements.			
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Satisfies</p>		
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Satisfies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>		
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Satisfies</p> <p>2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>		
Access			
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Satisfies</p>		
<p><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>Satisfies</p>		

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><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> <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 brick and render on the front façade • Protruding portico • Eave overhang and pitched roof form at 25 degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof, with a combination render and brick facades. The garage of each dwelling features a selected panel-lift door. These materials are typical of new dwellings and should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p>	<p>Satisfies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>

<p><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>	
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Satisfies</p> <p>The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Satisfies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Satisfies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

CONCLUSION

Semi-detached dwellings in the Northern Policy Area should achieve a minimum site area of 320 square metre. The proposed site areas of Dwellings 1 and 2 seek an average area of 282.6 square metres; 37.35 square metres per allotment or 11.6% less than that sought.

The proposed development is considered to satisfy a majority of the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages 'low scale' redevelopment at low to medium densities, at a 'higher density' and lesser front setback to that of the existing housing stock.

Assessment of the proposal has demonstrated that the subject land can accommodate a pair of semi-detached in the proposed form. While the proposal demonstrates undersized allotments, and a medium density that is greater than the low to medium density sought for the Policy Area, the shortfall in site areas are not considered 'fatal' to the overall merits of the application. The quantitative shortfall in site coverage is not considered to jeopardise functionality of the proposal, and given the provision of acceptable setbacks to boundaries and area/dimensions of private open space, it is demonstrated that no unreasonable, if any, impacts will occur onto future occupants or occupants of adjacent land.

The shortfall in site areas do not result in unreasonable impacts upon adjoining land or compromise the future amenity of the occupants, with site coverage the only quantitative variance to the Development Plan criteria. Furthermore, the dwellings demonstrate good residential design principles and result in an improve 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: 100/812/2018 for a pair of single storey semi-detached dwellings at 10 Pitcairn Avenue, Marion 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. 100/812/2018, being drawing number(s) 1 of 4 – 4 of 4 (inclusive) prepared by DJC Designs, and 'Civil & Drainage Plan' prepared by KP Squared Engineering, except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 3. 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. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

- 1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.

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

Attachments

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

CONFIDENTIAL ITEM
REPORT REFERENCE: CAP060618 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 JUNE 2018



CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

2.5 9 NELSON STREET SOUTH PLYMPTON

To construct a single storey dwelling and a single storey residential flat building at the rear of the site, comprising two dwellings with associated car parking and landscaping

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 2.5 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.

**INFORMATION ONLY ITEM
REPORT REFERENCE: CAP060618 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 JUNE 2018**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Angus McArthur
Development Description:	Retaining wall and associated filling of the land
Site Location:	8 Gulfview Road, Seaview Downs
Zone:	Hills Face Zone
Application Type:	Category 3 / Non-Complying
Lodgement Date:	07/05/2018
Development Plan:	Consolidated – 20 February 2018
Referrals:	nil
Delegations Policy:	nil
Application No:	100/2018/814
Recommendation:	The report be noted

INTRODUCTION

In the current form, the subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Hills Face Zone, where filling is listed as a non-complying form of development, except where one or more of the following applies:

- (a) the height of filling is less than one metre above natural ground level.
- (b) the filling is directly required for an underground home, underground tank, or cellar.

The applicant has proposed to fill the north-eastern corner of the land and construct an associated retaining wall up to 2.2m in height. Whilst Administration currently holds concerns with the proposal, through amendments, it is considered that there is opportunity to achieve greater compliance with the applicable provisions of the Development Plan, without compromising the integrity of the Hills Face Zone.

As a result of the above considerations, it is staff's view the proposed development displays merit. The Manager – Development Services has agreed with staff's position and resolved to proceed to the full assessment of the application.

The applicant has provided a brief statement of support and Statement of Effect, pursuant to Section 39(2)(d) of the Development Act, 1993 and Regulation 17(4) of the Development Regulations, 2008.

In due course, the application will be presented to the Development Assessment Panel for a decision.

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2018/814 for retaining wall and associated filling of the land at 8 Gulfview Road, Seaview Downs be NOTED.

Attachments

Attachment I: Certificate of Title

Attachment II: Aerial Photograph

Attachment III: Proposal Plan and supporting documentation