

**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 07 September 2022

Commencing at 6.30 p.m.

Council Chamber

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.



Alex Wright
ASSESSMENT MANAGER

31 August 2022

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022**



Please be advised Item 4.1 - One (1) single storey detached dwelling, and a single storey residential flat building comprising two (2) dwellings, with associated fencing and retaining, 80 Lascelles Avenue, Warradale has been withdrawn from the 7 September 2022 Agenda.

The Panel has delegated the decision making power for the application to the Marion Council Assessment Manager.

**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022
COMMENCING AT 6.30PM**



1. MEETING PROCEDURES

1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

No items listed for discussion.

3. DEVELOPMENT ACT 1993 APPLICATIONS

3.1 DEVELOPMENT NO 100/2021/195

3 and 7-9 Franklin Street, Sturt

Demolition of 22 existing dwellings and construction of 24 dwellings (comprising 2 x two-storey residential flat buildings each with two dwellings, 9 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and six (6) regulated trees.

Report Reference: CAP070922 - 3.1.....1

3.2 DEVELOPMENT NO 100/2020/659

1 Wattle Terrace, Plympton Park

Construction of a two-storey residential flat building comprising three dwellings as well as a carport, associated driveway, landscaping and partial retention of garage boundary walls to form a brick fence.

Report Reference: CAP070922 - 3.2.....22

4. PDI ACT APPLICATIONS

4.1 DEVELOPMENT NO 22014132

80 Lascelles Avenue, Warradale, SA 5046

One (1) single storey detached dwelling, and a single storey residential flat building comprising two (2) dwellings, with associated fencing and retaining.

Report Reference: CAP070922 - 4.1.....39

4.2 DEVELOPMENT NO 22016917

Unit 2, 115 Perry Bar Road, Hallett Cove

Swimming pool, outbuilding, fencing, retaining walls, earthworks and associated landscaping

Report Reference: CAP070922 - 4.2.....103

5. APPEALS UPDATE

Verbal Update Provided

5.1 APPEALS AGAINST PANEL DECISIONS

Verbal Update Provided

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

Verbal Update Provided

6. POLICY OBSERVATIONS

No items listed for discussion.

7. OTHER BUSINESS

No items listed for discussion.

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 7 SEPTEMBER 2022**

9. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022**



No items listed for discussion.

**REPORT REFERENCE: CAP070922 - 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022**



Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Adelaide Benevolent Society
Development Description:	Demolition of 22 existing dwellings and construction of 24 dwellings (comprising 2 x two-storey residential flat buildings each with two dwellings, 9 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and six (6) regulated trees.
Site Location:	3 and 7-9 Franklin Street, Sturt
Zone & Policy Area:	Residential Marion Plains Policy Area 8
Lodgement Date:	2 February 2021
Development Plan:	Consolidated – 14 January 2021
Referrals:	Internal - Development Engineer Internal - Coordinator Arboriculture
Delegations Policy:	CAP – Development Delegations Policy 4.1.6 <i>Any application for three or more dwellings (including detached, semi-detached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.</i>
Categorisation	Category 2 <i>Schedule 9 Part 18 (b) of the Development Regulations 2008 which specifies construction of the following as Category 2: (a) 1 or more buildings of 2 storeys comprising dwellings; or (b) 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high.</i>
Application No:	100/2021/195
Recommendation:	That Development Plan Consent be GRANTED

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Representations</i>
<i>Attachment IV:</i>	<i>Response to representations</i>

SUBJECT LAND

The subject sites comprises two existing allotments being the land at 3 Franklin Street comprising a site area of 1644m² and the land at 5-7 Franklin Street Sturt which maintains a site area of 4344m². The total size of the development site is 6078m².

The site at 5-7 Franklin Street is made up of 6 individual allotments and contains 8 single storey residential flat buildings comprising a total of 22 one bedroom dwellings. The land is accessible from both Franklin Street and Sturt Street with approximately 12 car parking spaces located directly from the street and not allocated to any dwelling. Communal open space with picnic shelters is available to the occupants of the dwellings and includes a number of established trees, none of which are regulated or significant.

The site at 3 Franklin street is located directly adjoining the land at 7-9 Franklin and is vacant save for a shed still remaining. The site has a cluster of eight trees, two of which are significant and six regulated. The site has one access point from Franklin Street.

Neither of the sites display a slope with any significant gradient.



LOCALITY

The locality is residential made up of predominately single and two storey detached, semi-detached ad group dwellings.

The locality has experienced a high level of redevelopment in recent times which has brought increased densities where established dwellings have been replaced with two or three dwellings.

The locality is characterised as low in scale and density.

The subject land and wider locality can be further viewed via [this link](#) to Google Maps.



PROPOSED DEVELOPMENT

The application seeks to demolish all structures on the land and remove two significant trees and six regulated trees and construct 24 dwellings within 2 x two-storey residential flat buildings, 9 x single storey residential flat buildings and 2 x single storey dwellings. The buildings are comprised of the following:

- Six (6) one-bedroom single storey units (Units 1, 14, 15, 16, 17 and 18).
 - Type 1A – one-bedroom unit has a floor area of 88.0 square metres;
 - Type 1b – one-bedroom unit has a floor area of 94.0 square metres; and
 - Type 1C – one-bedroom unit has a floor area of 88.0 square metres.
- Fourteen (14) two-bedroom single storey units (Units 4, 5, 6, 7, 12, 13, 19, 20, 21, 22, 23 and 24).
 - Type 2A – two-bedroom unit has a floor area of 99 square metres;
 - Type 2B – two-bedroom unit has a floor area of 88 square metres; and
 - Type 2C – two-bedroom unit has a floor area of 88 square metres.
- Four (4) two-storey, three-bedroom units (units 8, 9, 10 and 11)
 - Type 3 unit has a floor area of 173 square metres.

Access is provided to the development via a northern internal driveway between Embert Street and Franklin Street and a southern internal driveway from Embert Street only. Dwellings 1, 19 and 20 have direct access to Embert Street and dwellings 8, 9, 10, 11, 12 and 13 have direct access via Franklin Street.

Each dwelling is provided with a garage under the main roof and a visitor car parking space within the driveway.

A comprehensive landscape plan has been provided which includes eighteen replacement trees to compensate for the loss of the regulated and significant trees.

PROCEDURAL MATTERS

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

Categorisation

The application was notified as a Category 2 development by virtue of Schedule 9 Part 18 (b) of the Development Regulations 2008 which specifies construction of the following as Category 2:

- (a) 1 or more buildings of 2 storeys comprising dwellings; or
- (b) 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high.

Referrals

Development Engineer (internal)

A Traffic Engineers Report is required and is always a good idea in support of a significant development. In particular, the report should include turning paths for vehicles accessing driveways and negotiating parked cars (simultaneously opposite and next to resident driveways) in the access road which I assume will be private community title.

Writer's note: This was requested to the applicant, however, they did not consider it necessary to provide one. No parking of vehicles is proposed within the internal driveways.

Coordinator Arboriculture (Internal):

Considered a disappointing outcome regarding the trees as significant existing tree canopy and habitat hollows that will be lost.

Planting proposal is acceptable, although none of the chosen species will grow into large enough trees which will be considered regulated or significant.

The bottlebrush can be removed under fees and charges - medium tree \$1250.

- ## PUBLIC NOTIFICATION

ASSESSMENT

The assessment is split into three main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone	
Objectives	Satisfies
<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> 	<p>The proposed development is owned and operated by a charitable organisation to provide housing to people who are experiencing hardship. Whilst not strictly 'affordable housing' as per the regulations of the SA Housing Trust Act, the proposed development will provide housing to a range of people who are unable to afford properties on the open market.</p> <p>This is done through the charter of the Adelaide Benevolent Society which is to provide affordable rental accommodation. This is done without legislation or controls and has been done so since its establishment in 1849 and currently provides affordable rental housing to over 300 south Australians.</p> <p>The site has a number of services within close proximity to the site including Neighbourhood level shops approximately 850m away, Westfield Marion approximately 1.5m away, public open space 270m away and a range of bus options along Diagonal Road. The site displays suitability for increased densities with a number of services available within feasible walking distance.</p>
Relevant Principles of Development Control	Satisfies
<ol style="list-style-type: none"> 1 <i>The following forms of development are envisaged in the zone:</i> [...] ▪ <i>dwelling including a residential flat building</i> 3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i> 	<p>The proposed dwelling types are an envisaged form of development in the Zone and Policy Area.</p> <p>The proposed site comprises an area of 6000m² and there is merit in providing an increase in the density in a co-ordinated fashion on a large site such as the subject land.</p> <p>The dwelling types include different floor areas and bedroom offerings to provide a good range of housing choice to suit a variety of lifestyles and household arrangements.</p> <p>The dwellings are considered low in scale and compatible with the adjoining residential development.</p>

Marion Plains Policy Area 8

Objectives	Satisfies
1 A policy area primarily comprising low scale, low to medium density housing.	The proposed development satisfies the criteria for medium density housing at 39 dwellings per hectare.
3 Development that minimises the impact of garaging of vehicles on the character of the locality.	The impact of garaging shall be minimal, with each dwelling having only a single garage which is situated behind the main face and only 9 out of the 24 presenting to the street.
4 Development densities that support the viability of community services and infrastructure.	Proposed density shall support viability of community services and infrastructure.
5 Development that reflects good residential design principles.	The building will be built to a good residential design standard using a variety of materials and colour schemes.
6 Development that contributes to the desired character of the policy area.	

Desired Character	Satisfies
<i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i>	The proposed development seeks to replace an aging set of dwellings which do not meet the needs of the current occupants, with a modern set of buildings which will provide on-site car parking, landscaping, and a variety of dwelling types for affordable living.
<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>	The development will involve the amalgamation of two sites and will provide an additional two dwellings compared to the existing scenario.
<i>The desired character is an attractive residential environment containing low density dwellings, but at a higher density compared to that typical of the original dwelling stock in the area.</i>	The proposal achieves the desired density, and shall contribute to an attractive residential environment by virtue of its traditional building design which will offer streetscape presentation and passive surveillance with larger window detail presenting to the street. Extensive landscaping offsets the built form and complements and enhances the streetscape appearance.
<i>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>	The proposal will result in the removal of one street tree which interferes with a driveway location. It has been approved for removal by Council's open space operations where the cost to plant a new tree will be paid for by the applicant.
<i>Development should seek to promote cohesive streetscapes by incorporating designs that are sympathetic to the existing streetscape character, including complementary design features such as pitched roofs, eaves, front verandahs/porches and building materials.</i>	Further discussion is located within the Assessment Discussion of this report.
<i>Buildings of up to two storeys are appropriate, provided that the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i>	
<i>Buildings that present plain box-like built forms and limited detailing are generally inappropriate.</i>	
<i>Where a new building is built adjacent original dwelling stock, a lesser setback from the primary road frontage is anticipated, provided that the new building is designed to complement the existing streetscape character with regard to building design, articulation, roof form, materials and landscaping.</i>	
<i>Development will be interspersed with landscaping, particularly between the main road frontage and the building line, to enhance the appearance of buildings from the street, provide an appropriate transition between the public and private realm and</i>	

reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.

Amalgamation of properties is desirable where it will facilitate appropriately designed low-to-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.

Relevant Principles of Development Control

Satisfies

1 The following forms of development are envisaged in the policy area:

- affordable housing
- dwelling
- supported accommodation.

2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

The proposal is considered to reasonably satisfy the majority of the relevant Zone and Policy Area considerations listed above. Zone and Policy Area provisions that are more quantitative in nature have not been listed above, and are detailed within the following Quantitative Snapshot table, and pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion thereafter.

Quantitative Snapshot

Criteria							
Site area	Average site area - 350m ²	The 24 dwellings have an average site area of 253m ²					Does Not Satisfies
Frontage width	20m	Franklin Street frontage – 75.41m Embert Street frontage – 75.28m					Satisfies
Depth	45m	47.14m					Satisfies
Site coverage	40%	Total site coverage 39.37%					Satisfies
Front setback	Average of, or in-line with adjacent Adjoining: approx. 2m (adj Unit 13) and 7m (adj Unit 7) on Franklin Street 3m (adj Unit 18) and 7m (adj Unit 1) on Embert Street	Franklin St Frontage	Unit 7 4.6m	Units 8 and 9 5.5m	Unit 10 and 11 5.5m	Units 12 and 13 5.5m	Partially satisfies
		Embert St Frontage		Unit 1 4m	Unit 18 5.96m	Units 19 and 20 4.5m	
Carport/garage setback	5.5m and behind or in-line with main face	All dwellings have a carport setback at least 5.5m and in-line with, or behind the main face of the dwelling.					Satisfies
For the purposes of this assessment, the setbacks have been determined based on the dwelling's orientation on their associated site and not in relation to the existing boundaries. The assessment discussion will consider this further. Additionally, attached dwellings have been treated as ‘one dwelling’ due to their appearance and common roofline.							
Side setback (ground)	0.9m	Unit 1 North – 3.022 South – 3.3m		Unit 2 & 3 East – 1.5m West – 1.5m	Unit 4 & 5 East – 1.5m West – 1.5m	Unit 6 & 7 North – 900mm West – 4.2m	Satisfies
		Unit 8 & 9 North – 979mm South – 1.5m		Unit 10 & 11 North – 1.5m South – 1.5m	Unit 12 & 13 North – 1.01m South – 974mm	Unit 14 & 15 East – 1.5m West – 1.5m	
		Unit 16 & 17 East – 1.5m West – 1.5m	Unit 18 North – 5.5m South – 900mm	Unit 19 & 20 North – 2.81m South – 3.9m	Unit 21 & 22 East – 1m West – 1m	Unit 23 & 24 East – 1m West – 980mm	
SideSetback (Upper)	2m	Unit 8 and 9 North – 979mm South – 1.5m			Unit 9 & 10 North – 1.5m South – 1.5m		Does not satisfy
Rear setbacks (ground)	6m, may be reduced to 3m for <50% rear width	Unit 1 West – 980mm		Unit 2 & 3 North – 900mm	Unit 4 & 5 North – 900mm	Unit 6 & 7 East - 1.5m	Partially Satisfies
		Unit 8 & 9 East – 6m		Units 10 & 11 East – 6m	Unit 12 & 13 East – 6m	Unit 14 & 15 South – 2m	
		Unit 16 & 17 South – 2m	Unit 18 West - 2.173	Unit 19 & 20 West – 2.9m with 8m length wall on boundary	Unit 21 & 22 North – 6.6m with 5m incursion	Unit 23 & 24 North – 6.6m with 5m incursion	
Rear Setbacks (Upper)	8m	Units 8 and 9 East – 6m			Units 10 and 11 East – 6m		Does not satisfy
Building height	2 storeys; 9m	Tallest dwellings (Units 8 to 10) are two storey at a height of 5.6m					Satisfies

Private open space Private open space dimension	20% of site area Desired (D) m ² Proposed (P)m ² 5x5m – Yes/No	Unit 1 D – 54.2 P- 58 No	Unit 2 D – 34.8 P – 24 No	Unit 3 D – 35.4 P – 24 No	Unit 4 D – 35.4 P – 24 No	Unit 5 D – 35.4 P – 24 No	Unit 6 D – 35.4 P – 24 No	Unit 7 D– 40.2 P – 33 No	Unit 8 D – 35.6 P - 41 Yes	Units 8 to 13 and Units 21 to 24 – Satisfies Units 1 to 7 and Units 14 to 20 – Do not satisfy
		Unit 9 D – 38.6 P – 44 Yes	Unit 10 D– 38.6 P – 44 Yes	Unit 11 D – 38.8 P – 44 Yes	Unit 12 D – 45.6 P – 55 Yes	Unit 13 D– 45.8 P – 55 Yes	Unit 14 D – 38.2 P – 24 No	Unit 15 D – 38.2 P – 24 No	Unit 16 D– 38.2 P– 24 No	
		Unit 17 D – 38.2 P– 24 No	Unit 18 D – 63.2 P – 58 Yes	Unit 19 D – 42.4 P – 24 No	Unit 20 D – 37.6 P – 24 No	Unit 21 D – 43.8 P – 46 Yes	Unit 22 D– 43.8m ² P – 46 Yes	Unit 23 D– 43.8 P – 46 Yes	Unit 24 D – 43.8 P – 46 Yes	
Garage width	6m or 50% of dwelling façade width (the lesser)	All dwellings provide a single garage which take up no more than 50% of the front façade. Units 8 to 10 have an upper storey which reduces the apparent width of the garage on the ground floor.								Satisfies
Off-street parking	2 (1 covered) 1 visitor space per 3 dwellings = 8 spaces	Each dwelling is provided with two car parking spaces, one of which is undercover. No visitor spaces have been provided								Dwelling parks – Satisfies Visitor Parks – Does not satisfy
On-street parking	1 per 2 allotments = 12	10 on-street spaces (approx.)								Does not Satisfy
Stormwater Management	3KL Rainwater tanks	Inground 22,500L rainwater tank								

Assessment Discussion

Consideration and discussion of the following matters in particular are considered pertinent in reaching a recommendation for the proposal:

- **Site Areas**
- **Setbacks**
- **Private open space**
- **Car parking and access**
- **Removal of Significant and Regulated Trees**

Site Areas

The proposed development seeks to provide 24 dwellings on a site that is 6072m², resulting in an average site area per dwelling of 253m². The desired average site area for Residential Flat Buildings in the Marion Plains Policy Area is 350m² per dwelling, resulting in a 28% average shortfall per dwelling.

However, it is not considered that site area alone is a key determinant in the merits of the development and other factors including the existing and envisaged land use of the Policy Area, compatibility with the desired character, the modest size and variety of dwellings, and the co-ordinated manner in which the development will be established is considered to have some weighting in the balanced assessment of the proposal.

The site currently contains 22 dwellings within eight residential flat dwellings and provides low income housing to vulnerable people in the community. The current housing has reached the end of its life expectancy and is no longer considered to be fit for purpose nor appropriate for future occupants.

The proposed development seeks to re-establish this form of affordable housing in a manner that provides a variety of housing styles in an efficient and co-ordinated fashion, with both improved function and streetscape outcomes.

The proposal includes the acquisition of 3 Franklin Street which adds an additional 1644m² square metres to the overall area and with an increase of 2 dwellings upon what already exists, does not represent a significant increase in density.

Furthermore, the Objectives and Desired Character of the Policy Area seek for the gradual improvement of built form with a range of dwelling types at higher densities to meet a variety of accommodation needs. The net density of the site represents medium density housing, which is contemplated within Objective 1 and the Desired Character and, is encouraged where there is an amalgamation of properties.

It is also pertinent to note that within this increased density, the low scale nature is still maintained, resulting in a suitable integration into the existing landscape.

To this end, the proposed development is considered to provide a range of housing types that do not represent a large proportion of housing stock in the locality i.e. one and two bedroom low income housing. The scale and siting of the dwellings are such that they are not considered to detrimentally impact on the surrounding land and will have a function and appearance that provides an overall benefit to the future occupants and upon the streetscape. Accordingly, the proposed density is considered appropriate in the context of its locality.

Setbacks

The proposed front setback of Unit 7 is sited slightly forward of the 5m standard generally set for new dwellings. The front setback is varied in the street and includes dwellings with a setback of 2m on Franklin Street and 3m on Embert Street. The proposed front setbacks are considered to be in keeping with the general character of the locality and are reasonable.

With regards to side and rear setbacks, the numerical standards of the Development Plan have limited relevance in the assessment of the proposed development as each dwelling has been designed and sited to minimise impacts on the neighbouring dwelling on both the subject land and the adjoining land.

Units 2 to 5 and 14 to 17 have their rear orientated towards the neighbouring properties on external allotments (Figures 1 and 2 below). Whilst numerically, it is a departure of the rear setback, the subject land has an allotment orientation such that it is the side boundary of that allotment, and to this end, the dwellings' setbacks would satisfy. Accordingly, the visual appearance from the neighbouring land would not differ significantly than that of a detached dwelling presenting to Franklin and Embert Street.



Fig 1: Units 2-5 with 900mm rear setback

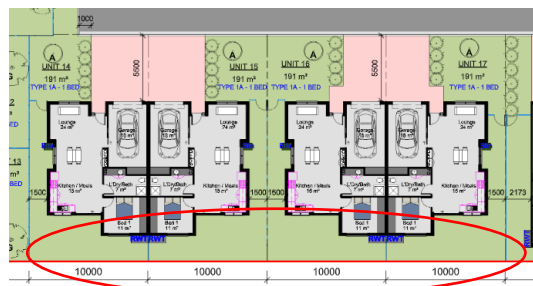


Fig 2: Units 14 to 17 with 2m rear setback

Within the subject land, the single storey dwellings which have a presentation to the streetscape, namely Units 1, 6/7, 18 and 19/20 encroach significantly within the desired rear setback (See figures 3 to 6 below). In these circumstances, the neighbouring dwelling has allowed for this through placing windows in locations which have a better external outlook and not the adjacent dwelling wall.

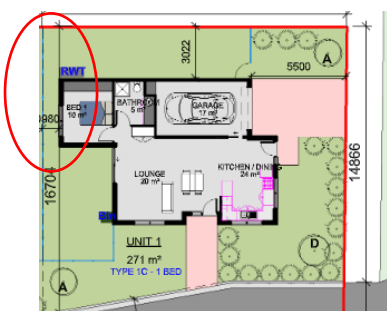


Fig 3: Unit 1 with 980mm rear setback

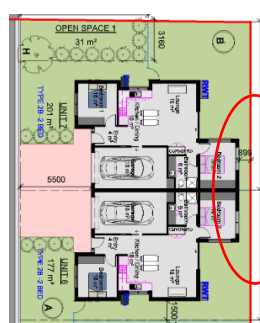


Fig 4: Unit 6/7 with 1.5m rear setback



Fig 5: Unit 18 with 2.2m rear setback

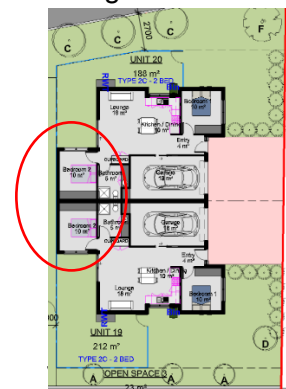


Fig 6: Unit 19/20 with no rear setback

The upper storey rear setbacks of Units 8 to 11 fall short of the desired 8m standard by 2m (See figure 7 below). Similarly, the impacts are minimal as they are not located directly adjacent habitable room windows and the proximity from the POS area of Unit 24 is such, that it will not result in overshadowing and is sufficiently separated and not visually imposing. Likewise, with the lesser side setbacks of these dwellings (1.5m in lieu of 2m), the habitable room windows are located at the rear for improved light reception.

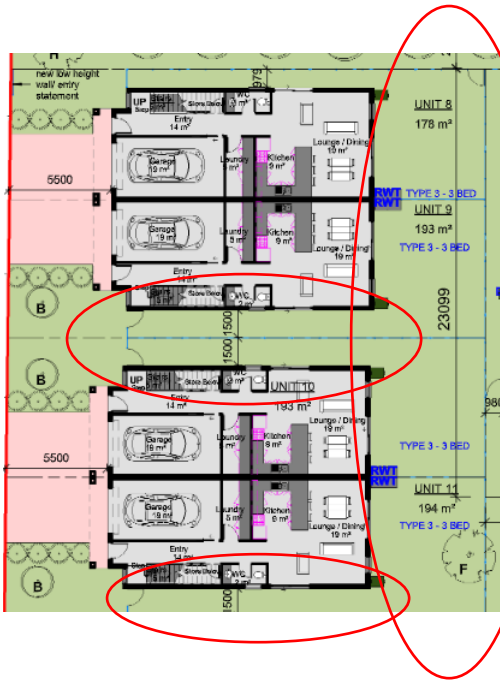


Fig. 7 two storey dwellings with 6m rear setback and 1.5m side setback

Accordingly the proposed setbacks, although a numerical departure from the development plan, has been designed to take into consideration the impact of the dwelling upon it neighbouring property. As such, the numerical shortfall is not considered to result in unreasonable impacts upon occupants on both the subject land and external adjoining properties.

Private Open Space

The private open space of Units 2 to 7 and Units 14 to 20 each provide 24m² (shortfalls of between 10m² and 26m²). Units 7 and 13 provides 33m² and 58m² (shortfalls of 7m² and 9m²) respectively.

Although the private open space areas do not satisfy the numerical standard, they are considered to be commensurate to the size of their respective allotment and associated dwelling (one and two bedroom units) which are likely to have a maximum occupancy of one to two persons. As such, the proposed area and dimensions are considered to be of a suitable sized and meet the likely needs of future occupants..

The yards are considered to be of a reasonable size and dimension to offer some amenity and usability for enjoyment without the costs and maintenance of a larger yard and is suitable for the demographic of the occupants.

Car Parking and Access

Access

The proposed development is provided with two internal driveways; One to the northern portion of the allotment, spanning from Franklin through to Embert Street and providing access to Dwellings 2 to 6 and a second driveway with access from Franklin Street, providing access to Dwellings 14 to 18 and 21 to 24.

The applicant was confident in their approach to the access and car parking that it did not consider it necessary to provide a traffic report. Part of the reason being that vehicle ownership within the tenancies is anecdotally low and that whilst two car parks are provided per dwelling, it is unlikely that every dwelling will utilise their parking allocation to full capacity.

This notwithstanding, each dwelling has a driveway length of 5.5m long and 3.3m wide. The associated common driveways have a width of 6.2m. The dimensions of the car parks and aisle widths satisfy the

minimum standards of AS/NZS 2890.1:2004. Additionally Residential Development Principle 41 provides a guide for driveways servicing more than one dwelling, shown in the table below:

- 41 Except where otherwise specified in a particular zone or policy area, driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		Width beyond first 6 metres	
	Arterial roads	Other roads		
1 – 3	6	3	3	0.5
4 – 7	6	5	3	0.8
8 or more	6	6	5	1.0

The width of the driveway meets the 6m minimum identified in the table for 8 or more dwellings. Given that there are no obstructions on either side of the driveway (it is not anticipated that a fence will be erected between sites), vehicles can effectively start manoeuvring out of the driveway immediately.

Whilst it is acknowledged that a traffic report and vehicle turning circles would assist to validate this, I am satisfied that the width of the driveway will sufficiently allow for two-way vehicle movements and the dimensions of both the car parking and the access driveway will sufficiently cater for vehicle movements within the site.

Concerns were expressed at both the prospect of vehicles parking along the common driveways as well as the nature of the Embert Street driveway being a dead end without a turnaround area.

The response from the applicant is that the intent is to provide parking for each dwelling within the garage and driveway and it is not the intent to encourage parking along the driveway. A condition to the effect that there shall be signage or markings on the site at all times to prevent the parking of vehicles along the common access driveway can assist in ensuring that vehicles are only parked within the garages and driveways.

With regards to the lack of turnaround area, the applicant has provided this response “*Should a person enter this driveway and seek to turnaround the option is available for them to utilise a driveway of one of the units. It will be highly unlikely that all of the visitor car parking areas within the driveways will be occupied at once give the very low car ownership of the tenants. As stated in the planning report accompanying the application, the ratio of tenants with vehicles is generally between 0.7 and 1.0 vehicle per unit.*”

Should the panel consider that a traffic report is required, it may be appropriate to defer the decision to allow the applicant to provide this.

Car Parking

Each dwelling provides two car parking spaces, one of which is undercover in accordance with Table Mar/2 - Off Street Vehicle Parking Requirements.

The table specifies that in the case of three or more Residential Flat Buildings, 1 visitor space per three dwellings should be provided, which equates to eight car parks.

Transportation and Access Principle 43 states that on-site vehicle parking should have 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, particularly adjacent areas of high demand, such as in proximity to tram stops, train stations and Regional and District Centre Zones*
- (e) *any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).*

The existing 22 dwellings are currently serviced by 12 car parking spaces. The 48 car parking spaces included in the proposed development is a net increase of 36 spaces. Whilst no additional on-site visitor parks have been provided, approximately 10 parks are available on the street directly adjacent the subject land.

The applicant also indicates that the occupants that inhabit the proposed dwellings have a low level of vehicle ownership with approximately 0.7 to one vehicle per unit, on average. This is supported by the fact that six of the dwellings are one-bedroom, which ordinarily, is likely to have only one vehicle associated with it.

Accordingly, the combined factors of an increased rate of car parking of less than 0.5 per dwelling to 2 per dwelling, the nature and size of the dwellings and the availability of on-street parking is sufficient to determine that the supply of car parks is likely to meet the demand for occupants and visitors to the site.

Removal of Regulated and Significant Trees

The property at 3 Franklin Street contains a grouping of trees which have been identified as regulated and significant. A previous design sought to retain one of the trees (tree 8) , however, when all things were considered, the retention of the trees provided a constrained design which did not offer the benefit of good amenity and design for the occupants.

The trees have been assessed by a qualified arborist and has provided the following assessment summary for each tree:

Tree No.	Botanic Name	Legislative Status	Retention Rating	Dev. Impact	TPZ Radius	Observations	Actions
1	<i>Eucalyptus cladocalyx</i>	Significant	Moderate	Conflicted	12.84m	This tree is considered to be in fair overall condition due to it having a moderate history of branch failure impacting its structural rating and therefore its overall condition.	Removal Required <i>Writer's note: due to conflict with development and risk</i>

2	<i>Eucalyptus cladocalyx</i>	Regulated	Low	Conflicted	8.64m	This tree is considered to be in fair overall condition due to the presence of a currently stable included bark union in the primary trunk division.	Removal Required
3	<i>Eucalyptus cladocalyx</i> (Sugar Gum)	Regulated	Low	Conflicted	8.28m	This tree is considered to be in poor overall condition due to the compromising level of decay in the primary structure.	Removal Required
4	<i>Eucalyptus cladocalyx</i>	Regulated	Low	Conflicted	8.88m	There is evidence of bird damage within the secondary structure of this tree. However the tree is otherwise healthy and does not appear to be structurally unsound.	Removal Required
5	<i>Eucalyptus cladocalyx</i>	Significant	Moderate	Conflicted	15m	There is a moderate level of decay within the primary structure of this tree. However the tree is otherwise healthy and does not appear to be structurally unsound.	Removal Required
6	<i>Eucalyptus cladocalyx</i>	Regulated	Low	Conflicted	8.88m	There is evidence of bird damage within the secondary structure of this tree. However the tree is otherwise healthy and does not appear to be structurally unsound.	Removal Required
7	<i>Eucalyptus cladocalyx</i>	Regulated	Low	Conflicted	7.92m	This tree is considered to be in poor overall condition due to the substantial history of branch failure and resultant impact on the trees overall structure.	Removal Required
8	<i>Eucalyptus cladocalyx</i>	Regulated	Moderate	Conflicted	9.36m	There is a moderate level of decay within the primary structure of this tree. However the tree is otherwise healthy and does not appear to be structurally unsound.	Removal Required <i>Writer's note: due to conflict with development and risk</i>

Council's arborist attended the site with the applicant's arborist. At the time, it was observed that the hollows in the trees were home to birds and noted that retention of tree canopy was an important aspect in the consideration of the retention of the trees. It was a strong recommendation from Council's arborist that 1-2 trees should remain.

It is considered that there is some merit in the consultant arborist's opinion that the trees, when viewed together, form a notable visual element. However, some trees have low retention ratings due to their overall health, and once removed, the remaining trees that are in moderate condition, when viewed in isolation, are not prominent in height or vigour such that they, alone, would make an important contribution to the character and amenity of the local character.

The applicant had considered the retention of the regulated tree 8 adjacent the southern boundary of the site, however, it was considered that Sugar Gums are prone to branch failure and a decision was made to landscape the entire site with more appropriate species.

Significant trees: Objective 2 and Regulated trees: Objective 2 refers to conservation of trees in balance with appropriate development. Consideration to support the removal of the trees has been taken in balance with the social benefits that the proposed development will provide. Retaining the trees is likely to impact the orderly presentation, number of dwellings and the level of amenity for each dwellings such as provision of POS and further, could pose a risk to occupants of the sites given the trees propensity for branch failure.

The proposal includes an extensive landscape plan which provides substantial plantings of a range of species with a variety of heights and canopy spread throughout the entire site. The amount of plantings exceed the number required to compensate for the loss of the Significant and Regulated trees (18 trees required in accordance with Development Regulations, Part 59).

To this end, five out of the six regulated trees and one out of two significant trees display a decline in health and poor structure and satisfies the criteria outlined in *Significant Tree: PDC 3 (a) (i) and Regulated Trees: PDC 2 (a), the tree is diseased and its life expectancy is short.*

Further, the remaining significant and regulated tree, while demonstrating some environmental benefit and moderate health, are not deemed to be, by themselves, notable visual elements in the locality and do not achieve *Significant Tree: PDC 1 (a) and Regulated Tree Objective 1 to make an important/significant contribution to the character or amenity of the locality.* Further, the proximities of the tree next to the dwellings presents as a risk to the safety of residents and warrant removal in accordance with *Significant Tree: PDC 3 (a) (ii) and Regulated Trees: PDC 2 (b) the trees represent a risk to public and private safety.*

Design and Appearance

The design and appearance of the dwellings follow a traditional built form with external brick cladding and colorbond hipped roofs. The proposed landscaping will complement the development, soften the appearance of the driveway and contrast the taller built form on the site.

The two storey buildings are central to the development and provides a suitable transition to the single storey buildings on the external sites to the north and south. The height of the built form is in keeping with the low scale character of the locality. The windows to the rear and side will be obscured to a height of 1.7m above the finished floor level to protect the privacy of the adjacent residents. The privacy of dwellings on the opposite side of the development site will not be impacted as the main face of those dwellings present to Franklin Street.

Units 1, 7 and 18 have some colorbond fencing presenting to the primary street which serves the purpose of enclosing some private open space. Dwellings 1 and 7 also present to the common driveway rather than the primary street. It is noted that the Development Plan seeks to encourage dwellings presenting to the primary street rather than internal driveways. In this situation, which encompasses other street facing dwellings within the complex and provides some landscaping to soften the appearance, I do not consider this to be an aspect that is fatal to the merits of the application.

Accordingly, the proposed development is a vast improvement to what currently exists. It engages with the streetscape much more effectively whilst providing a landscaping scheme which softens the built form and provides the associated environmental benefits of a tree canopy once established.

CONCLUSION

On balance, the proposal is considered to satisfy a majority of applicable Principles of Development Control contained within the Marion Council Development Plan.

The proposed development seeks an increase in overall density to provide affordable rental accommodation to vulnerable members of the community in the form of mostly one and two bedrooms dwellings through a coordinated redevelopment of underutilised dwelling stock at their end of their useful life expectancy.

Despite the density being higher than that sought by the numerical standards of the Development Plan, the site's large overall size provides a unique opportunity to redevelop the site in a coordinated manner and improve the streetscape and function of the dwellings provided to the occupants. The development with their modest built form, comprising one and two bedrooms, offers a range of dwelling types not typically seen in low density residential settings. It maintains a scale of development that is in keeping with its surroundings and provides a good level of amenity for future occupants with acceptable POS areas.

The development will improve car parking outcomes for the site as well as improving privacy and amenity for tenants.

The development incorporates a detailed landscaping plan to enhance the site with a variety of trees and medium to low level plantings to compensate for the loss of the Significant and Regulated Trees. The retention of trees, which were in poor to moderate condition, would have limited the outcomes of the site whilst also imposing a risk to occupants and it was considered more appropriate to provide a coordinated approach to the landscaping on the site.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent, Land Division Consent and Development Approval (where relevant) 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 variance¹ 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: 100/2021/195 for the demolition of 22 existing dwellings and construction of 24 dwellings (comprising 2 x two-storey residential flat buildings each with two dwellings, 9 x single storey residential flat buildings each with two dwellings and 2 x single storey dwellings) with associated access, fencing and landscaping and the removal of two (2) significant trees and six (6) regulated trees at 3 and 7-9 Franklin Street, Sturt be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development granted Development Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below
- 2. Prior to the occupation of the premises, signage or markings shall be provided to prevent the parking of vehicles within the common driveways. The control measures shall remain in good condition at all times and maintained for the life of the development.
- 3. 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 and maintained in a good condition at all times.
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted, with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises and maintained for the life of the development to the reasonable satisfaction of the Council.
- 5. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details, with on-site water retention systems connected to collect roof stormwater from each dwelling, prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.

¹ Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act). What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

NOTES

1. **Street tree removal requires further action from you (the applicant). Council's Open Space team will send you a letter explaining the process associated with payment, street tree removal and street tree replacement. Following Development Approval, please contact Council's Open Space team to arrange for payment to be made. Please note that removal/replacement may only be undertaken by Council, and removal/replacement will not occur until after payment has been received. Please see Council's 'Development and Street Trees' Factsheet for further information.**
2. **Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.**
3. **Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly.**

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 (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).

Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).

4. **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.**
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.**

REPORT REFERENCE: CAP070922 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022



Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Nathan Patrick Sim
Development Description:	Construction of a two-storey residential flat building comprising three dwellings as well as a carport, associated driveway, landscaping and partial retention of garage boundary walls to form a brick fence.
Site Location:	1 Wattle Terrace, Plympton Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Lodgement Date:	15 May 2020
Development Plan:	Consolidated – 07 May 2020
Internal Referrals:	Land Asset Officer- City Property Development Engineer- Engineering, Assets and Environment
External Referrals:	Nil
Delegations Policy:	Development Delegations Policy 4.1.2 Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed a desire to be heard by the Panel; and Development Delegations Policy 4.1.6 Any application for three or more dwellings (including detached, semi-detached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.
Categorisation:	Category 2 Schedule 9, Part 2, 18(a) of the Development Regulations 2008 assigns the construction of 1 or more buildings of 2 storeys comprising dwellings, as Category 2 development.
Application No:	100/2020/0659
Recommendation:	That Development Plan Consent be REFUSED

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plans</i>
<i>Attachment III:</i>	<i>Supporting Statement (provided at lodgement)</i>
<i>Attachment IV:</i>	<i>Representations</i>
<i>Attachment V:</i>	<i>Response to Representations</i>

SUBJECT LAND

The subject land is located at 1 Wattle Terrace, Plympton Park. The allotment is mostly rectangular with a primary frontage of 4.02 metres to Cross Road and an angled primary frontage of 11.02 metres to the one way 'slip road' entry of Wattle Terrace, as well as a secondary frontage of 37.45 metres to Arthur Street. The allotment comprises a total site area of 560.1 square metres.

The subject site currently accommodates a single-storey detached dwelling in average condition as well as various ancillary structures including a detached outbuilding with vehicular access from Arthur Street adjacent the rear (southern) boundary. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.



Figure 1: Subject land

LOCALITY

The immediate locality is comprised of a mixture of residential dwelling types including original pre 1950's detached dwellings on large allotments as well as 1970's residential flat dwellings on smaller allotments together with some group dwellings on more recently redeveloped allotments.

The subject land is located within close proximity of the Adelaide-Glenelg Tramline itself, and fronts onto Cross Road and an adjacent Commercial Zone (now Employment Zone). Centre facilities and public open space are located further from the site. Two smaller local centre zones are both located some 400 metres to the east and west of the site while a larger centre (now located within an Urban Corridor Zone) is located some 600 metres to the north. The Plympton Oval is located 650 metres walking distance to the south-west of the site.

The subject land and wider locality can be further viewed via [this link](#) to Google Maps.

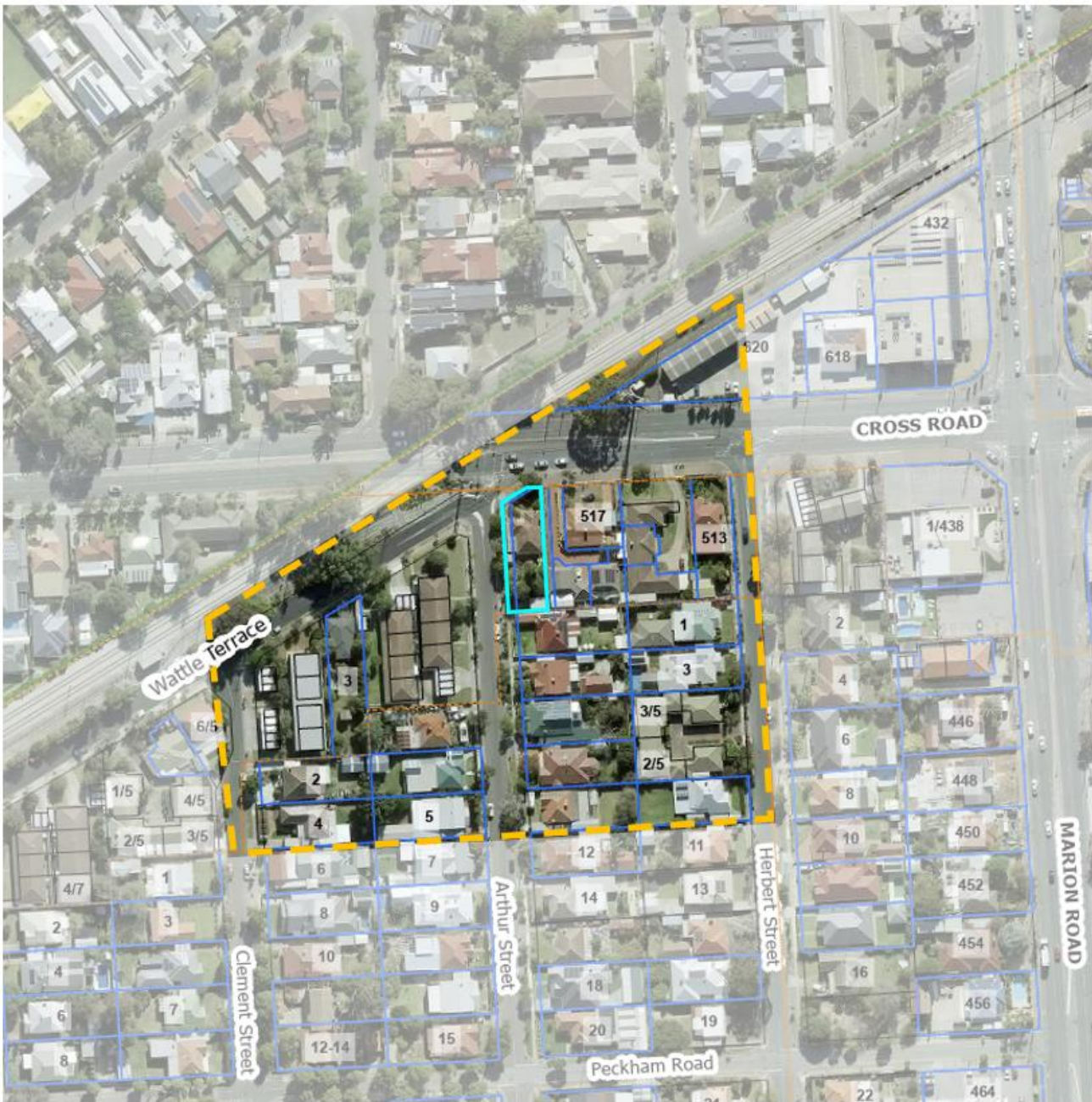


Figure 2: Locality

PROPOSED DEVELOPMENT

The proposed development seeks for the construction of a two-storey residential flat building comprising three dwellings, as well as a carport, associated driveway and landscaping.

Each dwelling incorporates a primary frontage to Arthur Street, with the porch and entry door gaining direct access from the Council verge due to the 0 metre front setback proposed. The ground level of each dwelling comprises an open plan kitchen/dining/living room and laundry with water closet, while the second level includes two bedrooms (one with a WIR and ensuite), a second bathroom and a living area with access to a Juliet balcony overlooking Arthur Street.

A carport comprising three on-site car parking spaces which gain access from the existing crossover on Arthur Street is provided to the southern portion of the site.

Landscaping is proposed throughout the site, including medium-large trees and climbing shrubs to the north of the building (presenting to Cross Road and Wattle Terrace), small-medium evergreen trees and climbing vines along the eastern boundary, and further climbing vines around the car parking area.

The building is two storeys in nature and includes a mixture of colours and materials including face brickwork, vertical axon cladding, render and fenestration.

PROCEDURAL MATTERS

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

External Referrals

Nil

Internal Referrals

Land Asset Officer- City Property

Council's Land Asset Officer has advised that Council does not support or approve of encroachments onto the road reserve and the property should be contained wholly within the property boundary.

Development Engineer- Engineering, Assets and Environment

Council's Development Engineer provided comment on the application prior to the introduction of landscaping and noted that the car parking dimensions and manoeuvring area (at 5.1 metres in width) were sufficient.

Following the inclusion of a 400mm landscaping strip along the southern boundary within the 5.1 metre wide manoeuvring area, further comment has been provided from Engineering, Assets and Environment that the reduced aisle width results in the vehicles not completing the entry movement at a parallel angle within the car parking space, which may require multiple corrections to straighten and reposition the vehicle at a parallel angle. Without the repositioning, exiting the carpark will be difficult due to the reduced aisle width.

PUBLIC NOTIFICATION

Propoerties Notified	21
Representations	6 in support (green), 1 opposed (red).
Persons wishing to be heard	Mr Brett Taylor of 3 Arthur Street, Plympton Park (opposed).
Applicant Response	A response by the applicant is included within the attachments.



Figure 3: Notified properties/representations received with the City of Marion



Figure 4: Notified properties/representations received with the City of West Torrens

ASSESSMENT

The assessment is split into three main sections:

1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

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.*

Medium Density Policy Area 12

Objectives

- 1 *A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.*
- 2 *Development that mitigates the potential impact of garaging of vehicles on the character of the area.*
- 3 *Development that supports the viability of community services and infrastructure and reflects good residential design principles.*
- 4 *Development that contributes to the desired character of the policy area.*

Desired Character

This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).

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. 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, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.

Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.

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.

Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.

Discussion

The application proposes to replace an existing single storey detached dwelling in average condition, with a two-storey residential flat building comprising three dwellings. The Desired Character of the Medium Density Policy Area 12 seeks for higher densities compared to that typical of the original housing stock.

The subject site is located a short distance to public transport options via the Adelaide/Glenelg Tramline. Centre facilities and public open space (the Plympton Oval) are not necessarily within close proximity of the site, but are still within reasonable walking distance, some 600 metres to the north and south-west of the subject land. Accordingly it is acknowledged that the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

The Desired Character also encourages a wide range of dwelling types to meet a variety of accommodation needs. The proposed dwellings each feature two bedrooms and appear to provide some variety in dwelling size. However it is noted that the upper level of each dwelling comprises an additional living area, which due to its position could easily be converted into a third bedroom at any point in the future without the need for Development Approval. The relatively generous overall floor area is more akin to that of a three-bedroom, two bathroom dwelling, and as such, the proposal may not in fact provide a distinct variety in dwelling type to that which is most typical.

It is outlined within the Desired Character statement that *'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, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development'*. The visual bulk of the built form is exacerbated by a lack of variation in setbacks between the lower and upper levels, no separation between the upper levels of the dwellings as well as northern and southern facades which lack any fenestration on a large expanse of blank walling. This, in combination with the lack of front setback (0 metres to Arthur Street) results in a development which does not seek to promote a cohesive streetscape and results in significant visual impacts upon the amenity of the existing neighbourhood.

Further, *'where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing'*. The Residential Character Policy Area abuts the subject land to the south, and is comprised of single-storey, detached pre-1950's dwellings. Whilst some of the proposed materials, in particular the combination of Austral San Selmo' reclaimed face brickwork and rendered elements, may be compatible with the materials utilised by dwellings within Residential Character Policy Area, the built form and scale of the proposed development does not seek to provide a transition to the low-scale detached dwellings.

It is sought that parking areas provide space for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings. The 0.4 metre setback from the side of the carport within the common parking area is not considered to achieve this outcome.

Whilst the Policy Area seeks for higher densities than that of the original housing stock, and the locational attributes of the site support this outcome, the proposal is somewhat at odds with a number of the Objectives and outcomes sought by the Desired Character of the Medium Density Policy Area 12.

Quantitative Snapshot

Existing site area: 560.1m ²		Dwelling 1	Dwelling 2	Dwelling 3	Comments
Site area	250m ²	116.55m ²	116.55m ²	116.55m ²	Departure
		186.7m2 (average per dwelling)			
Frontage width	18m	4.02m increasing to 13.72m			Departure
Depth	45m	42.68m			Departure
Site coverage	100m ²	65.2m ²	65.2m ²	65.2m ²	Satisfies
		34.9% (195.6m ²) across the site including communal areas			
Floor Area Ratio	0.7	1.01 (125.75m ²)	1.01 (125.75m ²)	1.01 (125.75m ²)	Partially Satisfies
		0.68 (377.3m ²) across the site including communal areas			
Front setback	5m	1.4m- 5.6m (to the angled boundary of Wattle Terrace) 0m (to Arthur Street)			Departure
Secondary street setback	2m				
Carport/garage setback	5.5m and behind or in-line with main face	Side of the carport sited 0.4m behind the ‘main face’ presenting to Arthur Street			Partially Satisfies
Rear setback	3m- 6m	6.05m (to existing eastern “side” boundary) 10.5m (to existing southern rear boundary)			Satisfies
Rear setback (upper)	6m				
Side setbacks	0.9m				
Side setbacks (upper)	2m				
Building Height	Two storey < 9m	Two-stories: 7.7m			Satisfies
POS (percentage of site)	20%	44% (51.43m ²)	44% (51.43m ²)	44% (51.43m ²)	Satisfies
		27.5% (based on average site area per dwelling)			
POS (minimum dimension)	5m x 5m	6.05m x 8.5m	6.05m x 8.5m	6.05m x 8.5m	Satisfies
On-site car parking	2 spaces per dwelling (1 covered)	1 covered space provided per dwelling			Departure
On-street car parking	2 spaces (rounded up from 1.5)	3 on-street spaces available on Arthur Street (beyond yellow line)			Satisfies

Assessment Discussion

The following matters are considered pertinent in reaching a recommendation for the proposal;

- **Density**
- **Front/secondary street setback**
- **Design and appearance**
- **Amenity considerations**
- **Car parking and access**
- **Landscaping**

Density

The Medium Density Policy Area prescribes a minimum (average) site area per dwelling of 250 square metres for residential flat buildings. The proposed dwellings each comprise an average site area of 186.7 square metres, which equates to deficit of some 25.3% for the total site area. In addition, the site dimensions (frontage width and site depth) also fall notably short of the required minimum for this form of development.

On a number of occasions both staff and the Council Assessment Panel have supported undersized allotments as a result of a relatively minor shortfall in site area, locational attributes of the site, and where the development otherwise maintains general conformity with Council's Development Plan. In determining whether or not the proposed density is appropriate, regard is had to the following points;

1. On previous occasions where the Panel and staff have supported undersized allotments, the shortfall in site area often arises as a result of the classification of the dwelling. In those cases, it is acknowledged that the dwelling could be amended to comprise a different dwelling type and thereby satisfy the minimum site area prescribed in the particular Policy Area (i.e. if the dwellings are joined by party walls, or if the dwelling shares access from a common driveway), but practically doing so would not necessarily deliver a superior design outcome; merely compliance with site areas based on the dwelling classification.

In this instance, it has been asserted by the applicant within their supporting statement provided at lodgement that the proposal incorporates three row dwellings. Given each dwellings reliance upon communal areas of the site (in particular the common car parking area) it is my view that the proposed dwellings cannot be considered to be occupying a site that is held exclusively with those dwellings, and as such are not correctly defined as row dwellings.

Were it to be concluded that the dwellings do in fact 'function' as row dwellings and that consideration should be had for the site area requirement of this dwelling type, then it must be acknowledged that the average site area no longer applies, and the individual site area of each dwelling is limited to that which is held exclusively, being 116.55 square metres. It would also be important to acknowledge that row dwellings are permitted the smallest site area for any dwelling type, being 210 square metres within the Medium Density Policy Area. The hypothetical individual site areas therefore fall 93.45 square metres, some 44.5%, short of the prescribed minimum for row dwellings. Even the average site areas incorporate a shortfall of more than 11% against the smallest dwelling type envisaged for the Policy Area. In my view, this is a strong indicator that the proposed density is invariably greater than that contemplated in the Policy Area.

2. The Residential Zone seeks for increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces. This is reinforced by the Desired Character of the Policy Area which outlines that 'Medium density development is especially suited to areas in proximity to centres and public transport'.

The subject land is located within very close proximity of the Adelaide-Glenelg Tramline itself, with the nearest Adelaide/Glenelg bound tram stops located 250 and 150 metres to the north of the subject land respectively. Whilst located on Cross Road, bus services do not appear to service the portion of Cross Road between Marion Road and Anzac Highway, albeit these Roads are both less than 500 metres from the site and are within reasonable walking distance.

Centre facilities and public open space are located further from the site. Two smaller local centre activity zones are both located some 400 metres to the east and west of the site while a larger centre (now located within an Urban Corridor Zone) is located some 600 metres to the north. The nearest public open space, being the Plympton Oval, is located 650 metres walking distance to the south-west of the site.

Whilst larger centre activities and public open space are not exactly within close proximity, it is nonetheless acknowledged that the locational attributes of the site may warrant increased densities, particularly having regard to the proximity of public transport opportunities via the Adelaide/Glenelg Tramline. However, being in a location which warrants an increase in density does not in my view allow for unfettered dispensations against the desired minimum site areas for various dwelling types. Rather, the locational attributes may assist in supporting increased densities where small discrepancies exist, and the proposed development otherwise maintains general conformity with Council's Development Plan.

3. The subject land is located within a portion of the Medium Density Policy Area 12 (now General Neighbourhood Zone) which straddles between two distinct and contrasting neighbourhoods. To the west of the tramline, within the City of West Torrens, is the Medium Density Policy Area 18 (now Housing Diversity Neighbourhood Zone) which encourages increased densities and allows for lesser site areas than that of the Marion Medium Density Policy Area 12, down to 150 square metres for residential flat and row dwellings. Meanwhile, the southern boundary of the subject land abuts the Residential Character Policy Area 17 (now Established Neighbourhood Zone), which seeks for preservation of existing development patterns and built form and where residential flat and row dwellings are a non-complying form of development. *(Please note: Development Plan Zoning and Planning and Design Code Zoning maps are located below. The Planning & Design Code map has been included to demonstrate that the discussion surrounding this point remains relevant to the future of this location, although noting the subject application is not being assessed against the provisions of the Planning and Design Code).*

It is noted that Objective 5 of the General Section: Orderly and Sustainable Development outlines that development abutting adjoining Council areas should have regard to the policies of that Council's Development Plan. The proposed development does not specifically abut the adjoining Council area and is rather located within close proximity of the adjoining Council area, accordingly, Objective 5 is not specifically relevant in this instance. In any case, the densities which exist immediately to the west of the tram-line are not necessarily reflective of the minimums site areas allowable.

In reviewing the existing densities within the Marion Medium Density Policy Area 'strip' between the tram-line and the Character Policy Area to the South, it is clear that a number of residential flat buildings with small individual site areas exist. However, it must be noted that these were constructed in the 1970's and are not reflective of recent planning policy. Further, these dwellings are genuine small dwelling options with floor areas of approximately 60 square metres, comprising two small bedrooms, one bathroom, and modest kitchen/living areas. In addition, despite their small individual site areas, these residential flat buildings are still located on larger parcels of land. The 8 dwellings opposite the subject land for example are located on a parcel of some 1866 square metres and maintain an average site area of 233 square metres per dwelling, more closely aligning with the desired minimum of 250 square metres than the proposed average of 186.7 square metres.

In my view, the purpose of the strip of land which forms the Marion Medium Density Policy Area 12 is to function as a buffer between two localities which seek for contrasting urban outcomes. It would be erroneous to suggest that the minimum sites areas which apply in the West Torrens Medium Density Policy Area should serve to justify shortfalls of the subject application. So too would it be incorrect to state that the subject land should not be subject to any increase in density due to its proximity to the Character Policy Area. A balance between the two outcomes could be struck through a more considered proposal for two dwellings.

Having regard to all the considerations above, I am of the view that the shortfall in site areas and dimensions may be fundamental to the merits of the application. The proposed density and shortfall in site areas represent a substantial disparity against the provisions which, in itself, may warrant refusal of the application.

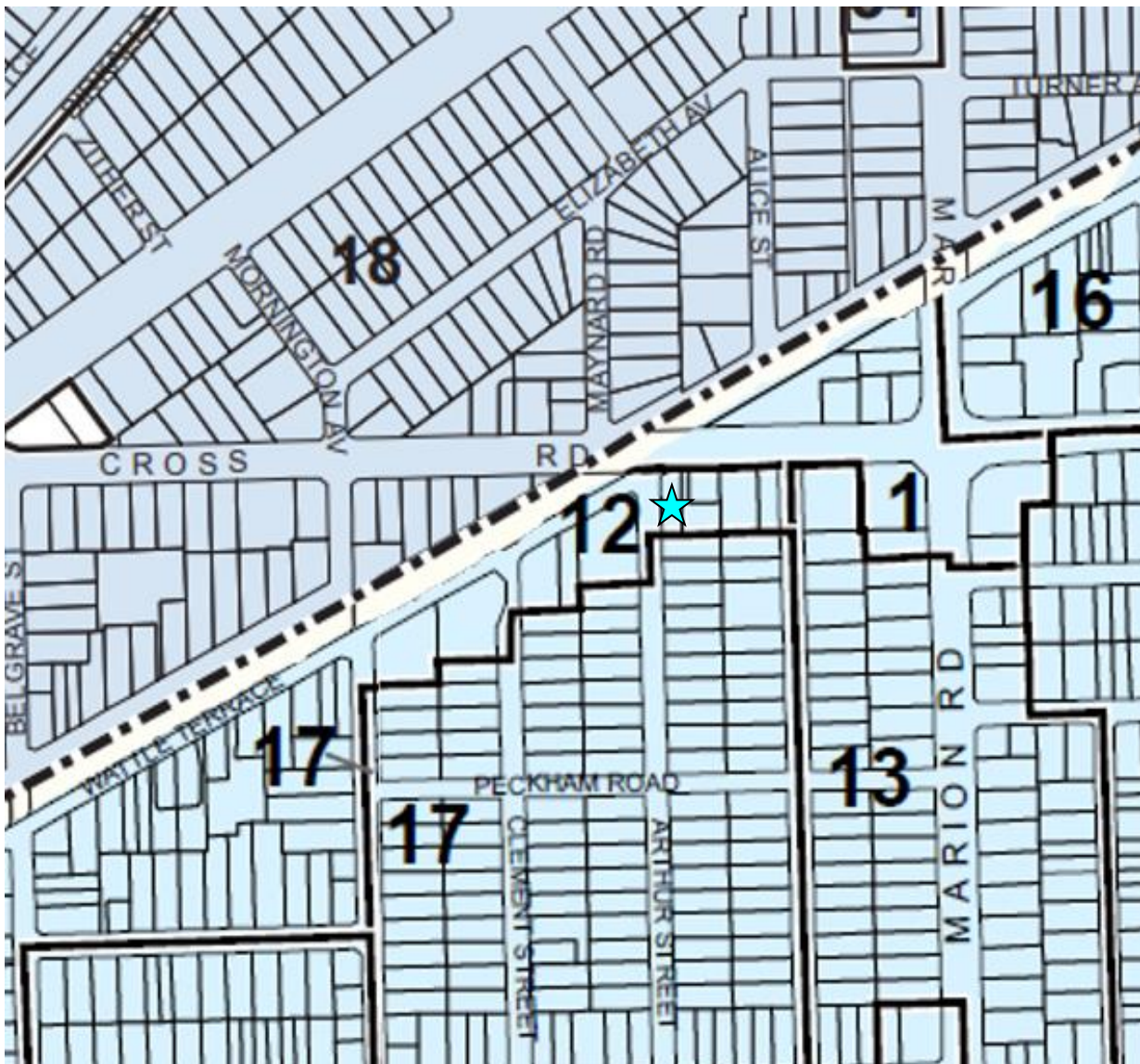


Figure 5: Development Plan Residential Zone Policy Areas

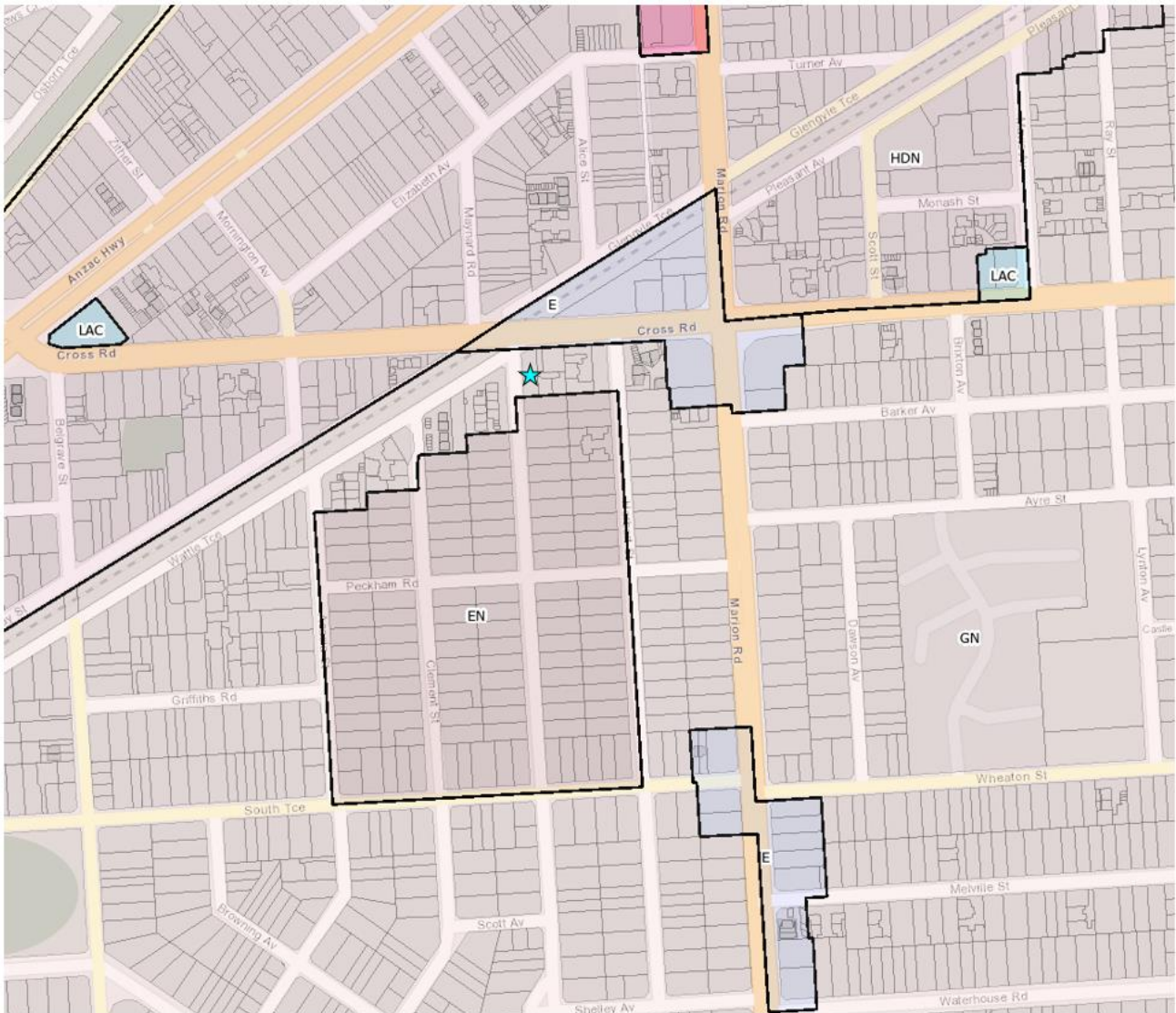


Figure 6: Planning and Design Code Zones (via SAPPA)

Front/secondary street setback

A minimum front setback of 5 metres, and a secondary street setback of 2 metres, applies to dwellings within the Medium Density Policy Area 12. The northern side of the building comprises a setback of between 1.4 metres to 5.6 metres to the angled boundary of Wattle Terrace. As each dwelling effectively incorporates a primary frontage to Arthur Street, the secondary street setback to Wattle Terrace may be sufficient (design and appearance of this façade aside- discussed further below), however no setback (0 metres) is proposed between the building and the Council verge on Arthur Street.

The lack of setback proposed to the Arthur Street boundary is considered inappropriate. As outlined within the Desired Character of the Policy Area, 'development should seek to promote cohesive streetscapes'; a 0 metre setback within a streetscape which generally comprises fairly generous front setbacks is not considered cohesive. The proposal fails to satisfy Principle of Development Control 6(a) of the General Section: Residential Development (Design and Appearance), which seeks for dwellings and accommodation at ground floor level to contribute to the locality and create active, safe streets by incorporating front landscaping which contributes to the spatial and visual structure of the street while maintaining adequate privacy for occupants. Meanwhile, PDC 37 (Street and Boundary Setbacks) states that 'dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement'.

The proposed two-storey expanse on the boundary is at odds with the prevailing and desired character of setbacks within the surrounding locality, erodes the spatial and visual structure of the streetscape, exacerbates the visual mass of the built form, and results in compromised visual privacy for the future occupants of the proposed dwellings.

Due to the lack of setback proposed, the application was referred to the City Property department, who have advised that Council is not supportive of any encroachments onto the road reserve, and that the proposed development should be contained wholly within the property boundary. This includes window casings and opening windows, eave overhangs, gutters, downpipes and any other element associated with the built form proposed on the subject land. It is considered likely that window casings/opening windows and/or downpipes may encroach onto the road reserve.

The proposed location of the built form on the Arthur Street boundary is a crucial failing of the proposed development. While the proposal has managed to satisfy other relevant criteria of the Development Plan, namely rear setbacks and private open space, this has come at the expense of an appropriate front setback. This failing demonstrates that the constraints of the site area and dimensions for the density proposed have significantly impacted the ability of the proposal to maintain general conformity with one of the main desired outcomes for residential development.

Design and appearance

Objective 1 (General Section: Design and Appearance) seeks for 'Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form'. PDC 1 seeks for buildings to reflect the desired character of the locality while incorporating contemporary designs that have regard to building height, mass and proportion façade articulation and detailing. The proposed two-storey building incorporates the entirety of the upper level directly on top of the lower level. This, in my view, results in a built form which will be inherently 'bulky'. The visual mass of the built form is further exacerbated by the lack of front setback as discussed above, with no relief provided between the building and the public realm.

In addition, the lack of presentation, fenestration, articulation through stepping or visual interest to the northern or southern elevations in particular, fails to satisfy PDC 1 as well as PDC 15 (General Section: Design and Appearance), which specifically outlines that 'buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view'. The northern elevation of the building presents to Cross Road, and is sited within 1.4 metres of the angled boundary of Wattle Terrace. This large expanse of uninterrupted walling will be readily visible within the streetscape when entering the locality from Cross Road. The visual impacts of such a wall are considered obtrusive and detrimental to the character of the area.

Whilst the Desired Character of the Medium Density Policy Area 12 seeks for a variety of architectural styles, it also outlines that 'where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing'. The Residential Character Policy Area abuts the subject land to the south, and comprises single-storey, detached pre-1950's dwellings. These dwellings typically maintain generous setbacks, articulated roof forms, projecting front verandahs and are constructed of a mixture of brick, stone, and rendered masonry. Whilst some of the proposed materials, in particular the combination of Austral San Selmo' reclaimed face brickwork and rendered elements, may be compatible with the materials utilised by dwellings within Residential Character Policy Area, the built form and scale of the proposed development does not seek to provide a transition to the low-scale detached dwellings. The two-storey nature of the development is exaggerated by the vertical cladding elements, which draw further attention to the height of the structure. The design does not incorporate stepping or variances in setbacks between the lower and upper levels to soften the overall mass of the built form, which again is compounded by the lack of front setback.

I am of the view that the design, appearance and siting of the of the proposed development has not carefully considered and responded to the context of the locality and is not compatible with or complementary to the character of the area.

Amenity considerations

Overshadowing

PDC 9 (General Section: Design and Appearance) seeks for the design and location of buildings to enable winter sunlight into adjacent dwellings and minimise the overshadowing of windows of habitable rooms. In particular, development should ensure that north-facing windows to living rooms of existing dwellings on adjacent allotments receive at least 3 hours of direct sunlight over a portion of their surface between 9am and 3pm on the 21 June.

The proposed building is to be sited to the north-west of the adjacent dwelling at 519A Cross Road, which comprises north facing living room windows. It is likely that these windows should remain free of shadow before midday and hence receive the minimum 3 hours of direct sunlight sought. However, given the expanse of the built form, these windows will likely be overshadowed during the afternoon hours. Shadow diagrams have not been provided.

Visual Privacy

As outlined by PDC 11 (General Section: Design and Appearance), buildings with upper level windows should minimise direct overlooking of habitable rooms and private open spaces of adjacent dwellings. The east (rear/side) facing upper-level landing and Bed 2 windows of each dwelling remain unobscured. While the private open spaces of the adjacent dwellings to the east, specifically 517 Cross Road and 519A Cross Road, are not overlooked by the proposal, each of these dwellings comprise habitable room (kitchen/dining, living room and bedroom) windows which will be in view from the upper-level unobscured windows. The proposal does not seek to minimise the direct overlooking of adjacent habitable room windows and fails to accord with PDC 11.

Car parking and access

PDC 34 (General Section: Transportation and Access) and Table Mar/2- Off Street Vehicle Parking seek for two on-site car parking spaces to be provided for dwellings comprising up to three bedrooms (or rooms capable of being used as bedrooms), 1 of which is to be covered. Plus, in the case of three or more residential flat dwellings, 1 on-site visitor space per three dwellings. In addition, 1 on-street car parking space is required per two allotments, resulting in 2 on-street car parking spaces being required in this instance (rounded up from 1.5 spaces). Accordingly, the proposed development requires the provisions of 7 on-site car parking spaces, at least 3 of which should be covered, and 2 on-street car parking spaces, a total of 9 car parking spaces to service the three dwellings proposed.

The proposed development provides 3 covered on-site car parking spaces, 1 per dwelling, and maintains 3 on-street car parking spaces. The availability of 3 car parking spaces on Arthur Street accounts for the on-street spaces required, and somewhat absolves the visitor space which should be provided on-site. Nonetheless, the proposal remains 3 on-site car parking spaces short of that minimum requirement.

Throughout assessment of the application, it was provided to Council as an option that the carpark layout could be amended to a stacked formation in order to accommodate 2 on-site car parking spaces per dwelling. However, this outcome would have relied upon the removal of a stobie pole and/or its stay wire, and was not pursued by the applicant.

PDC 44 (General Section: Transportation and Access) outlines that vehicle parking area servicing more than one dwelling should be of a size and location to serve users efficiently, conveniently and safely. Council's Development Engineer provided comment on the application prior to the introduction of landscaping and noted that the car parking dimensions and manoeuvring area (at 5.1 metres in width) were sufficient.

However, following the inclusion of a 400mm landscaping strip along the southern boundary within the 5.1-metre-wide manoeuvring area, further comment has been provided from Engineering, Assets and Environment that the reduced aisle width results in the vehicles not completing the entry movement at a parallel angle within the car parking space, which may require multiple corrections to straighten and reposition the vehicle at a parallel angle and without the repositioning, exiting the carpark will be difficult due to the reduced aisle width. Accordingly, the design and dimensions of the vehicle parking area are not considered to serve users efficiently or conveniently, and potentially not safely either.

The proposed development fails to provide sufficient on-site car parking to cater for the needs of future occupants. Further, on-site vehicular movements are constrained by a lack of dimension and may not be considered safe and convenient.

Landscaping

As outlined within PDC 1 (General Section: Landscaping, Fences and Walls). Development should incorporate open space and landscaping in order to complement built form and reduce the visual impact of larger buildings (e.g. taller and broader plantings against taller and bulkier building components) and to enhance the appearance of road frontages.

Whilst the proposal does incorporate more generous landscaping/plantings to the north and east of the proposed building, due to the lack of setback to Arthur Street, landscaping cannot be incorporated in front of the dwellings. The visual impact of the built form upon this streetscape is not softened by open space and landscaping. Whilst 'existing plants' are illustrated in a strip in front of the dwellings, these are low-level shrubs growing along the existing fence-line and are not sited on the subject land. These would likely be removed/damaged during construction of such a building on the boundary.

CONCLUSION

The preceding assessment has demonstrated that the proposed development is at odds with a number of the Objectives and outcomes sought by the Desired Character of the Medium Density Policy Area 12. The visual bulk of the built form together with a lack of front setback results in a development which does not seek to promote a cohesive streetscape nor provide an appropriate transition to the adjacent Residential Character Policy Area. The proposal provides at best a questionable variety in dwelling size, however it is acknowledged that the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

Further consideration of the proposed density has revealed that the failing in site areas is significant. Analysis of the proposal in relation to site area requirements for various dwelling types has demonstrated that the proposed density is invariably greater than that contemplated in the Policy Area. It was found that while the accessibility of public transport opportunities from the site may warrant an increased in density, this factor alone does not necessarily allow for unfettered dispensations against the desired minimum site areas. In reviewing the positioning of the subject land within the Medium Density Policy Area 12 relative to the City of West Torrens to the north-west and Residential Character Policy Area 17 to the south-east, it was identified that the Medium Density Policy Area 'strip' between the two functions as a buffer between localities which seek for contrasting urban outcomes, and that it would be erroneous to suggest that the site areas applicable in each of those respective Policy Areas should apply to the subject application. It was concluded that the proposed density and shortfall in site areas represent a substantial disparity against the provisions which, in itself, may warrant refusal of the application.

Assessment of the proposal against other quantitative and qualitative Development Plan criteria has demonstrated that the proposal maintains a significant numerical shortfall in front setback, in that no front setback is proposed. The proposed two-storey expanse on the boundary is considered at odds with the prevailing and desired character of setbacks within the surrounding locality and erodes the spatial and visual structure of the streetscape. The front façade of the dwellings being literally on the street results in compromised visual privacy for the future occupants of the proposed dwellings and a lack of landscaped area forwards of the dwellings. Such an outcome is also at risk of creating encroachments onto the road reserve. The impacts arising from the complete lack in front setback are further compounded by the design and appearance of the built form which is inherently bulky, comprises extensive areas of blank walling presenting to the public realm and which does little to provide an appropriate transition to the adjacent Residential Character Policy Area. In addition to the visual impacts of the proposal, amenity impacts in the form of overlooking of habitable room windows of adjacent dwellings to the east may arise as a result of a lack of obscured glazing to the upper level windows of the proposal. Further, the proposed development fails to provide sufficient on-site car parking to cater for the needs of future occupants and on-site vehicular movements are constrained by a lack of dimension and may not be considered safe and convenient.

Ultimately, I am of the view that the proposed density may in itself be fundamental to the merits of the application. Nonetheless, the shortfalls in site area and appropriate dimension are only further compounded by the lack of front setback, undesirable visual bulk and scale, amenity impacts as well as less than adequate on-site car parking arrangements. These non-compliances are considered to result in unreasonable impacts upon the character and amenity of the locality and jeopardise the function of the proposed development itself. It is my opinion that the proposed development does not display sufficient merit to warrant support.

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. However, that the proposed development does not sufficiently accord with the relevant provisions of the Marion Council Development Plan, and Development Plan Consent should be refused.

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 variance¹ 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: 100/2020/0659 for construction of a two-storey residential flat building comprising three dwellings as well as a carport, associated driveway and landscaping at 1 Wattle Terrace, Plympton Park, be REFUSED for the following reasons:

REASONS FOR REFUSAL

- 1. The proposed site areas fail to meet the prescribed minimum for residential flat dwellings as outlined by Objective 6 of the Medium Density Policy Area 12.
- 2. The proposed development does not maintain a front setback in accordance with Objective 6 of the Residential Zone with the lack of setback to Arthur Street contrary to Objective 4 and the Desired Character of the Medium Density Policy Area 12 and General Section Residential Development Principle of Development Control 37.
- 3. The design and appearance of the proposal fails to satisfy Objective 4 and the Desired Character of the Medium Density Policy Area 12, as well as General Section Design and Appearance Objective 1, Principles of Development Control 1 and 15.
- 4. The proposal does not minimise direct overlooking of habitable rooms of adjacent dwellings as sought by General Section Design and Appearance Principle of Development Control 11.
- 5. The provision of on-site car parking fails to accord with Principle of Development Control 34 (General Section: Transportation and Access) and Table Mar/2- Off Street Vehicle Parking Requirements.
- 6. The vehicle parking area is not considered to serve users safely and conveniently as sought by Principle of Development Control 44(a) (General Section: Transportation and Access).
- 7. The proposed development does not incorporate open space and landscaping in order to complement built form, reduce the visual impact of larger buildings or enhance the appearance of the Arthur Street frontage as sought by General Section Landscaping, Fences and Walls Principle of Development Control 1(a) and (b).

¹ Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act). What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

**REPORT REFERENCE: CAP070922 – 4.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022**



Originating Officer:	Nicholas Lupo Development Officer – Planning
Applicant:	Mr Rick D'Andrea
Development Description:	One (1) single storey detached dwelling, and a single storey residential flat building comprising two (2) dwellings, with associated fencing and retaining.
Site Location:	80 Lascelles Avenue, Warradale, SA 5046
Zone & Policy Area:	General Neighbourhood Zone
Lodgement Date:	13 May 2022
Planning and Design Code:	12 May 2022, Version 2022.5
Referrals:	Internal - Development Engineer
Application Type:	Performance Assessed
Delegations Policy:	Instrument of Delegation – CAP, Clause 5.1.1.1 <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Public Notification	Not Excluded from Notification <i>An application which involves a structure on the boundary exceeding 11.5m in length is not listed in Table 5 of the General Neighbourhood Zone as not excluded from Public Notification.</i>
Application No:	22014132
Recommendation:	That Planning Consent be GRANTED subject to Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Proposal Plan and supporting documentation

Attachment II: Statement of Representations

Attachment III: Applicant's Response to Representations

SUBJECT LAND

The subject land comprises the following property:

80 Lascelles Avenue, Warradale, SA 5046

The subject land comprises a single storey detached dwelling on a large allotment, with ancillary development in the form of an outbuilding, as well as a variety of vegetation, none of which is classed as regulated or significant. The subject site has a frontage width of 19.81 metres, a depth of 45.72 metres, totalling a site area of 905.71 square metres. The land is relatively flat.



LOCALITY

The locality is entirely residential in nature, with a trend towards existing older dwellings on large allotments being replaced by newer dwellings on smaller allotments. The immediate locality features recent battle-axe development with common driveways, including directly to the east and south, in addition to detached dwellings on smaller allotments and row dwellings.

The site is bound by residential properties, particularly of higher densities than original housing stock towards the west, south, and east. An example of original dwelling stock abuts the northern boundary of the subject site.

Within a 400m walking distance lies Marion Shopping and Cultural Centre to the east, as well as Wyndham Street Reserve to the south-west.

The subject site and locality can be viewed via this [google maps link](#).



PROPOSED DEVELOPMENT

The proposal seeks the construction of three (3) single storey dwellings, comprised of one (1) detached dwelling, and one (1) residential flat building comprising two (2) dwellings, including associated fencing. Specifically, the dwellings include the following features:

Detached dwelling:

- Entry porch
- 3 bedrooms including master bedroom with ensuite and walk in robe.
- Double garage
- Laundry
- Open plan living, dining and kitchen
- Alfresco

Residential Flat Building

Two (2) dwellings, each with:

- Entry porch
- 3 bedrooms, including master bedroom with ensuite.
- Single car garage
- Open plan living, dining and kitchen
- Laundry
- Alfresco

The proposal also includes fencing and retaining on the boundaries of the site, which ranges from a total height of 2m up to 2.4m along the western and side boundaries.

PROCEDURAL MATTERS

Classification

The subject application is Performance Assessed by virtue of the proposed development not being listed within an Accepted, Deemed to Satisfy or Restricted classification under the Planning and Design Code.

Categorisation

The proposal includes fencing as an element, by way of the combined fencing and retaining wall exceeding 2.1 metres in height. Fencing is not excluded from Public Notification where the length of the fence exceeds 11.5m in length.

Having regard to the height and length of the fence, particularly in relation to the private open space of the dwellings to the west, and the manner in which the development relates to those sites, Council administration were of the view that the proposal was not of a minor nature.

As such, the development was processed in accordance with the Act.

PUBLIC NOTIFICATION



Properties Notified 44

Representations 4 received

- 1 support the development with some concerns
- 3 oppose the development

Representations received

1. Joanne Mitchell of 2/82 Lascelles
2. Tom Olthoff of 93 Lascelles Avenue
3. Derek Dalton of 1/82 Lascelles Avenue
4. Neil Morris of 9 Mattson Avenue

Wish to be heard

X
X
✓
X

Applicant Response A response by the applicant is included within the Report attachments.

Referrals

Development Engineer

Council's Development Engineer has reviewed the application plans and advised the proposal is satisfactory in relation to proposed car parking dimensions, associated manoeuvring areas, and stormwater disposal arrangements.

Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note ‘Designated Performance Features’ (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

(underline my emphasis)

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met.

It is with the above approach in mind that I have assessed this development.

ASSESSMENT

Part 1 - Rules of Interpretation of the Code advises that for each Zone Table 3 specifies the policies and rules that apply to classes of development within the zone. I note:

The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable.

For the avoidance of doubt, the relevant authority may determine that one or more of the listed policies are not relevant to a particular development.

Development that does not fall within a specified class in Table 3 will be considered “All Other Code Assessed Development”, to which all relevant policies apply for the purposes of assessment.

In my view the most pertinent planning considerations for this assessment relate to:

- Land use, density & pattern of development
- Building footprint and siting
- Design and appearance

Policies relating to the above planning considerations are found in the Zone, Overlays and General sections of the Code.

ZONE CONSIDERATIONS

General Neighbourhood Zone: DO1, PO 1.1, PO 2.1, PO 2.3, PO 3.1, PO 4.1, PO 5.1, PO 7.1, PO 7.2, PO 8.1, PO 9.1

OVERLAY CONSIDERATIONS

Airport Building Heights (Regulated) Overlay: DO1, PO 1.1

Hazards (Flooding – General) Overlay: DO1, PO 2.1

Stormwater Management Overlay: DO1, PO 1.1

Urban Tree Canopy Overlay: DO1, PO 1.1

GENERAL DEVELOPMENT POLICIES CONSIDERATIONS

Clearance from Overhead Powerlines: DO1, PO 1.1

Design in Urban Areas: DO1, PO 8.1, PO 8.5, PO 9.1, PO 17.1, PO 17.2, PO 18.1, PO 18.2, PO 20.1, PO 20.2, PO 20.3, PO 21.1, PO 21.2, PO 22.2, PO 23.1 – PO 23.6, PO 24.1, PO 31.1 – PO 31.4, PO 33.1 – 33.5, PO 34.1, PO 34.2, PO 35.1 – PO 35.6, PO 36.1, PO 36.2

Interface between Land Uses: DO1, PO 3.1 – PO 3.3

Transport, Access and Parking: DO1, PO 3.1, PO 3.5, PO 3.6, PO 5.1

Quantitative Snapshot Table				
Existing Site Features				
Site Area	907m2			
Frontage Width	19.97m			
Depth	45.72m			
Proposed Features				
Provisions	DTS/DPF Guidelines	Lot 200	Lot 50	Lot 51
Site Area	Detached: 300m2 Residential Flat: 300m2 average	305m2	214m2 (300.18m2 average)	214m2 (300.18m2 average)
Frontage Width	Detached: 9m Residential Flat: 15m total	15.97m	9.9m (19.8m total)	9.9m (19.8m total)
Depth	N/A	19.4m	22.4m	22.4m
Site Coverage	60%	59.1%	72.3% 51.7% including community land	72.3% 51.7% including community land
Building Height	9m	5.1m	4.8m	4.8m
Primary Street Setback	Average of adjoining, minus 1 metre. (5 metres)	4m	N/A	N/A
Side Setbacks	0.9m	0.91m	0.91m	0.91m
Rear Setback	Where site area is less than 301m2: 3m; Where site area is 301m2 or greater: 4m	3.4m - 4m	3m – 3.6m	3m – 3.6m
Wall on Boundary	11.5m length; 3m height; 45% total boundary length	9.89m length; 2.88m height; 50.9% boundary	N/A (internal)	N/A (internal)
Private Open Space	Where site area is less than 301m2: 24m2; Where site area is 301m2 or greater: 60m2	60m2	33m	33m
Soft Landscaping forward of dwelling	20%	24.2% (75m2)	14.5% combined (86.42m2)	
	30%	62%	N/A	N/A

Note: As the application is 'Performance Assessed', satisfaction of the suggested DPF is 'one way' of achieving the corresponding 'Performance Outcomes'.

Land Use & Density:

General Neighbourhood Zone, Performance Outcome 1.1 seeks the following:

Predominantly residential development with complementary non- residential uses that support an active, convenient, and walkable neighbourhood.

General Neighbourhood Zone, Performance Outcome 2.1 seeks:

Allotments/sites created for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and remain compatible with the pattern of development in a low-rise and predominantly low-density neighbourhood, with higher densities closer to public open space, public transport stations and activity centres.

The sites are residential in nature. The sites propose over 300m² per dwelling, with the dwelling's forming the residential flat building proposing an average of 300.18m², when taking into account the common area. The Planning and Design Code defines low-density as sites with areas greater than 285m², and to this end the dwellings are considered low-density under the definition of the Planning and Design Code. In addition, the dwellings are compatible with the dwelling form and density found within the locality, which includes several battle-axe developments and row-dwellings of similar site areas. Therefore, the pattern of development proposed is reflective of that found within the wider locality, and not considered to be unreasonably.

The dwellings are within approximately 400m to public open space to the south-east, and Marion Cultural Centre and Shopping Centre to the east.

Given the dwellings are low density, low rise, and within walking distance to public open space and retail activities, the land use and density of the dwellings are considered to be of a type sought by the Zone.

Building Footprint and Siting

Site Coverage:

General Neighbourhood Zone, Performance Outcome 3.1 seeks:

Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

The detached dwelling proposes adequate site coverage and setbacks to satisfy the Performance Outcome, with sufficient space separating the subject dwelling from adjacent dwellings and not causing unreasonable impacts. The eastern boundary wall is noted and discussed further in this report.

The residential flat buildings propose approximately 72% site coverage when not including the common driveway, or 51.7% including the common driveway. The appropriate side and rear setbacks (in terms of that sought by the suggested DPF of 0.9 metres and 3 metres respectively), paired with the appropriate wall and dwelling heights are considered to mitigate visual impact and not restrict access to views, ventilation, or light for adjoining property owners. Furthermore, it should be noted that the inclusion of the common area driveway will assist in mitigating visual impact through the 'open' feel of the driveway. The soft landscaping within the common area will further assist in the mitigation of visual impact upon the streetscape.

Front Setback

General Neighbourhood Zone, Performance Outcome 5.1 seeks:

Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.

The main building line of the detached dwelling, that is, the closest wall which faces Lascelles Avenue, is setback 4 metres from the front boundary, with the associated garage setback 5.5 metres on the eastern side of the dwelling.

The detached dwelling is situated between the side setback of 19 Mattson to the west, and the front setback of 82 Lascelles to the east, which propose setbacks to Lascelles Avenue of 3 metres and 6 metres respectively. The 4-metre setback of the detached dwelling and associated 5.5 metre garage setback assists in contributing a degree of stepping between the adjacent dwellings, and to this end contributes to the adjacent street setbacks. In addition, the streetscape, while varied, does exhibit an emerging setback of 4m – 5m, for example at 84 Lascelles & 84A Lascelles.

Side Setbacks

General Neighbourhood Zone, Performance Outcome 8.1 seeks:

Building walls are set back from side boundaries to provide:

- (a) separation between dwellings in a way that contributes to a suburban character***
- (b) access to natural light and ventilation for neighbours.***

The side setbacks of each dwelling satisfy the DPF, with setbacks of 0.91 metres as outlined within the quantitative table above. This notwithstanding, the dwellings provide adequate separation to contribute to the suburban character within the locality when viewed from the public realm and will not unreasonably restrict access to natural light or ventilation for neighbouring properties, particularly due to the single storey, low rise nature of the dwellings.

Rear Setbacks

General Neighbourhood Zone, Performance Outcome 9.1 seeks:

Dwelling walls are set back from rear boundaries to provide:

- (a) separation between dwellings in a way that contributes to a suburban character***
- (b) access to natural light and ventilation for neighbours***
- (c) private open space***
- (d) space for landscaping and vegetation.***

The detached dwelling provides a rear setback of primarily 4m, which reduces to 3.4m for a corner cut-off at the rear, utilized for the common driveway. The residential flat buildings provide rear setbacks of primarily 3.6m, to 3m for a portion of the wall. The rear setbacks proposed for each dwelling satisfy the DPF (excepting the corner cut-off portion for the detached dwelling).

The proposed rear setbacks are considered contributory to the suburban character, with many newer dwellings having similar setbacks and provision of private open space. The south facing nature of the sites will assist in allowing northern sun into the rear yards, whilst not unreasonably restricting access to light for adjacent properties. Finally, the proposal incorporates a reasonable degree of space for soft landscaping and vegetation to the rear yards on balance, when considered in the

context of battle-axe allotments, which typically have a reasonable amount of landscaping within the handle of the allotment as opposed to in the rear yard.

Boundary Wall

General Neighbourhood Zone, Performance Outcome 7.1 seeks the following:

Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

The proposal incorporates a boundary wall for the detached dwelling, located on the eastern boundary. The boundary wall possesses a length of 9.89 metres, a height of 2.88 metres, and a total length on the 'site' boundary of 50.9%. While the height and length of the wall in isolation satisfy the DPF, the total length of the boundary wall comparatively to that of the boundary length does not satisfy the DPF.

It should be noted that the boundary wall, while 2.88 metres in height, begins at a height near to the base of the existing retaining upon the boundary, resulting in the extent of height beyond the top of the existing retaining wall being 2.46 metres.

The boundary wall of the proposed detached dwelling is noted to result in visual impacts upon the adjacent eastern property at 82 Lascelles Avenue. It should be noted that any boundary development contributes to impacts upon adjacent properties, and the Performance Outcome 7.1 seeks to manage these impacts through limited height and length. In the context of the P&D Code, the DPF seeks walls not to exceed 3m in height, and 11.5m in length, which the proposal satisfies.

Whilst the boundary wall does provide some visual impact, a large portion of the wall is adjacent to the carport of 82 Lascelles Avenue. Approximately 3.71m of the wall extends beyond the carport, adjacent to the rear courtyard Private Open Space (POS) of 82 Lascelles Avenue. The private open space of 82 Lascelles Avenue is larger and more open towards the north end of the allotment, and allows for an open feel towards the north, and an open outlook to the sky towards the north-east. The northern sun aspect of the POS will remain largely unchanged, with a minimal amount of sunlight lost during the later hours of the day. The portion of POS to which the wall is adjacent is weighted less than the loss of the larger, more open portion of POS, due to the narrower, less usable space. To this end, whilst the wall encroaches the narrower portion of POS of the adjacent dwelling, indicating some degree of visual impact, the height of the wall, paired with the functionality and nature of the portion of POS it abuts, combine to appropriately manage unreasonable impacts upon the POS of 82 Lascelles.

It is noted some visual outlook from the internal habitable rooms of 82 Lascelles will be lost as a result of the wall, particularly towards the west. It should be noted that despite the loss directly towards the west, visual outlook will remain towards the north-west. As discussed above, the extent of the wall will not restrict light to an unreasonable degree due to the limited height, north facing POS, and extent of the existing carport limiting light to an extent.

To this end, the boundary wall is considered acceptable on balance when considered against Performance Outcome 7.1 of the General Neighbourhood Zone.

Fencing

Design in Urban Areas Performance Outcome 9.1 seeks:

Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

The proposal includes fencing as an element, due to the combined retaining and fencing height exceeding 2.1 metres and therefore constituting development. The fence component sits at 1.8 metres, with retaining ranging from 0.2 metres up to 0.6 metres, resulting in the total height of the fence ranging from 2m – 2.4m along the western boundary, increasing in height towards the rear of the allotment. Proposed fencing also runs along the rear boundary with the fence component of 1.8 metres and retaining of 0.5 metres to 0.6 metres, resulting in a total fence height on the rear boundary of 2.3 metres – 2.4 metres. Retaining on the eastern boundary is proposed to remain as existing.

The proposed fence will appear from the subject site as a standard 1.8-metre-high fence, which will assist in providing privacy to neighbours outside of the site of the development. The additional height is noted to result in some impacts upon the adjacent property owners, particularly to the west, due to the shallow Private Open Space of the adjacent dwellings and height of the combined fence and retaining. While it is noted there is some impact, the impact of the combined fencing and retaining is not considered unreasonable as the height is not excessive above a standard 2.1-metre-high fence. In addition, the proposed fence and retaining will not unreasonably restrict access to sunlight and will have no impact on the amenity of any public place.

Design and Appearance

Design

Design in Urban Areas, Performance Outcome 20.1 seeks:

Garaging is designed to not detract from the streetscape or appearance of a dwelling.

Design in Urban Areas, Performance Outcome 20.2 seeks:

Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.

The design of each dwelling is comprised of a mix of materials, a high degree of articulation and fenestration, as well as a reasonable degree and variance of landscaping facing the street for the detached dwelling, as well as within the common driveway.

The garage of the detached dwelling is setback to a greater degree than the remainder of the dwelling, and is complementary to the design of the dwelling, resulting in a lack of garage dominance when viewed from the street. The garages of the rear dwellings are obscured from view from the street, resulting in a lack of detracting from the streetscape. The front facing walls towards the common driveway is noted to be primarily brick, however the landscaping forwards of this element is considered to reasonably soften the appearance of brick walls facing the common driveway.

Common Area & Landscaping

The common area for the two dwellings within the residential flat building are comprised of vehicle manoeuvring areas and landscaping areas. The relevant provisions of these matters are provided by Performance Outcomes 33.3 – 33.5, 34.1 and 34.2 of Design in Urban Areas.

The general theme of these provisions is that development:

- Ensures safe and convenient movement
- Allows vehicles to enter and exit the site in a safe and convenient manner
- Dwellings are adequately separated from common driveways and manoeuvring areas
- Soft landscaping is provided which improves the outlook for occupants and visual amenity of the streetscape
- Landscaping and permeability is provided which improves appearance and assists in stormwater management.

The proposed development appropriately responds to the relevant provisions of the code, through the following:

- The common driveway incorporates a 3-metre-wide trafficable area, and appropriate vehicle manoeuvring as reviewed by Council's Development Engineer.
- Stormwater management has been reviewed by Council's Development Engineer and has been deemed acceptable.
- The common area has a high level and degree of landscaping along the boundary shared with external sites, with a mix of shrubs and trees.
- The proposed common driveway is noted to be constructed of primarily permeable paving.

CONCLUSION

The proposal seeks to construct one (1) single storey detached dwelling, and a single storey residential flat building comprising two (2) dwellings, with associated fencing and retaining.

The main considerations attributed to the development relate to the land use, density, pattern of development, building footprints, siting, and design and appearance of the subject dwellings and associated fencing and common driveway. The proposal is considered to satisfy a majority of the Desired Outcomes and Performance Outcomes of the Planning and Design Code.

The proposed development has been designed to respond to the emerging increased density of the locality and is located within proximity to a number of features of value.

The building footprints are reasonably placed to ensure appropriate space surrounding the site to manage impacts upon adjacent properties. The boundary wall on the eastern boundary is noted to result in some impacts upon the adjacent property, however the limited height and location of the wall in relation to existing structures on the adjacent properties are considered to not cause unreasonable visual or overshadowing impacts.

The reasonable quality of landscaping within the common driveway and forward of the detached dwelling assist in positively contributing to the character of the locality and amenity of the subject dwellings.

On balance, the proposed development exhibits sufficient merit when assessed against the relevant Desired Outcomes and Performance Outcomes of the Code. As such I recommend the application be granted Planning Consent.

RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance¹ to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 22014132 To construct one (1) single storey detached dwelling, and a single storey residential flat building comprising two (2) dwellings, with associated fencing and retaining at 80 Lascelles Avenue, Warradale, SA 5046 be GRANTED subject to the following Conditions.

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
- 3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
- 4. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.
- 5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.
- 6. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of lodgement of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
- 7. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).

¹ Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act). What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

NOTES

1. This approval does not relate to the removal of, or to any tree damaging activity to, any regulated or significant tree (as defined under the Planning, Development and Infrastructure Act 2016) that may be located on the subject site or adjoining land. Removal or tree damaging activity may not occur unless a relevant separate Development Approval is received.

Should regulated or significant tree(s) exist on the subject site, care must be taken during demolition/construction of the proposed buildings to ensure no damage is done to that/those tree(s) (including their root systems) unless otherwise approved by Council. For this reason, a protective barrier should be erected at the dripline of the tree, and that barrier should be maintained for the duration of the demolition/construction. It is also recommended that you seek the advice of a qualified arborist.

2. The owner/applicant is advised that consent from any relevant easement or encumbrance owner may be required prior to any construction.

Easements may include, but are not limited to: drainage, Council easements (i.e. stormwater, encroachments, access etc), power transmission (SA Power Networks), telecommunications, or other forms of access (such as vehicle) rights of way.

Easements and encumbrances would be registered on the relevant Certificate of Title. The location of easements on the land would be shown on the Deposited Plan. A copy of the Certificate of Title and Deposited Plan can be obtained from the South Australian Integrated Land Information System (SAILIS) at:

<https://sailis.lssa.com.au/home/auth/login>

3. 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.
4. The Fences Act 1975 details certain requirements and procedures in order to remove, replace or repair boundary fencing. If you intend to remove or repair an existing boundary fence, you are obligated to give the other affected neighbours 30 days notice to comment and respond as per a "Form 2". If a fence is removed (even if only temporarily) by a neighbour without the consent of the adjoining owner, or without following the procedure under the Fences Act, you may be liable to compensate the other owner.

For more information, please refer to the Legal Services Commission brochure titled "Fences and the Law". Copies are available at Council's Administration Centre, or online at <http://www.lawhandbook.sa.gov.au/ch31s02.php>.

As the proposal involves work on or near the boundary, it is recommended that the boundaries are clearly defined by a Licensed Surveyor prior to the commencement of any building work.

5. If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit www.infrastructure.gov.au/tind
6. The owner/applicant is advised that infrastructure located within Council road reserve (i.e. area between the kerb and allotment boundary) should be designed and constructed (including modified) in accordance with relevant / current Council standards. This includes, but is not limited to, driveway crossovers, alterations to kerbing and footpaths,

stormwater easement connections and domestic stormwater connection to the street watertable.

Further information on the standards can be obtained via Council's website. marion.sa.gov.au > Search Civil engineering > Click 'Civil engineering infrastructure - standard drawing index'

- 7. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).**

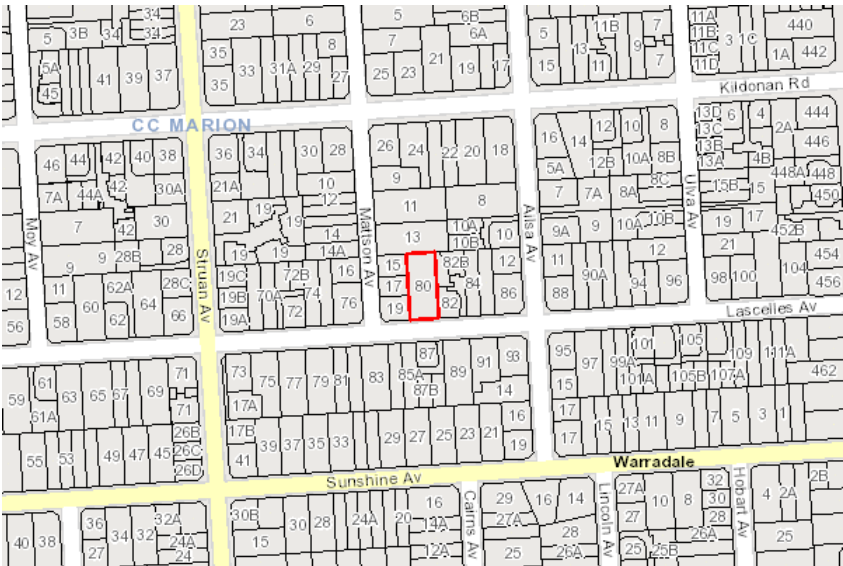
Appendix 1: Planning and Design Code Guidelines:

Address:

80 LASCELLES AV WARRADALE SA 5046

Click to view a detailed interactive [SAILIS](#) in SAILIS

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning

Details Overlay

Airport Building Heights (Regulated) *(All structures over 110 metres)*

Affordable Housing

Hazards (Flooding -

General)

Prescribed Wells

Area Regulated

and Significant Tree

Stormwater

Management Urban

Tree Canopy

Zone

General Neighbourhood

Selected Development(s)

Residential flat building

Detached Dwelling

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the

proposed development compliances to standards.

If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Property Policy Information for above selection

Residential flat building - Code Assessed - Performance Assessed

Part 2 - Zones and Sub

Zones General

Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome	
DO 1	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Use and Intensity	
PO 1.1 Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	DTS/DPF 1.1 Development comprises one or more of the following: <ul style="list-style-type: none"> (a) Ancillary accommodation (b) Community facility (c) Consulting room (d) Dwelling (e) Educational establishment (f) Office (g) Place of Worship (h) Pre-school (i) Recreation area (j) Residential flat building (k) Retirement facility (l) Shop (m) Student accommodation (n) Supported accommodation
Site Dimensions and Land Division	

<p>PO 2.1</p> <p>Allotments/sites created for residential purposes are of suitable size and dimension to accommodate the anticipated dwelling form and remain compatible with the pattern of development in a low-rise and predominantly low-density neighbourhood, with higher densities closer to public open space, public transport stations and activity centres.</p>	<p>DTS/DPF 2.1</p> <p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>or</p> <p>Allotments/sites for residential purposes accord with the following:</p> <table><tr><th>Dwelling Type</th><th>Minimum site/allotment area per dwelling</th><th>Minimum site/allotment frontage</th></tr><tr><td>Detached dwelling (not in a terrace arrangement)</td><td>300m² (exclusive of any battle-axe allotment 'handle')</td><td>9m where not on a battle-axe site 5m where on a battle-axe site</td></tr><tr><td>Semi-detached dwelling</td><td>300m²</td><td>9m</td></tr><tr><td>Row dwelling (or detached dwelling in a terrace arrangement)</td><td>250m²</td><td>7m (averaged)</td></tr><tr><td>Group dwelling</td><td>300m² (average, including common areas)</td><td>15m (total)</td></tr><tr><td>Dwelling within a residential flat building</td><td>300m² (average, including common areas)</td><td>15m (total)</td></tr></table>	Dwelling Type	Minimum site/allotment area per dwelling	Minimum site/allotment frontage	Detached dwelling (not in a terrace arrangement)	300m ² (exclusive of any battle-axe allotment 'handle')	9m where not on a battle-axe site 5m where on a battle-axe site	Semi-detached dwelling	300m ²	9m	Row dwelling (or detached dwelling in a terrace arrangement)	250m ²	7m (averaged)	Group dwelling	300m ² (average, including common areas)	15m (total)	Dwelling within a residential flat building	300m ² (average, including common areas)	15m (total)
Dwelling Type	Minimum site/allotment area per dwelling	Minimum site/allotment frontage																	
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Group dwelling	300m ² (average, including common areas)	15m (total)																	
Dwelling within a residential flat building	300m ² (average, including common areas)	15m (total)																	
<p>PO 2.2</p> <p>Development creating new allotments/sites in conjunction with retention of an existing dwelling ensures the site of the existing dwelling remains fit for purpose.</p>	<p>DTS/DPF 2.2</p> <p>Where the site of a dwelling does not comprise an entire allotment:</p> <p>(a) the balance of the allotment accords with site area and frontage requirements specified in General Neighbourhood Zone DTS/DPF 2.1</p> <p>(b) if there is an existing dwelling on the allotment that will remain on the allotment after completion of the development, it will not contravene:</p> <p>(i) Private open space requirements specified in Design in Urban Areas Table 1 - Private Open Space</p> <p>(ii) off-street vehicular parking exists in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.</p>																		

<p>PO 2.3</p> <p>Land division results in sites that are accessible and suitable for their intended purpose.</p>	<p>DTS/DPF 2.3</p> <p>Division of land satisfies (a), (b) or (c):</p> <ul style="list-style-type: none"> (a) reflects the site boundaries illustrated and approved in an existing development authorisation under the Development Act 1993 or Planning, Development and Infrastructure Act 2016 where the allotments are used or are proposed to be used solely for residential purposes (b) is proposed as part of a combined land division application with deemed-to-satisfy dwellings on the proposed allotments (c) satisfies all of the following: <ul style="list-style-type: none"> (i) No more than 5 additional allotments are created (ii) Each proposed allotment has a minimum site area of 300m² and frontage of 9m (iii) Each proposed allotment has a slope less than 12.5% (1-in-8) (iv) There are no regulated trees on or within 20m of the subject land, with the distance measured from the base of the trunk of the tree (or the nearest trunk of the tree) to the subject land (v) The division does not involve creation of a public road (vi) Vehicle access from a public road can be provided to all proposed allotments which satisfies Design in Urban Areas DTS/DPF 23.3, 23.4 and 23.6, and would be located wholly on one side of the allotment, or located no more than 1 m from the side boundary alignment (vii) No allotments are in a battle-axe configuration and (viii) Each proposed allotment is of a size and dimension capable of containing a rectangle 9m in width and 15m in depth.
Site Coverage	
<p>PO 3.1</p> <p>Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.</p>	<p>DTS/DPF 3.1</p> <p>The development does not result in site coverage exceeding 60%.</p>
Building Height	
<p>PO 4.1</p> <p>Buildings contribute to a low-rise suburban character.</p>	<p>DTS/DPF 4.1</p> <p>Building height (excluding garages, carports and outbuildings) no greater than:</p> <ul style="list-style-type: none"> (a) 2 building levels and 9m and (b) wall height that is no greater than 7m except in the case of a gable end.
Primary Street Setback	

<p>PO 5.1</p> <p>Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.</p>	<p>DTS/DPF 5.1</p> <p>The building line of a building set back from the primary street boundary:</p> <ul style="list-style-type: none"> (a) no more than 1m in front of the average setback to the building line of existing buildings on adjoining sites which face the same primary street (including those buildings that would adjoin the site if not separated by a public road or a vacant allotment) (b) where there is only one existing building on adjoining sites which face the same primary street (including those that would adjoin if not separated by a public road or a vacant allotment), no more than 1m in front of the setback to the building line of that building <p>or</p> <ul style="list-style-type: none"> (c) not less than 5m where no building exists on an adjoining site with the same primary street frontage.
Secondary Street Setback	
<p>PO 6.1</p> <p>Buildings are set back from secondary street boundaries to achieve separation between building walls and public streets and contribute to a suburban streetscape character.</p>	<p>DTS/DPF 6.1</p> <p>Building walls are set back from the boundary of the allotment with a secondary street frontage:</p> <ul style="list-style-type: none"> (a) at least 900mm <p>or</p> <ul style="list-style-type: none"> (b) if a dwelling on any adjoining allotment is closer to the secondary street than 900mm, at least the distance of that dwelling from the boundary with the secondary street.
Boundary Walls	
<p>PO 7.1</p> <p>Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.</p>	<p>DTS/DPF 7.1</p> <p>Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:</p> <ul style="list-style-type: none"> (a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height (b) side boundary walls do not: <ul style="list-style-type: none"> (i) exceed 3m in height from the top of footings (ii) exceed 11.5m in length (iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary (iv) encroach within 3m of any other existing or proposed boundary walls on the subjectland.
Side boundary setback	

<p>PO 8.1</p> <p>Building walls are set back from side boundaries to provide:</p> <p>(a) separation between dwellings in a way that contributes to a suburban character</p> <p>and</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 8.1</p> <p>Other than walls located on a side boundary, building walls are set back from side boundaries:</p> <p>(a) at least 900mm where the wall height is up to 3m</p> <p>(b) other than for a wall facing a southern side boundary, at least 900mm plus 1/3 of the wall height above 3m</p> <p>and</p> <p>(c) at least 1900mm plus 1/3 of the wall height above 3m for walls facing a southern side boundary.</p>
Rear boundary setback	
<p>PO 9.1</p> <p>Dwelling walls are set back from rear boundaries to provide:</p> <p>(a) separation between dwellings in a way that contributes to a suburban character</p> <p>(b) access to natural light and ventilation for neighbours</p> <p>(c) private open space</p> <p>(d) space for landscaping and vegetation.</p>	<p>DTS/DPF 9.1</p> <p>Dwelling walls are set back from the rear boundary at least:</p> <p>(a) if the size of the site is less than 301m²—</p> <p>(i) 3m in relation to the ground floor of the dwelling</p> <p>(ii) 5m in relation to any other building level of the dwelling</p> <p>(b) if the size of the site is 301m² or more—</p> <p>(i) 4m in relation to the ground floor of the dwelling</p> <p>(ii) 6m in relation to any other building level of the dwelling.</p>

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

Class of Development (Column A)	Exceptions (Column B)
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1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
<p>2. All development undertaken by:</p> <p>(a) the South Australian Housing Trust either individually or jointly with other persons or bodies</p> <p>or</p> <p>(b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.</p>	<p>Except development involving any of the following:</p> <ol style="list-style-type: none"> 1. residential flat building(s) of 3 or more building levels 2. the demolition of a State or Local Heritage Place 3. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
<p>3. Any development involving any of the following (or of any combination of any of the following):</p> <ol style="list-style-type: none"> (a) air handling unit, air conditioning system or exhaust fan (b) ancillary accommodation (c) building work on railway land (d) carport (e) deck (f) dwelling (g) dwelling addition (h) fence (i) outbuilding (j) pergola (k) private bushfire shelter (l) residential flat building 	<p>Except development that:</p> <ol style="list-style-type: none"> 1. does not satisfy General Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: <ol style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) <p>or</p> <ol style="list-style-type: none"> (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or
<ol style="list-style-type: none"> (m) retaining wall (n) retirement facility (o) shade sail (p) solar photovoltaic panels (roof mounted) (q) student accommodation (r) supported accommodation (s) swimming pool or spa pool (t) verandah (u) water tank. 	<p>post) abuts an existing wall or structure of greater height on the adjoining allotment).</p>

<p>4. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) consulting room (b) office (c) shop. 	<p>Except development that:</p> <ul style="list-style-type: none"> 1. does not satisfy any of the following: <ul style="list-style-type: none"> (a) General Neighbourhood Zone DTS/DPF 1.4 (b) General Neighbourhood Zone DTS/DPF 4.1 <p>or</p> <ul style="list-style-type: none"> 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: <ul style="list-style-type: none"> (a) the length of the proposed wall (or structure) exceeds 11.5m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) <p>or</p> <ul style="list-style-type: none"> (b) the height of the proposed wall (or post height) exceeds 3m measured from the top of footings (other than where the proposed wall (or post) abuts an existing wall or structure of greater height on the adjoining allotment).
<p>5. Any development involving any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) internal building works (b) land division (c) recreation area (d) replacement building (e) temporary accommodation in an area affected by bushfire (f) tree damaging activity. 	<p>None specified.</p>
<p>6. Alteration of or addition to any development involving the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> (a) community facility (b) educational establishment (c) pre-school. 	<p>Except development that does not satisfy General Neighbourhood Zone DTS/DPF 1.5.</p>
<p>7. Demolition.</p>	<p>Except any of the following:</p> <ul style="list-style-type: none"> 1. the demolition of a State or Local Heritage Place 2. the demolition of a building (except an ancillary building) in a Historic Area Overlay.
<p>Placement of Notices - Exemptions for Performance Assessed Development</p>	
<p>None specified.</p>	

Placement of Notices - Exemptions for Restricted Development

None specified.

Part 3 - Overlays**Affordable Housing****Overlay Assessment****Provisions (AP)****Desired Outcome**

DO 1	Affordable housing is integrated with residential and mixed use development.
DO 2	Affordable housing caters for a variety of household structures.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Division	
PO 1.1 Development comprising 20 or more dwellings / allotments incorporates affordable housing.	DTS/DPF 1.1 Development results in 0-19 additional allotments / dwellings.
PO 1.2 Development comprising 20 or more dwellings or residential allotments provides housing suited to a range of incomes including households with low to moderate incomes.	DTS/DPF 1.2 Development comprising 20 or more dwellings / or residential allotments includes a minimum of 15% affordable housing except where: (a) it can be demonstrated that any shortfall in affordable housing has been provided in a previous stage of development or (b) it can be demonstrated that any shortfall in affordable housing will be accommodated in a subsequent stage or stages of development.
PO 1.3 Affordable housing is distributed throughout the development to avoid an overconcentration.	DTS/DPF 1.3 None are applicable.

Built Form and Character	
PO 2.1	DTS/DPF 2.1
Affordable housing is designed to complement the design and character of residential development within the locality.	None are applicable.
Affordable Housing Incentives	
PO 3.1	DTS/DPF 3.1
To support the provision of affordable housing, minimum allotment sizes may be reduced below the minimum allotment size specified in a zone while providing allotments of a suitable size and dimension to accommodate dwellings with a high standard of occupant amenity.	The minimum site area specified for a dwelling can be reduced by up to 20%, or the maximum density per hectare increased by up to 20%, where it is to be used to accommodate affordable housing except where the development is located within the Character Area Overlay or Historic Area Overlay.
PO 3.2	DTS/DPF 3.2
To support the provision of affordable housing, building heights may be increased above the maximum specified in a zone.	<p>Where a building incorporates dwellings above ground level and includes at least 15% affordable housing, the maximum building height specified in any relevant zone policy can be increased by 1 building level in the:</p> <ul style="list-style-type: none"> (a) Business Neighbourhood Zone (b) City Living Zone (c) Established Neighbourhood Zone (d) General Neighbourhood Zone (e) Hills Neighbourhood Zone (f) Housing Diversity Neighbourhood Zone (g) Neighbourhood Zone (h) Master Planned Neighbourhood Zone (i) Master Planned Renewal Zone (j) Master Planned Township Zone (k) Rural Neighbourhood Zone (l) Suburban Business Zone (m) Suburban Neighbourhood Zone (n) Township Neighbourhood Zone (o) Township Zone (p) Urban Renewal Neighbourhood Zone (q) Waterfront Neighbourhood Zone <p>and up to 30% in any other zone, except where:</p> <ul style="list-style-type: none"> (a) the development is located within the Character Area Overlay or Historic Area Overlay <p>or</p> <ul style="list-style-type: none"> (b) other height incentives already apply to the development.
Movement and Car Parking	

<p>PO 4.1</p> <p>Sufficient car parking is provided to meet the needs of occupants of affordable housing.</p>	<p>DTS/DPF 4.1</p> <p>Dwellings constituting affordable housing are provided with car parking in accordance with the following:</p> <ul style="list-style-type: none"> (a) 0.3 carpark per dwelling within a building which incorporates dwellings located above ground level within either: <ul style="list-style-type: none"> (i) 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service⁽²⁾ (ii) is within 400 metres of a bus interchange⁽¹⁾ (iii) is within 400 metres of an O-Bahn interchange⁽¹⁾
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	<p>(iv) is within 400 metres of a passenger rail station⁽¹⁾</p> <p>(v) is within 400 metres of a passenger tram station⁽¹⁾</p> <p>(vi) is within 400 metres of the Adelaide Parklands.</p> <p>or</p> <p>(b) 1 carpark per dwelling for any other dwelling.</p> <p>[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]</p>
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Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development for the purposes of the provision of affordable housing (applying the criteria determined under regulation 4 of the <i>South Australian Housing Trust Regulations 2010</i>).	Minister responsible for administering the <i>South Australian Housing Trust Act 1995</i> .	To provide direction on the conditions required to secure the provision of dwellings or allotments for affordable housing.	Development of a class to which Schedule 9 clause 3 item 20 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Airport Building Heights (Regulated) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance
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Feature	
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.
PO 1.2 Exhaust stacks are designed and sited to minimise plume impacts on aircraft movements associated with a certified or registered aerodrome.	DTS/DPF 1.2 Development does not include exhaust stacks.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development: (a) building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the <i>Airport Building Heights (Regulated) Overlay</i> (b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the <i>Airport Building Heights (Regulated) Overlay</i> .	The airport-operator company for the relevant airport within the meaning of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Hazards (Flooding – General) Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Impacts on people, property, infrastructure and the environment from general flood risk are minimised through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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Flood Resilience	
<p>PO 2.1</p> <p>Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.</p>	<p>DTS/DPF 2.1</p> <p>Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished ground and floor level not less than:</p> <p>In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% AEP flood event.</p>

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Stormwater Management Overlay

Assessment Provisions (AP)

Desired Outcome	
DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
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<p>PO 1.1</p> <p>Residential development is designed to capture and re-use stormwater to:</p> <ul style="list-style-type: none"> (a) maximise conservation of water resources (b) manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded (c) manage stormwater runoff quality. 	<p>DTS/DPF 1.1</p> <p>Residential development comprising detached, semi-detached or row dwellings, or less than 5 group dwellings or dwellings within a residential flat building:</p> <ul style="list-style-type: none"> (a) includes rainwater tank storage: <ul style="list-style-type: none"> (i) connected to at least: <ul style="list-style-type: none"> A. in relation to a detached dwelling (not in a battle-axe arrangement), semi-detached dwelling or row dwelling, 60% of the roof area B. in all other cases, 80% of the roof area (ii) connected to either a toilet, laundry coldwater outlets or hot water service for sites less than 200m² (iii) connected to one toilet and either the laundry cold water outlets or hot water service for sites of 200m² or greater
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- (iv) with a minimum total capacity in accordance with Table 1
- (v) where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank

(b) incorporates dwelling roof area comprising at least 80% of the site's impervious area

Table 1: Rainwater Tank

Site size (m ²) volume (Litres)	Minimum retention	Minimum detention volume (Litres)
<200	1000	1000
200-400	2000	Site perviousness <30%: 1000 Site perviousness ≥30%: N/A
>401	4000	Site perviousness <35%: 1000 Site perviousness ≥35%: N/A

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Urban Tree Canopy Overlay

Assessment Provisions (AP)

Desired Outcome

DO 1	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.
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Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature																												
PO 1.1 Trees are planted or retained to contribute to an urban tree canopy.	DTS/DPF 1.1 Tree planting is provided in accordance with the following: <table><tr><th>Site size per dwelling (m²)</th><th>Tree size* and number required per dwelling</th></tr><tr><td><450</td><td>1 small tree</td></tr><tr><td>450-800</td><td>1 medium tree or 2 small trees</td></tr><tr><td>>800</td><td>1 large tree or 2 medium trees or 4 small trees</td></tr></table> *refer Table 1 Tree Size <table><tr><th colspan="4">Table 1 Tree Size</th></tr><tr><th>Tree size</th><th>Mature height (minimum)</th><th>Mature spread (minimum)</th><th>Soil area around tree within development site (minimum)</th></tr><tr><td>Small</td><td>4 m</td><td>2m</td><td>10m² and min. dimension of 1.5m</td></tr><tr><td>Medium</td><td>6 m</td><td>4 m</td><td>30m² and min. dimension of 2m</td></tr><tr><td>Large</td><td>12 m</td><td>8m</td><td>60m² and min. dimension of 4m</td></tr></table> The discount in Column D of Table 2 discounts the number of trees required to be planted in DTS/DPF 1.1 where existing tree(s) are retained on the subject land that meet the criteria in Columns A, B and C of Table 2, and are not a species identified in Regulation 3F(4)(b) of the Planning Development and Infrastructure (General) Regulations 2017.	Site size per dwelling (m ²)	Tree size* and number required per dwelling	<450	1 small tree	450-800	1 medium tree or 2 small trees	>800	1 large tree or 2 medium trees or 4 small trees	Table 1 Tree Size				Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)	Small	4 m	2m	10m ² and min. dimension of 1.5m	Medium	6 m	4 m	30m ² and min. dimension of 2m	Large	12 m	8m	60m ² and min. dimension of 4m
Site size per dwelling (m ²)	Tree size* and number required per dwelling																												
<450	1 small tree																												
450-800	1 medium tree or 2 small trees																												
>800	1 large tree or 2 medium trees or 4 small trees																												
Table 1 Tree Size																													
Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)																										
Small	4 m	2m	10m ² and min. dimension of 1.5m																										
Medium	6 m	4 m	30m ² and min. dimension of 2m																										
Large	12 m	8m	60m ² and min. dimension of 4m																										

Table 2 Tree Discounts			
Retained tree height (Column A)	Retained tree spread (Column B)	Retained soil area around tree within development site (Column C)	Discount applied (Column D)
4-6m	2-4m	10m ² and min. dimension of 1.5m	2 small trees (or 1 medium tree)
6-12m	4-8m	30m ² and min. dimension of 3m	2 medium trees (or 4 small trees)
>12m	>8m	60m ² and min. dimension of 6m	2 large trees (or 4 medium trees, or 8 small trees)
<p>Note: In order to satisfy DTS/DPF 1.1, payment may be made in accordance with a relevant off-set scheme established by the Minister under section 197 of the Planning, Development and Infrastructure Act 2016, provided the provisions and requirements of that scheme are satisfied. For the purposes of section 102(4) of the Planning, Development and Infrastructure Act 2016, an applicant may elect for any of the matters in DTS/DPF 1.1 to be reserved.</p>			

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

Part 4 - General Development Policies

Clearance from Overhead Powerlines Assessment

Provisions (AP)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DTS/DPF 1.1 One of the following is satisfied: (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Design in Urban Areas

Assessment Provisions (AP)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> (a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality (b) durable - fit for purpose, adaptable and long lasting (c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors (d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
On-site Waste Treatment Systems	

<p>PO 6.1</p> <p>Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.</p>	<p>DTS/DPF 6.1</p> <p>Effluent disposal drainage areas do not:</p> <ul style="list-style-type: none"> (a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space (b) use an area also used as a driveway (c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Car parking appearance	
<p>PO 7.1</p> <p>Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as:</p> <ul style="list-style-type: none"> (a) limiting protrusion above finished ground level (b) screening through appropriate planting, fencing and mounding (c) limiting the width of openings and integrating them into the building structure. 	<p>DTS/DPF 7.1</p> <p>None are applicable.</p>
Earthworks and sloping land	
<p>PO 8.1</p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p>DTS/DPF 8.1</p> <p>Development does not involve any of the following:</p> <ul style="list-style-type: none"> (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.
<p>PO 8.2</p> <p>Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.</p>	<p>DTS/DPF 8.2</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):</p> <ul style="list-style-type: none"> (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
<p>PO 8.3</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8):</p> <ul style="list-style-type: none"> (a) do not contribute to the instability of embankments and cuttings (b) provide level transition areas for the safe movement of people and goods to and from the development (c) are designed to integrate with the natural topography of the land. 	<p>DTS/DPF 8.3</p> <p>None are applicable.</p>

PO 8.4 Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.	DTS/DPF 8.4 None are applicable.
PO 8.5 Development does not occur on land at risk of landslip or increase the potential for landslip or land surface instability.	DTS/DPF 8.5 None are applicable.
Fences and Walls	
PO 9.1 Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.	DTS/DPF 9.1 None are applicable.
Overlooking / Visual Privacy (low rise buildings)	
PO 10.1 Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.	DTS/DPF 10.1 Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone: <ul style="list-style-type: none"> (a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm (b) have sill heights greater than or equal to 1.5m above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floorlevel.
PO 10.2 Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.	DTS/DPF 10.2 One of the following is satisfied: <ul style="list-style-type: none"> (a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace or (b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: <ul style="list-style-type: none"> (i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land or <ul style="list-style-type: none"> (ii) 1.7m above finished floor level in all othercases
Site Facilities / Waste Storage (excluding low rise residential development)	
PO 11.1 Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.	DTS/DPF 11.1 None are applicable.

PO 11.2 Communal waste storage and collection areas are located, enclosed and designed to be screened from view from the public domain, open space and dwellings.	DTS/DPF 11.2 None are applicable.
PO 11.3 Communal waste storage and collection areas are designed to be well ventilated and located away from habitable rooms.	DTS/DPF 11.3 None are applicable.
PO 11.4 Communal waste storage and collection areas are designed to allow waste and recycling collection vehicles to enter and leave the site without reversing.	DTS/DPF 11.4 None are applicable.
PO 11.5 For mixed use developments, non-residential waste and recycling storage areas and access provide opportunities for on-site management of food waste through composting or other waste recovery as appropriate.	DTS/DPF 11.5 None are applicable.
All Development - Medium and High Rise	
External Appearance	
PO 12.1 Buildings positively contribute to the character of the local area by responding to local context.	DTS/DPF 12.1 None are applicable.
PO 12.2 Architectural detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.	DTS/DPF 12.2 None are applicable.
PO 12.3 Buildings are designed to reduce visual mass by breaking up building elevations into distinct elements.	DTS/DPF 12.3 None are applicable.
PO 12.4 Boundary walls visible from public land include visually interesting treatments to break up large blank elevations.	DTS/DPF 12.4 None are applicable.
PO 12.5 External materials and finishes are durable and age well to minimise ongoing maintenance requirements.	DTS/DPF 12.5 Buildings utilise a combination of the following external materials and finishes: (a) masonry (b) natural stone (c) pre-finished materials that minimise staining, discolouring or deterioration.

PO 12.6 Street-facing building elevations are designed to provide attractive, high quality and pedestrian-friendly street frontages.	DTS/DPF 12.6 Building street frontages incorporate: (a) active uses such as shops or offices (b) prominent entry areas for multi-storey buildings (where it is a common entry) (c) habitable rooms of dwellings (d) areas of communal public realm with public art or the like, where consistent with the zone and/or subzone provisions.			
PO 12.7 Entrances to multi-storey buildings are safe, attractive, welcoming, functional and contribute to streetscape character.	DTS/DPF 12.7 Entrances to multi-storey buildings are: (a) oriented towards the street (b) clearly visible and easily identifiable from the street and vehicle parking areas (c) designed to be prominent, accentuated and a welcoming feature if there are no active or occupied ground floor uses (d) designed to provide shelter, a sense of personal address and transitional space around the entry (e) located as close as practicable to the lift and / or lobby access to minimise the need for long access corridors (f) designed to avoid the creation of potential areas of entrapment.			
PO 12.8 Building services, plant and mechanical equipment are screened from the public realm.	DTS/DPF 12.8 None are applicable.			
Landscaping				
PO 13.1 Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.	DTS/DPF 13.1 Buildings provide a 4m by 4m deep soil space in front of the building that accommodates a medium to large tree, except where no building setback from front property boundaries is desired.			
PO 13.2 Deep soil zones are provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings.	DTS/DPF 13.2 Multi-storey development provides deep soil zones and incorporates trees at not less than the following rates, except in a location or zone where full site coverage is desired.			
	Site area	Minimum deep soil area	Minimum dimension	Tree / deep soil zones
	<300 m ²	10 m ²	1.5m	1 small tree /
				10 m ²
	300-1500 m ²	7% site area	3m	1 medium tree / 30 m ²

	<div>>1500 m²</div> <div>7% site area</div> <div>6m</div> <div>1 large or medium tree / 60 m²</div>
	Tree size and site area definitions
	<div>Small tree</div> <div>4-6m mature height and 2-4m canopy spread</div>
	<div>Medium tree</div> <div>6-12m mature height and 4-8m canopy spread</div>
	<div>Large tree</div> <div>12m mature height and >8m canopy spread</div>
	<div>Site area</div> <div>The total area for development site, not average area per dwelling</div>
PO 13.3	DTS/DPF 13.3
Deep soil zones with access to natural light are provided to assist in maintaining vegetation health.	None are applicable.
PO 13.4	DTS/DPF 13.4
Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low-rise residential development incorporate a deep soil zone along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more building levels in height.	Building elements of 3 or more building levels in height are set back at least 6m from a zone boundary in which a deep soil zone area is incorporated.
Environmental	
PO 14.1	DTS/DPF 14.1
Development minimises detrimental micro-climatic impacts on adjacent land and buildings.	None are applicable.
PO 14.2	DTS/DPF 14.2
Development incorporates sustainable design techniques and features such as window orientation, eaves and shading structures, water harvesting and use, green walls and roof designs that enable the provision of rain water tanks (where they are not provided elsewhere on site), green roofs and photovoltaic cells.	None are applicable.
PO 14.3	DTS/DPF 14.3
Development of 5 or more building levels, or 21m or more in height (as measured from natural ground level and excluding roof-mounted mechanical plant and equipment) is designed to minimise the impacts of wind through measures such as:	None are applicable.
(a) a podium at the base of a tall tower and aligned with the	

street to deflect wind away from the street	
<ul style="list-style-type: none"> (b) substantial verandahs around a building to deflect downward travelling wind flows over pedestrian areas (c) the placement of buildings and use of setbacks to deflect the wind at ground level (d) avoiding tall shear elevations that create windy conditions at street level. 	
Overlooking/Visual Privacy	
<p>PO 16.1</p> <p>Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:</p> <ul style="list-style-type: none"> (a) appropriate site layout and building orientation (b) off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight (c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (d) screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity. 	<p>DTS/DPF 16.1</p> <p>None are applicable.</p>
All residential development	
Front elevations and passive surveillance	
<p>PO 17.1</p> <p>Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.</p>	<p>DTS/DPF 17.1</p> <p>Each dwelling with a frontage to a public street:</p> <ul style="list-style-type: none"> (a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m (b) has an aggregate window area of at least 2m² facing the primary street.
<p>PO 17.2</p> <p>Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.</p>	<p>DTS/DPF 17.2</p> <p>Dwellings with a frontage to a public street have an entry door visible from the primary street boundary.</p>
Outlook and Amenity	
<p>PO 18.1</p> <p>Living rooms have an external outlook to provide a high standard of amenity for occupants.</p>	<p>DTS/DPF 18.1</p> <p>A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.</p>
<p>PO 18.2</p> <p>Bedrooms are separated or shielded from active communal recreation areas, common access areas and vehicle parking areas and access ways to mitigate noise and artificial light intrusion.</p>	<p>DTS/DPF 18.2</p> <p>None are applicable.</p>
Residential Development - Low Rise	

External appearance	
<p>PO 20.1</p> <p>Garaging is designed to not detract from the streetscape or appearance of a dwelling.</p>	<p>DTS/DPF 20.1</p> <p>Garages and carports facing a street:</p> <ul style="list-style-type: none"> (a) are situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling (b) are set back at least 5.5m from the boundary of the primary street (c) have a garage door / opening width not exceeding 7m (d) have a garage door / opening width not exceeding 50% of the site frontage unless the dwelling has two or more building levels at the building line fronting the same public street.
<p>PO 20.2</p> <p>Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.</p>	<p>DTS/DPF 20.2</p> <p>Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:</p> <ul style="list-style-type: none"> (a) a minimum of 30% of the building wall is set back an additional 300mm from the building line (b) a porch or portico projects at least 1m from the building wall (c) a balcony projects from the building wall (d) a verandah projects at least 1m from the building wall (e) eaves of a minimum 400mm width extend along the width of the front elevation (f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm (g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.
<p>PO 20.3</p> <p>The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.</p>	<p>DTS/DPF 20.3</p> <p>None are applicable</p>
Private Open Space	
<p>PO 21.1</p> <p>Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.</p>	<p>DTS/DPF 21.1</p> <p>Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.</p>

PO 21.2	DTS/DPF 21.2										
Private open space is positioned to provide convenient access from internal living areas.	Private open space is directly accessible from a habitable room.										
Landscaping											
PO 22.1	DTS/DPF 22.1										
<p>Soft landscaping is incorporated into development to:</p> <ul style="list-style-type: none"> (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes. 	<p>Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):</p> <ul style="list-style-type: none"> (a) a total area as determined by the following table: <table border="1"> <thead> <tr> <th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m²)</th><th>Minimum percentage of site</th></tr> </thead> <tbody> <tr> <td><150</td><td>10%</td></tr> <tr> <td>150-200</td><td>15%</td></tr> <tr> <td>>200-450</td><td>20%</td></tr> <tr> <td>>450</td><td>25%</td></tr> </tbody> </table> (b) at least 30% of any land between the primary street boundary and the primary building line. 	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site	<150	10%	150-200	15%	>200-450	20%	>450	25%
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m ²)	Minimum percentage of site										
<150	10%										
150-200	15%										
>200-450	20%										
>450	25%										
Car parking, access and manoeuvrability											
PO 23.1	DTS/DPF 23.1										
Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.	<p>Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any waste storage area):</p> <ul style="list-style-type: none"> (a) single width car parking spaces: <ul style="list-style-type: none"> (i) a minimum length of 5.4m perspace (ii) a minimum width of 3.0m (iii) a minimum garage door width of 2.4m (b) double width car parking spaces (side by side): <ul style="list-style-type: none"> (i) a minimum length of 5.4m (ii) a minimum width of 5.4m (iii) minimum garage door width of 2.4m perspace. 										
PO 23.2	DTS/DPF 23.2										
Uncovered car parking space are of dimensions to be functional, accessible and convenient.	<p>Uncovered car parking spaces have:</p> <ul style="list-style-type: none"> (a) a minimum length of 5.4m (b) a minimum width of 2.4m (c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5m. 										

<p>PO 23.3</p> <p>Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.</p>	<p>DTS/DPF 23.3</p> <p>Driveways and access points satisfy (a) or (b):</p> <p>(a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site</p> <p>(b) sites with a frontage to a public road greater than 10m:</p> <ul style="list-style-type: none"> (i) have a maximum width of 5m measured at the property boundary and are the only access point provided on the site; (ii) have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.
<p>PO 23.4</p> <p>Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.</p>	<p>DTS/DPF 23.4</p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <p>(a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land</p> <p>(b) where newly proposed, is set back:</p> <ul style="list-style-type: none"> (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
<p>PO 23.5</p> <p>Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.</p>	<p>DTS/DPF 23.5</p> <p>Driveways are designed and sited so that:</p> <ul style="list-style-type: none"> (a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport is not steeper than 1-in-4 on average (b) they are aligned relative to the street so that there is no more than a 20 degree deviation from 90 degrees between the centreline of any dedicated car parking space to which it provides access (measured from the front of that space) and the road boundary. (c) if located so as to provide access from an alley, lane or right of way - the alley, lane or right of way is at least 6.2m wide along the boundary of the allotment / site

PO 23.6 Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.	DTS/DPF 23.6 Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements: (a) minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest wholenumber) (b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly (c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.
Waste storage	
PO 24.1 Provision is made for the convenient storage of waste bins in a location screened from public view.	DTS/DPF 24.1 Where dwellings abut both side boundaries a waste bin storage area is provided behind the building line of each dwelling that: (a) has a minimum area of 2m ² with a minimum dimension of 900mm (separate from any designated car parking spaces or private open space); and (b) has a continuous unobstructed path of travel (excluding moveable objects like gates, vehicles and roller doors) with a minimum width of 800mm between the waste bin storage area and the street.
Design of Transportable Buildings	
PO 25.1 The sub-floor space beneath transportable buildings is enclosed to give the appearance of a permanent structure.	DTS/DPF 25.1 Buildings satisfy (a) or (b): (a) are not transportable (b) the sub-floor space between the building and ground level is clad in a material and finish consistent with the building.
Residential Development - Medium and High Rise (including serviced apartments)	
Outlook and Visual Privacy	
PO 26.1 Ground level dwellings have a satisfactory short range visual outlook to public, communal or private open space.	DTS/DPF 26.1 Buildings: (a) provide a habitable room at ground or first level with a window facing toward the street (b) limit the height / extent of solid walls or fences facing the street to 1.2m high above the footpath level or, where higher, to 50% of the sitefrontage.
PO 26.2 The visual privacy of ground level dwellings within multi-level buildings is protected.	DTS/DPF 26.2 The finished floor level of ground level dwellings in multi-storey developments is raised by up to 1.2m.
Private Open Space	
PO 27.1 Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	DTS/DPF 27.1 Private open space provided in accordance with Design in Urban Areas Table 1 - Private Open Space.

Residential amenity in multi-level buildings	
<p>PO 28.1</p> <p>Residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.</p>	<p>DTS/DPF 28.1</p> <p>Habitable rooms and balconies of independent dwellings and accommodation are separated by at least 6m from one another where there is a direct line of sight between them and 3m or more from a side or rear property boundary.</p>
<p>PO 28.2</p> <p>Balconies are designed, positioned and integrated into the overall architectural form and detail of the development to:</p>	<p>DTS/DPF 28.2</p> <p>Balconies utilise one or a combination of the following design elements:</p>
<p>(a) respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy</p> <p>(b) allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas.</p>	<p>(a) sun screens</p> <p>(b) pergolas</p> <p>(c) louvres</p> <p>(d) green facades</p> <p>(e) openable walls.</p>
<p>PO 28.3</p> <p>Balconies are of sufficient size and depth to accommodate outdoor seating and promote indoor / outdoor living.</p>	<p>DTS/DPF 28.3</p> <p>Balconies open directly from a habitable room and incorporate a minimum dimension of 2m.</p>
<p>PO 28.4</p> <p>Dwellings are provided with sufficient space for storage to meet likely occupant needs.</p>	<p>DTS/DPF 28.4</p> <p>Dwellings (not including student accommodation or serviced apartments) are provided with storage at the following rates with at least 50% or more of the storage volume to be provided within the dwelling:</p> <p>(a) studio: not less than 6m³</p> <p>(b) 1 bedroom dwelling / apartment: not less than 8m³</p> <p>(c) 2 bedroom dwelling / apartment: not less than 10m³</p> <p>(d) 3+ bedroom dwelling / apartment: not less than 12m³.</p>
<p>PO 28.5</p> <p>Dwellings that use light wells for access to daylight, outlook and ventilation for habitable rooms, are designed to ensure a reasonable living amenity is provided.</p>	<p>DTS/DPF 28.5</p> <p>Light wells:</p> <p>(a) are not used as the primary source of outlook for living rooms</p> <p>(b) up to 18m in height have a minimum horizontal dimension of 3m, or 6m if overlooked by bedrooms</p> <p>(c) above 18m in height have a minimum horizontal dimension of 6m, or 9m if overlooked by bedrooms.</p>
<p>PO 28.6</p> <p>Attached or abutting dwellings are designed to minimise the transmission of sound between dwellings and, in particular, to protect bedrooms from possible noise intrusions.</p>	<p>DTS/DPF 28.6</p> <p>None are applicable.</p>
<p>PO 28.7</p> <p>Dwellings are designed so that internal structural columns correspond with the position of internal walls to ensure that the space within the dwelling/apartment is useable.</p>	<p>DTS/DPF 28.7</p> <p>None are applicable.</p>

Dwelling Configuration		
PO 29.1	DTS/DPF 29.1	
Buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity.	Buildings containing in excess of 10 dwellings provide at least one of each of the following: (a) studio (where there is no separate bedroom) (b) 1 bedroom dwelling / apartment with a floor area of at least 50m ² (c) 2 bedroom dwelling / apartment with a floor area of at least 65m ² (d) 3+ bedroom dwelling / apartment with a floor area of at least 80m ² , and any dwelling over 3 bedrooms provides an additional 15m ² for every additional bedroom.	
PO 29.2	DTS/DPF 29.2	
Dwellings located on the ground floor of multi-level buildings with 3 or more bedrooms have the windows of their habitable rooms overlooking internal courtyard space or other public space, where possible.	None are applicable.	
Common Areas		
PO 30.1	DTS/DPF 30.1	
The size of lifts, lobbies and corridors is sufficient to accommodate movement of bicycles, strollers, mobility aids and visitor waiting areas.	Common corridor or circulation areas: (a) have a minimum ceiling height of 2.7m (b) provide access to no more than 8 dwellings (c) incorporate a wider section at apartment entries where the corridors exceed 12m in length from a core.	
Group Dwellings, Residential Flat Buildings and Battle axe Development		
Amenity		
PO 31.1	DTS/DPF 31.1	
Dwellings are of a suitable size to provide a high standard of amenity for occupants.	Dwellings have a minimum internal floor area in accordance with the following table:	
	Number of bedrooms	Minimum internal floor area
	Studio	35m ²
	1 bedroom	50m ²
	2 bedroom	65m ²
	3+ bedrooms	80m ² and any dwelling over 3 bedrooms provides an additional 15m ² for every additional bedroom

PO 31.2 The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.	DTS/DPF 31.2 None are applicable.
PO 31.3 Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.	DTS/DPF 31.3 None are applicable.
PO 31.4 Battle-axe development is appropriately sited and designed to respond to the existing neighbourhood context.	DTS/DPF 31.4 Dwelling sites/allotments are not in the form of a battle-axe arrangement.
Communal Open Space	
PO 32.1 Private open space provision may be substituted for communal open space which is designed and sited to meet the recreation and amenity needs of residents.	DTS/DPF 32.1 None are applicable.
PO 32.2 Communal open space is of sufficient size and dimensions to cater for group recreation.	DTS/DPF 32.2 Communal open space incorporates a minimum dimension of 5 metres.
PO 32.3 Communal open space is designed and sited to: (a) be conveniently accessed by the dwellings which it services (b) have regard to acoustic, safety, security and wind effects.	DTS/DPF 32.3 None are applicable.
PO 32.4 Communal open space contains landscaping and facilities that are functional, attractive and encourage recreational use.	DTS/DPF 32.4 None are applicable.
PO 32.5 Communal open space is designed and sited to: (a) in relation to rooftop or elevated gardens, minimise overlooking into habitable room windows or onto the useable private open space of other dwellings (b) in relation to ground floor communal space, be overlooked by habitable rooms to facilitate passive surveillance.	DTS/DPF 32.5 None are applicable.
Car parking, access and manoeuvrability	
PO 33.1 Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.	DTS/DPF 33.1 Where on-street parking is available directly adjacent the site, on-street parking is retained adjacent the subject site in accordance with the following requirements: (a) minimum 0.33 on-street car parks per proposed dwelling (rounded up to the nearest whole number) (b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly (c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.

PO 33.2	DTS/DPF 33.2
The number of vehicular access points onto public roads is minimised to reduce interruption of the footpath and positively contribute to public safety and walkability.	Access to group dwellings or dwellings within a residential flat building is provided via a single common driveway.
PO 33.3	DTS/DPF 33.3
Residential driveways that service more than one dwelling are designed to allow safe and convenient movement.	Driveways that service more than 1 dwelling or a dwelling on a battle-axe site: <ul style="list-style-type: none"> (a) have a minimum width of 3m (b) for driveways servicing more than 3 dwellings: <ul style="list-style-type: none"> (i) have a width of 5.5m or more and a length of 6m or more at the kerb of the primary street (ii) where the driveway length exceeds 30m, incorporate a passing point at least every 30 metres with a minimum width of 5.5m and a minimum length of 6m.
PO 33.4	DTS/DPF 33.4
Residential driveways that service more than one dwelling or a dwelling on a battle-axe site are designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.	Driveways providing access to more than one dwelling, or a dwelling on a battle-axe site, allow a B85 passenger vehicle to enter and exit the garages or parking spaces in no more than a three-point turn manoeuvre.
PO 33.5	DTS/DPF 33.5
Dwellings are adequately separated from common driveways and manoeuvring areas.	Dwelling walls with entry doors or ground level habitable room windows are set back at least 1.5m from any driveway or area designated for the movement and manoeuvring of vehicles.
Soft landscaping	
PO 34.1	DTS/DPF 34.1
Soft landscaping is provided between dwellings and common driveways to improve the outlook for occupants and appearance of common areas.	Other than where located directly in front of a garage or building entry, soft landscaping with a minimum dimension of 1m is provided between a dwelling and common driveway.
PO 34.2	DTS/DPF 34.2
Battle-axe or common driveways incorporate landscaping and permeability to improve appearance and assist in stormwater management.	Battle-axe or common driveways satisfy (a) and (b): <ul style="list-style-type: none"> (a) are constructed of a minimum of 50% permeable or porous material (b) where the driveway is located directly adjacent the side or rear boundary of the site, soft landscaping with a minimum dimension of 1m is provided between the driveway and site boundary (excluding along the perimeter of a passing point).
Site Facilities / Waste Storage	
PO 35.1	DTS/DPF 35.1
Provision is made for suitable mailbox facilities close to the major pedestrian entry to the site or conveniently located considering the nature of accommodation and mobility of occupants.	None are applicable.

PO 35.2 Provision is made for suitable external clothes drying facilities.	DTS/DPF 35.2 None are applicable.
PO 35.3 Provision is made for suitable household waste and recyclable material storage facilities which are: (a) located away, or screened, from public view, and (b) conveniently located in proximity to dwellings and the waste collection point.	DTS/DPF 35.3 None are applicable.
PO 35.4 Waste and recyclable material storage areas are located away from dwellings.	DTS/DPF 35.4 Dedicated waste and recyclable material storage areas are located at least 3m from any habitable room window.
PO 35.5 Where waste bins cannot be conveniently collected from the street, provision is made for on-site waste collection, designed to accommodate the safe and convenient access, egress and movement of waste collection vehicles.	DTS/DPF 35.5 None are applicable.
PO 35.6 Services including gas and water meters are conveniently located and screened from public view.	DTS/DPF 35.6 None are applicable.
Water sensitive urban design	
PO 36.1 Residential development creating a common driveway / access includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.	DTS/DPF 36.1 None are applicable.
PO 36.2 Residential development creating a common driveway / access includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.	DTS/DPF 36.2 None are applicable.
Laneway Development	
Infrastructure and Access	

<p>PO 44.1</p> <p>Development with a primary street comprising a laneway, alley, lane, right of way or similar minor thoroughfare only occurs where:</p> <ul style="list-style-type: none"> (a) existing utility infrastructure and services are capable of accommodating the development (b) the primary street can support access by emergency and regular service vehicles (such as waste collection) (c) it does not require the provision or upgrading of infrastructure on public land (such as footpaths and stormwater management systems) (d) safety of pedestrians or vehicle movement is maintained (e) any necessary grade transition is accommodated within the site of the development to support an appropriate development intensity and orderly development of land fronting minor thoroughfares. 	<p>DTS/DPF 44.1</p> <p>Development with a primary street frontage that is not an alley, lane, right of way or similar public thoroughfare.</p>
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Table 1 - Private Open Space

Dwelling Type	Dwelling / Site Configuration	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)		<p>Total private open space area:</p> <ul style="list-style-type: none"> (a) Site area <301m²: 24m² located behind the building line. (b) Site area ≥ 301m²: 60m² located behind the building line. <p>Minimum directly accessible from a living room: 16m² / with a minimum dimension 3m.</p>
Cabin or caravan (permanently fixed to the ground) in a residential park or caravan and tourist park		Total area: 16m ² , which may be used as second car parking space, provided on each site intended for residential occupation.
Dwelling in a residential flat building or mixed use building which incorporate above ground level dwellings	Dwellings at ground level:	15m ² / minimum dimension 3m
	Dwellings above ground level:	
	Studio (no separate bedroom)	4m ² / minimum dimension 1.8m
	One bedroom dwelling	8m ² / minimum dimension 2.1m
	Two bedroom dwelling	11m ² / minimum dimension 2.4m
	Three + bedroom dwelling	15 m ² / minimum dimension 2.6m

Infrastructure and Renewable Energy Facilities

Assessment Provisions (AP)

Desired Outcome

DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
<p>PO 11.2</p> <p>Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.</p>	<p>DTS/DPF 11.2</p> <p>A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development. Where this is not available it is serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water which is:</p> <ul style="list-style-type: none"> (a) exclusively for domestic use (b) connected to the roof drainage system of the dwelling.
Wastewater Services	
<p>PO 12.1</p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> (a) it is wholly located and contained within the allotment of the development it will service (b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources (c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm. 	<p>DTS/DPF 12.1</p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> (a) the system is wholly located and contained within the allotment of development it will service; and (b) the system will comply with the requirements of the South Australian Public Health Act 2011.
<p>PO 12.2</p> <p>Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.</p>	<p>DTS/DPF 12.2</p> <p>Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.</p>

Interface between Land Uses

Assessment Provisions (AP)

Desired Outcome

DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
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Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Overshadowing	
<p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <ul style="list-style-type: none"> a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight. 	<p>DTS/DPF 3.1</p> <p>North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</p>
<p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <ul style="list-style-type: none"> a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight b. other zones is managed to enable access to direct winter sunlight. 	<p>DTS/DPF 3.2</p> <p>Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <ul style="list-style-type: none"> a. for ground level private open space, the smaller of the following: <ul style="list-style-type: none"> i. half the existing ground level open space or ii. 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m) b. for ground level communal open space, at least half of the existing ground level open space.
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <ul style="list-style-type: none"> (a) the form of development contemplated in the zone (b) the orientation of the solar energy facilities (c) the extent to which the solar energy facilities are already overshadowed. 	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>

Site Contamination

Assessment Provisions (AP)

Desired Outcome

DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.
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Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies (a), (b), (c) or (d):</p> <ul style="list-style-type: none"> (a) does not involve a change in the use of land (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: <ul style="list-style-type: none"> (i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- <ul style="list-style-type: none"> A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) <p>and</p> <p>(ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).</p>

Transport, Access and Parking

Assessment Provisions (AP)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Vehicle Access	
<p>PO 3.1</p> <p>Safe and convenient access minimises impact or interruption on the operation of public roads.</p>	<p>DTS/DPF 3.1</p> <p>The access is:</p> <ul style="list-style-type: none"> (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land <p>or</p> <ul style="list-style-type: none"> (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
<p>PO 3.5</p> <p>Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.</p>	<p>DTS/DPF 3.5</p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: <ul style="list-style-type: none"> (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
<p>PO 3.6</p> <p>Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</p>	<p>DTS/DPF 3.6</p> <p>Driveways and access points:</p> <ul style="list-style-type: none"> (a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided (b) for sites with a frontage to a public road greater than 20m: <ul style="list-style-type: none"> (i) a single access point no greater than 6m in width is provided <p>or</p> <ul style="list-style-type: none"> (ii) not more than two access points with a width of 3.5m each are provided.
Vehicle Parking Rates	

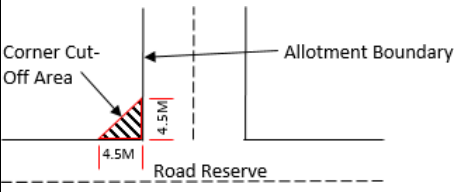
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place. 	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Corner Cut-Offs	
<p>PO 10.1</p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p> 

Table 1 - General Off-Street Car Parking Requirements

The following parking rates apply and if located in an area where a lawfully established carparking fund operates, the number of spaces is reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.

Residential Development	
Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Group Dwelling	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Residential Flat Building	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>
Row Dwelling where vehicle access is from the primary street	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Row Dwelling where vehicle access is not from the primary street (i.e. rear-loaded)	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Semi-Detached Dwelling	<p>Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p>
Aged / Supported Accommodation	
Retirement village	<p>Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>
Supported accommodation	0.3 spaces per bed.
Residential Development (Other)	
Ancillary accommodation	No additional requirements beyond those associated with the main dwelling.
Residential park	Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.

	<p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling.</p> <p>0.2 spaces per dwelling for visitor parking.</p>
Student accommodation	0.3 spaces per bed.
Workers' accommodation	0.5 spaces per bed plus 0.2 spaces per bed for visitor parking.
Tourist	
Caravan park / tourist park	<p>Parks with 100 sites or less - a minimum of 1 space per 10 sites to be used for accommodation.</p> <p>Parks with more than 100 sites - a minimum of 1 space per 15 sites used for accommodation.</p> <p>A minimum of 1 space for every caravan (permanently fixed to the ground) or cabin.</p>
Tourist accommodation	1 car parking space per accommodation unit / guest room.
Commercial Uses	
Auction room/ depot	1 space per 100m ² of building floor area plus an additional 2 spaces.
Automotive collision repair	3 spaces per service bay.
Call centre	8 spaces per 100m ² of gross leasable floor area.
Motor repair station	3 spaces per service bay.
Office	4 spaces per 100m ² of gross leasable floor area.
Retail fuel outlet	3 spaces per 100m ² gross leasable floor area.
Service trade premises	<p>2.5 spaces per 100m² of gross leasable floor area</p> <p>1 space per 100m² of outdoor area used for display purposes.</p>

Shop (no commercial kitchen)	<p>5.5 spaces per 100m² of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>5 spaces per 100m² of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p>
Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m ² of gross leasable floor area.
Shop (in the form of a restaurant or involving a commercial kitchen)	<p>Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat.</p> <p>Premises with take-away service but with no seats - 12 spaces per 100m² of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point.</p> <p>Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.</p>
Community and Civic Uses	
Childcare centre	0.25 spaces per child
Library	4 spaces per 100m ² of total floor area.
Community facility	10 spaces per 100m ² of total floor area.
Hall / meeting hall	0.2 spaces per seat.
Place of worship	1 space for every 3 visitor seats.
Pre-school	1 per employee plus 0.25 per child (drop off/pick up bays)

Educational establishment	<p>For a primary school - 1.1 space per full time equivalent employee plus 0.25 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a secondary school - 1.1 per full time equivalent employee plus 0.1 spaces per student for a pickup/set down area either on-site or on the public realm within 300m of the site.</p> <p>For a tertiary institution - 0.4 per student based on the maximum number of students on the site at any time.</p>
Health Related Uses	
Hospital	<p>4.5 spaces per bed for a public hospital.</p> <p>1.5 spaces per bed for a private hospital.</p>
Consulting room	4 spaces per consulting room excluding ancillary facilities.
Recreational and Entertainment Uses	
Cinema complex	0.2 spaces per seat.
Concert hall / theatre	0.2 spaces per seat.
Hotel	1 space for every 2m ² of total floor area in a public bar plus 1 space for every 6m ² of total floor area available to the public in a lounge, beer garden plus 1 space per 2 gaming machines, plus 1 space per 3 seats in a restaurant.
Indoor recreation facility	<p>6.5 spaces per 100m² of total floor area for a Fitness Centre</p> <p>4.5 spaces per 100m² of total floor area for all other Indoor recreation facilities.</p>
Industry/Employment Uses	
Fuel depot	<p>1.5 spaces per 100m² total floor area</p> <p>1 spaces per 100m² of outdoor area used for fuel depot activity purposes.</p>
Industry	1.5 spaces per 100m ² of total floor area.
Store	0.5 spaces per 100m ² of total floor area.

Timber yard	1.5 spaces per 100m ² of total floor area 1 space per 100m ² of outdoor area used for display purposes.
Warehouse	0.5 spaces per 100m ² total floor area.
Other Uses	
Funeral Parlour	1 space per 5 seats in the chapel plus 1 space for each vehicle operated by the parlour.
Radio or Television Station	5 spaces per 100m ² of total building floor area.

Table 2 - Off-Street Car Parking Requirements in Designated Areas

The following parking rates apply in any zone, subzone or other area described in the 'Designated Areas' column subject to the following:

- (a) the location of the development is unable to satisfy the requirements of Table 2 – Criteria (other than where a location is exempted from the application of those criteria)

or

- (b) the development satisfies Table 2 – Criteria (or is exempt from those criteria) and is located in an area where a lawfully established carparking fund operates, in which case the number of spaces are reduced by an amount equal to the number of spaces offset by contribution to the fund.

Class of Development	Car Parking Rate		Designated Areas	
	Minimum number of spaces	Maximum number of spaces		
Development generally	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.			

All classes of development	No minimum.	<p>No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is:</p> <p>1 space for each dwelling with a total floor area less than 75 square metres</p> <p>2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres</p> <p>3 spaces for each dwelling with a total floor area greater than 150 square metres.</p> <p>Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.</p>	<p>Capital City Zone</p> <p>City Main Street Zone</p> <p>City Riverbank Zone</p> <p>Adelaide Park Lands Zone</p> <p>Business Neighbourhood Zone (within the City of Adelaide)</p> <p>The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone</p>
Non-residential development			
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	5 spaces per 100m ² of gross leasable floor area.	<p>City Living Zone</p> <p>Urban Corridor (Boulevard) Zone</p> <p>Urban Corridor (Business) Zone</p> <p>Urban Corridor (Living) Zone Urban</p> <p>Corridor (Main Street) Zone Urban</p> <p>Neighbourhood Zone</p>
Non-residential development excluding tourist accommodation	3 spaces per 100m ² of gross leasable floor area.	6 spaces per 100m ² of gross leasable floor area.	<p>Strategic Innovation Zone</p> <p>Suburban Activity Centre Zone</p> <p>Suburban Business Zone</p> <p>Business Neighbourhood Zone</p> <p>Suburban Main Street Zone</p> <p>Urban Activity Centre Zone</p>

Tourist accommodation	1 space for every 4 bedrooms up to 100 bedrooms plus 1 space for every 5 bedrooms over 100 bedrooms	1 space per 2 bedrooms up to 100 bedrooms and 1 space per 4 bedrooms over 100bedrooms	City Living Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone
			Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential development			
Residential component of a multi-storey building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Strategic Innovation Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone
Residential flat building	Dwelling with no separate bedroom -0.25 spaces per dwelling 1 bedroom dwelling - 0.75 spaces per dwelling 2 bedroom dwelling - 1 space per dwelling 3 or more bedroom dwelling - 1.25 spaces per dwelling 0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone Urban Activity Centre Zone Urban Corridor (Boulevard) Zone Urban Corridor (Business) Zone Urban Corridor (Living) Zone Urban Corridor (Main Street) Zone Urban Neighbourhood Zone

Table 2 - Criteria:

The following criteria are used in conjunction with Table 2. The 'Exception' column identifies locations where the criteria do not apply and the car parking rates in Table 2 are applicable.

Criteria	Exceptions
<p>The designated area is wholly located within Metropolitan Adelaide and any part of the development site satisfies one or more of the following:</p> <ul style="list-style-type: none"> (a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service⁽²⁾ (b) is within 400 metres of a bus interchange⁽¹⁾ (c) is within 400 metres of an O-Bahn interchange⁽¹⁾ (d) is within 400 metres of a passenger rail station⁽¹⁾ (e) is within 400 metres of a passenger tram station⁽¹⁾ (f) is within 400 metres of the Adelaide Parklands. 	<ul style="list-style-type: none"> (a) All zones in the City of Adelaide (b) Strategic Innovation Zone in the following locations: <ul style="list-style-type: none"> (i) City of Burnside (ii) City of Marion (iii) City of Mitcham (c) Urban Corridor (Boulevard) Zone (d) Urban Corridor (Business) Zone (e) Urban Corridor (Living) Zone (f) Urban Corridor (Main Street) Zone (g) Urban Neighbourhood Zone

[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]

REPORT REFERENCE: CAP070922 – 4.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022



Originating Officer:	Matt Falconer Development Officer – Planning
Applicant:	Aron Saether-Jackson Ricky Saether-Jackson
Development Description:	Swimming pool, outbuilding, fencing, retaining walls, earthworks and associated landscaping
Elements:	Swimming pool, spa pool or associated safety features Fences and walls (fence and retaining wall) Other residential (earthworks) Outbuilding
Site Location:	Unit 2, 115 Perry Bar Road, Hallett Cove
Zone:	Hills Neighbourhood
Lodgement Date:	02/06/2022
Planning and Design Code:	26 May 2022 Version 2022.9
Referrals (Internal):	Nil
Application Type:	Performance Assessed
Delegations Policy:	Instrument of Delegation – CAP, Clause 5.1.1.1 <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:</i> <i>Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
Public Notification	Public Notification required <i>An application that involves a retaining wall that exceeds 1.5 metres in height, and earthworks requires public notification as the exceptions to the exclusion from notification is triggered per Column B in Table 5 of the Zone.</i>
Application No:	22016917
Recommendation:	That Planning Consent be GRANTED subject to Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Proposal Plan and supporting documentation

Attachment II: Statement of Representations

Attachment III: Applicant's Response to Representations

SUBJECT LAND

The subject land is located at 2/115 Perry Barr Road, Hallett Cove and is regular in shape with a frontage of 12.52 metres and a depth of 42.63 metres with an overall site area of approximately 533 square metres. The land slopes steeply away from street level with approximately difference of 13 meters between the level at the front property boundary and the rear property boundary. A three-storey detached dwelling that is under construction but nearing completion occupies the subject land.

The site does not contain any significant or regulated trees.

Figure 1: Subject land - - - - -



LOCALITY

The locality is low scale residential comprising detached dwellings on large allotments.

The sites along Perry Barr within the locality are all steeply sloping however the allotments on the low side of the road have a greater slope than those on the eastern side of Perry Barr Road. Housing throughout the locality has typically been designed to capture views to the coast towards Glenelg.

Where dwelling have direct frontage to Perry Barr Road, the front setbacks are relatively consistent with large open front yards. Due to the topography of the land, there is an expectation that overlooking from ground level will occur.

Figure 2: The Locality — — — — —



The subject site and locality can be viewed via this [google maps link](#).

The land is in the Hills Neighbourhood Zone (the Zone) of the Planning and Design Code (the Code). The vacant land to the north is part of the Linwood quarry located within the Hills Face Zone.

PROPOSED DEVELOPMENT

The proposed development comprises of a swimming pool, gymnasium and pool equipment area, retaining, fencing, earthworks and associated landscaping.

The swimming pool is proposed to be at the same level as the ground floor level of the dwelling currently under construction. As the deck and pool extend out beyond the dwelling and due to the fall of the land, portion of the pool will be elevated slightly above natural ground level. The swimming pool measures 7 metres in length and 3.6 metres in width and features an infinity edge along its western side. The pool is sited 2.3 metres from the northern property boundary and 3.1 metres from the southern boundary whilst also having a rear setback of 8.4 metres

A 1.2 metre high glass balustrade extends along the northern and eastern sides of the pool. A set of stairs are proposed to extend along the southern side of the pool to provide access to the gymnasium structure below. Whilst existing retaining walls extend along the southern boundary some additional retaining is required. The new retaining walls have a maximum height of 1.46 metres and shall have fencing proposed above taking the overall height on the boundary to 4.3 metres. It is worth noting on the plans, the extent of existing retaining as the proposed retaining is only a small portion of the overall retaining on the boundary.

The gymnasium, sauna and pool equipment structure is sited directly below the pool is entirely in cut. The building measures approximately 4.9 metres in depth and 10.4 metres in width for an overall floor area of 51 square metres. The overall height of the combined pool and gymnasium structure measures approximately 4.7 metres in height.

The proposed development features landscaping to the rear of the pool with some raised garden beds to the side of the swimming pool. The extent of landscaping proposed will help reduce the visual impact off the proposed development.

PROCEDURAL MATTERS

Classification

The subject land is in the Hills Neighbourhood Zone of the Planning & Design Code (the Code) as of 26 May 2022.

The proposed development is not prescribed as “accepted”, “deemed to satisfy” or “restricted” development in the Zone.

The proposal is therefore “performance assessed development” pursuant to Section 107(1) the Planning, Development and Infrastructure Act, 2016 and will be assessed on its merits against the various provisions of the Code.

Public Notification

Clause 3 (f) and (h) of Table 5 – Procedural Matters in the Hills Neighbourhood Zone excludes notification for development comprising a swimming pool, outbuilding and fence. Part 7 excludes retaining walls from notification where they are no higher than 1.5 metres.

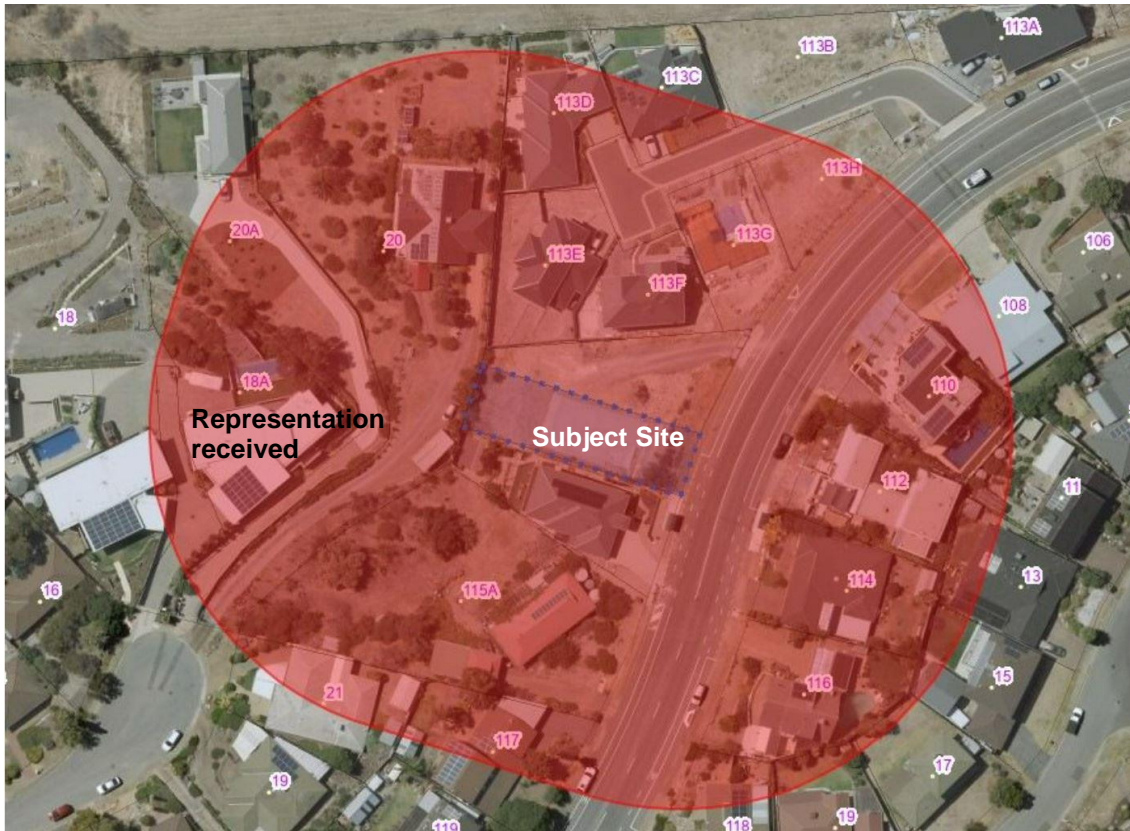
Exemptions to the above exclusions relate to:

- Retaining walls that are higher than 1.5 metres.

Notification is required in this instance because earthworks are not excluded from notification.

The application was publicly notified between 14 June 2022 and 4 July 2022. During this time two representations were received, one opposed to the development and one in support of the development. The opposing representation indicated a desire to be heard by the Council Assessment Panel (the Panel) in determining this application. Pursuant to the Marion CAP Instrument of Delegations, the Panel is the Relevant Authority in regard to a determination.

The applicant’s response to the representation forms an attachment to this report.



Properties Notified	15	
Representations	2 received	
	1 opposes the development	
	1 supports the development	
Representations received	<ol style="list-style-type: none"> 1. Tim Geue, 18A Karoola Court, Hallett Cove 2. Roger Solomon, 3/115 Perry Barr Road, Hallett Cove 	Wish to be heard ✓ x
Applicant Response	A response by the applicant is included within the Report attachments.	

Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note ‘Designated Performance Features’ (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:

In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.

(underline my emphasis)

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met.

It is with the above approach in mind that I have assessed this development.

ASSESSMENT

Part 1 - Rules of Interpretation of the Code advises that for each Zone Table 3 specifies the policies and rules that apply to classes of development within the zone. I note:

The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable.

For the avoidance of doubt, the relevant authority may determine that one or more of the listed policies are not relevant to a particular development.

Development that does not fall within a specified class in Table 3 will be considered “All Other Code Assessed Development”, to which all relevant policies apply for the purposes of assessment.

In my view the most pertinent planning considerations for this assessment relate to:

- Built form and character
- Overlooking

Policies relating to the above planning considerations are found in the Zone, Overlays and General sections of the Code.

ZONE CONSIDERATIONS

Hills Neighbourhood Zone: DO1, PO 3.1, PO 11.1, PO 11.2, PO 12.1, PO 12.2, Table 5

RELEVANT OVERLAY CONSIDERATIONS

Airport Building Heights (Regulated): DO 1 & PO 1.1

GENERAL DEVELOPMENT POLICIES CONSIDERATIONS

Clearance from Overhead Powerlines: DO 1 & PO 1.1

Design in Urban Areas: DO 1, PO 8.1, PO 9.1 & PO 9.2

Quantitative Snapshot Table		
Provisions	DPF Guideline <i>(note as the application is Performance Assessed, the suggested DTS/DPF is 'one way' of achieving the corresponding Performance Outcome)</i>	Proposed Development
Site coverage	40% (Gradient greater than 1-in-8)	48% - No change to existing as pools do not form part of the site coverage calculation
Building Height	9m 2 levels	4.7m = 1.2 metre high glass balustrade
Boundary walls	3.2m in height from lower of natural or finished ground level, 8m in length	No boundary walls proposed
Northern side setbacks	Swimming Pool 1 m Outbuilding N/A	2.3m 1m
Southern side setbacks	Swimming Pool 1m Outbuilding N/A	3.2m 1m
Rear setback	Swimming Pool 1m Outbuilding N/A	8.4m 7.7m
Private open space	60 sq metres	190 sq metres (excluding upper level balconies)
Pervious Surfaces / Soft Landscaping	25%	22.2%
Front yard soft landscaping	30%	N/A - existing

Built form and Character

The proposed development is ancillary to the existing three storey detached dwelling. Swimming pools and outbuildings are structures that are anticipated forms of development in association with a dwelling. The proposed development is residential in nature and achieves compliance with the Desired Outcome 1 of the Zone and Performance Outcome 1.1 of the Zone.

Desired Outcome 1 reads as per below:

Development provides a complementary transition to adjacent natural and rural landscapes. Low density housing minimises disturbance to natural landforms and existing vegetation to mitigate the visible extent of buildings, earthworks and retaining walls.

The proposed development, whilst resulting in a large amount of cut, does not negatively impact the adjoining properties given it is setback from property boundaries. It is acknowledged that the proposal does result in some retaining on the boundary however this is kept below 1.5 metres in accordance with PO 11.3 of the Zone. The proposal also includes a well vegetated terraced garden to the rear of the property that will reduce the visual impact of the proposed development.

It is noted that the Hills Neighbourhood Zone, Performance Outcome 1.1 seeks:

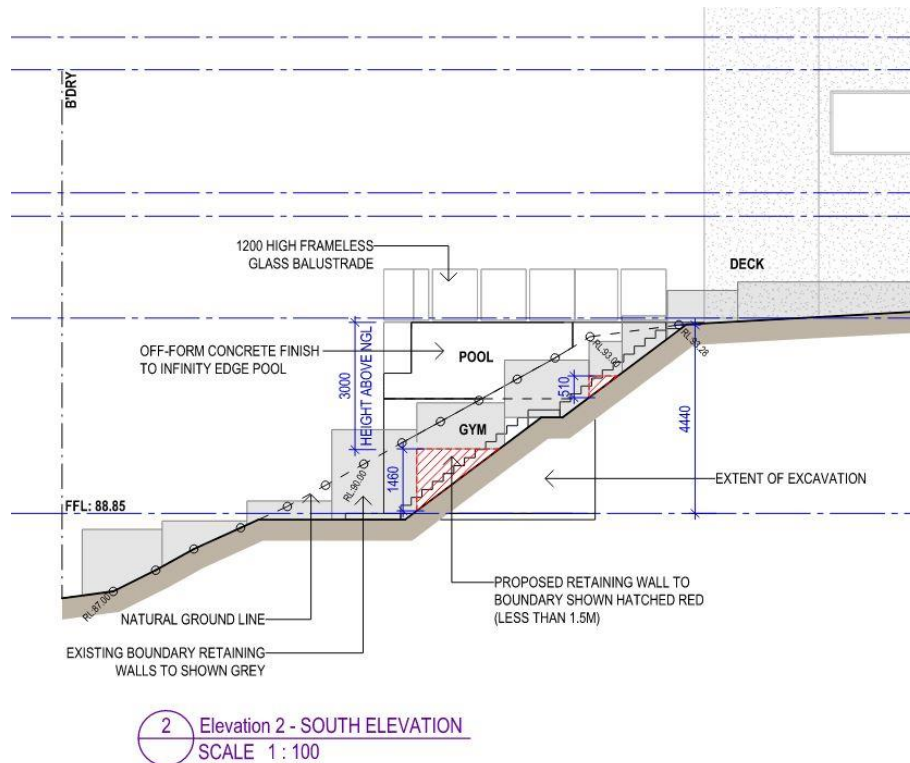
Predominantly low-density residential development with complementary non-residential uses compatible with natural landforms and a low density residential character.

The proposed development does not alter the low density nature of the existing dwelling and nor does it impact on the low density residential character. I am of the opinion the proposed development satisfies PO 1.1 of the Zone.

It is acknowledged that the proposed development does result in a site coverage that exceeds 40% however the calculation is based on the existing built form. The pool and deck does not form part of the site coverage calculation and nor does the outbuilding due to the fact it sits below the pool.

Performance Outcomes 3.1, 11.1 and 11.2 of the Zone, as well as Performance Outcomes 9.1 and 9.2 of the Design in Urban Areas provide relevant policies for consideration of the built form character and the external appearance of buildings. I am of the opinion that the built form responds appropriately to sloping land with the associated earthworks being used in a way that reduces the bulk and mass of the proposed development when viewed from the neighbouring properties to the side and rear. As mentioned previously, landscaping has been used appropriately to soften the appearance.

Whilst acknowledging the slope of the land, the fencing and retaining has been limited in height to ensure there is minimal impact on neighbouring properties and ensures the character of the area is not detrimentally impacted upon. The natural ground level adjacent the northern boundary is not proposed to be altered as part of the proposed development whilst on the southern side, small extensions to the existing retaining is proposed. This is highlighted in red on the elevation provided below.



The proposed development also includes landscaping to the rear of the site, whilst it is acknowledged that a small amount of landscaping was proposed to the front of the site with the application for the dwelling. The landscaping contributes to the character of the area although the amount of landscaping falls short of the desired 25% outlined in DPF 22.1. The combined front landscaping previously approved and the proposed landscaping to the rear of the swimming pool and outbuilding combines for a total of 22% resulting in a shortfall of 16 square metres. The noted shortfall is not considered fatal to the overall development.

The proposed landscaping comprises a mix of species at varying heights which will be able to be viewed from the properties to the west and south of the subject land. The landscaping will enhance the appearance of the land, provide for stormwater infiltration and reduce heat absorption and reflection in accordance with PO 22.1.

As highlighted in the outline of the proposed development, the overall height of the proposed swimming pool and gymnasium structure measures 4.7 metres in height. Whilst in isolation a 4.7 metre high structure may sound imposing, the sloping nature of the subject land and the design of the proposed development combined with the landscaping is such that the gymnasium structure below the pool will be largely hidden from view.

The colours and materials are consistent with the existing dwelling and comprise of off-white render to the facade of the gym and pool equipment building and concrete finish for the pool.

Overlooking

Whilst the owner of the property at 18A Karoola Court, Hallett Cove has raised a concern regarding the impacts of overlooking from the proposed development, there is no relevant policy to undertake an assessment.

The overlooking provisions that are relevant for residential development sit within Performance Outcomes 10.1 and 10.2 of Design in Urban Areas within the code. Both performance outcomes fail

to address overlooking from a raised ground level and simply address overlooking from upper-level windows and balconies.

Whilst I am of the opinion the code has failed to provide any relevant policy to undertake an assessment against, I do form the view that the proposed development will not unreasonably overlook the property at 18A Karoola Court. The property is sited approximately 30 metres from where the development is taking place and given the topography of the land overlooking at ground level will occur in any event. The provision of landscaping in addition to the landscaping that already exists along the western boundary (neighbours side) will reduce any potential for overlooking in a westerly direction.



Photo showing the relationship between the subject land and representors land.

In addition to the above, the proposed infinity pool was previously approved as part of the original dwelling. It was proposed to be extending from the rear of level 1 of the dwelling which was one level higher than the current proposal. The original application (2015/1147) was considered and approved by Council on 21 October 2015. The proposed swimming pool is approximately 2.9 metres lower than what was previously approved.

CONCLUSION

The proposed development is consistent with the relevant provisions of the Planning and Design Code and is supported for the following reasons;

- The proposed swimming pool and outbuilding are appropriate forms of development within the Zone;
- The proposed development will not have a detrimental impact on the character of the locality as a result of the earthworks;
- The proposed development will not have an unreasonable impact on adjoining properties from unreasonable bulk and scale.

It is considered that the development generally accords with the provisions of the zone and relevant overlays and will not unreasonably impact on the owners and occupiers of land in the locality of the site of the development or the character and appearance of the area. As such Planning Consent should be Granted, subject to the conditions below.

RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concurs that the proposed development is not seriously at variance¹ to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and**
- (c) That Planning Consent for Development Application ID: 22016917 for a swimming pool, outbuilding retaining, fencing, earthworks and associated landscaping at 2/115 Perry Barr Road, Hallett Cove be GRANTED, subject to the following Conditions:**

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).**
- 2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.**
- 3. Any swimming pool pump and/or filtration system ancillary to a dwelling erected on the same site is:**
 - enclosed in a solid acoustic structure located at least 5m from the nearest habitable room located on an adjoining allotment; or**
 - located at least 12m from the nearest habitable room located on an adjoining allotment.**
- 4. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.**

¹ Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016 (or Section 35(2) of the Development Act 1993 for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act). What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

**5. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 07 SEPTEMBER 2022**



5.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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Nil

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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Nil

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
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Nil

**6. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022**



No items listed for discussion.

**7. OTHER BUSINESS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 SEPTEMBER 2022**



No items listed for discussion.