

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 7 March 2018

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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



Robert Tokley
ASSESSMENT MANAGER

28 February 2018

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 1 BERRIMA ROAD, SHEIDOW PARK

Alterations and additions to an existing educational establishment including the construction of a single-storey building, outdoor learning area and landscaped entry plaza, resurfacing sports courts and the construction of a new roof over, the relocation of an existing transportable building and removal of an existing transportable building

Report Reference: CAP070318 - 2.1 1

2.2 8 FOURTH AVENUE, ASCOT PARK

To undertake a Residential Community Title Land Division - 1 into 4 allotments and to construct a two storey residential flat building comprising two dwellings and a single storey residential flat building comprising two dwellings with associated car parking and landscaping

Report Reference: CAP070318 - 2.2 18

2.3 18A SHAFTESBURY TERRACE, MARINO

The enclosure of existing carport on western boundary and construction of new retaining wall and fencing exceeding 2.1 metres (retrospective)

Report Reference: CAP070318 - 2.3 42

2.4 36 SUNSHINE AVENUE WARRADALE

Construction of a single storey dwelling and a two storey dwelling, and removal of a significant tree

Report Reference: CAP070318 - 2.4 51

2.5 15 MACKLIN STREET AND 19 PARSON STREET, STURT

4 single storey row dwellings and 3 single storey row dwellings with associated landscaping

Report Reference: CAP070318 - 2.5 73

2.6 65 SUNSHINE AVENUE, WARRADALE

Land Division Residential Torrens Title 1 into 3 allotments and subsequent construction of three two storey row dwellings

Report Reference: CAP070318 - 2.6 91

2.7 30 NELSON STREET, SOUTH PLYMPTON

Deferred: CAP061217

One single storey detached dwelling and one single storey residential flat building comprising two dwellings

Report Reference: CAP070318 - 2.7..... 111

3. OTHER BUSINESS

3.1 CONFIDENTIAL ITEM

Report Reference: CAP070318 – 3.1 116

3.2 CONFIDENTIAL ITEM

Report Reference: CAP070318 – 3.2..... 117

3.3 APPEALS UPDATE

3.4 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 7 MARCH 2018**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP070318 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Brown Falconer Group
Development Description:	Alterations and additions to an existing educational establishment including the construction of a single-storey building, outdoor learning area and landscaped entry plaza, resurfacing sports courts and the construction of a new roof over, the relocation of an existing transportable building and removal of an existing transportable building.
Site Location:	1 Berrima Road, Sheidow Park
Zone:	Residential Zone
Policy Area:	Southern Policy Area 18
Application Type:	Category 3 / Consent
Lodgement Date:	20/12/2017
Development Plan:	Consolidated – 28 November 2017
Referrals:	n/a
Application No:	100/2017/2437
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of the proposal not meeting the criteria of Parts 1 or 2 of Schedule 9 of the Development Regulations 2008 as a Category 1 or 2 form of Development. As the proposal cannot be considered minor in nature, pursuant to clause 2(g) of Part 1, the application has been processed as a Category 3/ Consent form of Development.

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

BACKGROUND

St Martin de Porres School has been operating from the subject land since 1986 offering primary school education, before and after school care and vacation care to students from Reception to Year 5. The school currently has 300 students enrolled and employs 30 staff comprising 16 teaching staff and 14 ancillary staff.

From 2019, the school will be changing to incorporate Year 6 students which will increase student numbers from 300 to 350 and staff numbers from 30 to 32 with the appointment of additional teaching staff.

SUBJECT LAND & LOCALITY

The subject land comprises a single allotment, maintains an approximate area of 24,400 square metres, and comprises the St Martin de Porres School and St Martin de Porres Catholic Church.

The site is bound by Lonsdale Road, Lander Road, Berrima Road, a Council reserve adjoining the southern boundary of the site and nine existing residential allotments adjoining the south western boundary of the subject land.

The site comprises multiple single-storey buildings for educational, recreational and worship use occupying the south eastern portion of the site. Approximately half of the site comprises the school's sports grounds and facilities including an oval and uncovered sports courts.

The site contains one car park with vehicular access and egress provided by a single, double-width access point (approximately 7.8 metres wide) from Berrima Road where the road terminates in a cul-de-sac at the northern end of Berrima Road. Whilst vehicles are permitted to exit the northern end of Berrima Road to Lander Road via a roundabout, vehicles are not permitted to enter the northern end of Berrima Road. Vehicular access to the car parking area is therefore restricted to vehicles approaching the site from the southern end of Berrima Road via Werlinga Road. The car park currently comprises 71 parking spaces and is used by school staff Monday to Friday and worshipers at various times though predominately at weekends and during religious holidays.

Landscaping comprising various species, spread and heights along the boundary adjacent Lander Road boundary provides shade to a number of the perimeter car parking spaces. It is noted that parking is not permitted on Lander Road or Lonsdale Road adjacent the subject land and that parking restrictions are in place on Berrima Road (no parking 8.30am – 9.30am & 2.30pm – 4.00pm Monday to Friday) at the northern end of Berrima Road.

The wider locality is predominately residential in nature comprising mostly single-storey dwellings on large allotments with substantial landscaping. A large underutilised Council reserve known as Spinnaker East Reserve adjoins the southern boundary of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application comprises the following components;

- The construction of a new single-storey building comprising learning spaces, kitchen, toilets and changing facilities for Year 5 and Year 6 students and associated covered outdoor learning area and landscaping.
- Resurfacing the existing hard stand sports courts located towards the centre of the site and providing a roofed structure over the courts/outdoor learning area.
- A new landscaped entry plaza accessed from the car parking area and located between the existing hard stand sports courts and existing church building.
- The relocation of an existing transportable building used for educational purposes.
- The removal of an existing transportable building.
- The relocation of existing sheds and water storage tanks currently located adjacent the south western boundary of the site to accommodate the new layout.
- The removal of the existing uncovered basketball courts to accommodate the new Year 5/6 educational facility building.
- The introduction of a new (single width) vehicular exit point from the car parking area to Lander Road and subsequent reduction in total car parking spaces from 71 to 69.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	35 properties were notified during the Category 3 public notification process.
Representations:	3 representations were received by Council.
Persons wishing to be heard:	John Cranwell and Tanya of Cranwell of 60 Spinnaker Circuit, Sheidow Park Stephen Hudson and Sue Hudson of 58 Spinnaker Circuit, Sheidow Park
Summary of representations:	<ul style="list-style-type: none"> • Concerns regarding the selection of plantings adjacent the boundary fence with adjoining residential properties on Spinnaker Circuit and potential impacts on existing fencing and additional leaf litter. • Concerns regarding the placement of garden beds adjacent the boundary fence with adjoining residential properties on Spinnaker Circuit. • Concerns regarding the location of the (existing) playing fields in relation to residential properties on Spinnaker Circuit. • Concerns regarding stormwater runoff and potential impact on existing residential properties on Spinnaker Circuit. • Concerns regarding the impact of additional vehicle movements on the local traffic network. • Concerns regarding the height of the proposed educational building and the potential impacts on adjoining land regarding the potential of overlooking/loss of privacy, glare from the roof and stormwater management.

	<ul style="list-style-type: none"> Concerns regarding the height of existing fencing separating the subject land with adjoining properties with regards to maintaining privacy. Concerns regarding the protection of residents and their property during construction works. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<p>The applicant has submitted a detailed response to each of the representations made and has made changes to the proposal plans addressing the concerns. Whilst the representors were provided with amended plans and a written account of how each of their concerns have been addressed, none of the representors have provided Council with further correspondence.</p> <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	Councils Development Engineer has liaised with the applicant's engineer (FGM Engineering) to develop a stormwater management plan that satisfies Council requirements.
Traffic and Parking	The new vehicular exit-only access point from the car parking area to Lander Road is considered an appropriate response to mitigate an increase in student numbers and subsequent impacts on the local road network.
Open Space	The applicant has sought and gained a permit for 'Access Over Community Land' to use Spinnaker East Reserve for the purpose of temporary car parking during the construction phases of the project between the hours of 7.00am and 6.00pm from April 2018 through December 2018.

ZONE & POLICY AREA ASSESSMENT

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

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

	▪ <i>supported accommodation.</i>	
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Partially Complies

Assessment

The Objectives, Desired Character and Principle 1 of the Southern Policy Area anticipates residential development within the Policy Area and is silent regarding non-residential development. Whilst the proposed development does not align with the applicable Objectives, Desired Character and Principles of Southern Policy Area 18, small-scale, non-residential uses that serve the local community, including primary and secondary schools, are nonetheless an envisaged use within the Residential Zone.

The proposed modifications to the existing school are considered necessary to accommodate 50 Year 6 students in addition to existing Reception to Year 5 student numbers.

In my opinion, the proposed development reasonably satisfies Residential Zone Principle 1 as the proposal seeks the redevelopment of an existing non-residential use that services the local and wider community.

Residential Zone Principle 4 identifies that non-residential development in the Zone should (a) “*primarily [serve] the needs of the local community*”, (b) “*is consistent with the character of the locality*” and (c) “*does not detrimentally impact on the amenity of nearby residents*”.

In determining the appropriateness of the proposed land use, both the physical attributes and the intensity of use should be considered when assessing whether the proposed use is considered to be of a small scale, consistent with the character of the locality and “not resulting in detrimental impacts on the amenity of nearby residents”.

Built Form

Whilst the proposed Year 5/6 educational facility building has a relatively large building footprint of approximately 606 square metres, it is only single-storey and is setback 3.7 metres (reducing to 3.1 metres for a small section measuring 4.55 metres in length) from the boundary with residential properties fronting Spinnaker Circuit. In addition, the south western façade of the building incorporates a brick wall with a maximum height of 3.9 metres from natural ground level.

Whilst the proposed roof structure over the existing outdoor court area is a significant structure with a total area of 645 square metres and a maximum height of 8.3 metres, the structure is setback approximately 32.75 metres from the nearest dwelling and is unlikely cause a significant visual impact on neighbouring land.

Although the proposed structures are not consistent with the character of the locality as sought by Residential Zone Principle 4, the built form is not considered to be of an unreasonable nature and/or scale when considering the existing use of the site, the overall design and appearance of the built form and the location of built form in relation to site boundaries and proximity to residential properties in the locality.

The proposed merits of the built form is discussed in further detail within the Design & Appearance section of this report.

Intensity of Use

The proposed development will experience an overall increase in student enrolments of 50 students from a current figure of 300 to 350 in the near future.

As discussed further within the Interface Between Land Uses and Traffic and Access Chapters of this report, the proposed use is considered to provide safe and convenient vehicular access, in addition to appropriate on-site car parking which exceeds the minimum number of car parking spaces stipulated in the Marion Council Development Plan.

Due to the increase in overall student numbers, some impact on the local traffic network is anticipated. However this impact is likely to be somewhat mitigated by the introduction of an additional vehicular exit point from the car park to Lander Road which has the support of Council's Coordinator – Traffic and Parking. Whilst the development is likely to result in a marginal increase in traffic within the immediate locality, the increase is unlikely to significantly impact the amenity of nearby residents to the extent where refusal is warranted.

Having considered the above, the proposal is considered to achieve adequate compliance with Residential Zone Principles 1 and 4 in that it is unlikely to adversely affect or jeopardise the adjoining land uses to the extent where refusal is warranted.

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:

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> (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. <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies</p> <p>The proposed structures are single storey only. The proposed Year 5/6 educational facility building incorporates an attractive design with extensively glazed areas, interesting roof forms incorporating multiple roof pitches and a mix of materials, colours and textures including face brickwork, powder coated aluminium door and window frames, painted fibre cement sheet cladding and metal facias.</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>Complies</p> <p>The proposed Year 5/6 educational facility building is single-storey only and achieves a setback of 3.7 metres (reducing to 3.1 metres for a section 4.55 metres in length) from the south western boundary adjacent residential properties fronting Spinnaker Circuit. Furthermore, the roof of the proposed building slopes down towards the boundary with the adjacent residential properties resulting in a maximum building height (to the top of the gutter) of approximately 3.9 metres.</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>Complies</p>
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Complies</p> <p>Plant equipment has been located at ground level adjacent the south western façade of the proposed building below the existing fence line and will therefore not be visible from adjacent land.</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> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>The applicant has provided shadow diagrams that demonstrate that shadows cast by the proposed building are unlikely to significantly impact on adjoining land throughout the year.</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>Complies</p> <p>The proposed buildings are internal to the site.</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>Complies</p>

<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 15</p>	<p>Complies</p> <p>Whilst the proposed Year 5/6 learning facility is relatively long at 23.3 metres, the building is single-storey, has a maximum height of approximately 3.9 metres to the top of the gutter of the side adjacent residential properties on the south western boundary and is setback 3.7 metres from the boundary (reducing to 3.1 metres for a small section).</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>General Section: Design & Appearance: PDC 16</p>	<p>Complies</p> <p>The proposed Year 5/6 learning facility is internal to the site. The development proposal includes a new landscaped entry plaza directing users from the car parking area to other parts of the school.</p>
<p><i>Outdoor storage, loading and service areas should be:</i></p> <ul style="list-style-type: none"> <i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i> <i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i> <i>(c) sited away from sensitive land uses.</i> <p>General Section: Design & Appearance: PDC 21</p>	<p>Complies</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>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The covered sport court area is located approximately 70 metres from a public road and the proposed Year 5/6 educational facility building is located approximately 85 metres from a public road.</p>
<p><i>Except where otherwise specified by another provision in this Development Plan or where specified in a particular zone, policy area or precinct buildings and structures should be set back at least 8 metres from road boundaries.</i></p> <p>General Section: Design and Appearance: PDC 23</p>	<p>Complies</p> <p>Whilst the site is located within the Residential Zone the Development Plan is silent on setbacks to boundaries in relation to non-residential development.</p>
<p>Interface Between Land Uses</p>	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i> <i>(b) noise</i> <i>(c) vibration</i> <i>(d) electrical interference</i> <i>(e) light spill</i> <i>(f) glare</i> <i>(g) hours of operation</i> <i>(h) traffic impacts.</i> <p>General Section: Interface Between Land Uses: PDC 1</p>	<p>Complies</p> <p>The proposed development comprises additions and alteration to an existing land use (primary school) and is unlikely to significantly impact the amenity of the locality or cause unreasonable interference.</p> <p>Whilst no additional vehicle access points to the car parking area are proposed, an 'exit-only' access point from the car parking area to Lander Road is proposed and is likely to reduce traffic congestion occurring at the Berrima Road access point during peak pick-up and set-down times.</p>

<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	Complies
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	Complies
Transportation and Access	
<p><i>Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p><i>General Section: Transportation and Access: PDC 5</i></p>	<p>Complies</p> <p>The site is serviced by a bus stop on Lander Road accommodating public transport services to Hallett Cove Shopping Centre, the local area and other parts of metropolitan Adelaide.</p> <p>An off-street dedicated bikeway is located adjacent the site on Lonsdale Road.</p>
<p><i>Development generating high levels of traffic, such as schools, shopping centres and other retail areas, and entertainment and sporting facilities should incorporate passenger pick-up and set-down areas. The design of such areas should minimise interference to existing traffic and give priority to pedestrians, cyclists and public and community transport users.</i></p> <p><i>General Section: Transportation and Access: PDC 6</i></p>	<p>Complies</p> <p>The existing vehicular circulation and design of the car parking area accommodates a dedicated area for pick-up and set-down.</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	Complies
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>General Section: Transportation and Access: PDC 9</i></p>	<p>Complies</p> <p>The application proposes to create a new 'exit only' access point to Lander Road whilst retaining the existing two-way access to/from Berrima Road which will most likely improve traffic flows during peak pick-up and set-down times.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	Complies
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	Complies

<p><i>Development should have direct access from an all-weather public road.</i></p> <p>General Section: Transportation and Access: PDC 22</p>	<p>Complies</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></p> <p><i>(b) provides appropriate separation distances from existing roads or level crossings</i></p> <p><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i></p> <p><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p>General Section: Transportation and Access: PDC 23</p>	<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><i>(a) follow the natural contours of the land</i></p> <p><i>(b) minimise excavation and/or fill</i></p> <p><i>(c) minimise the potential for erosion from surface runoff</i></p> <p><i>(d) avoid the removal of existing vegetation</i></p> <p><i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p>General Section: Transportation and Access: PDC 30</p>	<p>Complies</p>
<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>General Section: Transportation and Access: PDC 34</p>	<p>Complies</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p>General Section: Transportation and Access: PDC 35</p>	<p>Complies</p> <p>Design of the on-site car parking areas conform to the requirements of the relevant off-street car parking standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009)</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <p><i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i></p> <p><i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></p> <p><i>(c) not inhibit safe and convenient traffic circulation</i></p> <p><i>(d) result in minimal conflict between customer and service vehicles</i></p> <p><i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i></p>	<p>Complies</p> <p>Whilst no additional car parking is proposed as part of the application, sufficient car parking remains available in by the existing car parking area adjacent the boundary with Lander Road. The car parking area currently provides space for 71 vehicles which will be reduced to 69 spaces post development. Based on the projected increase in staff numbers from 30 to 32, the car park exceeds Development Plan criteria which requires a total of 36 car parking spaces.</p>

<p>(f) minimise the number of vehicle access points onto public roads (g) avoid the need for vehicles to reverse onto public roads (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points (i) not dominate the character and appearance of a site when viewed from public roads and spaces(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</p> <p>General Section: Transportation and Access: PDC 36</p>	<p>Whilst no additional vehicle access points to the car parking area are proposed, an 'exit-only' access point from the car parking area to Lander Road is proposed and is likely to reduce traffic congestion occurring at the Berrima Road access point during peak pick-up and set-down times.</p> <p>Existing trees to the perimeter of the car parking area adjacent the boundary with Lander Road provide shade to a number of the perimeter car parking spaces and screen the car parking area from public view to some extent.</p>
<p>Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.</p> <p>General Section: Transportation and Access: PDC 37</p>	<p>Complies</p>
<p>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</p> <p>General Section: Transportation and Access: PDC 39</p>	<p>Complies</p>
<p>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</p> <p>General Section: Transportation and Access: PDC 40</p>	<p>Complies</p>
<p>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</p> <p>General Section: Transportation and Access: PDC 41</p>	<p>Complies</p>
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times.</p> <p>General Section: Transportation and Access: PDC 42</p>	<p>Complies</p>
<p>Crime Prevention</p>	
<p>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</p> <p>General Section: Crime Prevention: PDC 1</p>	<p>Complies</p>
<p>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</p> <p>General Section: Crime Prevention: PDC 2</p>	<p>Complies</p> <p>The proposed Year 5/6 educational facility incorporates extensive glazing to the north eastern façade and will provide some level of casual surveillance to Lander Road.</p>

<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p>Complies</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Does Not Comply</p> <p>Whilst no lighting details have been provided, the main use of the site is for educational and worship purposes during daylight hours.</p>
<p><i>Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings.</i></p> <p><i>General Section: Crime Prevention: PDC 8</i></p>	<p>Complies</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> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>The proposed Year 5/6 facility has been oriented north east for exposure to winter sun. The roof form of the building has been designed to shade the building from direct sun during summer and allow direct sunlight to enter the building during winter. The proposed structure over the existing sports courts will provide a shaded area beneath reducing exposure to direct sun during summer and improving comfort for users.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The proposed structure over the existing sports courts and the proposed Year 5/6 educational facility incorporates sufficient roof area upon which photovoltaic cells could be sited.</p>
Natural Resources	
<p><i>Development should be designed to maximise conservation, minimise consumption and encourage re-use of water resources.</i></p> <p><i>Natural Resource: PDC 5</i></p> <p><i>Development should be sited and designed to:</i> <i>(a) capture and re-use stormwater, where practical</i> <i>(b) minimise surface water runoff</i> <i>(c) prevent soil erosion and water pollution</i></p> <p><i>Natural Resource: PDC 7</i></p>	<p>Complies</p> <p>The applicant has provided a Stormwater Management Plan prepared by FMG Engineering which achieves the objectives of reducing the overall runoff volumes and peak flows through the collection of roof water, maximising the recycling and re-use of stormwater through collection, retention and reticulation and improving the quality of the stormwater.</p>
<p><i>Water discharged from a development site should:</i> <i>(a) be of a physical, chemical and biological condition equivalent to or better than its pre-developed state</i> <i>(b) not exceed the rate of discharge from the site as it existed in pre-development conditions.</i></p> <p><i>Natural Resource: PDC 8</i></p>	<p>Complies</p>

<p><i>Developments should include stormwater management systems to protect it from damage during a minimum 1-in-100 year ARI flood.</i></p> <p><i>Natural Resource: PDC 9</i></p>	<p>Complies</p>
<p><i>Developments should have adequate provision to control any stormwater over-flow run-off from the site and should be sited and designed to improve the quality of stormwater and minimise pollutant transfer to receiving waters.</i></p> <p><i>Natural Resource: PDC 10</i></p> <p><i>Development should include stormwater management systems to mitigate peak flows and manage the rate of duration of stormwater discharges from the site to ensure the carrying capacities of the downstream systems are not overloaded.</i></p> <p><i>Natural Resource: PDC 11</i></p>	<p>Complies</p> <p>A stormwater plan prepared by FMG Engineers has been provided in support of the application which includes the construction of a new kerb located to the rear of the proposed Year 5/6 educational facility building adjacent the south western boundary of the site (adjacent residential properties fronting Spinnaker Circuit) to convey flows in a north-westerly direction into a proposed swale and the construction of a 1 metre wide, 150 millimetre deep grassed open swale draining towards the south-eastern corner of the site towards Berrima Road.</p>
<p><i>Development should include stormwater management systems to minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system.</i></p> <p><i>Natural Resource: PDC 12</i></p>	<p>Complies</p>
<p><i>Stormwater management systems should:</i></p> <p><i>(a) maximise the potential for stormwater harvesting and reuse, either on-site or as close as practicable to the source</i></p> <p><i>(b) utilise, but not be limited to, one or more of the following harvesting methods:</i></p> <p><i>(i) the collection of roof water in tanks</i></p> <p><i>(ii) the discharge to open space, landscaping or garden areas, including strips adjacent to car parks</i></p> <p><i>(iii) the incorporation of detention and retention facilities</i></p> <p><i>(iv) aquifer recharge.</i></p> <p><i>Natural Resource: PDC 14</i></p>	<p>Complies</p>
<p><i>Where it is not practicable to detain or dispose of stormwater on site, only clean stormwater runoff should enter the public stormwater drainage system.</i></p> <p><i>Natural Resource: PDC 15</i></p>	<p>Complies</p>

TABLE DISCUSSION

The proposal satisfies the majority of the applicable principles of development control contained within the Marion Council Development Plan.

The fundamental considerations are to what extent the additional traffic impacts generated as a result of the increase in overall student numbers will have on the adjacent road network above what is already experienced and the impact of the proposed structures on the locality.

The proposed development will involve an increase in overall student numbers from 300 to 350 and an increase in two additional staff members, taking the total to 32. Whilst the introduction of a new exit-only access point from the car parking area to Lander Road will result in a reduction of two car parking spaces, the 69 spaces remaining are considered to be sufficient and exceeds the

Development Plan minimum requirement of 36 car parking spaces. Whilst the number of spaces provided accords with the applicable Development Plan criteria, given the projected increase in student numbers, the adjacent road network will most likely experience additional traffic movements above existing levels, resulting in some impact on the local traffic network at peak set-down and pick-up times. The increase is not however anticipated to compromise the safety or function of the surrounding road network. Furthermore, it is important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between 8am to 9am and 3pm to 4pm – the time before/after the school commences and finishes, and therefore traffic impacts will not be as apparent outside of these times. Additionally, the applicant's independent traffic consultant and Council's Development Engineer and Traffic & Parking Coordinator are satisfied that the site provides safe and convenient access, and advised the proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site. The introduction of a new exit-only access point from the car parking area to Lander Road is likely to assist in mitigating these impacts and improve the functionality of the car parking area, particularly during peak pick-up and set-down times.

The height, bulk and scale of the proposed Year 5/6 educational facility and the roof structure over the existing sports courts is considered acceptable. The Year 5/6 educational facility building is considered to incorporate sufficient design elements, materials, fenestration and articulation to provide attractive and positive façades. The single-storey nature of the building and the setback provided to adjoining residential properties fronting Spinnaker Circuit are considered sufficient to prevent overlooking or overshadowing of adjoining land.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to impacts of additional movements on the local traffic network, impacts of proposed landscaping (particularly species selection) on adjoining properties and boundary fencing, impacts of additional stormwater runoff, impacts of the proposed Year 5/6 educational facility building with regard to height, reflectivity of materials and the potential for overlooking or overshadowing 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 proposal satisfies the majority of the applicable Principles of Development Control contained within the Marion Council Development Plan.

Whilst the proposed built form and use is not of a small scale, is considered to be a reasonable expansion of an existing, long standing, non-residential use. Furthermore, although it is acknowledged that many students are likely to reside outside of what would be considered the 'local community', the subject school is nevertheless considered to serve the needs of the local community. Established in 1986, the school forms a well-established land use in the locality.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent 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: 100/2017/2437 for Alterations and additions to an existing educational establishment including the construction of a single-storey building, outdoor learning area and landscaped entry plaza, resurfacing sports courts and the construction of a new roof over, the relocation of an existing transportable building and removal of an existing transportable building. at 1 Berrima Road, Sheidow Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/2437, being drawing numbers 3134 – DA01 (Rev C), 3134 – DA02 (Rev A), 3134 – DA03 (Rev A), 3134 – DA04 (Rev A), 3134 – DA05, 3134 – DA06 (Rev A), 3134 – DA08 prepared by Brown Falconer, and drawing number S-17-10-100 (Rev B) 'Landscape Plan for Planning Approval' prepared by Designwell and documentation titled 'Stormwater Management Plan' prepared by FMG Engineering, except when varied by the following conditions of consent.
- 2. Parking areas must be maintained in a good condition at all times.
- 3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises 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.

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. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**
4. **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.**
5. **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.).**
6. **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.**
7. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>

**REPORT REFERENCE: CAP070318 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Dellta Pty Ltd
Development Description:	To undertake a Residential Community Title Land Division - 1 into 4 allotments and to construct a two storey residential flat building comprising two dwellings and a single storey residential flat building comprising two dwellings with associated car parking and landscaping
Site Location:	8 Fourth Avenue, Ascot Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	26/09/2016
Development Plan:	Consolidated – 28 April 2016
Referrals:	State Commission Assessment Panel & SA Water
Delegations Policy:	nil
Application No:	100/2016/1783 (100/C220/16)
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns any development that consists of the construction of a building of two storeys comprising dwellings, as Category 2 development.

The subject application is required to be determined by the Council Assessment Panel by virtue of the proposed new dwellings each supporting an average allotment area less than the minimum of 300 square metres required for residential flat buildings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

BACKGROUND

A previous land use application (DA 100/1785/2016) for the subject land has previously been presented to the Development Assessment Panel (DAP), which proposed two residential flat buildings, one being two storeys comprising two dwellings and the other building comprising two single storey dwellings located side by side at the rear of the allotment. This application was presented at the DAP meeting held on 3 May 2017, where Development Plan Consent was refused.

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

Amendments Requested	Amendments Made
The application plans should be amended in order to provide safe and convenient movements to and from all parking spaces. In particular, the carport associated with Lot 1 cannot be entered in a single vehicle movement.	Alterations made to the carport design/location of Lot 1 in order to achieve access in a single vehicle movement and egress in two movements.
The amount of pervious land throughout the site should be increased to no less than 20% of the total site area.	Permeable paving provided within the common driveway and uncovered parking spaces of Lot 3 and Lot 4.
Landscaping within the common areas should comprise plantings with medium growth heights in order to improve presentation of the subject land.	Additional landscaping has been provided at the end of the common drive forward of Lot 3 and along the western edge of the common driveway.
It is recommended the upper level side/rear windows of Lot 1 and Lot 2 reduce obscure glazing/window sill heights to 1500mm above the finished floor level in order to improve the amenity of occupants whilst maintaining appropriate privacy to adjoining land and assist in reducing the amount of uninterrupted wall facing the street and adjoining land.	Upper level side/rear windows amended to incorporate 1500mm obscure glazing/sill heights (previously 1700mm above finished floor levels).
Information Requested	Information Provided
A traffic Engineers report which assesses vehicle movements throughout the site.	Provided.
Details of the proposed permeable paving throughout the site.	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 8 Fourth Avenue, Ascot Park. The allotment is rectangular in shape, achieving a frontage width of 18.28 metres, depth of 55.35 metres and a total site area of 1011.7 square metres. The site is currently clear of development; however, previously accommodated a detached dwelling, setback approximately 9m which stepped to 12.5m. Vehicular access is available from Fourth Avenue, adjacent the eastern boundary of the allotment. The contour of the land is relatively flat and there are no regulated trees on the subject land.

The locality is primarily residential in nature, containing a mix of single storey detached dwellings on large allotments and group/residential flat dwellings in the form of hammerhead allotments, which are particularly prevalent in the immediate vicinity. Marion Road is situated approximately 120 metres to the west of the subject land, which includes bus services to the Adelaide City and the

Marion Regional Centre. It is also acknowledged that Ascot Park Railway Station is located approximately 580 metres walking distance south-west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create three additional allotments (four in total) and the construction of two residential flat buildings, one being two storeys comprising two dwellings; and the other building comprising two single storey dwellings located side by side at the rear of the allotment. A common driveway is proposed adjacent the western side boundary providing access to each dwelling.

Residence 1 and 2 each feature open-plan kitchen, dining and living areas, WC and laundry to the ground floors, while the upper floors contain three bedrooms and WIR and bathroom. Residence 3 and 4 will each contain two bedrooms, a bathroom, open-plan kitchen, dining and living areas, as well as a single garage (including a laundry) under the main roof of each dwelling.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	36 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council, one of which is against the application and one of which is neutral regarding the outcome.
Persons wishing to be heard:	Nil
Summary of representations:	Concerns regarding loss of privacy. <i>Refer Attachment IV</i>
Applicant's response:	Please refer <i>Attachment V</i> for the applicant's response to the above-mentioned representations. <i>Refer Attachment V</i>

GOVERNMENT AGENCY REFERRAL

SA Water	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.
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State Commission Assessment Panel (SCAP)	Refer to <i>Attachment IV</i> for the standard SCAP land division comments.
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Refer Attachment VI

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> <ol style="list-style-type: none"> 1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> 2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>
Northern Policy Area 13
<p>Objectives</p> <ol style="list-style-type: none"> 1 <i>A policy area primarily comprising low scale, low to medium density housing.</i> 2 <i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i> 3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i> 4 <i>Development densities that support the viability of community services and infrastructure.</i> 5 <i>Development that reflects good residential design principles.</i> 6 <i>Development that contributes to the desired character of the policy area.</i>
<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.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>	
<p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
<p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies
<p>3 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:</p> <p>Minimum Site Area: 300sqm</p> <p>Minimum Frontage: 20m</p> <p>Minimum Depth: 45m</p>	<p>Does Not Comply Lot 1: 163sqm Lot 2: 199sqm Average: 181sqm</p> <p>Lot 3: 193sqm Lot 4: 193sqm Average: 193sqm</p> <p>Does Not Comply 18.28m</p> <p>Complies 55.35m</p>

Assessment

The application proposes four dwellings on an allotment which previously accommodated a single storey detached dwelling, increasing the density of the land by three. Whilst the dwellings are sited on undersized allotments, it is also acknowledged that the density of the site will be in keeping with other development in the immediate vicinity, in particular 3, 9, 11, 13, 19 & 21 Fourth Avenue.

Notwithstanding the above, it is considered that the proposal is consistent with the Desired Character of the Northern Policy Area 13 in that it will provide both single and two-storey medium density dwellings, and redevelop the site at a greater density than that of the original housing stock. The Desired Character also seeks for the range of dwelling types to increase to meet a variety of accommodation needs. The proposal includes two three-bedroom and two two-bedroom dwelling options, and therefore provides a variety in dwelling size.

The subject land is located approximately 580 metres walking distance from the Ascot Park Railway Station, and some 120 metres from public transport opportunities along Marion Road. Given that the subject land is located within acceptable walking distance of public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

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

Site Areas

It should be acknowledged that the application is finely balanced in regard to the proposed site areas of each dwelling. It is important to determine whether the non-compliance in site areas can be considered out of character with the locality and with the densities anticipated within the Policy Area. Third, Fourth and Fifth Avenue each accommodate a number of allotments which achieve comparable site areas to the proposal and these sites are situated a short distance from the subject land. Therefore, it is my opinion that the proposed site areas are not out of character with existing development within the immediate locality.

Lot 1 and Lot 2 achieve an average site area of 181 square metres and Lot 3 and Lot 4 have an average site area equal to 193 square metres, where an average of 300 square metres is prescribed for residential flat dwellings within the Northern Policy Area 13. This equates to a shortfall of 119 square metres for Lot 1 & Lot 2 or 39.6% less than the minimum sought. Lot 3 and Lot 4 on the other hand, propose a shortfall of 103 square metres (34.33%) in site area. While the individual site area of each dwelling fall short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

Allotments in the form of a battleaxe configuration should... have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment).

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 252.9 square metres per dwelling, or 15.7% less than the minimum sought. Although less than the minimum 300sqm sought for residential flat dwellings, it is acknowledged these figures more closely align with the Development Plan guidelines.

Furthermore, the proposed site areas fall within the category of “medium” residential density, as defined in the handbook “*Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples*” published by the Government of South Australia in October 2011. This remains in accordance with the “low-medium and medium densities” envisaged by the Desired Character.

These considerations suggest that the shortfalls in site areas may not be fatal to the merit of the subject application. However, it is also important to consider whether the shortfalls in site areas have resulted in subsequent design shortfalls (discussed throughout this report). The design and form of the dwellings is assessed in the following section ‘Development Assessment’.

Frontage width

Allotments of residential flat buildings should maintain a minimum frontage width of 20 metres, whereas the subject land comprises a frontage to Fourth Avenue of 18.28 metres. Despite the shortfall in frontage width, the allotment maintains a depth of 55.35 metres, where 45 metres is anticipated. Accordingly, the shortfall in site width is somewhat compensated by the depth of the site.

It is further considered that minimum frontage width requirements for Residential Flat Buildings seek to ensure appropriate vehicular manoeuvrability, streetscape appearance and landscaping throughout the site. Despite the frontage width failing to achieve compliance with the Development Plan guidelines, each dwelling achieves an appropriate level of separation from the allotment boundaries (discussed throughout this report) and vehicle turning areas for each dwelling. The proposal also maintains an attractive streetscape elevation, presenting habitable room windows and the front entry points associated with Lot 1 and Lot 2. It is however acknowledged that additional frontage width would allow for improved landscaping outcomes, which will be discussed in the following section ‘Development Assessment’.

DEVELOPMENT ASSESSMENT

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

Development Plan provisions:

Assessment:

Site Coverage

Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.

Northern Policy Area 13: PDC 4

Site coverage:

Does Not Comply

Lot 1: 98.5sqm (60.4%)
 Lot 2: 105.3sqm (52.9%)
 Lot 3: 111.8sqm (58%)
 Lot 4: 111.8sqm (58%)

Total site coverage: 427.4sqm (42.2%)

Floor area ratio:

Does Not Comply

Lot 1: 0.73
 Lot 2: 0.62

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the discrepancy in site coverage:

- (a) The figures above are based upon the curtilage of the dwellings only, and do not include the common driveway. When including the driveway area, overall site coverage for the whole of the land equates to 42.2%, which is slightly higher than the Development Plan provision.
- (b) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- (c) The proposal is considered to partially comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for domestic storage, outdoor clothes drying, rainwater tanks, private open space, and convenient storage of household waste and recycling receptacles.
- (d) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. Whilst not applicable to this form of development, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

Whilst the above points are noted, it is acknowledged that the excess in site coverage results in additional failings against the Development Plan. Most notably, the inability of the development to provide landscaping widths within the common driveway and amount of pervious land following construction.

<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p> <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Partially Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</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>It is acknowledged however, it could be argued that the excess in dwelling footprint limits landscaping opportunities throughout the site.</p>
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<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Does Not Comply</p> <p>18.2% (184.7sqm / 1011.7sqm)</p> <p>The amount of pervious land area is less than the minimum 20% sought by the Development Plan, thereby limiting areas for in-ground landscaping and rainwater infiltration/soakage, whilst increasing the amount of stormwater being directed to the street.</p> <p>It is acknowledged however, the common driveway area and visitor parking spaces of Lot 3 and Lot 4 incorporate permeable paving which provides qualities similar to pervious land. When the amount of permeable paving is considered along with landscaping throughout the site, it is considered that PDC 14 is not offended by the proposal.</p>
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Private Open Space

<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies</p> <p>Lot 1: 35.7sqm (21.3%)</p> <p>Lot 2: 41.4sqm (20.9%)</p> <p>Lot 3: 43.6sqm (22.6%)</p> <p>Lot 4: 43.6sqm (22.6%)</p> <p>Each dwelling is provided with a 5 x 5 metre area of private open space, directly accessible from an internal living room.</p>	
Site area of dwelling	Minimum area of POS	Provisions		
Less than 175 square metres	35 square metres	<p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>		
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum</p>		

		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>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy.</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>Partially Complies</p> <p>h) The POS areas of Res. 3 and Res. 4 should not be significantly shaded during winter by the associated dwelling or adjacent development and are of an appropriate dimension to receive some natural light throughout the day (discussed further within the overshadowing section of this report).</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional; however, when taking into consideration the location of the dwelling for Lot 1 and Lot 2, it is likely that the main areas will be in shadow for a majority of the day.</p> <p>Does Not Comply</p> <p>g) The proposed POS areas of Lot 3 & 4 maintain a southerly aspect as a result of the existing orientation of the land; however, the rear yards should nonetheless receive some morning/afternoon light throughout the day. This is further discussed in the "Overshadowing" section of this report.</p> <p>g) & h) The POS of Lot 1 and 2 is south facing and obstructed from northern sunlight by the associated two-storey residential flat building. As a result, the main areas will receive very limited easterly/westerly winter sunlight. Based on my assessment, approximately 12sqm of the POS for Lot 1 will receive afternoon sunlight (3pm and increase thereafter), whereas approximately 23.2sqm of POS for Lot 2 will receive morning light (9am and decrease thereafter).</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>			Complies

Building Setbacks from Road Boundaries

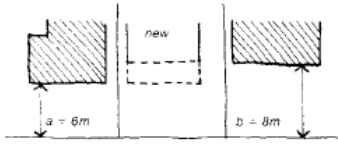
Except in areas where a new character is desired, the setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 21

Complies

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 22

Partially Complies

Lot 1 and Lot 2: 5.0 metres

(Dwellings on adjoining land set back approximately 5.5 and 10 metres, which equals an average setback of 7.7 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. This is demonstrated within the locality, which displays numerous new dwellings, achieving lesser front setbacks to that of the original housing stock, namely 3, 5, 6, 7, 14, 20, 24 & 28 Fourth Avenue and 3 Fifth Avenue.

Notwithstanding the above, the proposed front setback of 5 metres is considered to provide an appropriate level of transition to buildings on adjacent land. Further, the level of articulation provided to the front façade combined with the landscaping throughout the site shall assist in reducing the overall bulk of the building and assist in achieving a cohesive streetscape.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Complies

Lot 1: ground and upper level setback 4m from western site boundary

Lot 2: ground level setback 0.9m from eastern boundary & upper level setback 2m

Lot 3: 0.9m from western boundary

Lot 4: 0.9m from eastern boundary

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the 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></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><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>Complies</p> <p>Lot 1 & Lot 2: 39.6m</p> <p>Does Not Comply</p> <p>Lot 3 & Lot 4: 4.5m (45.3%) and 5m (44.8%)</p> <p>Although the rear setbacks of Lot 3 and Lot 4 do 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 section of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height	
<p><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>Complies</p> <p>Lot 1 & Lot 2: 7.4 metres</p> <p>Lot 3 & Lot 4: 4.5 metres</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies</p>
Garages, Carports, Verandas and Outbuildings	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p>

<p>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</p> <p>General Section: Residential Development: PDC 12</p>		<p>Complies</p>
<p>Parameter</p>	<p>Value</p>	
<p>Maximum floor area</p>	<p>60 square metres</p>	<p>Complies Lot 1 & Lot 2: 37sqm Lot 3 & Lot 4: 19.8sqm</p>
<p>Maximum wall or post height</p>	<p>3 metres</p>	<p>Complies Lot 1 & Lot 2: 2.6m Lot 3 & Lot 4: Internal</p>
<p>Maximum building height</p>	<p>5 metres</p>	<p>Complies Lot 1 & Lot 2: 3.5m Lot 3 & Lot 4: Under main roof</p>
<p>Maximum height of finished floor level</p>	<p>0.3 metres</p>	<p>Complies</p>
<p>Minimum setback from a primary road frontage</p>	<p>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling</p>	<p>n/a all parking structures are situated to the rear of the two storey residential flat building</p>
<p>Minimum setback from side or rear boundaries</p>	<p>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</p>	<p>Complies Lot 1: 4m Lot 2: 0.9m</p>
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies</p> <p>Each dwelling is provided with parking structures which are access via the common driveway and therefore, is not considered to impact the safety of road users. The vehicle turning area provided allows for safe access and egress.</p>
<p>Vehicle Parking</p>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies</p> <p>Lot 1 and Lot 2 provide two covered parking spaces whereas Lot 3 and Lot 4 provide one garage space and one open visitor space, which equals a total of 8 on-site parking spaces.</p>
<p>Group Residential flat building</p>	<p>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</p>	<p>No independently accessible visitor parks are available; however, it is acknowledged that two on-street parks will remain available and as such, I am of the opinion that the proposal is appropriate in this regard.</p>
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		

<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Public transport opportunities are located in walking distance of the dwellings.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>																				
<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>	<p>Complies</p> <p>(a) (b) Council's Tracking data and Traffic report prepared by Cirqa indicates that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>																				
<p>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>																				
Access																					
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossover is set back a minimum of 1 metre from existing street infrastructure and 2 metres from the existing street tree.</p>																				
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p>	<p>Complies</p> <p>A 5m x 6m driveway width is provided at the front of the site, which tapers to 3m.</p>																				
<table><tr><th rowspan="3">Dwellings served</th><th colspan="2">Trafficable width (metres)</th><th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th></tr><tr><th colspan="2">Intersection with public road and first 6 metres</th></tr><tr><th>Arterial roads</th><th>Other roads</th></tr><tr><td>1 – 3</td><td>6</td><td>3</td><td>0.5</td></tr><tr><td>4 – 7</td><td>6</td><td>5</td><td>0.8</td></tr><tr><td>8 or more</td><td>6</td><td>6</td><td>1.0</td></tr></table>	Dwellings served	Trafficable width (metres)		Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	1 – 3	6	3	0.5	4 – 7	6	5	0.8	8 or more	6	6	1.0	<p>Partially Complies</p> <p>The layout of the common driveway incorporates a 300mm landscaping strip for the first 6m and a second area adjacent the carport of Lot 1. The remaining area provides an 800mm landscaping strip within the common driveway area.</p> <p>A second 800mm landscaping strip is provided long the eastern side of the driveway; however, only begins adjacent the “Kitchen” of Lot 1.</p>
Dwellings served		Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)																
		Intersection with public road and first 6 metres																			
	Arterial roads	Other roads																			
1 – 3	6	3	0.5																		
4 – 7	6	5	0.8																		
8 or more	6	6	1.0																		
<p>General Section: Residential Development: PDC 41</p>	<p>It is acknowledged that the proposal fails to provide landscaping in accordance with PDC 41 adjacent the common driveway.</p> <p>Continued over page.</p>																				

	<p>The configuration of the site allows the front yard landscaping of Lot 1 to be viewed from the streetscape. Despite 300mm landscaping areas being provided in areas of the driveway it is my opinion that when the site is viewed as a whole, the level of landscaping proposed is appropriate to assist in achieving a cohesive streetscape and reduce the visual impacts of paved areas. Further, landscaping adjacent the western boundary includes a variety of planting species, which is considered to assist with providing an attractive outcome for occupants and when the common area is viewed from the street.</p>
<p><i>Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.</i></p> <p><i>General Section: Residential Development: PDC 42</i></p>	<p>Complies</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>Complies</p> <p>Single access point proposed, which allows for 13m in front of the subject land, free of vehicle crossovers.</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>Complies</p> <p>Lot 1 and Lot 2 are designed so that their main facade faces the primary street frontage, presenting an entrance door and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of exposed brick, lightweight cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</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>Complies</p> <p>Refer above comments.</p>

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation. The front façade of Lot 1 and Lot 2 incorporate the following elements to enhance their design and appearance:

- Mixture of exposed brick and cladding on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Eave overhang and pitched roof form
- Fenestration

The dwelling incorporates a Colorbond roof in "Wallaby", with a mixture of exposed brick and cladding to the front facade.

The rear dwellings incorporate exposed brick, lightweight cladding panel lift doors and Colorbond roofing to the main facades, while the side/rear elevations incorporate exposed brick.

The materials proposed for each dwelling should not result in glare to neighbouring properties, drivers or cyclists.

It is also acknowledged the design and layout of the dwellings provides all parking structures to the rear of Lot 1 and Lot 2, such that garaging does not present to the street. This element of the proposal is considered a benefit to the streetscape as habitable windows at the ground and upper level and entry points maintain streetscape presence.

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

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

Complies

The dwellings incorporate fixed obscure glazing to 1.5 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

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

Complies

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

b) A majority of winter shadow will be cast within the subject land. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

Site Facilities and Storage

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

- (a) mail box facilities sited close to the major pedestrian entrance to the site*
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)*
- (c) household waste and recyclable material storage areas located away from dwellings and screened from public view.*

General Section: Residential Development: PDC 31

Partially Complies

a) Common letterboxes are featured at the entrance to the common driveway.

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

c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling. Lot 1 on the other hand does not provide side gate access and therefore would need to rely on the common driveway area for the movement of bins.

Energy Efficiency

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

**Partially Complies
Lot 3 and Lot 4**

The main activity areas of the dwellings face south as a result of the existing orientation of the allotment. Nonetheless, despite the POS area failing to achieve the minimum dimensions, it is acknowledged that some morning and afternoon sunlight will be available.

Lot 1 and Lot 2

The dwellings are oriented so that the open space and main activity areas face south. A majority of this area will be in shadow throughout the day as a result of shadow cast from the associated dwellings.

The dwellings incorporate eave overhang of 450mm width, which will assist in shading upper floor windows and subsequently alleviating summer heat load.

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.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

Whilst the landscaping proposed throughout the site is considered appropriate, it is acknowledged that the proposal fails to provide the landscaping widths sought by the Development Plan, adjacent the common driveway at the front of the site (800mm).

These shortfalls in driveway landscaping area may compromise the opportunity for taller/broader plantings in order to soften the built form; however, the proposed planting species and distribution is nonetheless considered appropriate and somewhat enhances the appearance of the road frontage and parking areas.

When the site is viewed as a whole, it is acknowledged the landscaping provided within the front yard of Res 1 and Lot 2 will present to the street and is considered appropriate to assist in softening the appearance of the common driveway and built form.

Land Division

When land is divided:

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

General Section: Land Division: PDC 1

Complies

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

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

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

General Section: Land Division: PDC 2

Complies

- a) Complies
- b) Lot 1 and 2 will have a frontage to the public road. Lot 3 and Lot 4 will have frontage to the internal driveway, linked to the public road.
- c) Minor cut/fill anticipated as the land is generally flat.
- d) Erosion is unlikely.
- e) The area is sewerred.
- f) The intended use of the allotments is consistent with the zone objectives.
- g) The allotments are located wholly within the zone and policy area.

Design and Layout

Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.

General Section: Land Division: PDC 3

Complies

The design of a land division should incorporate:

- (a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities*
- (b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare*
- (c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones*
- (d) suitable land set aside for useable local open space*
- (e) public utility services within road reserves and where necessary within dedicated easements*
- (f) the preservation of significant natural, cultural or landscape features including State and local heritage places*
- (g) protection for existing vegetation and drainage lines*
- (h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development*
- (i) the preservation of significant trees.*

Complies

- a) not applicable;
- b) Each allotment achieves safe and convenient access to the existing road, with the ability to exit the site in two vehicle movements;
- c) The locality is dominated by residential properties, which are not considered to conflict with the proposal;
- d) not applicable;
- e) services available adjacent the subject land;
- f) State and local heritage places or significant natural, cultural or landscape features are not present within the locality;
- g) not applicable;
- h) not applicable; &
- i) The proposal does not include the removal of significant trees.

<p><i>Allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)</i></p> <p><i>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</i></p> <p><i>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</i></p> <p><i>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</i></p> <p>General Section: Land Division: PDC 8</p>	<p>Complies</p> <p>(b) Each dwelling is provided with adequate space for vehicles to turn around to enable it to egress the allotment in a forward direction.</p> <p>(c) Access to each Lot is shared via the proposed common driveway. Landscaping within the common area assists in softening the appearance of the development and is therefore, not considered to adversely affect the amenity of the streetscape.</p> <p>(d) Battleaxe allotments are present within the locality and as such, the configuration of the land division is not considered incompatible with the prevailing pattern of development.</p> <p>Does Not Comply</p> <p>(a) The proposed average site areas per dwelling fail to meet the minimum sought for residential flat buildings within the Northern Policy Area 13.</p>
<p><i>Access ways serving allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</i></p> <p><i>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</i></p> <p><i>(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings</i></p> <p><i>(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.</i></p> <p>General Section: Land Division: PDC 9</p>	<p>Partially Complies</p> <p>(a) Driveway length equal to 33.4m;</p> <p>(ii) The proposed driveway width is equal to 5m for the first 6m, which tapers to 3m. Despite the common driveway failing to satisfy PDC 9, it is acknowledged that these dimensions remain in accordance with General Section: Residential Development: PDC 41.</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p> <p>General Section: Land Division: PDC 10</p>	<p>Complies</p>
<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p>General Section: Land Division: PDC 11</p>	<p>Partially Complies</p> <p>As a result of being situated on the southern side of a street, the layout of the land division provides good solar access to some northern habitable rooms for each dwelling. Despite being situated to the south of each dwelling, the private open space of Lot 3 and Lot 4 is likely to receive some direct morning and afternoon sun throughout the year.</p> <p>The private open space of Lot 1 and Lot 2 will likely be in shadow throughout the day as a result of the associated two storey residential flat building.</p>

<p>Roads and Access</p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p>General Section: Land Division: PDC 21</p>	<p>Complies</p> <p>a) Adequate on-site parking available</p> <p>b) Public transport services are accessible in the wider locality</p> <p>c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<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>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to loss of privacy 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 preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities in close proximity to public transport routes, as well as providing further diversity in dwelling types.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical failings including site coverage, floor area ratios, front and rear setbacks and landscaping widths within the common driveway. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves site areas. It is acknowledged that the proposal is finely balanced in this regard, with a 15.7% discrepancy for the total site area noted. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that the proposed density is not necessarily inconsistent with that envisaged for the Policy Area, nor that which has occurred on nearby land. I am of the opinion that the design of the dwellings has demonstrated that the site is able to accommodate four dwellings in the form proposed and has appropriately addressed Council's Development Plan guidelines.

The allotment also fails to achieve the frontage width sought for residential flat buildings within the Northern Policy Area 13. Whilst this non-compliance has not come at the expense of the proposal's ability to provide adequate setbacks from boundaries, a cohesive streetscape elevation and vehicle turning areas, it has resulted in reduced landscaping opportunities.

Whilst Lot 1 and Lot 2 provide an appropriate area and dimensions of private open space, it is acknowledged these spaces are south facing and likely to be in shadow for a majority of the day. This non-compliance is largely a result of the subject land being situated on the southern side of Fourth Avenue and it could be argued that this failing against the Development Plan could be anticipated. However, it is acknowledged that this is not an ideal outcome for occupants and an alternate configuration of Lot 1 and 2 could result in areas of private open space which receive a greater amount of morning or afternoon sunlight.

It is acknowledged that the proposal is finely balanced in relation to the extent of compliance with the applicable Development Plan criteria. Although this report has identified a number non-compliances; it is my view that these various shortfalls could each be deemed acceptable in isolation. Accordingly, these non-compliances must be considered as a whole in conjunction with the proposal's areas of compliance.

Ultimately, I am of the view that the discrepancies with Development Plan criteria are considered to be slightly outweighed by the level of compliance with other criteria, and therefore are not considered to warrant refusal of the application.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/1783/2016 to undertake a Residential Community Title Land Division - 1 into 4 allotments and to construct a two storey residential flat building comprising two dwellings and a single storey residential flat building comprising two dwellings with associated car parking and landscaping at 8 Fourth Avenue, Ascot Park be GRANTED subject to the following Reserved Matter and Conditions:

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council RESERVES its decision in relation to the following matter. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. Provision of a fully engineered site works and drainage plan detailing top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing infrastructure and street trees, to the reasonable satisfaction of the Manager of Development and Regulatory Services.

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS:

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1783/2016 (DAC Ref. 100/C220/16), 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. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
6. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
9. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
10. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
2. Payment of \$20028 into the Planning and Development Fund (3 allotments @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

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

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

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>

**REPORT REFERENCE: CAP070318 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Richard Stephen Barker
Development Description:	The enclosure of existing carport on western boundary and construction of new retaining wall and fencing exceeding 2.1 metres (retrospective)
Site Location:	18A Shaftesbury Terrace, Marino
Zone:	Residential
Policy Area:	Hills Policy Area 11
Application Type:	Category 2/ Consent
Lodgement Date:	03/12/2015
Development Plan:	Consolidated – 3 December 2015
Application No:	100/2015/2273
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that has a wall abutting a side or rear property boundary, which exceeds a total height of 3 metres and/or length of 8, as Category 2 development.

BACKGROUND

Council was alerted, by way of complaint, in late 2015 that unauthorised works to enclose the existing carport and construction of a new retaining wall and fencing along the western boundary had occurred.

Council administration investigated the matter and advised the land owner the said work was unauthorised. Subsequently, a Development Application seeking retrospective approval for the carport enclosure and retaining/fencing was lodged.

The application originally sought retrospective approval, however during assessment additional works were proposed and subsequently incorporated into the application.

SUBJECT LAND & LOCALITY

The subject allotment is located at 18A Shaftesbury Terrace, Mario. The allotment is predominantly rectangular in shape with an angled front boundary and incorporates a frontage of 21.7 metres, a depth ranging from 35.6 metres to 47.6 metres and an overall allotment area of 769 square metres.

The site incorporates a 1970's era dwelling, that incorporates later additions to the front (verandah/patio) side (carport) and rear (later addition). The allotment incorporates a half size tennis court to the rear of the dwelling, whilst a small outbuilding is located to the south-western corner of the allotment.

The existing carport is provided access via the front of the allotment through the Council reserve, whilst a laneway to the rear of the dwelling provides a secondary access point.

Whilst a majority of the allotment has previously been benched to accommodate the dwelling and subsequent additions, the site does incorporate a slight east to west downwards cross-fall forward of the built form and to the south-western corner of the allotment.

The topography of the locality is varied, with adjacent allotments and dwellings incorporating higher and/or lower ground levels and finished floor levels.

The built form within the locality is varied, given the existing older housing stock and more recently-constructed buildings. The locality is characterised by modest, single storey 1950-70's dwellings and modern, double storey dwellings. More recent dwellings have been designed to capture the expansive views to the north and west, along the Adelaide coastline and into Gulf St Vincent.

More recent development is typified by large, two storey dwellings, with a greater bulk and site coverage and more specific orientation towards views, compared to the original housing stock. It is evident that over time more of the older housing stock will be replaced with new dwellings, being designed to take advantage of the views gained.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application seeks the retrospective approval for the enclosure of the existing carport on the western boundary and the construction of new retaining walls and colorbond fencing exceeding 2.1 metres in height along the western and southern property boundaries.

The combined fencing and retaining achieves a total height of 3 metres along the western and southern boundaries - it should be noted the combined fencing and retaining along the southern boundary decreases in height to reflect the sloping topography.

Refer Attachment III

PUBLIC NOTIFICATION

Amendments were made after the initial Public Notification process that incorporated new elements of Development, subsequently Public Notification occurred a second time.

Properties notified:	11 properties were notified during the Category 2 public notification processes.
Representations:	2 representations were received by Council. <ul style="list-style-type: none"> • 1 primarily against the proposal • 1 neutral <i>Refer Attachment III</i>
Persons wishing to be heard:	<ul style="list-style-type: none"> • Mrs T Sweeney
Summary of representations:	<ul style="list-style-type: none"> • Plans do not detail the extent of works undertaken • Height of the fence is unattractive, is excessively high and will set a precedent for future development/works. <i>Refer Attachment IV</i>
Applicant's response:	A detailed response to the first representation raised (Mrs T Sweeney) from the applicant has been attached and forms <i>Attachment V</i> .

DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed in further detail below:

Principles of Development Control:

Assessment:

Garages, Carports, Verandas and Outbuildings		
<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>Residential Development: PDC 12</i></p>		
Parameter	Value	
Maximum wall or post height	3 metres	Does Not Comply Maximum wall height 3.3 metres.
Maximum building height	5 metres	Complies
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Does Not Comply 10.78 metres wall length

Design & Appearance	
<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>Design and Appearance: PDC 2</i></p>	<p>Partially Complies</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>Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The use of dark colorbond material will limit potential glare impacts on neighbouring properties.</p>
Landscaping, Fences and Walls	
<p><i>The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.</i></p> <p><i>Objective 1</i></p> <p><i>Functional fences and walls that enhance the attractiveness of development.</i></p> <p><i>Objective 2</i></p>	<p>Partially Complies</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><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></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>Landscaping, Fences and Walls: PDC 5</i></p>	<p>Complies</p> <p>(a) n/a</p> <p>(b) The type and form of fencing and retaining is consistent with existing fencing/retaining within the locality.</p> <p>(d) n/a</p> <p>(e) n/a</p> <p>(f) n/a</p> <p>(g) The extent of fencing will provide greater privacy to the adjacent allotments to the south and west and (as discussed further within this report), will not adversely affect the visual amenity or limit sunlight to adjoining land.</p> <p>(h) Complies</p> <p>Does Not Comply</p> <p>(c) The extent of fencing along the rear (southern boundary) will minimise casual surveillance opportunities to the rear laneway</p>
Sloping Land	
<p><i>Retaining walls should:</i></p> <p><i>(a) not exceed 1.5 metres in height</i></p> <p><i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i></p> <p><i>(c) be constructed to a high standard from high amenity materials</i></p> <p><i>(d) be landscaped to enhance their appearance.</i></p>	<p>Complies</p> <p>(a) Maximum height of retaining is 1.2 metres</p> <p>(b) n/a</p> <p>Does not Comply</p>

Sloping Land: PCD8	<p>(c) The proposed walls are typical concrete sleepers (grey).</p> <p>(d) The proposed walls retain land on the subject site, and given the walls are located on the property boundary, there is no opportunity for the applicant to provide landscaping that would assist in enhancing their visual presentation.</p>
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TABLE DISCUSSION

The proposal does not satisfy a number of the applicable principles of development control contained within the Marion Council Development Plan, which is discussed in further detail below:

Enclosure of carport / wall on boundary

The proposed carport enclosure results in a wall on the western boundary of 10.78 metres in length and ranging in height from 2.6 metres to 3.3 metres.

The adjacent allotment to the west (20 Shaftesbury Tce) is provided with a much lower ground level and subsequently the dwelling and side/rear yard areas are set well below the subject land. When viewed from the adjacent allotment, the boundary wall structure is provided with an elevated appearance and consequently the visual bulk and scale impacts associated with the structure are accentuated.

The dwelling at 20 Shaftesbury Tce is predominantly rectangular in shape with a majority of habitable rooms orientated to the north and west. The dwelling is provided with a deck forward of the dwelling and a private area of open space to the rear of the dwelling. The dwelling incorporates limited openings (i.e. doors and windows) along the western façade, and is provided with a 3.4 metre setback to the boundary. A raised and retained garden bed approximately 1.2 metres in height and extending approximately up to 1 metre from the boundary, incorporates low level landscaping which assists in disrupting and lessening the visual bulk/scale posed by the structure.

Whilst the visual bulk/scale impacts of the carport enclosure are substantial, given the structure presents to the side path/yard of the dwelling which incorporates limited openings and is predominantly used for utility and storage purposes, the impacts are not considered unreasonable or of such magnitude that refusal is warranted.

Furthermore, whilst not applicable in this instance as the wall height and length exceeds the maximum requirements, it is appropriate to have regard to Schedule 4 of the Development Regulations 2008. Schedule 4 permits the construction of an outbuilding “as of right” which incorporates a boundary wall with a maximum length of 8.0 metres and height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land. As such, the excess length and height is not considered to create undue overshadowing or additional amenity issues over that which could be constructed “as of right”. As discussed above, the excess in height and length when assessed against the Development Plan is unlikely to be visually obtrusive and will not have an unreasonable visual impact on the adjoining property.

Retrospective Retaining & fencing

Western Boundary

The application proposes retrospective approval for combined retaining and fencing along the western boundary achieving a total height of 3 metres (when measured from the lower ground level at 20 Shaftesbury Avenue).

As discussed above the adjacent dwelling (20 Shaftesbury) incorporates limited openings (i.e. doors and windows) along the western façade, and is provided with a 3.4 metre setback to the boundary. Whilst the fence and retaining aligns with a portion of the dwelling, the remaining portion (approximately 11 metres) aligns with the rear yard and is therefore highly visible.

Whilst the visual bulk and scale impacts associated with the combined retaining and fence are considerable, the combined structure is located to the side boundary and given the sloping topography of the land, retaining and fencing is typical of the locality. The change in material and colour - light grey vertical concrete sleepers and dark grey horizontal colorbond fencing – provides a visual break in the overall structure profile and assists in reducing the visual bulk and scale posed. Additionally, when compared to existing fencing/retaining within the locality that incorporate materials of a lesser quality and finish and vary in height due to the respective slope, the fence and retaining height provides a consistent and orderly appearance. Furthermore, the fence height will ensure the potential for overlooking onto the adjacent allotment is reduced.

In my opinion, whilst the combined fence and retaining is of a considerable height, the visual impacts are not of such magnitude that refusal is warranted.

Southern Boundary

The application proposes retrospective approval for fencing and access gates achieving a maximum height of 2.3 metres along the southern boundary adjacent the existing 'right of way' for a total length of 8.8 metres. Given the proposed gates are located to the rear of the site along the boundary and abuts the existing laneway, any visual and bulk/scale amenity impacts attributed to the proposed height would be experienced by the occupants of the subject land itself. In this regard, the dwelling is setback approximately 18 metres from the rear boundary and the setback and extent of separation afforded is considered sufficient to minimising potential bulk/scale impacts. The above notwithstanding, the provision of 2.3 metre high fencing will eliminate the potential for casual surveillance opportunities from the rear of the dwelling/POS to the laneway.

Proposed Retaining & Fencing

The applicant proposes to replace the existing sheet metal fence (which varies in height) and construct fencing and retaining, to a maximum height of 3 metres to the remaining portion of the southern boundary (10.06m length), adjacent 20B Shaftesbury Terrace.

The concrete sleeper retaining wall is proposed to taper from a maximum height of 1.2 metres to existing ground level, following the existing topography of the land. A 1.8 metre high colorbond fence shall be sited on top of the retaining wall. The remaining rear yard will be benched to provide a single, flat area of private open space.

Visual impacts attributed to the proposed fencing and retaining height will be experienced by occupants of the allotment to the south (20 Shaftesbury Terrace). 20 Shaftesbury Terrace achieves a total site area of approximately 1045 square metres, with the dwelling confined to the southern half of the allotment, and the primary area of POS located to the northern half of the allotment. The closest usable area of the dwelling (rear verandah) is located some 17 metres from the proposed fence/retaining wall, whilst the closest habitable room (lounge/dining room) is located approximately 24 metres. Various forms of vegetation ranging from low level plantings to medium to high level plantings/trees are located along the northern boundary.

Whilst the combined retaining wall and fencing height will alter the current outlook experienced by the existing occupants, sufficient separation from the rear of the existing dwelling to the boundary has been afforded and this, combined with the current extent of vegetation afforded, will assist in lessening

and reducing the visual appearance and impact of the structure. The visual impacts of the combined fencing and retaining would be akin to that of a freestanding outbuilding.

The 1.8 metre high fence will significantly reduce the potential for overlooking to occur from the subject land onto adjacent land as currently passive mutual overlooking is possible due to the existing fence achieving a low maximum height and the varying topography of the subject and adjacent allotment.

Whilst the proposed retaining and fencing will be constructed from concrete sleepers and colorbond fencing, respectively, and will not incorporate what could be considered high amenity materials, given the extent of separation afforded and provision of existing landscaping along the northern boundary of the subject allotment, potential visual impacts will be reduced, and not of such magnitude adversely affect the amenity of occupants of 20 Shaftesbury Terrace or warrant refusal of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the proposed combined fence and retaining wall height and the respective visual bulk/scale and amenity impacts have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A representor has also raised concerns over the minor encroachment of the retaining wall onto their land. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment. This matter is considered to be a civil issue between the two parties.

ANALYSIS/CONCLUSION

Assessment of the proposal has demonstrated that whilst the visual bulk/scale impacts of the carport enclosure are substantial, given the structure presents to the side path/yard of the adjacent dwelling (20 Shaftesbury Avenue), which incorporates limited openings and is predominately used for utility and storage purposes, the impacts are not considered unreasonable or of such magnitude to warrant refusal. The excess in height and length, when assessed against the Development Plan, is unlikely to be visually obtrusive and subsequently will not have an unreasonable visual impact on the adjoining property.

The visual bulk and scale impacts associated with the combined retaining and fence (total height of 3 metres) are considerable, especially when viewed from the rear area of POS. The change in material and colour - light grey vertical concrete sleepers and dark grey horizontal colorbond fencing – provides a visual break in the overall structure profile and assists in reducing the visual bulk and scale posed. Additionally, when compared to existing fencing/retaining within the locality that incorporate lesser materials and vary in height due to the respective slope, the fence and retaining height provides a consistent and orderly appearance. The extent of fencing will provide greater privacy to the adjacent allotments to the south and west and (as discussed previously within this report), will not adversely affect the visual amenity or limit sunlight to adjoining land. Additionally, the combined structure is located to the side boundary and given the sloping topography of the land, and prevalence for occupants of allotments to provide privacy and usable area of open space, boundary retaining and fencing is a somewhat anticipated element.

The replacement of the existing sheet metal fence and subsequent construction of fencing and retaining, to a maximum height of 3 metres, along the shared boundary will, whilst decreasing the extent of potential overlooking, result in greater visual amenity impacts on the occupants of 20B Shaftesbury Terrace. The proposed fencing and retaining will alter approximately a third of the current boundary, changing the current outlook experienced. Given the provision of existing low to medium landscaping

along this boundary, and extent of separation afforded to the undercover area of POS and habitable room windows, the visual impacts are not considered to be unreasonable or detrimentally affect the amenity of adjacent occupants.

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: 100/2015/2273 for enclosure of existing carport on western boundary and construction of new retaining wall and fencing exceeding 2.1 metres (retrospective) at 18A Shaftesbury Terrace, 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. 100/2015/2273.**

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>

**REPORT REFERENCE: CAP070318 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



Originating Officer:	Kai Wardle Development Officer - Planning
Applicant:	Felmeri Homes
Development Description:	Construction of a single storey dwelling and a two storey dwelling, and removal of a significant tree
Site Location:	36 Sunshine Avenue, Warradale
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	19/10/2017
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2017/1978
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2 – 18(b) of the Development Regulations 2008, which assigns development that consists of the construction of two or more dwellings on the same site, where at least one of those dwellings is two storeys high, as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Council Assessment Panel.

The application underwent public notification with the proposal described as the '*Construction of a single storey dwelling and a two storey dwelling*'. Since such time, it has come to Council's attention that a significant tree is located on the site, which requires removal as part of the proposed works. As such, the proposal description has been amended to include the '*removal of a significant tree*'.

Council administration determined that re-notification was not warranted, given that Schedule 9, Part 1 – 13 prescribes that any development which comprises a tree-damaging activity in relation to a significant tree (unless otherwise stated) is a Category 1 form of development. Therefore, if a separate application were lodged for the tree's removal, it would not require public notification.

BACKGROUND

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

Amendments Requested	Amendments Made
Increase the rear setback of Dwelling 1 to allow for a greater dimension of private open space.	Rear setback increased from 4.5 metres to now provide a 5 metre depth of private open space.
Alter the (garage) side setback of Dwelling 2, from 0.6 metres to no less than 0.9 metres, or place the wall on the boundary.	Side setback increased to 0.9 metres.
Increase the finished floor level of both dwellings from 100.45 to 100.55, as requested by Council's Engineer to mitigate flood risk.	Finished floor level of both dwellings increased accordingly.
Install 3000L retention tanks, as requested by Council's Engineer to mitigate flood risk.	Retention tanks to be installed accordingly.

SUBJECT LAND & LOCALITY

The subject site is located at 36 (Lot 157) Sunshine Avenue, Warradale. The site is located at the south-eastern corner of the intersection with Launceston Avenue. The site is rectangular in shape, incorporating an approximate 3 x 3 metre corner cut-off. The site is bound by a northern frontage to Sunshine Avenue of 14.32 metres, and a western frontage to Launceston Avenue of 38.1 metres, comprising a total site area of 710 square metres.

The site contains a single storey detached dwelling with habitable additions to the rear, as well as a detached garage with an attached carport and verandah, and a separate outbuilding in the south-eastern corner of the allotment. The contour of the site is generally flat, gaining height towards the south at a very shallow gradient of approximately 1-in-180. The site has one existing crossover of approximately 7.5 metres in width, which gains access from Launceston Avenue, located approximately halfway along the site's existing secondary frontage to that street.

There is a significant multiple-trunked *Agonis flexuosa* (Willow Myrtle) to be removed as part of this application, located at the south-western corner of the allotment. It achieves a combined trunk circumference of greater than 4.4 metres, and an average trunk circumference of at least 1.1 metres. It achieves a height of approximately 7 metres, and crown spread of between 4 and 5 metres in the direction of all four compass points from the approximate centre of the trunk structure.

The locality consists primarily of original housing stock, being single storey detached dwellings on allotments of around 700 square metres. This prevailing character is interspersed with some low-to-medium density redevelopment which demonstrates a limited variety of dwelling types, including two pairs of single storey semi-detached dwellings located directly across the street from the subject site. Other redevelopment in the immediate locality has largely been in the form of subdivisions on corner allotments, which have primarily created two detached dwellings where one previously existed – similar to that proposed in this application. There is one existing two storey dwelling in the locality, with other examples not uncommon in surrounding streets beyond the immediate locality.

The site is located in close, walkable proximity to public open space, with the Warradale Park Reserve only 200 metres away. The site is also a convenient distance to public transport and services, with Warradale Railway Station measuring at a walk of 650 metres, while the Marion

Regional Centre is approximately a 750 metre walk. The nearest local centre is also a convenient 350 metre walk, located at the southern end of Launceston Avenue.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to remove a significant tree and construct two dwellings, which are to be detached dwellings on separate allotments pending the approval of a separate land division application which is awaiting processing. As such, in administration's view, the proposed dwellings should be treated as if they were detached dwellings. Dwelling 1, located on the corner, is to be single storey, while Dwelling 2 is to be two storeys.

Both dwellings are proposed to incorporate three bedrooms, two bathrooms (one ensuite), an open plan kitchen/living/dining area with direct access to the main area of private open space, and a single garage. Dwelling 2 is also proposed to include a separate toilet on the ground floor and an open study on the upper floor. A new single-width crossover is proposed for each dwelling, with Dwelling 1 to gain access from Sunshine Avenue at the eastern end of the site, and Dwelling 2 to gain access from Launceston Avenue at the southern end of the site.

Dwelling 1's façade is to be rendered in 'light grey' and will incorporate face brick on its side and rear elevations. It will incorporate custom orb roof decking in 'windspray' in a typical hipped formation at a 22½ degree pitch. Dwelling 2's façade and upper floor is also to be rendered, with face brick on its ground floor side and rear elevations. Its roof will also incorporate custom orb roof decking in a hipped formation at a 22½ degree pitch, however it will be coloured 'dune' and will also feature a gable presenting to the front. Both dwellings will feature perimeter eaves and black window fixtures.

As aforementioned, the proposal also seeks for the removal of the significant *Agonis flexuosa* (Willow Myrtle) in the south-western corner of the site.

The application proposes 1.8 metre high Colorbond fences at side and rear boundaries. Retaining of any significance is unlikely to be required given the flatness of the site and locality. This will be confirmed by a fully engineered site works plan which is conditioned to be provided to Council prior to the issue of Development Approval, in the event the Panel consider the proposal worthy of consent.

As mentioned, a separate related land division application has been lodged, which proposes to subdivide the land to create a separate allotment for each proposed dwelling. That application will be processed at a later date pending the Panel's decision on this application.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	17 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council. <ul style="list-style-type: none"> – 1 representation was against the proposal – 1 representation was in favour of the proposal
Persons wishing to be heard:	– Mr K N McAneney

Summary of representations:	<ul style="list-style-type: none"> – Lack of floor plans (in documents sent on notification) and lack of engineering detail; – Noise concerns regarding air conditioning units; – Overlooking concerns regarding upper floor windows; – Scale and visual impact concerns regarding the bulk, scale and proximity of upper floor. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>A response to the issues raised by the representor has been attached to this report and forms <i>Attachment V</i>.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Two referrals were conducted to Council's Engineer: one seeking confirmation that the proposed crossover placement is appropriate, and the other seeking advice on flood risk mitigation. The Engineer provided the following comments and recommendations:</p> <p><i>Proximity of driveway to intersection is fine. To mitigate flood risk, raise both FFLs from 100.45 to 100.55 and incorporate 3000L retention tanks plumbed into toilet and laundry & connected to 80% of the roof area.</i></p> <p>Both recommendations were enacted by the applicant.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>
Northern Policy Area 13
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p>

- 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>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies
PDC 3	Minimum Site Area: 375m ²	Does Not Comply D1: 362.5m ² D2: 347.4m ²
	Minimum Frontage: 12m	Complies D1: 14.32m D2: 20m
	Minimum Depth: 20m	Partially Complies D1: 18.1 – 21.14m Does Not Comply D2: 17.37m

Assessment

The proposal is considered to align with the objectives and desired character of Northern Policy Area 13. The application will increase the existing density of the land by one. While it is acknowledged that the proposed allotments fall short of the minimum site area sought for detached

dwellings, they exceed the minimum site area sought for semi-detached dwellings, and demonstrate the low-to-medium housing density which is sought by the Policy Area.

Furthermore, the proposal is of a density which is comparable to a number of examples in the locality which have undergone subdivision and redevelopment into separate detached dwellings, such as 22A–22B Elgin Avenue, 32A Sunshine Avenue/26 Struan Avenue, 30A–30B Sunshine Avenue, and 17B Struan Avenue. These properties demonstrate site areas of between 336 and 390 square metres, and also include a two storey dwelling.

The proposal is considered to contribute to a cohesive streetscape outcome, as both dwellings will demonstrate good residential design principles, with a dwelling presenting onto each adjoining street frontage respectively. The proposal will be a notable improvement over the site's existing built form. Furthermore, the bulk, scale and setbacks of Dwelling 2's upper storey will not unreasonably impact upon the amenity of adjacent land or the locality, as elaborated on herein.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Complies D1: 39.2% (142m²) D2: 32.7% (113.5m²)</p> <p><u>Floor area ratio:</u></p> <p>Complies D2: 0.43</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>Complies</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>Complies</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
Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

(a) any area covered by a dwelling, carport, garage or outbuildings

Complies

D1: 29.0%

D2: 32.2%

Complies

All POS areas are directly accessible from a living room with an area of greater than 10% of the site area, and due to the flatness of the allotment, are anticipated to demonstrate an appropriate gradient.

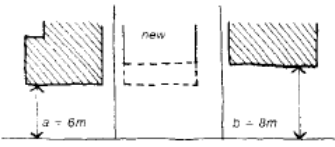
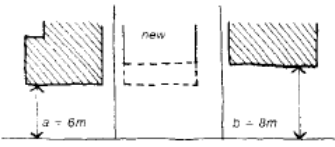
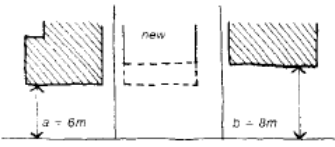
All POS areas incorporate a 5-by-5 metre 'square'.

Complies

- 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.
- 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.

Partially Complies

- g) The proposed POS areas maintain a partially northern aspect to provide for comfortable year round use.
- h) The POS areas should not be significantly shaded during winter by the associated dwellings or adjacent development. Part of Dwelling 1's POS is located south of the

<p>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</p> <p>(c) common areas such as parking areas and communal open spaces</p> <p>(d) any area at ground level at the front of the dwelling (forward of the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>associated dwelling, which will result in partial overshadowing particularly during winter – however, it will not be significant. While it is noted that the eastern portion of Dwelling 2's POS will be overshadowed by the associated dwelling during the afternoon, it will receive sufficient direct sunlight throughout the remainder of the day.</p>								
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p>								
<p>Building Setbacks from Road Boundaries</p>									
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</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 setbacks of 5.7 metres to Dwelling 1 and 5.0 metres to Dwelling 2 are considered to contribute positively to the function, appearance and desired character of the locality.</p>								
<p>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:</td></tr> <tr> <td colspan="2">  </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:			Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Partially Complies</p> <p>D1: 5.7 metres (Dwelling on adjoining land is set back approximately 8.5 metres).</p> <p>D2: 5.0 metres (Dwelling on adjoining land is set back approximately 9.5 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>
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:								
									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<p>Minimum setback from secondary road frontage: 2 metres</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>D1: 2.8 metres</p>								
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>								

Side Setbacks

Minimum setback from side boundaries:

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

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

*Where the wall height is greater than 6 metres:
(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres
(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.*

Residential Zone: PDC 6

Complies

D1: Ground floor (<3m wall height) – 1m (eastern side).

D2: Ground floor (<3m wall height) – 0.9m (southern side); 2.6m (northern side).
Upper floor (3-6m wall height) – 3.6m (southern side); 3.8m (northern side).

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

General Section: Design and Appearance: PDC 2

Complies

The proposed side setbacks meet or exceed the Development Plan's quantitative requirements for this Policy Area. The proposal's side setbacks are considered to maintain the amenity of adjacent property, appropriately minimise the impact of bulk and scale, and maintain the existing character of the locality.

Rear Setbacks

Minimum setback from rear boundary:

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

Residential Zone: PDC 6

Partially Complies

D1: 5m (46%); 4m (24%)
D2: 5m (59.5%); 4.5m (21%)

Quantitatively, while a ground floor rear setback of 6 metres is not achieved, the proposal does not incorporate a rear setback closer than 4 metres at any point. The respective sections of 4 and 4.5 metres are short and generously setback when compared to the 3 metres for 50% of the allotment width permitted by the Development Plan.

Does Not Comply

D2: 7.2m (48%); 5m (14%)

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

General Section: Design and Appearance: PDC 2

Complies

Although the proposed rear setbacks do not strictly comply with quantitative criteria, the separation provided from each rear boundary is considered to be sufficient in minimising the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed

		further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfalls 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>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.15 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>		Complies
<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>		Complies
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	
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 a secondary road frontage	0.9 metres or in-line with the associated dwelling (whichever is the lesser)	
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	Complies

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)	Complies
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		Complies
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		Complies Each dwelling will provide two on-site parking spaces, one of which is to be covered, as required by Table Mar/2.
Detached	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). General Section: Transportation & Access: PDC 43		Complies 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) Up to 6 on-street car parking spaces shall remain available adjacent the subject land.
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). General Section: Land Division: PDC 22		Complies Up to 6 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.
Access		
The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of: (a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway. General Section: Residential Development: PDC 39		Complies
Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.). General Section: Residential Development: PDC 40		Complies The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure. There are no street trees adjacent the subject land.

<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>Complies</p> <p>Vehicle access points are located on separate street frontages, with plentiful on-street parking opportunities to remain available adjacent the site.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</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"> • Rendered front façades, with face brick partially visible on ground floor side elevations; • Stepping of D2's upper and lower storeys to reduce the impact and appearance of building height, mass and proportion to each elevation; • Protruding portico to D2, slightly protruding portico to D1; • Eave overhang and pitched roof form at 22½ degree slope, with gables featured on the front elevation of D2; • High levels of fenestration to the front façades of both dwellings. <p>The dwellings incorporate a 22½ degree Colorbond roof in 'windspray' and 'dune' respectively, with rendered façades. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <ul style="list-style-type: none"> <i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</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>Complies</p>

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

a) The sunlight received by north-facing windows to habitable rooms of existing dwellings on adjacent allotments will not be affected, as habitable room windows to the neighbouring property to the south are already enclosed by an existing carport on that site.

b) The affected portion of the southern adjoining property consists of existing driveway and an enclosed carport. There are no north-facing habitable windows with direct exposure to sunlight. Private open space of this adjoining property will not be notably affected. The most nearby portion of its private open space already contains a structure which would generate a level of shadowing which would exceed that generated by the proposal.

The proposal will cast some shadow into the eastern adjoining property's private open space, but will only commence during afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

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

Complies

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

<p><i>boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>adjacent properties.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
Noise	
<p><i>Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, and protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 27</i></p> <p><i>Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade.</i></p> <p><i>General Section: Residential Development: PDC 28</i></p>	<p>Complies</p> <p>Proposed development is not close to any high noise sources.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Complies</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>Partially Complies</p> <p>The dwellings are positioned so that parts of their private open space will have direct northern exposure to winter sun for a sufficient portions of the day.</p> <p>The internal main activity area of D1 is oriented with windows facing south. As such, It is noted that it will not receive direct northern sunlight to its windows, particularly during winter. The associated area of POS will receive some direct exposure to sunlight, particularly during the afternoon, as the impact of the shadow caused by the dwelling shifts with the angle of the sun.</p> <p>D2's internal main activity area is oriented with windows facing west and east. As such, it will receive direct sunlight during the morning and afternoon, with direct sunlight subsiding during the middle of the day. The associated area of POS will receive direct exposure to sunlight during the morning and the middle of the day, but overshadowing from the associated dwelling will commence during the afternoon. Nevertheless, sufficient exposure to direct sunlight will remain.</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><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>General Section: Energy Efficiency: PDC 3</p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 22½ degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Flooding	
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p>General Section: Hazards: PDC 4</p> <p><i>Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:</i></p> <p><i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i></p> <p><i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p>General Section: Hazards: PDC 5</p>	<p>Complies</p> <p>Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 100.55 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</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>General Section: Landscaping, Fences & Walls: PDC 1</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>General Section: Landscaping, Fences & Walls: PDC 2</p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 3</p>	<p>Complies</p> <p>Indicatory landscaping and lawn areas are shown on the site plan. No further detail is considered to be necessary in this case given the proposal's nature of development as detached dwellings. The indicative landscaping shows that sufficient opportunity exists for generous landscaping to be implemented if future owners choose to do so.</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>Complies</p> <p>The development proposes 1.8 metre high Colorbond fences at side and rear boundaries.</p> <p>Given the flatness of the site and locality, retaining of any significant height is unlikely to be required. This will be confirmed by a fully engineered site works plan which is conditioned to be provided prior to Development Approval.</p> <p>Any subsequent retaining height will be necessary to achieve a level development site and cater to the additional FFL required for flood risk mitigation. Anticipated retaining will maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
<h2>Significant Trees</h2>	
<p>OBJECTIVES</p> <p>1 The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.</p>	<p>Complies</p> <p>The tree does not provide important aesthetic and environmental benefit.</p>
<p>2 The conservation of significant trees in balance with achieving appropriate development.</p>	<p>Complies</p> <p>On balance, while significant trees should be conserved where possible, the tree is not an important specimen – as discussed below – and the proposed development is appropriate for the site.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p>1 Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:</p> <ul style="list-style-type: none"> <i>(a) makes an important contribution to the character or amenity of the local area; or</i> <i>(b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species</i> <i>(c) represents an important habitat for native fauna</i> <i>(d) is part of a wildlife corridor or a remnant area of native vegetation</i> <i>(e) is important to the maintenance of biodiversity in the local environment</i> <i>(f) forms a notable visual element to the landscape of the local area.</i> 	<p>Complies</p> <ul style="list-style-type: none"> (a) The tree does not make an important contribution to the character or amenity of the local area. The tree's limited height and visibility from surrounding areas – as discussed in (f) – diminish its contribution to the public and private realms alike. (b) The tree is not indigenous to the local area, nor is it listed as rare or endangered under the <i>National Parks and Wildlife Act 1972</i>. (c) The tree does not represent an important habitat for native fauna. (d) The tree is not part of a wildlife corridor or a remnant area of native vegetation. (e) The tree is not individually important to the maintenance of biodiversity in the local environment. (f) The tree does not form a notable visual element to the landscape of the local area. Photographs demonstrate that the tree's limited height diminishes its visibility when viewed from Launceston Avenue only 50 metres away. The tree is only visible from Sunshine Avenue at the intersection with Launceston Avenue, also roughly 50 metres away.

<p>2 Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.</p>	<p>Does Not Comply The application proposes the removal of the significant tree.</p>
<p>3 Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:</p> <p>(a) in the case of tree removal:</p> <p>(i) the tree is diseased and its life expectancy is short</p> <p>(ii) the tree represents an unacceptable risk to public or private safety</p> <p>(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area</p> <p>(iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value</p> <p>(v) all other reasonable remedial treatments and measures have been determined to be ineffective</p> <p>(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.</p> <p>(b) in any other case, any of the following circumstances apply:</p> <p>(i) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree</p> <p>(ii) the work is required due to unacceptable risk to public or private safety</p> <p>(iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area</p> <p>(iv) the tree is shown to be causing or threatening to cause damage to a substantial building or structure of value</p> <p>(v) the aesthetic appearance and structural integrity of the tree is maintained</p> <p>(vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.</p>	<p>Partially Complies</p> <p>(a)</p> <p>(i) The tree does not appear to demonstrate obvious signs of disease or shortened life expectancy.</p> <p>(ii) The tree's risk to safety has not been determined. However, its multiple-trunked structure casts doubt on its structural integrity.</p> <p>(iii) The tree is not within a Bushfire Prone Area.</p> <p>(iv) The tree has not been shown to cause or threaten to cause substantial damage.</p> <p>(v) No remedial treatments appear to have been attempted.</p> <p>(vi) The location of the tree obstructs the proposed location of Dwelling 2's driveway. The dwelling's garage is in the most optimal position for site functionality. Moving the garage to the other (northern) side of the dwelling to prevent tree removal would decrease the functionality of north-facing private open space by further separating it from internal living areas, which would need to move as a result.</p> <p>(b) N/A</p>
<p>4 Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.</p>	<p>Does Not Comply The application proposes the removal of the significant tree.</p>
<p>5 Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.</p>	<p>Does Not Comply The land is to be developed involving the removal of the significant tree.</p>

TABLE DISCUSSION

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

- Shortfall in minimum site area;
- Shortfall in minimum site depth;
- Shortfall in rear setback – ground floor and upper floor; and,
- Significant tree principles.

Minimum site area

Detached dwellings in Northern Policy Area 13 should achieve a minimum site area of 375 square metres. Dwelling 1 achieves a site area of 362.5 square metres, and is therefore 12.5 square metres (or 3.3%) undersized. Dwelling 2 achieves a site area of 347.4 square metres, and is therefore 27.6 square metres (or 7.4%) undersized.

It is worthwhile to note that the Residential Code permits detached dwellings to be constructed where site area and frontage width meets semi-detached provisions 'as of right'. Furthermore, the proposed dwellings are compliant with the majority of other relevant criteria. Of particular note is their compliance with site coverage and floor area ratio, which demonstrates that the allotments are capable of accommodating detached dwellings to Development Plan requirements without 'overdeveloping' the site. Further, an analysis of the locality has shown a number of comparably sized allotments which accommodate detached dwellings. Given the above, the shortfall in site area is not considered fatal to the overall merits of the proposal.

Minimum site depth

To accommodate a detached dwelling in Northern Policy Area 13, an allotment should comprise a minimum site depth of 20 metres. Dwelling 1 practically complies in this regard, with its depth along the eastern boundary of 21.14 metres applying for the majority of the allotment's width, only reducing to 18.1 metres at the western boundary adjacent to the corner cut-off. Dwelling 2 does not comply however, with a site depth of 17.37 metres. When viewed in balance with the dwelling's performance against other provisions of the Plan, the lack of site depth is considered to be appropriately addressed through the design and positioning of the dwelling. Whilst the dwelling's rear setback generally does not comply with that sought (refer below), the front and side setbacks – in addition to private open space, site coverage, and floor area ratio – each comply with that sought in the Policy Area; an identifier that the lack of site depth has not come at the expense of the function of the property, amenity of adjoining land or an overdevelopment of the site. As such, in my view, limited weight should be applied to such a shortfall.

Rear setback

Whilst the ground floor rear setback of each dwelling does not strictly comply with that sought in the Policy Area, adequate separation is provided to avoid resulting in an unreasonable visual impact or the overshadowing of adjoining properties. Within such separation, there is adequate opportunity for landscaping to be implemented if so desired, as shown by indicatory landscaping on the site plan.

The upper floor rear setback of Dwelling 2 does not meet the quantitative provision of 8 metres sought by the Policy Area, measuring at 7.2 metres from the rear boundary, reduced to 5 metres for a small width of 2.75 metres to cater for the stairway. The potential for impacts as a result of the rear setback are anticipated to be limited to the eastern adjoining property, 34 Sunshine Avenue.

The separation provided between Dwelling 2's upper storey and the eastern (rear) boundary is considered to be sufficient in minimising the visual impact of bulk and scale on the eastern adjoining property. Furthermore, the upper storey is to be stepped back from the ground floor for the majority of its width, which will assist to reduce the visual impact of the upper storey's height. The privacy of the eastern adjoining property will be maintained, as each rear-facing upper storey window will be opaque glazed to a height of 1.8 metres from finished floor level. The proposal will not unreasonably overshadow the private open space of the eastern adjoining property, as given the dwelling's westerly position, overshadowing of adjoining private open space will only commence during afternoon hours, ensuring that sufficient direct access to sunlight will remain as sought by Design and Appearance – PDCs 9 and 10.

While the representor of the eastern adjoining property's preference for Dwelling 1 to be two storey and for Dwelling 2 to be single storey instead is acknowledged, it is worthwhile to note that the Policy Area seeks development of up to two storeys in cases where the impact of additional height and bulk does not adversely impact upon amenity. Given the assessment conducted herein, Dwelling 2 as a two storey dwelling is considered to be appropriate in its proposed location given its anticipated acceptable level of impact.

Significant tree principles

In relation to the proposed removal of the significant *Agonis flexuosa* (Willow Myrtle) on the site: as demonstrated by an assessment against Significant Trees – PDC 1, the specimen fails to demonstrate any of the listed attributes which would otherwise warrant its preservation. It has limited visibility from surrounding areas, with its stature and contribution diminishing significantly when viewed from the surrounding streetscape only 50 metres away. Further, it is not indigenous to the local area, nor is it listed as rare or endangered, and it does not provide a habitat of importance.

Given that the tree's preservation is not warranted, lesser weight should be applied to Significant Trees – PDCs 2 to 5, which generally call for significant trees to be preserved where appropriate. As a side note, while alternative development options for the site may be possible to ensure the tree's retention, they would arguably result in a less functional use of the site, requiring the garage and driveway to be shifted elsewhere. On balance, the proposal for the tree's removal should be supported as its preservation is not warranted. As such, the tree's removal should not be considered to jeopardise the merit of the proposal as a whole, given that the built form element of the proposal demonstrates a form of development which is appropriate and functional for the site.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the lack of engineering detail provided, overlooking and visual privacy, and the impacts of bulk, scale and proximity of the upper floor to the eastern property boundary have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A representor also flagged concern regarding the potential for noise to be generated from air conditioning units. The Development Plan seeks for noise generated by fixed noise sources such as air conditioning units to be located, designed and attenuated to avoid nuisance to adjoining landowners and occupiers. Air conditioning units are not classified as 'development' (and therefore do not require Council consent) unless they are to be fixed upon the roof of the dwellings, which has not been indicated. As such, the air conditioning units are not a valid consideration within the context of this assessment. If the units are to be fixed atop a roof, a separate application would be required as noted.

ANALYSIS/CONCLUSION

The proposed development is considered to appropriately satisfy the Objectives and Desired Character of Northern Policy Area 13. The Policy Area encourages low-to-medium density redevelopment of the existing housing stock in the form of dwellings at generally lesser setbacks to the primary street frontage and of up to two storeys in height, provided that the impact of the additional height does not adversely impact the amenity of adjacent land or the locality. Furthermore, the development has been found to demonstrate a high level of compliance with the relevant Principles of Development Control.

In relation to the proposed density, assessment of the proposal has demonstrated that the site is capable of accommodating two detached dwellings, and an analysis of the locality has shown that detached dwellings on similar-sized allotments are not uncommon or without precedence. Furthermore, the proposal exceeds the Policy Area's minimum site area provision for semi-detached dwellings. The proposal's built form is considered to demonstrate appropriate consistency with the existing and evolving patterns of development in the area, while also demonstrating the low-to-medium density as sought by the Policy Area. As such, it is my opinion that the proposal's shortfalls against minimum site area and minimum site depth have been sufficiently justified and do not compromise the overall merit of the proposal.

In relation to the upper floor of Dwelling 2, assessment of the proposal has demonstrated that it will not unreasonably impact the amenity of adjoining land or the locality. The dwelling demonstrates good residential design principles in its presentation to the street, and the upper floor is appropriately recessed from the ground floor on all sides, which reduces the visual impact of its height. While the rear setback of the upper floor to the eastern boundary is at quantitative variance to that sought by the Development Plan, it will not result in unreasonable overshadowing, visual impact, nor will it contribute to a loss of privacy. As mentioned, the development as a whole is also considered to demonstrate appropriate consistency with the evolving pattern of development and separation evident within the area.

Lastly, the significant tree is not a specimen which is worthy of retention, and its removal should be supported in association with the remainder of the development. It is my opinion that, on balance, the overall merit of the proposal outweighs its limited shortfalls against the Development Plan.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/1978 for Construction of a single storey dwelling and a two storey dwelling, and removal of a significant tree at 36 Sunshine Avenue, Warradale be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/1978, being drawing numbers 1, 2, 4 and 5 prepared by Felmeri Homes and stamped as received by Council on 19 January 2018, as well as drawing numbers 3 and 6 prepared by Felmeri Homes and stamped as received by Council on 17 October 2017, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 4. The portion of the upper floor windows to all side and rear-facing upper floor rooms (except the west-facing windows presenting to the street) of Dwelling 2 less than 1.8m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
- 5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 6. 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.

NOTES

1. The applicant is reminded that payment of \$262.50 to the City of Marion Urban Tree Fund is required to be made prior to the issue of Development Approval. Payment can be made via telephone or in person quoting Development Application 100/2017/1978.
2. 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.
3. 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).
4. 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.
5. 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.).
6. 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.
7. 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.
8. The applicant is advised that if an air-conditioning unit is to be fixed or mounted on the roof of a dwelling, a separate Development Application will be required for such works.

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>Photographs</i>

**REPORT REFERENCE: CAP070318 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	E & A Cohen Pty Ltd
Development Description:	4 single storey row dwellings and 3 single storey row dwellings with associated landscaping
Site Location:	15 Macklin Street and 19 Parson Street, Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	22/12/2017
Development Plan:	Consolidated – 28 November 2017
Referrals:	nil
Delegations Policy:	nil
Application No:	100/2017/2448
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of row dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed Residences 1 – 4 (inclusive) 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, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Site coverage of each dwelling should be reduced to more closely align with Council's Development Plan provision of 40%.	No changes made.
Crossover widths of Res. 1 – 4 (inclusive) require a minimum 3m width, while maintaining appropriate separation from street infrastructure.	3m crossover width provided for Res. 1 and 2 and boundaries altered for Res. 3/4 in order to achieve minimum crossover widths.
Information Requested	Information Provided
A schedule of proposed colours/materials/finishes to be used on the external elements of the dwellings, and/or colour elevation plans.	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 15 Macklin Street and 19 Parson Street, Sturt. The allotment situated at 15 Macklin Street is irregular in shape and incorporates a corner cut-off to the south-eastern corner of the allotment, resulting in a frontage width of 16.7 metres to Macklin Street, average depth of 39.63 metres and total site area of 913.95 square metres. Vehicular access is currently available via Macklin Street as well as Parson Street.

19 Parson Street is rectangular in shape achieving a frontage width of 18.43m, depth of 41.148m and total site area of 758.35sqm. Vehicular access is currently available adjacent the southern side boundary.

Collectively, the subject land achieves a 56.4m frontage to Parson Street and total site area of 1672.3sqm. The topography of the land incorporates an approximate fall of 1.7m from south to north and there are no regulated trees on the subject land. Each allotment is devoid of any structure.

The original housing stock is typically defined by single storey detached dwellings and both single and double storey residential flat buildings, at low to low-medium densities. Recent infill development has occurred in the locality, displaying a variety of dwelling types including detached, semi-detached, group and row dwellings.

It is also acknowledged that the subject land is within walking distance of the Myer Road Reserve and in close proximity to the Neighbourhood Centre Zone situated at the Diagonal Road and Miller Street junction as well as Westfield Marion Shopping Centre, which is located within a Regional Centre Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of four, single storey row dwellings and three single storey row dwellings, all facing Parson Street.

The floor plan of Res. 1 to Res. 4 (inclusive) incorporates an open plan kitchen/living/meals area with direct access to the main area of private open space, two bedrooms and bathroom/laundry. Each dwelling provides a garage under the main roof and seeks the construction of new crossovers for access.

The floor plan of Res. 5 to Res. 7 comprises an open plan kitchen/living/meals with direct access to an internal courtyard, three bedrooms, bathroom/laundry. Vehicular access shall be gained via new crossovers along Parson Street, which leads to single width garages and carport for Res. 7.

Each dwelling incorporates a mixture of colours and materials to the front façade, including exposed brick, cladding and render, panel lift doors and Colorbond roofing. The front entrance point is covered by a protruding roofline.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Coordinator Arboriculture

- The tree adjacent Res. 3 is to be retained and appropriate protection parameters be established to maintain development activity at an appropriate distance from the tree.
- In this scenario any works including (but not limited to) excavation for a driveway/cross-over, stormwater discharge pipe, service (gas, water, sewer, electrical) shall maintain a minimum of 2.5 metres radius setback from the trunk face of the tree.
- The street tree adjacent Res. 5 and Res. 6 is suitable for removal/replacement subject to the cost of \$450 + GST the applicant.

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

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.

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>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies
PDC 3	<p>Minimum Site Area: 250sqm</p>	<p>Complies Res. 5: 259.4sqm Res. 6: 261.8sqm Res. 7: 267sqm</p> <p>Does Not Comply Res. 1: 218.2sqm Res. 2: 222.2sqm Res. 3: 225.3sqm Res. 4: 218.8sqm</p>

	<i>Minimum Frontage: 7m</i>	Complies Res. 1: 7.8m Res. 2: 10.2m Res. 3: 10.16m Res. 4: 8.41m Res. 7: 7m Does Not Comply Res. 5: 6.3m Res. 6: 6.5m
	<i>Minimum Depth: 20m</i>	Complies Res. 1: 20m to 21.2m Res. 2: 21.2m to 22.4m Res. 3: 22.4m to 23.7m Res. 4: 23.7m to 25m Res. 5: 41.15m Res. 6: 41.15m Res. 7: 41.15m

Assessment

The application proposes seven row dwellings over two allotments that previously accommodated two detached dwellings, thereby increasing the density of the subject land by five. It is acknowledged that the redevelopment of existing housing stock, at a higher density, is encouraged by the Objectives and Desired Character statement of the Northern Policy Area 13. Further, the amalgamation of two allotments is considered to assist in facilitating co-ordinated and efficient development as identified in the Desired Character statement.

In addition to the above, it is acknowledged that the Residential Zone and Northern Policy Area 13 encourages an increase in densities adjacent to public transport and within close proximity to public open space and centre zones. The subject site is located a short distance from the Myer Road Reserve and public transport options along Diagonal Road. The subject land is also situated in close proximity to notable centre zones in the locality including the Neighbourhood Centre Zone on the Diagonal Road and Miller Street junction and Westfield Marion Shopping Centre which is located within the Regional Centre Zone. As such, the wider locality is considered to contain some of the characteristics identified in Objective 2 of the Residential Zone.

Site areas

The site area of Res. 1 to Res. 4 (inclusive) fails to meet the minimum prescribed for row dwellings within the Northern Policy Area 13 (250 square metres). Res. 1 achieves a site area of 218.2 square metres, which represents a 12.7% shortfall. Res. 2 proposes a site area of 222.2 square metres, which is equal to a shortfall of 27.8 square metres (11.1%). Res. 3 represents a 10% shortfall from the minimum site area sought and Res. 4 is 12.5% less than the 250sqm.

When the non-compliances in site dimensions are considered in relation to the design and layout of each dwelling, it has been demonstrated that these failings will not come at the expense of private open space, setbacks to boundaries or the streetscape elevation (discussed throughout this report). Further, it is acknowledged that the undersized dwellings maintain a frontage width which exceeds the minimum 7 metres required for row dwellings in the Policy Area. As such, the undersized nature of the allotments will not be apparent from the street.

Further, it is acknowledged that Res. 1 to Res. 4 feature two bedrooms, thereby increasing the range of housing stock within the locality. Despite the site areas of each dwelling failing to meet the minimum sought, I am of the opinion that the dwellings will assist in catering for changing demographics and particularly smaller household sizes.

As such, I am of the view that seven row dwellings can be accommodated on the subject land in the form proposed and that the density of the site is not significantly out of character with the applicable Objectives, Desired Character and Provisions of the Northern Policy Area 13.

Frontage widths

Row dwellings within the Northern Policy Area 13 require a minimum frontage width of 7m. Whilst Res. 5 and Res. 6 fail to satisfy this guideline, it is important to consider whether the non-compliance in frontage width is out of character with the locality and the form of development anticipated within the Policy Area. The Residential Zone calls for an increase in densities for sites which are situated in close proximity to centre zone, development which minimises the impact of garaging on the character of the area and development that contributes to the desired character of the policy area.

The non-compliance in frontage widths are not considered to adversely jeopardise the functionality of the site as acceptable setbacks from boundaries (discussed further within this report) and adequate area and dimensions of private open space are achieved. Furthermore, it is considered that the dwelling widths will not negatively impact on the streetscape, particularly as the respective single width garage opening constitutes less than 50% of the allotment width and appropriate on-street parking will remain available. As such, the discrepancy in frontage widths is not considered to negatively affect the streetscape or compromise the functionality of the dwellings.

The dwelling maintains a coherent streetscape as a result of an appropriate street setback and dwelling design, which will be modern in terms of providing a mixture of colours and materials, achieving positive contribution to the streetscape. The proposal is considered to complement the relevant Objectives, Desired Character statement and Principles of Development Control of the Northern Policy Area 13.

Arguably, the non-compliance in frontage widths could be attributed to other failings against the Development Plan; however, the assessment discussion contained within the below "Development Assessment" section of this report has demonstrated these areas have some merit.

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 Comply</p> <p>Res. 1: 112.4sqm (51.5%)</p> <p>Res. 2: 116.2sqm (52.3%)</p> <p>Res. 3: 116.2sqm (51.5%)</p> <p>Res. 4: 123.5sqm (56.4%)</p> <p>Res. 5: 162.2sqm (62.5%)</p> <p>Res. 6: 167.7sqm (64%)</p> <p>Res. 7: 166.1sqm (62.2%)</p>

	Total site coverage excluding alfresco/porch = 855.1sqm (51.1%)
<p>The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the discrepancy in site coverage:</p> <ul style="list-style-type: none"> (a) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land. (b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles. (c) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. Whilst not applicable to this form of development, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria). <p>The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.</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>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</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>Complies</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>Complies</p> <p>374.4sqm (22.4%)</p>

Private Open Space

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

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

Residential Zone: PDC 7

Complies

Res. 1: 50sqm (23%)
Res. 2: 58.5sqm (26.3%)
Res. 3: 53.6sqm (23.8%)
Res. 4: 48sqm (22%)
Res. 5: 65sqm (25.1%)
Res. 6: 61sqm (23.3%)
Res. 7: 62sqm (23.2%)

Each dwelling is provided with an area of POS which meets or exceeds the minimum dimensions of 5 x 5 metres and is directly accessible from an internal living room.

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

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

General Section: Residential Development: PDC 22

Complies

- 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 internal courtyards of Res. 6 and Res. 7 are north facing which will enable 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.

Does Not Comply

- f) POS areas are likely located adjacent bedrooms of 17 Macklin Street; however, standard fencing is considered appropriate to assist in minimising noise impacts upon the adjacent dwelling and maintain visual privacy.
- g) The proposed POS areas maintain a westerly aspect which will nonetheless receive afternoon light and some northern light

Complies (percentage of covered POS)

Res. 1: 27.4%
Res. 2: 20.5%
Res. 3: 22.4%
Res. 4: 25%
Res. 5: 27%
Res. 6: 28.6%
Res. 7: 28.2%

Building Setbacks from Road Boundaries

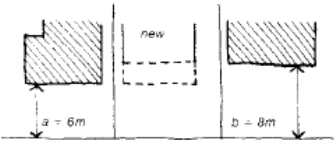
Except in areas where a new character is desired, the setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 21

Complies

The proposed variety in front setback of 5m, 5.4m and 5.8m is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 22

Complies

The dwellings incorporate a variety in front setbacks (5m, 5.4m and 5.8m). The dwellings on adjoining land, which are currently under construction (at the time of writing) are set back 5m. As such, the proposal is considered to assist in achieving a cohesive streetscape elevation.

Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

Does Not Comply

2m / 1.7m

Whilst a portion of the secondary street setback is less than the minimum 2 metres sought, it is my view that sufficient articulation will present to Macklin Street. Further, it is noted that the shortfall is marginal, falling 300mm short of the provision.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

Residential Zone: PDC 6

Complies

Buildings should be sited with respect to side and rear property boundaries to:

- (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight*
- (b) minimise the impact of bulk and scale of development on adjoining properties*
- (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.*

General Section: Design and Appearance: PDC 2

Complies

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

Rear Setbacks

Minimum setback from rear boundary:

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

Residential Zone: PDC 6

Does Not Comply

Res. 1: 2.7 – 3.4m and 5.5 – 6.1m
 Res. 2: 5.3 – 6.5m
 Res. 3: 6.4 – 7m and 4.4m
 Res. 4: 5.7m and 6.2m and 3.5m
 Res. 5: 5.8m
 Res. 6: 5.8m
 Res. 7: 5.8m

The non-compliant rear setbacks are not considered to result in amenity impacts upon adjacent land as it has been demonstrated that an appropriate amount of natural light will be available throughout the day for adjacent habitable windows and areas of POS. The dwellings have been designed to assist in reducing the bulk of the building when viewed from adjacent land. This has been achieved through the variety in rear setbacks, which is considered to provide transition and reduce the overall bulk of the dwellings.

It is also of value to note; the western allotment boundary currently serves as a side boundary for 15 Macklin Street. If a new dwelling/s were to present to Macklin Street, a 900mm metre side setback could be achieved for a single storey wall and accord with the applicable provisions of the Development Plan, which would arguably result in greater impacts to the adjacent land in relation to overshadowing and visual impacts.

The non-compliance in rear setback could be attributed to the lack of allotment depth and the undersized nature of the allotments; however, it has been demonstrated that the dwellings will be able to function appropriately in relation to site coverage, private open space area/dimensions and the other applicable provisions of the Development Plan. Given this failing is unlikely to result in amenity impacts to adjacent land I am of the view that this aspect of the proposal is appropriate.

Buildings should be sited with respect to side and rear property boundaries to:

- (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight*
- (b) minimise the impact of bulk and scale of development on adjoining properties*
- (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.*

General Section: Design and Appearance: PDC 2

Complies

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.

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwellings incorporate a maximum building height of 5.2 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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
Maximum building height	5 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
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)

Complies

Complies

Complies

Complies

Complies

Carport of Res. 7 – 600mm

Complies

Res. 1: 27.2%
Res. 2: 23.5%
Res. 3: 24.7%
Res. 4: 30%
Res. 5: 34.2%
Res. 6 : 37%
Res. 7: 37.5%

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

Complies

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

Complies

Each dwelling is provided with two on-site parking spaces, one of which is covered.

<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>		<p>Complies</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <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> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>Complies</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. b) Centre facilities and public transport are located a short driving distance from the subject land. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 6 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>Complies</p> <p>6 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
<p>Access</p>		
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>		<p>Complies</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>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2.5 metres from the existing street tree. Res. 6 requires the removal of an existing street tree which has been identified as being suitable for removal by Council's Coordinator Arboriculture.</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>Partially Complies</p> <p>Despite the crossover between Res. 4 and Res. 5 and Res. 6 and Res. 7 failing short of the 6m guideline for separation, it is acknowledged the availability of on-street parking exceeds the minimum sought (1 parking space per 2 dwellings) and as such, this element of the proposal is considered acceptable.</p>

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

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

- Mixture of Hebel cladding and vertical cladding on the front façade
- Stepping of the main facade to minimise building height, mass and proportion
- Eave overhang and pitched roof form
- Fenestration

The dwelling incorporates a Colorbond roof in "Wallaby" and "surfmist", with a mixture of cladding to the front facade.

The materials proposed for each dwelling should not result in glare to neighbouring properties, drivers or cyclists.

It is also acknowledged the design and layout of the dwellings provides separation between Res. 4 and Res. 5, with each set of row dwellings comprising differing colours. This separation and variety in colours is considered to provide visual interest to the street and on balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

Res. 6 and 7 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.

The main activity areas of Res. 1 – 5 (inclusive) are oriented west, which should nonetheless receive some northern winter sunlight.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form set at a 27.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

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

Complies

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

b) It is acknowledged some shadow will be cast into the western adjoining property in morning hours.

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 800 millimetres, internal to the site and adjacent the rear boundary of Res. 1, 2, 3 & 4.

A retaining wall up to 600mm is proposed along the secondary street of Res. 1; however, it is acknowledged it will be situated below ground level, such that it will not present to the street.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities in close proximity to public transport routes, open space and Centre Zones as well as providing further diversity in dwelling types.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains numerical failings relating to site coverage and rear setbacks. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

It is acknowledged that Res. 1, Res. 2, Res. 3 and Res. 4 fail to meet the minimum site area sought for row dwellings in the Northern Policy Area 13. Considerations within this report have demonstrated that the shortfall in site area is not necessarily inconsistent with that envisaged for the Policy Area and Residential Zone. It is considered that that the design of the dwellings has demonstrated that the site is able to accommodate seven dwellings in the form proposed and has appropriately addressed Council's Development Plan guidelines. On balance, the overall merit of the proposal is considered to outweigh any discrepancies and shall assist in providing positive contribution to the streetscape.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/2448 for 4 single storey row dwellings and 3 single storey row dwellings with associated landscaping at 15 Macklin Street and 19 Parson Street, Sturt 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. 100/2017/2448, except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

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

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

Attachments

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

**REPORT REFERENCE: CAP070318 – 2.6
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



Originating Officer:	Duncan Shearer Development Officer - Planning
Applicant:	Mr Brian Peters
Development Description:	Land Division Residential Torrens Title 1 into 3 allotments and subsequent construction of three two storey row dwellings.
Site Location:	65 Sunshine Avenue, Warradale.
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	16/11/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Development Engineer
Application No:	100/2017/2183
DAC Ref No:	100/D278/2017
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions.

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a) (iv) and Part 1: 2 (f)) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings provided that no such dwelling is more than 2 stories in height and land division which does not create more than 4 allotments, respectively, as Category 1 development. The subject application is required to be determined by the Council Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Confirm that all north facing windows indicated the inclusion of obscured glazing below 1700mm (AFL).	Elevations confirmed the inclusion of obscured glazing on north facing windows.
Water tanks be changed from 2000 litre combination retention/detention tanks to 3000 litre retention tanks as requested by Councils Development Engineer.	Water tanks changed to 3000 litre retention tanks.
Information Requested	Information Provided
Party wall details.	Provided

SUBJECT LAND & LOCALITY

The subject land comprises 65 Sunshine Avenue, Warradale. The corner allotment is rectangular in shape with a small corner cut-off, achieving a frontage width of 17.68 metres to Sunshine Avenue, depth of 39.85 metres and a site area of 700 square metres. The site currently accommodates a detached dwelling in average condition, with a setback of approximately 7.5 metres to the main façade on Sunshine Avenue.

Vehicular access is currently available on the western side of the allotment from Elgin Avenue, which leads to an outbuilding situated to the side/rear of the dwelling. The contour of the land is generally flat and there are no regulated or significant trees on the subject land. There are two street trees located on Elgin Avenue.

The locality consists of both original housing stock which can be typically defined by single storey detached dwellings. However, recent more recent development has occurred in the surrounding streetscape which consists of a variety of housing stock and includes single storey detached, semi-detached, group, as well as, single and two storey row dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of three two storey row dwellings with associated car parking and landscaping and land division. Each dwelling consists of a similar floor layout, incorporating three bedrooms, bathroom, open kitchen/living/meals area with direct access to the main area of private open space. The dwellings are to be orientated west and face Elgin Avenue. Residence 1 seeks to utilise and upgrade an existing driveway crossover, whereas Residence 2 and 3 propose new access points from Elgin Avenue and achieve appropriate setbacks from existing street trees.

The dwellings are to be constructed with a mixture of exposed brick ('Cobalt') on lower levels and cladding (painted in Surf Mist) to upper levels. The applicant has indicated via email that the panel lift garage doors and roofing are to be constructed of Colorbond ('Surf Mist'), the garage render and main bedroom box window will be presented in 'Solver Dundee' and the portico and kitchen window canopy will consist of Colorbond material ('Woodland Grey').

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Finished Floor Levels and Bench Levels are appropriate.</p> <p>It is recommended that 3000 litre rainwater retention tanks be installed and fully plumbed into both toilet and laundry connected to at least 80% roof area instead of dual retention/detention tanks.</p>
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ZONE & POLICY AREA ASSESSMENT

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

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

<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>		
PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Minimum Site Area: 250sqm</i>	Complies Res 3: 252 sqm Does Not Comply Res 1: 225.6 sqm Res 2: 222 sqm
	<i>Minimum Frontage: 7m</i>	Complies Res 1: 12.75m Res 2: 12.55m Res 3: 11.5m
	<i>Minimum Depth: 20m</i>	Does Not Comply Res 1: 17.68m Res 2: 17.68m Res 3: 17.68m

Assessment

The application proposes to construct three two storey row dwellings on an allotment which currently accommodates a single storey detached dwelling, thereby increasing the density of the land by two. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate, which is highlighted by the high level of compliance with Council's Development Plan and will be identified through this report.

Further to this, the proposed dwellings also contribute to promoting a cohesive streetscape, in which a number of buildings in Elgin Avenue achieve 2 storeys in height and provide a generally lesser setback from the primary road frontage (in particular 51 Lascelles Avenue) which is appropriate within the Northern Policy Area 13. It is acknowledged the proposed development will contribute to the provision of a variety of dwelling types and accommodation needs in an area which encourages the redevelopment of the existing housing stock as sought by the relevant Objectives, Desired Character Statement and Principles of Development Control.

The proposal however, does display numerical shortfalls with respect to site area and site depth.

Site area and Site depth

Residence 3 achieves a site area of 252 square metres and complies with the minimum requirements for row dwellings in Northern Policy Area 13, however, the site area of Residence 1 and 2 fail to meet the minimum prescribed for row dwellings within the Northern Policy Area 13 (250 square metres). Residence 1 achieves a site area of 226 square metres, which represents a 24

square metre shortfall (10%). Residence 2 proposes a site area of 222 square metres, which is equal to a shortfall of 28 square metres (12%).

Residences 1, 2 and 3 fail to meet the minimum site depth of 20 metres sought for row dwellings by 2.32 metres (11% shortfall) as a result of the existing site dimensions and corner cut off.

When the non-compliances in site dimensions and area are considered in relation to the design and layout of each dwelling, it has been demonstrated that these failings do not come at the expense of private open space, side setbacks to boundaries or unreasonable impact upon adjoining land. Further, it is acknowledged that each dwelling maintains a streetscape presentation that can be anticipated for row dwellings and despite the non-compliance in allotment depth for Residence 1, 2 and 3 the undersized nature of the allotments are not considered to be apparent from the street.

The overall shortfall in the allotment's site area and depth is not considered to be unreasonable and will not adversely affect the functionality of the site or the amenity of adjoining land. However, it is important to consider whether these shortfalls in site area and site depth have resulted in subsequent design shortfalls. The design and form of the dwellings is assessed in the following section 'Development Assessment'.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply</p> <p>Res 1: 55%</p> <p>Res 2: 55%</p> <p>Res 3: 48%</p> <p><i>(Without alfresco:</i> <i>Res 1: 46%</i> <i>Res 2: 47%</i> <i>Res 3: 40%)</i></p> <p><u>Floor area ratio:</u></p> <p>Complies</p> <p>Res 1: 0.59</p> <p>Res 2: 0.6</p> <p>Res 3: 0.53</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>Complies</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>Complies</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>Complies</p>						
<p>Private Open Space</p>							
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>	<p>Complies</p> <p>Res 1: 24.8%</p> <p>Res 2: 24.5%</p> <p>Res 3: 23.9%</p>						
<table><tr><th>Site area of dwelling</th><th>Minimum area of POS</th><th>Provisions</th></tr><tr><td>175 square metres or greater</td><td>20 per cent of site area</td><td>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.</td></tr></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.	
Site area of dwelling	Minimum area of POS	Provisions					
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.					
<p>Residential Zone: PDC 7</p>							
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(i) to be partly shaded in summer</p> <p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(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</p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>						

<p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings</p> <p>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</p> <p>(c) common areas such as parking areas and communal open spaces</p> <p>(d) any area at ground level at the front of the dwelling (forward of the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Does Not Comply</p> <p>g) The proposed POS areas maintain an easterly aspect as a result of the existing orientation of the site. These areas are nonetheless of suitable dimensions to receive natural light throughout the day.</p>						
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</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> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p> <p>Furthermore, there are a limited number of dwellings facing Elgin Ave in the immediate locality and the front setbacks proposed are not inconsistent with other buildings with a frontage (primary or secondary) to Elgin Avenue.</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>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:	Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Complies</p> <p>Ground: 5.5 metres Upper: 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>
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:						
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>Complies</p> <p>Res 3: 2m setback</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 3</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p>	<p>Complies</p> <p><u>Ground level</u> Res 1: Open Carport on boundary for 6.2m Res 2: internal boundary Res 3: 2m</p> <p><u>Upper level</u> Res 1: 2m Res 2: 1.95m internal boundary Res 3: 1.95m internal boundary</p>
<p><i>Maximum length and height when wall is located on side boundary:</i> (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Res 1: Open carport on boundary for a length of 6.2m</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>Complies</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). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<p>Rear Setbacks</p>	
<p><i>Minimum setback from rear boundary:</i> (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p><u>Ground level</u> Res 1: 3.04m (54%) to 6m Res 2: 3.04m (54%) to 6m Res 3: 3.04m (48%) to 6m</p> <p>Does Not Comply</p> <p><u>Upper level</u> Res 1: 6m Res 2: 6m Res 3: 6m</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</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.</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>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.56 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>	<p>Complies</p> <p>The proposed garages are incorporated under the main roof form. Materials and detailing complement the associated dwelling.</p>				
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>				
<table border="1"> <thead> <tr> <th>Parameter</th><th>Value</th></tr> </thead> <tbody> <tr> <td>Minimum setback from a primary road frontage</td><td>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</td></tr> </tbody> </table>	Parameter	Value	Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	<p>Complies</p> <p>Garages are both situated behind the main face of the associated dwellings. As such, include the following front setbacks:</p> <p>Res 1: 5.5m Res 2: 5.5m Res 3: 5.5m</p>
Parameter	Value				
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.				
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Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)				
<table border="1"> <tbody> <tr> <td>Maximum frontage width of garage or carport with an opening facing the street</td><td>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)</td></tr> </tbody> </table>	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>Complies</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>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p>	<p>Complies</p>						
<p>General Section: Residential Development: PDC 13</p>							
<p>Vehicle Parking</p>							
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>	<p>Complies</p> <p>The proposed dwellings incorporate three bedrooms, with the following off street parking provisions</p> <p>Res 1, 2, and 3 provide four off street parking spaces in total, two of which are covered.</p>						
<table><tr><td>Detached Semi-detached Row</td><td>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</td></tr><tr><td>Group Residential flat building</td><td>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</td></tr><tr><td>Multiple dwelling</td><td>0.7 per bedroom</td></tr></table>	Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	Multiple dwelling	0.7 per bedroom	
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.						
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.						
Multiple dwelling	0.7 per bedroom						
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>							
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Public transport is located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 3 on-street car parking spaces shall remain available adjacent the subject land.</p>						
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>Three on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>						
<p>Access</p>							
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p>						
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 2.4 metres from the existing street trees.</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>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <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>Complies</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 horizontal cladding on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico and cantilevered window awnings • Eave overhang and pitched roof form at 20 degree slope • Fenestration <p>The dwellings incorporate a 20 degree Colorbond roof, with cladded facades</p> <p>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>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>Complies</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>Complies</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 horizontal cladding, and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</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>	
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>Consideration of the likely shadow cast by the proposed development demonstrates that:</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.</p> <p>b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings. However, some shadow will be cast into the eastern adjoining property in the afternoon hours.</p> <p>Shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>
Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>Complies</p> <p>Residence 1, 2 and 3 incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p>

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The dwellings are oriented so that their open spaces and main activity areas face east. The rear portion of open space will nonetheless gain some northern winter sunlight, thereby providing an area with reasonable solar access.

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.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor level of 100.35 should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 metres. This fencing/retaining height is considered necessary to achieve a level development site to minimise the rise of inundation and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
<p>Land Division</p>	
<p><i>When land is divided:</i></p> <ul style="list-style-type: none"> <i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> <i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i> <p>General Section: Land Division: PDC 1</p>	<p>Complies</p> <ul style="list-style-type: none"> a) Stormwater is capable of being drained safely and efficiently from the allotment. b) SA Water have confirmed that water supply is available (subject to conditions). c) SA Water have confirmed that sewerage connection is available (subject to conditions). d) N/A
<p><i>Land should not be divided if any of the following apply:</i></p> <ul style="list-style-type: none"> <i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i> <i>(b) any allotment will not have a frontage to one of the following:</i> <ul style="list-style-type: none"> <i>(i) an existing road</i> <i>(ii) a proposed public road</i> <i>(iii) access to a public road via an internal roadway in a plan of community division</i> <i>(c) the intended use of the land is likely to require excessive cut and/or fill</i> <i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i> <i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i> <i>(f) the intended use of the land would be contrary to the zone objectives</i> <i>(g) any allotments will straddle more than one zone, policy area or precinct.</i> <p>General Section: Land Division: PDC 2</p>	<p>Complies</p> <ul style="list-style-type: none"> a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use. b) All allotments will have a frontage to the public road. c) Due to the relatively flat topography only minor cut/fill is required d) Erosion is unlikely. e) The area is sewerage. f) The intended use of the allotments is consistent with the zone objectives. g) The allotments are located wholly within the zone and policy area.
<p><i>Design and Layout</i></p> <p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p>General Section: Land Division: PDC 3</p>	<p>Complies</p>

<p><i>The design of a land division should incorporate:</i></p> <ul style="list-style-type: none"> <i>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</i> <i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i> <i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i> <i>(d) suitable land set aside for useable local open space</i> <i>(e) public utility services within road reserves and where necessary within dedicated easements</i> <i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i> <i>(g) protection for existing vegetation and drainage lines</i> <i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i> <i>(i) the preservation of significant trees.</i> <p><i>General Section: Land Division: PDC 7</i></p>	<p>Complies</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises the need for earthworks and retaining walls</i> <i>(b) maintains natural drainage systems</i> <i>(c) faces abutting streets and open spaces</i> <i>(d) does not require the removal of existing native vegetation to facilitate that development</i> <i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i> <p><i>General Section: Land Division: PDC 10</i></p>	<p>Complies</p>
<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>	<p>Partially Complies</p> <p>Despite being situated to the east of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.</p>
<p>Roads and Access</p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <ul style="list-style-type: none"> <i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i> <i>(b) the availability and frequency of public and community transport</i> <i>(c) on-street parking demand likely to be generated by nearby uses.</i> <p><i>General Section: Land Division: PDC 21</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) Adequate on-site parking available b) Public transport services are accessible in the wider locality c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.
<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>Complies</p> <p>Three on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>

TABLE DISCUSSION

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

- Site coverage
- Rear setback (ground and upper level)

Site Coverage

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the discrepancy in site coverage:

- a) The proposed dwellings each include an undercover alfresco area. Were these to be deleted from the proposal, site coverage would reduce to more closely align with Council's policies (46%, 47% and 40%), however this does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.
- b) The proposal achieves sufficient areas of private open space (POS) and side setbacks from boundaries. Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Rear Setbacks

Ground

The proposal does not meet the applicable rear setback criteria, which requires setbacks of 6 metres- less a 3 metre incursion for a distance less than 50% of the allotment width. Given the adjacent dwelling to the east (63 Sunshine) has a garage, verandah and shed near the associated boundary, this land will not in my opinion, be impacted significantly. As such I consider that adequate separation to the rear boundary (side boundary of the adjacent property) has been provided.

Upper

The proposed upper level rear setbacks of each residence fall 2 metres short of the 8 metres required within the Northern Policy Area 13. Notwithstanding, the setbacks proposed are considered acceptable as the likely impacts proposed are deemed to be minimal given a side setback of 2 metres could be achieved should the proposed dwelling be oriented towards Sunshine Avenue and not Elgin Avenue.

In this scenario, the upper level could achieve a minimum 2 metre upper level setback for a considerable length (considering the likely length of the dwelling running down the allotment). The visual impacts could therefore be greater than what is currently proposed. Additionally, the upper level of Residence 3 is located adjacent the front yard of the adjacent dwelling (63 Sunshine), whilst Residence 2 and 3 is located near a garage, verandah and shed of the adjacent dwelling.

Additionally, whilst the reduced rear setback will result in overshadowing during the afternoon, the setbacks provided will enable an appropriate extent of natural light to penetrate habitable room windows and POS areas of the adjacent dwelling at 63 Sunshine throughout morning and early afternoon hours, finding compliance with Overshadowing Principles 9 and 10. The non-compliance in upper level rear setback is noted and considered accordingly with the overall merit of the proposal.

Neither shortfalls in rear setbacks, in my opinion, will not result in undue or adverse visual or amenity impacts.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities, generates diversity in dwelling types that meet a variety of housing needs and contributes to a cohesive streetscape.

Assessment of the proposal against quantitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site area, site depth and rear setbacks and excess in site coverage.

Further assessment of these matters and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2017/2183 for Land Division Residential Torrens Title 1 into 3 allotments and subsequent construction of three two storey row dwellings at 65 Sunshine Avenue, Warradale be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/2183 except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

Land Division Consent

1. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
4. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
5. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
6. Payment of \$13660 into the Planning and Development Fund (2 allotment(s) @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
7. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

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

5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

**REPORT REFERENCE: CAP070318 – 2.7
DEFERRED: CAP061217
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Ms Vedrana Damjanic
Development Description:	One single storey detached dwelling and one single storey residential flat building comprising two dwellings
Site Location:	30 Nelson Street, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2017/1786
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

BACKGROUND

The subject proposal was previously presented to the Council Assessment Panel at the meeting held on 06/12/2017 and was deferred for the following reason:

- 1) To allow the applicant the opportunity to reconsider the design with the overall objective to reduce the total site coverage.

The applicant has subsequently submitted amended plans in an attempt to address the shortfall identified above. The original report, plans and attachments can be found in the Member's agenda from the 06/12/2017 meeting, or by contacting the author of this report.

The compromise submitted by the applicant incorporates the following amendments to the original proposal:

Site wide

- Revised site plan showing proposed planting throughout the development site.

Residence 1

- Slight amendments made resulting in a marginal decrease in site coverage and marginal increase in private open space.

- A decrease in the width of the driveway crossover point and driveway from 6.3 metres to 5 metres.

Residence 2 & 3

- Changes to the layout of Residence 2 & 3 resulting in a reduction in site coverage and subsequent increase in private open space to the rear and side of each dwelling including an increase in the side boundary setback of each dwelling from 1.655 metres to 2.5 metres.
- Introducing a 'step' in the footprint of both dwellings resulting in a rear boundary setback of 3.28 metres for 40.4% of the width of the rear boundary and 5.8 metres for 24.2% of the width of the rear boundary.
- A reduction the internal garage width of both dwellings from 3.2 metres to 3.0 metres and an increase in the garage depth of both dwellings from 5.7 metres to 6 metres.
- An increase in the length of the designated visitor car parking spaces of both dwellings from 5.5 metres to 6 metres.
- An increase in the front setback of Residence 2 & 3 from the common driveway from 1.06 metres to 3.615 metres providing greater separation and scope for landscaping forward of the dwellings.
- A decrease in the width of the reversing area directly behind the designated visitor car parking spaces of the dwellings from 5.9 metres to 5.4 metres.

Refer Attachment I

DEVELOPMENT ASSESSMENT

The proposed compromise plans are assessed in relation to the CAP's reason for deferral, as detailed below:

1) To allow the applicant the opportunity to reconsider the design with the overall objective to reduce the total site coverage.

The following table presents the resulting changes in site area, site coverage and private open space by comparing the original proposal with the amended plans.

	Criteria		Residence 1	Residence 2 / Residence 3
Site Area	375m ² / 300m ²	<i>Proposed:</i>	323m ²	249.7m ²
		<i>Previous:</i>	323m ²	245m ²
		<i>Change:</i>	No change	-4.7m ² (+1.9%)
Site coverage	40%	<i>Proposed:</i>	141.42m ² (43.7%)	118.22m ² (47.3%)
		<i>Previous:</i>	147.29m ² (45.6%)	129.12m ² (52.7%)
		<i>Change:</i>	-5.87m² (-1.8%)	-10.9m² (-5.4%)
POS	20%	<i>Proposed:</i>	66.71m ² (20.65%)	75.61m ² (30%)
		<i>Previous:</i>	66.63m ² (20.5%)	52.68m ² (21.5%)
		<i>Change:</i>	+0.08m² (+0.15%)	+23m² (+8.5%)

DISCUSSION

Residence 1

Whilst the amended proposal achieves only a very minor decrease in site coverage (approximately 5.87m² or 1.8%) and a negligible increase in private open space (approximately 0.08m² or 0.15%), the original proposal for Residence 1 only marginally exceeded the maximum site coverage envisaged for dwellings in Northern Policy Area 13 by 17.79m² or 5.6%. It is however noted that a minimum area of private open space measuring 5 metres by 5 metres has

still not been provided. An area measuring 9.7 metres by 4.6 metres is achieved however and is considered to be sufficient to meet the likely needs of the occupants. In addition, Residence 1 benefits from a reduced width driveway crossover access point and driveway providing additional area for landscaping forward of the dwelling.

Residences 2 & 3

Whilst Residences 2 & 3 have achieved a notable reduction in site coverage and subsequent increase in private open space, site coverage of 47.3% remains 7.3% higher than the numerical standard for the policy area. Whilst this excess in site coverage is not considered to be a significant failing and therefore not fatal to the application, the redesign of Residences 2 & 3 has resulted in a change to the nature of the private open space, and in my opinion, a decrease in the functionality of the space. Previously, an area measuring 9.9 metres by 5.335 metres was achieved at the rear of each dwelling, representing a total area of 52.82 square metres or 21.5% of the allotment area. The revised proposal achieves areas of private open space measuring 5.8 metres by 3.44 metres, 3.28 metres by 9.9 metres and 13.77 metres by 2.5m metres representing a total area of 75.61 square metres or 30% of the allotment area. Although a greater portion of the allotments are maintained as private open space, it is my opinion that the non-contiguous nature and reduced widths/depths of the areas provided are less functional than previously proposed.

It is also acknowledged that in an effort to decrease the site coverage and increase the private open space of Residences 2 & 3 the applicant has modified the common driveway to accommodate the changes. The revised proposal plans have been reviewed by Council's Development Engineer who has advised that an acceptable level of vehicular manoeuvrability is maintained that is likely to provide for safe and convenience access and egress to each of the designated car parking spaces. The redesign of Residences 2 & 3 has also benefited from the increased setback of the dwellings from the shared driveway area providing greater scope for a meaningful landscaped area forward of the dwellings, improving amenity for the occupants.

ANALYSIS/CONCLUSION

The proposed compromise plans have attempted to address the Panel's reason for deferral relating to excessive site coverage.

The amended plans have achieved an overall reduction in site coverage and subsequent increase in private open space, therefore addressing the Panel's concerns with regard to excessive site coverage. It is my opinion however that this has been achieved to the detriment of the functionality of the private open space afforded Residences 2 & 3. Whilst staff recall the Panel recommending the applicant consider reducing the number of bedrooms in Residence 2 & 3 from three to two, the applicant has chosen to persist with three bedrooms within each dwelling by amending the building footprint and reducing the width and depth of available private open space.

Although in my opinion the compromise proposal provides as less desirable outcome than previously proposed, the compromise proposal has somewhat satisfied the Panel's concerns and generally complies with Development Plan criteria to such an extent to warrant approval of the application.

As a result of the above considerations, it is my view that the amended proposal has addressed the Panel's reasons for deferring their determination of the application and that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2017/1786 for one single storey detached dwelling and one single storey residential flat building comprising two dwellings at 30 Nelson Street, South Plympton be 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. 100/2017/1786, being drawing numbers 02 through 08 (Revision F) prepared by V Building Design received 12/02/2018 except when varied by the following conditions of consent.**
- 2) All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.**
- 3) Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.**

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

- 4) The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 5) All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 6) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

NOTES

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

Attachments

Attachment I: Compromise Proposal Plans

**REPORT REFERENCE: CAP070318 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

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

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

Recommendation

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Acting 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 3.1 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

**REPORT REFERENCE: CAP070318 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 MARCH 2018**



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2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 3.2 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.