

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

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

Wednesday 7 October 2020

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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

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

Alex Wright
ASSESSMENT MANAGER

30 September 2020

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. GENERAL OPERATIONS

3. APPLICATIONS

3.1 51 TRUMARA ROAD, MARINO

Alterations and additions to existing detached dwelling to a maximum of three stories and construction of an associated garage under the main roof with wall located on the southern boundary

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3.2 20A GERTRUDE STREET, GLANDORE

Single storey detached dwelling incorporating a wall on the eastern boundary, roof mounted air-conditioning, landscaping and fencing

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3.3 4 CHERUB STREET, HALLETT COVE

2 x Two storey dwellings with associated earthworks, retaining and fencing

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3.4 20 THE TRIANGLE, WARRADALE

Residential Torrens Title Land Division - 1 into 3 allotments and three (3), single storey row dwellings with associated landscaping

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The construction of a two storey residential flat building comprising 5 dwellings with associated carports and landscaping

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4.1 APPEALS AGAINST PANEL DECISIONS

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6. OTHER BUSINESS

**7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 7 OCTOBER 2020**

8. MEETING CLOSURE

**2. GENERAL OPERATING PROCEDURES
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**



**REPORT REFERENCE: CAP071020 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**



Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Trevor John Graham
Development Description:	Alterations and additions to existing detached dwelling to a maximum of three stories and construction of an associated garage under the main roof with wall located on the southern boundary.
Site Location:	51 Trumara Road, Marino
Zone and Policy Area:	Residential Zone / Hills Policy Area 11
Lodgement Date:	11 February 2020
Development Plan:	Consolidated – 15 August 2019 [gazetted 8 August 2019]
Delegations Policy:	Development Delegations Policy 4.1.2 <i>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 their desire to be heard by the Panel.</i>
Categorisation	Category 2 <i>The Procedural Matters section of the Residential Zone within the Marion Council Development Plan assigns a wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i>
Application No:	100/2020/206
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plans</i>
<i>Attachment III:</i>	<i>Supporting documentation – overshadowing diagrams and photographs</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>

SUBJECT LAND

The subject land is located at 51 Trumara Road Marino, on the western side of the road. The site maintains a total area of 1070m² with a front boundary width of 21.03m, northern boundary of 60.40m, eastern boundary of 51.82m and a rear boundary of 19.10m. An easement exists towards the rear of the land with rights to the Minister for Infrastructure.

A two-storey split level dwelling is situated on the land, presenting to the street as a single storey and increasing to two-storey at the rear of the site. The second storey incorporates a balcony/deck with views towards the north-west. The site maintains two existing access point on both the northern and southern side of the land, with the southern access point leading to a single garage associated with the dwelling.

The land has a grade in the order of approximately 20%. The rear of the site incorporates a combination of benched areas as well as some terraced and natural landforms which cater to the fall towards the rear of the site.

Several shrubs and small trees are located on the land, none of which are classified as significant or regulated.



LOCALITY

The locality is generally characterised by two storey split level detached dwellings on large, sloping allotments. All dwellings are located on the western side of Trumara Road whilst the eastern side, which is also within the Hills Policy Area, remains vacant.

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

The terrain in the locality is varied. The locality maintains a general fall in a northerly direction with some allotments experiencing a steep drop in gradient at the rear.

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



PROPOSED DEVELOPMENT

The proposal can be best described as follows; 'alterations and additions to existing detached dwelling to a maximum of three stories and construction of an associated garage'.

The proposal will incorporate alterations to the existing dwelling including demolition of deck and garage on the southern side of the dwelling, internal works to the dwelling and the addition of another level; which comprises the following:

Ground Floor

- New entry
- Three bedrooms
- Open plan kitchen/dining room/living area
- Wet areas

Lower Ground Floor

- Bedroom
- Living Areas
- Small bathroom

Upper Floor

- Bedroom with walk-in-robe, en-suite and spa

The front façade will undergo treatments to the appearance including a new portico, entry and rendering of the external walls.

The additions will be clad with a combination of rendered powerpanel, scyon cladding and horizontal colorbond custom orb sheeting. The new additions will incorporate a skillion roof pitched at approximately 15 degrees over the front portion of the dwelling in a north-south direction and an east-west pitched skillion roof at approximately 2 degrees over the upper storey portion of the dwelling at the rear.

There will be no change to the existing access points. A new driveway will be installed gaining access to a new double garage, however, grades will remain unchanged.

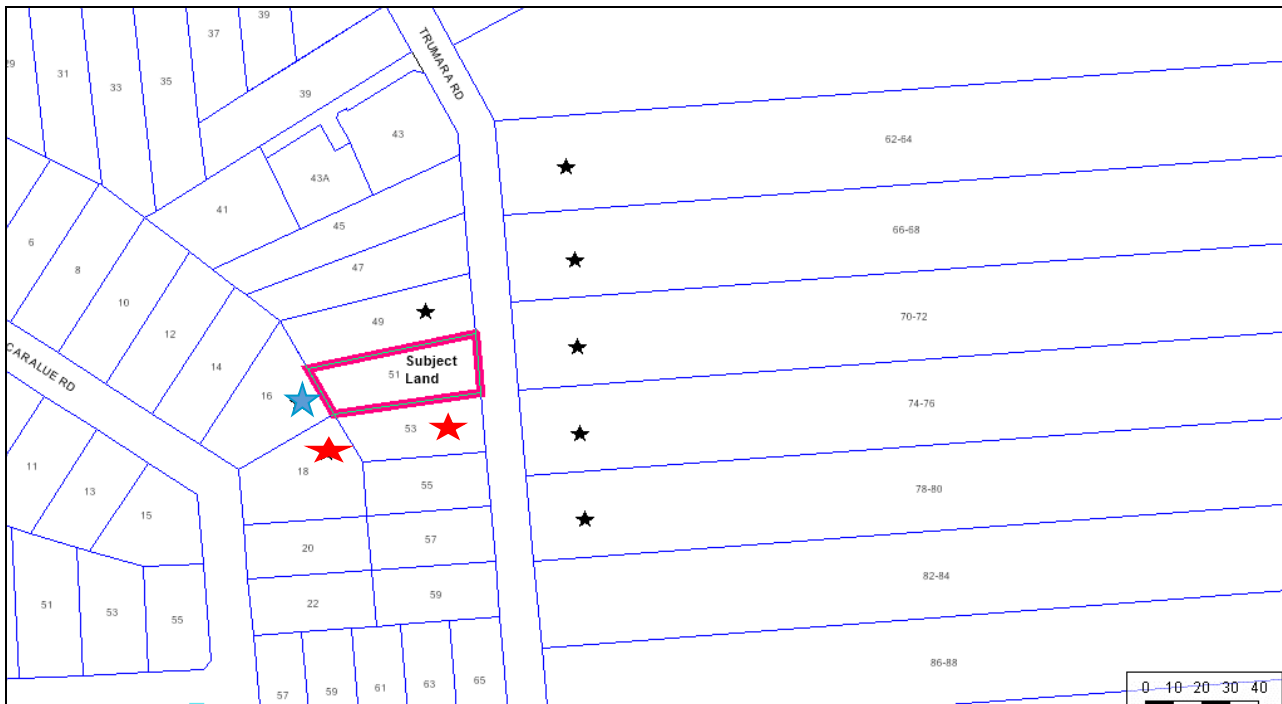
PROCEDURAL MATTERS

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 garage wall that is proposed on the boundary maintains a height greater than 3m when measured from natural ground level and was therefore determined to be a Category 2 application pursuant to the Procedural Matters section of the Development Plan.



Properties Notified

9

Representations

3 received

2 opposing the development (shown in red)

1 in support (subject to windows) (shown in blue)

Representations received

1. V & M Silvestri (against)
2. G & A Rusinski (against)
3. A & V Bone (in support, subject to certain amendments being met)

Applicant Response

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

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 including building bulk/scale, privacy, loss of view, overshadowing and side setbacks.

Zone and Policy Area Considerations

Residential Zone

Relevant Objectives

Satisfies

1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.

The proposed dwelling additions seek to enhance an existing dwelling and are considered to contribute in maintaining an attractive residential zone.

Relevant Principles of Development Control

Satisfies

- 1 The following forms of development are envisaged in the zone:
[...]
▪ dwelling including a residential flat building

The proposed development seeks to alter an existing detached dwelling, this being is an envisaged form of development.

Hills Policy Area 11

Objectives

Satisfies

1 A policy area primarily comprising detached dwellings at low densities.

The proposal is comprised of alterations to an existing detached dwelling on an existing allotment, therefore no numerical increase in density is proposed.

2 Residential development which is sensitive to the particular topography of the locality.

3 Residential development which has minimal visual and environmental impacts.

The existing dwelling is stepped in accordance with the slope of the land in order to minimise visual impacts upon the streetscape and adjoining allotments.

4 Development that contributes to the desired character of the policy area.

Whilst visual and environmental impacts are considered to have been minimised, further discussion is provided within this report. Nevertheless, I am satisfied development will contribute to the desired character of the Policy Area.

Desired Character

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

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

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

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

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

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

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

Relevant Principles of Development Control

Satisfies

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

- detached dwelling
- group dwelling

The proposal seeks for the alteration of a detached dwelling.

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

The proposal is considered to be consistent with the Desired Character of the Policy Area (as discussed further within the assessment below).

4 Development should be designed and sited to relate to the slope of the land, so that:

- (a) the bulk and scale of the buildings do not dominate the landscape
- (b) the amount of cutting and filling of the natural ground profile is minimised.

The proposed development does not involve the cutting and filling of the natural ground.

The upper storey addition has been designed in a manner so that it does not dominate the landscape (as discussed further within the assessment below).

6 Development that would be prominently visible from the Adelaide Plains should:

- (a) achieve a profile that blends with the topography of the land
- (b) avoid the use of bright and highly reflective external materials and finishes
- (c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.

- (a) The profile of the proposed dwelling is stepped in accordance with the slope of the land.
- (b) The materials and colours selected avoid the use of bright and highly reflective finishes.
- (c) There will be little to no affected vegetation as a result of the proposed works.

7 Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:

- (a) incorporating stepping in the design in accordance with the slope of the land
- (b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.

- (a) The proposed dwelling incorporates stepping in accordance with the slope of the land relative to the dwellings on adjoining land.
- (b) The northern and southern sides and front upper level are set back a greater distance from their respective boundary than the lower level.

Quantitative Snapshot

Criteria		Performance		
Existing site dimensions		Site area: 1070m ²	Frontage width: 21.03m	Site depth: 60.4m
Setbacks				
Front	8m	8.5m (existing setback)		Satisfies
Garage	0.5m behind or in-line with main face	0.5m behind the main face		Satisfies
Side (First floor element front of dwelling)	2m Walls on boundaries are generally not appropriate	Southern: Garage on boundary Northern: 6.2m		Does Not Satisfy
Side (lower first floor)	2m	Southern : 6m Northern: 6.6m (minimum)		Satisfies
Side (second storey element at rear)	3m (southern side) 2m (northern side)	Southern: 2m Northern: 6.6m (minimum)		Does Not Satisfy
Side (third storey element)	Southern: 5.76m Northern: 4.80m	Southern: 6.09m Northern: 5.6m (minimum)		Satisfies
Rear	8m	32m		Satisfies
Building Extent				
Site Coverage	35%	30%		Satisfies
Floor area ratio	0.4	0.22		Satisfies
Building height	Two storeys < 9m	Three storey dwelling Finished floor level to maximum point of roof: 8.89m Lowest point of natural ground level below dwelling to FFL: 0.88m Total building height: 9.74m		Does Not Satisfy

Private Open Space			
Area	20%	Existing POS areas will remain	Satisfies
Car parking			
On-site	3 spaces, 1 covered	4 spaces, 2 covered	Satisfies
On-street	1 space (6 metres) per 2 dwellings	1 on-street car parking space remains available forward of the subject land	Satisfies

Assessment Discussion

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

Hills Policy Area 11

Building bulk/scale

The Policy Area seeks for dwellings of more than one storey to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the land”, and to be split level “to reduce visual bulk”.

It is also noted that the desired numerical height within the Development Plan is for a two storey dwelling of not more than 9m from natural ground level, which the proposed building does not satisfy.

In my view, the merits of this variance to the Development Plan should be considered in conjunction with Principles of Development Control 4, 6 and 7, in terms of whether the additional storey and its height has a bulk and scale which relates to the locality and topography and avoids being a dominant element within the landscape.

The third storey element is setback from each side boundary a distance of approximately 6m. On the southern side the addition has the majority of its built form embedded within the pitched roof, which sits above the living area addition. The northern side will sit above the deck and verandah and although it is somewhat more prominent on this side, the setback proposed from the boundary, the location at the rear of the dwelling and the distance away from habitable room windows, in my view, does not have a dominant display when viewed from the adjoining land.

The built form exceeds the height of the roof proposed above the second level by 1.165m at the highest point. It is fruitful to note that if the roofline continued with its pitch to the middle of the dwelling, the top of the pitch would come close to the height of the top of third storey. Therefore, whilst the new additions will be tall and add an element of bulk to the building, the extent of built form is acceptable and the level of separation from boundaries is in line with Principle 7 of the Hills Policy Area.

The upper storey addition is setback from the front portion of the dwelling and will not dominate the streetscape elevation. Although it is noted that the overall height of the dwelling exceeds the 9m prescribed minimum by 740mm and a third level is proposed, this will not have an appearance on the street that is out of character with what is typically found within the immediate locality. The neighbouring property to the south is also built over three levels and will still exceed the height of the subject dwelling. Due to the sloping nature of the land, the appearance on the street will be that of a two storey dwelling and is consistent with Principle 7 in that the dwelling has been ‘stepped’ in a manner which takes into account the height and bulk of the proposed building relative to dwellings on adjacent land.

Although the sloping nature of the land and split level nature of the dwelling result in the proposal exceeding the maximum building height of 9 metres, in my opinion the proposal is consistent with Hills Policy Area Principles 4, 6 and 7. Regard is given to the existing character of the locality, the small building footprint of the addition, and the lack of any additional earthworks being proposed. The proposed built form shall not be a dominant element when viewed from neighbouring properties or the streetscape.

Privacy

The Desired Character statement of the Hills Policy Area 11 outlines that *'It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development'*.

The dwelling currently takes advantage of the attractive views available to the north and west, and the existing windows and decking are oriented in this direction. A site inspection at the property showed that unimpeded views currently exist which includes views over existing properties in all directions.

It is noted that the proposal does not seek to reduce the existing circumstances of overlooking. However, given that the overlooking from the subject land already exists from the existing deck areas (all of which are not proposed to change), there is a large distance (some 45m) between the proposed dwelling and adjoining land to the west, and with respect to all properties surrounding the subject land, mutual overlooking, it is considered that there will be no additional impacts as a result of the proposed alterations.

Loss of view

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land, if the proposed development was to be approved. In my opinion, the property most affected by the proposed development is that located directly to the south, being 53 Trumara Road.

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

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

This is not to say that view loss should not be considered – the Marion Development Plan nonetheless contains principles relating to the protection of amenity (Design and Appearance PDC 2, Siting and Visibility Objective 1, PDC 1, PDC 2, PDC 3, PDC 4 and PDC 5, Sloping land Objective 1, PDC 2 and PDC 7 and Hills Policy Area 11 Desired Character). However, it is also appropriate to conclude that the protection of views, can be given less weight where the applicable Development Plan places less importance on such matters.

Justice DeBelle endorsed the following four-part test for the assessment of a development which proposed to obstruct the views of existing developments. An outline of the process has been provided below.

- The first step in the assessment is to assess the views to be affected, i.e. water, land, coast etc. In this regard, iconic views are valued more highly than views without icons and whole views are valued more highly than partial views.
- The second step is to consider from which part of the property the views were being obtained – taking into account that views across side boundaries are harder to protect than those over the front or rear boundaries, and sitting views are harder to protect than standing views. Whether a view is considered to be “hard” to protect will be relevant to whether the loss of the view is acceptable or not.
- The third step is to assess the extent of impact of the loss of views.
- The fourth step to assess the reasonableness of the development proposal, which will cause the impact on the views from existing developments.

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

53 Trumara Road, Marino

Step 1: Views currently available from this property are in a north to north-westerly direction over the existing dwelling on the subject land at 53 Trumara Road, Marino. The dwelling comprises ocean views of Gulf St Vincent towards the north-west as well as relatively uninterrupted views of

the Glenelg coastline towards the north, including the Brighton Jetty, and extending further north to Henley beach and Semaphore. In taking the approach of Justice DeBelle, it is considered that views of the coast which includes “icons” such as Glenelg is valued higher than other views.

Step 2: Views can be enjoyed from within a living/dining room well as from a balcony on the northern side of the third level of the dwelling. Views can be gained whilst sitting and standing within the noted areas within the dwelling.

Step 3: The views presently enjoyed from this property will be obstructed in a north-westerly direction as the highest portion of the building will be located at the rear of the existing building. The height of the front portion of the building will increase by approximately 1.04m due to an increase in the roof height. The floor level of the balcony of the adjacent dwelling is approximately 870mm below the highest point of the proposed roof. The increase in the roof pitch in the front portion of the dwelling will still allow the ‘iconic’ views of the Glenelg Coastline to be gained, particularly when standing towards the eastern side of the balcony. It is noted however that the quality of the view may be somewhat reduced within the living room and when in a sitting position.

The highest portion of the dwelling appears to be approximately 2m above the finished floor level of the balcony. This would indicate that there would be some view loss towards the north-west when standing on the deck, mainly comprising the ocean and depending on where one may be situated on the balcony, some loss of view of the Coastline may occur. The ocean views directed to the west will still remain and as mentioned above, will not impact the coastal view when standing on the eastern end of the balcony.

It is apparent that proposed additions will impact the views currently enjoyed by the adjacent property to the south and that an upper level addition clearly impacts on those views. This notwithstanding, the proposed development will not have such an adverse impact when taking into consideration the remaining views gained towards the north, where the ‘iconic’ views will remain.

The impact on existing views, in my opinion, will not be so eroded as to have a devastating impact upon the liveability and enjoyment of the occupants. However, the extent of likely view loss and the overall reasonableness of the proposal as a whole needs to be further considered.

Step 4: It is acknowledged that adding an additional storey to the dwelling will have some impact on views and that due to this additional storey being on a third level and resulting in the building height being in excess of 9m from natural ground level to the highest point of the building, is contrary to the Hills Policy Area provisions.

The numerical provisions of the Development Plan need to be considered in conjunction with the overall merits of the proposal and within the context of its setting.

It is noted that the building height exceeds 9 metres when calculating the lowest point at natural ground level to the highest point of the roof. Whilst this method of calculating building height has been adopted based on judgments from the ERD court; when a vertical measurement is taken directly from the lowest point at natural ground level to the highest point of the dwelling, the building maintains a height of nine metres or less above natural ground level.

The tallest point of the building is a maximum of only 1.17m above the roof pitch of the second storey and therefore the extent of built form as a result of the third storey is not considered bulky or obtrusive in its appearance.

Furthermore, the upper storey level has a relatively small building footprint, is well set in from the boundaries and satisfies setbacks relative to building height. The floor area ratio of the proposed dwelling is well below the desired 40% figure. As a result of the minimal roof pitch, the upper storey can be likened to being located within the roof space of the dwelling, particularly when viewed from the southern side.

Furthermore, the height above 9m is relatively minor, being 740mm in excess of the desired maximum and when considered in the context of its locality, a 9m building height on a site which incorporates a significant slope to the rear has, in my opinion, been appropriately design to relate existing slope of the land. Furthermore, the dwelling is going to have a scale and appearance that is less obtrusive than a dwelling which exceeds 9m on a flatter site. This is particularly relevant to the subject land, where the neighbouring property to the south is of a similar height and scale of the dwelling that is proposed. The design technique of building up instead of outwards has been utilised not only to gain views, but to minimise the building footprint, thereby limiting alterations of the land form, which in itself, is also not a desired outcome sought by the Development Plan.

Discussion on how the proposal satisfies the relevant provisions relating to overshadowing and setbacks will be outlined below this section of the report.

In conclusion, it is my opinion the extent of view loss from this dwelling is not unreasonable when considering that development will restrict some views of the ocean but retain the 'iconic' views of the Glenelg Coastline. Furthermore, when considering the context of the upper storey within the locality, the addition has been designed and located to minimise the view loss to the adjacent land by locating the addition to the rear of the building rather than the front, and further, be of a scale that is in keeping with what already exists within the locality.

Overshadowing

The principles which seek to determine a reasonable level of overshadowing can be found in the Design and Appearance Section, PDC 9 and 10. The design of dwellings should enable direct winter sunlight into adjacent dwellings and private open space and minimise overshadowing of habitable room windows, balconies that private the primary open space for that dwelling and solar collectors.

The standard set by the Development Plan as an acceptable level of overshadowing is where 3 hours of sunlight into the north facing living room windows of adjacent dwelling between 9am and 3pm on the 21 of June is able to be received. Additionally, a minimum of 2 hours of sunlight for the same hours should be received over 35 square metres of ground level private open space.

Overshadowing diagrams indicate that light will be available into the rear habitable room windows of adjacent dwelling throughout the day during the winter months. Shadow will be cast over the habitable windows and balcony on the northern side of that dwelling from mid-afternoon, however will be free from shadow between 9am and 12pm.

With regards to the private open space, the southern half of the backyard (approximately 230m²) will remain free from shadow as a result of the development throughout the day.

To this end, the proposal meets the numerical standards of the Development Plan and will allow a reasonable level of sunlight to be available to the adjoining property during the winter months.

Side setbacks

Garage on boundary

Dwellings within the Hills Policy Area 11 should comprise minimum side setbacks of 2 metres and boundary development is not anticipated within the Policy Area.

The applicant has sought to have a garage located on the boundary as a setback of 600mm will restrict the parking of two vehicles within the space.

Whilst it is noted that this proposal will be at odds with the Development Plan, I am of the view that there will be no unreasonable impacts as a result of the wall be constructed on the boundary.

The shortfalls in side setbacks are not considered detrimental to the streetscape in term of patterns of space between dwellings, as this outcome is fairly typical within the locality. Garages in the street are varied in their placement, many of which are forward of the building line and are located on or close to side property boundaries. The placement of the garage on the boundary will not be to the detriment of the streetscape as the existing street contains dwellings that generally have at least one side of their dwelling with a setback less than the desired 2m sought within the Development Plan.

With respect to the visual impacts likely to be generated by the proposed wall on the boundary, I am of the view that it is not unreasonable. The neighbouring property to the south has a second driveway directly adjacent where the wall will be located. The window to their basement floor is located approximately 3m away from the wall and will therefore have sufficient separation such that the structure will not be intrusive or limit light into the area to a substantial extent.

Second storey southern side setback

The wall height of the second storey extension exceeds the southern side setback requirement of 3m by 1m. It is considered that the intent of the 3m setback specified by the Development Plan is generally to assist in limiting overshadowing impacts. Having determined that overshadowing will not exceed the requirements outlined in Design and Appearance principles 9 and 10, it is considered reasonable to maintain the setbacks that can be applied generally for wall heights between 3 and 6m, being the 2m proposed.

Conclusion

The shortfalls identified in the assessment relating to the second storey additions and boundary wall, are considered to be reasonable and are somewhat not unanticipated within the locality.

As such, these elements of the proposal are not considered to result in impacts that are detrimental to the neighbouring properties or the streetscape.

The proposed third level addition does not satisfy the numerical requirements of the Development Plan, and subsequently results in impacts on adjacent properties.

The appropriateness of the additions need to be carefully considered.

The design of the addition, with its built form half embedded within the roof of the second storey, is considered to satisfactorily minimise the bulk and scale of the development and achieves a reasonable level of consistency within the locality. Three storey dwellings exist within the locality and in my view it is not unreasonable where the land maintains a split level dwelling, the structure will not appear dominant on the streetscape or from the Adelaide plains, the built form is well set in from boundaries and it will not completely erode the view from the adjacent land.

The additions have been setback to the rear of the existing dwelling, ensuring that the view of the Glenelg Coastline remains available to the neighbouring property to the south, whilst the ocean view towards the west will also be seen.

Having regard to the nature of the slope of the land and the bulk and scale of the proposed additions, I am of the view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

Recommendation

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/206/2020 for alterations and additions to existing detached dwelling to a maximum of three stories and construction of an associated garage under the main roof with wall located on the southern boundary at 51 Trumara Road, Marino be GRANTED subject to the following conditions:

Conditions

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2020/206, except when varied by the following conditions of consent.
- 2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 4. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
- 5. 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, to the reasonable satisfaction of the Council.
- 6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

Notes

- 1. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.

2. **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: CAP071020 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**



Originating Officer:	Alex Wright Team Leader - Planning
Applicant:	Stuart Coles
Development Description:	Single storey detached dwelling incorporating a wall on the eastern boundary, roof mounted air-conditioning, landscaping and fencing
Site Location:	20A Gertrude Street, Glandore
Zone & Policy Area:	Residential / Character Policy Area 17
Lodgement Date:	01/07/2020
Development Plan:	Consolidated – 21 May 2020
Referrals:	Nil
Delegations Policy:	4.1.2 <i>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 their desire to be heard by the Panel.</i>
Categorisation	Category 2 <i>Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings).</i>
Application No:	100/2020/1035
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

Attachments

<i>Attachment I:</i>	<i>Deposited Plan</i>
<i>Attachment II:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment III:</i>	<i>Statement of Representations</i>
<i>Attachment IV:</i>	<i>Applicant's Response to Representations</i>

SUBJECT LAND

The subject land is located at 20A Gertrude, Glandore and was created in 2019 as part of separate land use and land division applications.

The subject land is an irregular shaped allotment with a varying site depth of between 17.55m and 18.82m a frontage width of 20.42m and site area of 355.51 square metres. The Certificate of Title confirms the allotment is not subjected to any easements, encumbrances or LMA's.

The land is virtually flat with no discernible slope, while there no mature regulated or significant trees on or within close proximity to the subject land.

Access to the site will be via an existing crossover located at the eastern side of the allotment frontage.



LOCALITY

The locality predominantly comprises original dwelling stock, typified by pre 1940's housing. A range of architectural styles are present within the streetscape, including bungalow, villas, cottage, art deco, interwar and more recent contemporary designs.

The original dwelling stock is generally low scale, with generous front setbacks, well established landscaping and low/open front fencing. Whilst sporadic development has occurred throughout the locality, a high percentage of the original housing stock remains and reinforces the low-density and spacious feel. Post 1940's dwellings generally consist of 1970-1980's single storey residential flat dwellings and more recently constructed single storey dwellings of a contemporary nature/design which attempt to incorporate key elements of original housing stock (such as colours/materials, roof pitch, detail façade elements etc). A number of dwellings within the locality juxtapose more recent modern and contemporary additions with the original built form era. Many of these additions are not readily visible from the streetscape.

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



March 2020



Aerial Image 1949

PROCEDURAL MATTERS

Classification

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

Categorisation

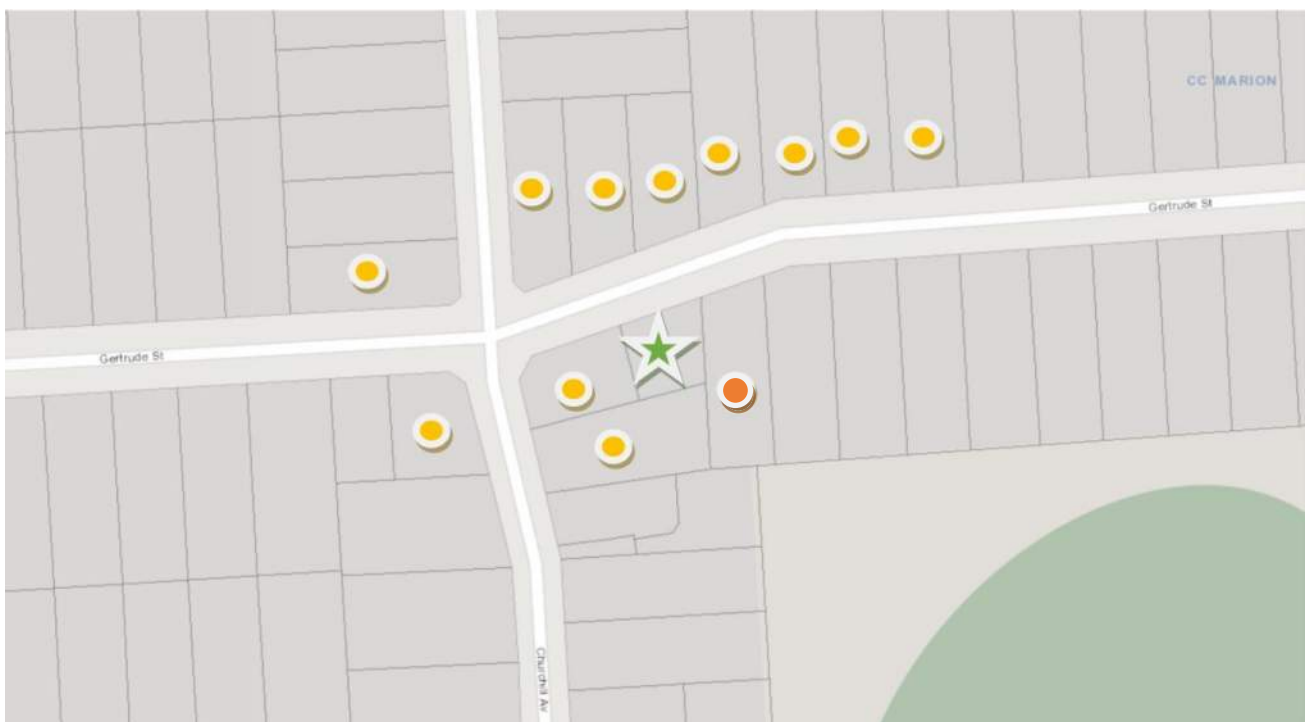
As a result of the proposed boundary wall exceeding 8 metres in length and 3 metres in height from natural ground level, the proposal was assigned as a Category 2 form of development by virtue of the Public Notification Table of the Residential Zone within Council's Development Plan.

Referrals

Development Engineer

Sought application incorporate FFL's 300mm above highest road fronting top of kerb and provide a 5000 litre rainwater retention tank fully plumbed into all toilets and laundry connected to at least 80% roof area. The application has incorporated these requirements.

PUBLIC NOTIFICATION



Properties Notified

12

Representations

1 received

1 opposing the development

Representations received

1. Mr E. O'Sullivan

Applicant Response

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

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 land is in close proximity to public transport – Adelaide to Glenelg Tramline & South and Cross Road bus links – and public open space – Glandore Oval.</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> <ul style="list-style-type: none"> ▪ <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 proposal is an envisaged form of development and does not proposed any increase in density.</p>
Residential Character Policy Area 17	
Objectives	Partially Satisfies
<ol style="list-style-type: none"> 1 <i>Preservation of the existing development patterns and built form.</i> 2 <i>Development which reflects the traditional character elements of the locality, particularly as presented to the streetscape.</i> 3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i> 4 <i>Development that reflects good residential design principles.</i> 5 <i>Development that contributes to the desired character of the policy area.</i> 	<p>A single dwelling on an existing vacant allotment is proposed and therefore no impact on existing built form will occur. Given the depth, frontage and overall site area of the allotment, the proposed built form is not consider to adversely affect the existing development patterns within the locality – appropriate setbacks to each boundary are proposed and therefore the built form is not anticipated to include into the existing streetscape. The proposal is therefore considered to fulfil Policy Area Objective 1.</p> <p>Assessment against the remaining objectives is undertaken further in the report.</p>
Desired Character	Discussed below
<p><i>New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore, Glengowrie and Plympton Park will reinforce the attractive established character of predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings. In the suburbs of Glengowrie and Glandore, new semi-detached dwellings are appropriate where they reflect examples of original maisonette dwellings.</i></p> <p><i>Replacement dwellings will be appropriately designed contemporary interpretations of the pre-1950s buildings</i></p>	

remaining in the area in the locality of the development site. Buildings will be sited so as to complement the siting of adjoining buildings and in such a way that the landscape character is retained and enhanced. Dwellings will incorporate elements typical of homes in the area, including articulated roof forms comprising combinations of gable, Dutch-gable and hips, chimneys, projecting front verandas / porches / porticos, timber-framed windows and external walls constructed of a mixture of brick, painted brick, stone, and rendered masonry. Garages and carports will be discreetly located well behind the main face of the associated dwelling or to the rear of the dwelling, with design and materials to complement the dwelling

Fences on or near the street frontage will be low and of a construction and style that complements those existing in the locality.

The density of development and siting of all buildings will not erode the landscape character of the site or locality, which is derived from mature vegetation in front and rear yards, alongside boundaries or within the public road reserve.

Relevant Principles of Development Control

Discussed below

- 1 The following forms of development are envisaged in the policy area:
 - detached dwelling
 - 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.
 - 4 Development should preserve and enhance streetscapes by:
 - (a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality
 - (b) limiting the number of driveway crossovers.
 - 5 Where a new dwelling is constructed alongside or within a group of pre 1950 residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.
 - 7 Development which is highly visible in the streetscape or from surrounding properties should not incorporate large expanses of glass and/or walling, or use monochromatic colour schemes.
 - 8 Development fronting the primary street should incorporate a roof pitch consistent with that of development in the locality.
-

Assessment of the proposal against the applicable Objectives, Principles of Development Control and elements of the Desired Character of the Policy Area has occurred below.

The proposal is, in my view, very finely balanced. The dwelling is located in a Policy Area which provides a somewhat prescriptive yet open guide as to how the development of new dwellings and additions should occur in relation to built form design, pattern of development and use of colours and materials.

It is important to note the Desired Character does not seek for new dwellings to 'replicate' the built form, but rather encourages appropriately designed contemporary interpretations (i.e. drawing on the built form characteristics) of the original dwelling stock.

In general, the dwelling incorporates the following elements in the design:

- Front facing gable ended roof pitch at 40 degrees;
- Roof to west of central gable incorporating 20 degree roof pitch;
- Roof to east of central gable (over garage) incorporating a flat roof;
- Red Brick (PHG Manhattan Tribeca) to majority of front, rear and eastern façades;
- 133mm wide axon cladding (Monument (dark grey) to living/kitchen room façades (north/south) and Antique White axon cladding to entirety of western façade;
- Windows proportionate in scale to front façade; and,
- 750mm high brick wall and 150mm wide timber posts to front verandah.



The design attempts to incorporate contemporary interpretations of several elements typically identified from pre 1950's dwelling stock such as a front facing tudor style gable with an acute roof pitch, low pitch bungalow style roof form for the western wing with extended verandah and low brick wall, a flat garage roof (discussed further below) and the use of use of red brick as the predominant colour/material.

Generally, the dwelling incorporates several characteristics and colours/materials which could be considered contemporary interpretations of key elements of original housing stock. The use of white and dark grey axon cladding however is not reflective of materials used by pre 1950's dwellings, as the vast majority of original dwellings incorporate coloured brick (particularly red), sandstone or painted masonry walls.

Objective 4 seeks development that reflects good residential design principles. In my view, the term "good residential design principles," is an ambiguous term which can be interpreted differently and has diverse connotations to different people/professions. In a planning and development assessment sense, it is my view that this term draws on the requirements of the Development Plan – through design and Zone/Policy Area requirements – as these are the only provisions which provide guidance as to the built form outcome sought and subsequently on which an application can ultimately be decided.

In my view, "good residential design principles" as sought by Objective 4 are achieved through the provision of a number of the typical contemporary design elements such as a main entrance facing the street, fenestration, a mixture of high quality materials and finishes, and a design which reflects the aspirations of the Development Plan.

Good residential design should be considered in context of what Objective 2, Principle 5 and paragraph 5 of the Desired Character seek, that being development which is of a similar size, scale and proportion, and use of materials and physical elements which complement and reinforce the character and design elements of existing pre 1950's buildings. There are a number of newer dwellings within the wider locality which in my opinion are poorly designed and do not appropriately reflect the intent of the Development Plan. These dwellings are poor examples and should not be relied upon when considering whether the subject design achieves the intent of the Policy Area.

If proposed in any other residential area of the Council, the applicant could be commended by proposing a well-considered dwelling of improved architectural standard to what is commonly proposed and subsequently built.

The dwelling incorporates multiple different design elements drawing from the range of dwellings styles within the locality. Whilst the built form may complement the adjacent dwellings in terms of providing a single storey dwelling with appropriate setbacks to boundaries, it is questionable as to

whether the proposed design appropriately reinforces the character and design elements of existing buildings within the locality as desired by the applicable Objectives, Principles and Policy Area 17 Desired Character.

Whilst the use of axon cladding is, in my opinion, inappropriate given the context of the locality and desired outcomes of the Policy Area, the appearance of the streetscape will be improved and the dwelling has attempted to incorporate contemporary interpretations of elements of original housing stock within the locality.

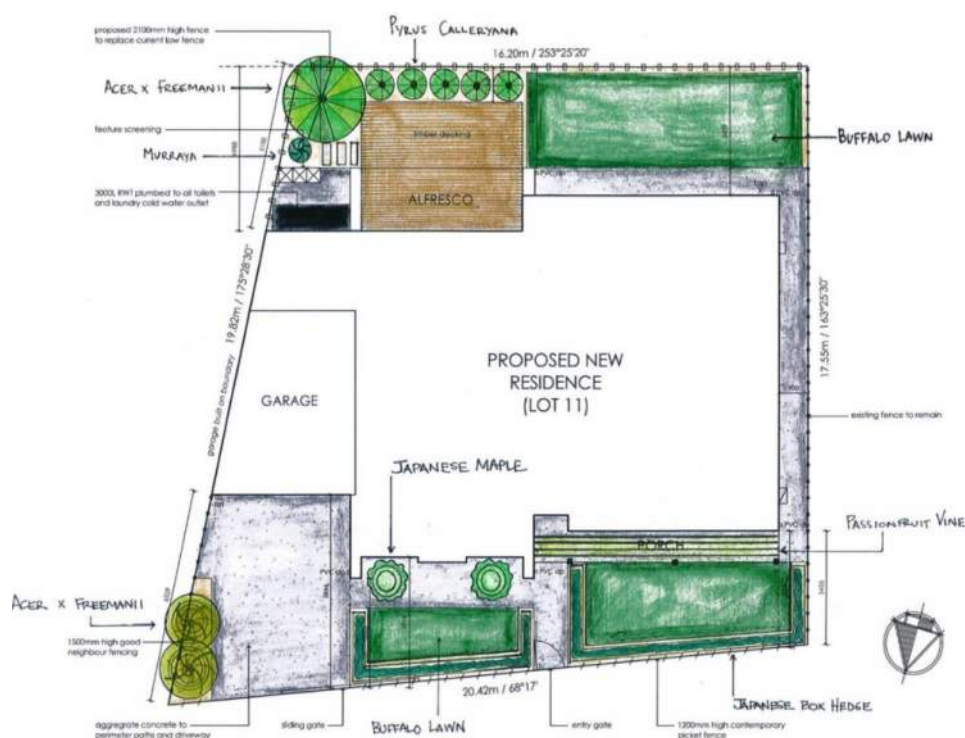
The garage is not 'discreetly located well behind the main face of the associated dwelling' as sought by the Desired Character, however when considering the proposal in context with existing or recently constructed dwellings within the immediate and wider locality it is important to note a high percentage of dwellings incorporate garaging, whether it be under the main roof or a later addition which is close to, or in line with, the main façade of the associated dwelling.

Whilst only achieving a minimum 5.8 metre setback to the front boundary, the garage is single width in nature and proposes a flat pitch to minimise the component's appearance when viewed from the street and adjacent allotment.

The proposal has attempted to reduce the visual impacts posed by the garage through a single width opening, setting the built form behind the associated front façade and incorporating a flat roof.

Whilst the garage will be visible from the street, Objective 2 and Desired Character cannot be considered in a total vacuum: regard to the existing visual presence of garaging throughout the locality must also be had when considering the appropriateness of the proposal.

The Desired Character seeks for the landscape character to be retained and enhanced, which is achieved through the provision of a detailed landscape plan. The proposed landscaping (see below for finer details) and concrete aggregate driveway/paths will provide an orderly and attractive front yard and will assist in providing an attractive streetscape. Additionally, the Desired Character seeks fences on or near the street frontage to be low and of a construction and style that complements those existing in the locality. The proposed fencing is a modern interpretation of traditional picket fencing and the open nature will assist in providing clear lines of sight from the street to the dwelling.



Quantitative Provision Snapshot

Existing Provisions

Site area	355m ²
Allotment width	20.39m (frontage) decreasing to 16.2m (rear of allotment)
Depth	17.54m (western boundary depth), 18.86m (eastern boundary when measured at 90 degree angle)

Quantitative Provision		Performance	
Site coverage	40%	184m ² / 51.8%	Departure
Pervious area	20%	30.9%	Satisfies
Front setback	No quantitative provision applicable	3.9m/3.5m (closest points, increasing inline with angled nature of front setback)	n/a
Carport/garage setback	5.5m and behind or in-line with main face	5.9m (closest point)	Satisfies
Rear setback (ground)	6m	3.9m (50.6%), increasing to 5m (43.8%)	Departure
Side setbacks (ground)	0.9m	900mm (western)	Satisfies
Boundary Wall	8m length; 3m height	Length: 8.19m Height: 3m wall height, 3.23m total height from existing ground level	Minor Departure
Building height	1 storeys; 7m	1 storey; 5.79m	Satisfies
Private open space	20%	71.5m ² / 20.14% (excludes area set-aside for retention tank)	Satisfies
Private open space dimension	5x5m	Minimum dimensions met	Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser)	3.13m / 15.3%	Satisfies
Off-street parking	2 (1 covered)	2 spaces provided, 1 of which covered.	Satisfies

Assessment Discussion

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

- Setbacks
- Boundary wall
- Site Coverage

Setbacks

Front

Dwellings achieving a primary frontage to Gertrude Street incorporate relatively uniform front setbacks, typically ranging from between 7 metres to 9 metres.



Noticeably, there are examples of the built form on allotments at, or close to, the intersection of Gertrude Street and Churchill Avenue sited closer to the boundary, both in terms of the primary setback and secondary setback.



Primary

22A Gertrude – 5.5 metres
25 Gertrude – 8.3 metres
20 Gertrude – 7 metres

Secondary (to Gertrude)

43 Churchill – 3 metres
24 Churchill – 3 metres
26 Churchill – 2.5 metres

The subject dwelling proposes minimum front setbacks of 3.5m to 3.9m, with the setbacks increasing in line with the angled nature of front boundary.

When considering the numerical distance in isolation, the front setback is considerably closer to the street than any other dwelling with a primary façade facing Gertrude.

The setback of the built form to Gertrude Street is considered to provide appropriate homogeneity between the existing dwellings to the east (20 Gertrude) and west (43 Churchill) and will not negatively disrupt the streetscape or result in unjustifiable built form issues.

To further help lessen potential built form impacts potentially created by the limited separation afforded, the applicant has developed a comprehensive landscape plan which assists in softening the dwelling and providing an attractive street presentation.

The proposed front setback is, in my opinion, compatible with setbacks of buildings on adjacent land and within the immediate locality, and is considered to be contribute positively to the function and character of the locality.

Rear

The proposal does not meet Residential Zone Principle 6 in relation to rear setbacks, which requires setbacks of 6 metres.

the dwelling is afforded a minimum rear setback of 3.9 metres for 50.6% of the allotment width, which increases to 5 metres for approximately 43.8% of the allotment width.

Whilst the desired minimum of 6 metres has not been achieved, the dwelling is single storey in nature, incorporates articulation to the rear façade and provides appropriate dimensions and area of private open space.

The extent of separation provided to the rear boundary (side boundary of the adjacent property) is considered to be acceptable and reflects the built form outcome and pattern of development found on other allotments of similar depth within the locality.

The shortfall in 1 metre is not considered to be fatal to the functionality of the proposal, nor result in unreasonable or unacceptable impacts on either the adjacent allotment or the pattern of development within the locality.

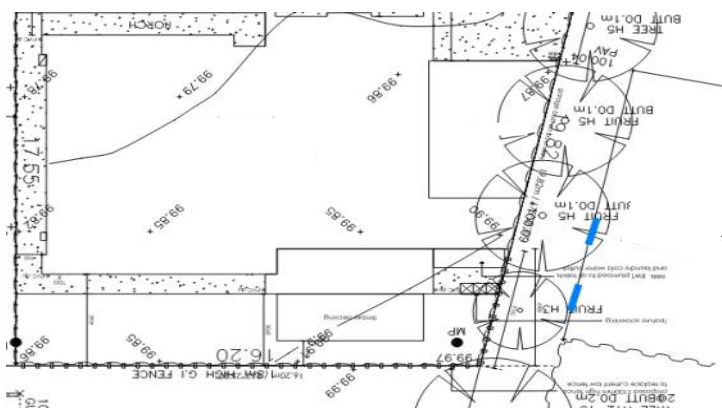
Minor Shortfall Discussion

The minor variances to the following criteria, as identified within the Quantitative Snapshot table, are considered to be justified and are discussed accordingly below:

Boundary wall

A wall, 8.19 metres in length and 3.23 metres (measured from natural ground level to the parapet top) is proposed along the eastern boundary.

Structures on boundaries, whether it be dwelling walls or outbuildings, are typical within metropolitan Adelaide, and although the length and height marginally exceeds the desired maximum by 190mm and 230mm respectively, the excess will not have a materially different impact to that which would be caused by a wall achieving the applicable provisions.



The adjacent image illustrates the location of the proposed wall in respect to the western façade (and west facing windows indicated in blue) of the adjacent dwelling (20 Gertrude).

[HOME](#)

The adjacent dwelling achieves a side setback of approximately 2.6 metres, and the extent of separation provided will ensure the preservation of natural light to the west facing windows.

Whilst minor overshadowing onto the adjoining dwelling is likely to occur it is limited to the afternoon/evening. Overshadowing onto the adjoining dwelling's private open space or north facing windows will not occur as a result of the wall.

Site Coverage

The Development Plan seeks both a quantitative and qualitative assessment when considering site coverage.

Whilst the individual Policy Area designates a desired maximum site coverage, regard must also be given to Residential Zone Principle 9 which permits site coverage to exceed that permitted within the Policy Area when it is demonstrated the excess will not be contrary to the relevant setbacks and POS provisions, adversely affect the amenity of adjoining properties, or conflict with other relevant Development Plan criteria (i.e. creates a shortfall in car parking etc).

The departure in site coverage is not considered to be unreasonable, when considering the appropriateness of the proposed side and rear setbacks, and provision of suitable private open space. It has been demonstrated that the dwelling shall not have an unreasonable impact on the adjoining properties via overshadowing or visual bulk/scale impacts.

The dwelling provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage as sought by Residential Development Principle 14.

When viewing the wider locality, it is also clearly evident that dwellings located on smaller allotments – typically 'corner cut-offs' do not achieve the numerical figure of 40%, with the built form rather ensuring each dwelling maintains appropriate setbacks to boundaries, pervious space and private open space.

CONCLUSION

As discussed within this report the proposal is finely balanced. The dwelling is located in a Policy Area which provides a somewhat prescriptive yet open guide as to how the development of new dwellings and additions should occur.

Whilst the Desired Character does not seek for new dwellings to 'replicate' the built form, it does encourage new dwellings to draw on the built form characteristics of the original dwelling stock and produce appropriately designed contemporary interpretations.

The proposal does attempt to incorporate several elements into the built form which reflect original housing stock within the locality, such as a high pitched front facing gable roof form, shallow east-west pitched roof form with continuing verandah and associated brick wall, flat roof to garage to reduce its visual appearance, and the use of redbrick to a majority of the front and remaining facades.

In addition to the above elements however, the proposal incorporates considerable use of axon cladding, both in dark grey and white, to the front, rear and western facades which is not representative or reflective of a material typically found on pre 1950's era dwellings.

Whilst the built form may complement the adjacent dwellings in terms of providing a single storey dwelling with appropriate setbacks to boundaries, it is questionable as to whether the proposed design and use of axon cladding appropriately reinforces the character and design elements of existing buildings within the locality as desired by the applicable Objectives, Principles and Desired Character of the Policy Area.

Nevertheless, whilst the use of axon cladding is, in my opinion, inappropriate given the context of the locality and desired outcomes of the Policy Area, it assists in emphasising and drawing attention to the contemporary interpretational elements proposed and overall the proposal will result in an improved streetscape appearance.

The proposal meets a majority of the applicable quantitative provisions and where not achieving the desired minimum, these departures and associated potential impacts have been appropriately considered and addressed within the body of this report.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993.

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concurs with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2020/1035 for a single storey detached dwelling incorporating a wall on the eastern boundary, roof mounted air-conditioning, landscaping and fencing at 20A Gertrude Street, Glandore be **GRANTED** subject to the following conditions:

CONDITIONS

- 1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2020/1035 except when varied by the following conditions of consent.
- 2. All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises. Vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via retention tanks) immediately following roof completion and gutter and downpipe installation.
- 5. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
- 6. 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, to the reasonable satisfaction of the Council.
- 7. 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.

**REPORT REFERENCE: CAP071020 – 3.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**



Originating Officer:	Harry Stryker Development Officer - Planning
Applicant:	Surjeet Singh Kamboj
Development Description:	2 x Two storey dwellings with associated earthworks, retaining and fencing
Site Location:	4 Cherub Street, Hallett Cove
Zone & Policy Area:	Residential Zone / Foothills and Seaside Policy Area 23
Lodgement Date:	20/05/2020
Development Plan:	Consolidated – 9 July 2020
Referrals:	Coordinator Arboriculture (internal) and Development Engineer (Internal)
Delegations Policy:	4.1.2 <i>Any merit application that has undergone Category 2 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>
Categorisation	Category 2 As per Development Regulations 2008, Schedule 9, Part 2, 18 (b) (2 new 2 storey dwellings on the same site).
Application No:	100/2020/759
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

Attachments

Attachment I: Certificate of Title
Attachment II: Proposal Plan and supporting documentation

Background

This application is preceded by a land division development application (number 100/2020/717) which sought to divide the subject land into two new allotments. The land division application was granted planning consent 22 May 2020. Full Development approval is pending Section 51 clearance, clearing of all buildings and materials. This subject application relates only to the construction of two new two storey detached dwellings with associated landscaping, one per each of the approved allotments.

Assessment of this application was taken over by Harry Stryker from a previous development officer due to their no longer working for Council. This occurred post public notification.

SUBJECT LAND

The subject land is located on the western side of Cherub Street in Hallett Cove. It is wedge shaped with an area of 802 square metres. It has a frontage width to Cherub Street of 22.5 metres, a longer rear boundary width of 31.8 metres, and a depth of 29.5 metres.

The subject land currently contains a single storey detached dwelling with an associated outbuilding. The buildings were granted demolition approval on 10th of June 2020.

The subject land is relatively flat with a slight fall from the front northern corner to the rear southern corner of about 0.9 metres over a 37.1 metre length (the same as 1-in-42). There are no regulated nor significant trees growing on the subject nor adjoining land that would be affected by the development. There is a 3 metre wide easement along the western (rear) boundary to Council for drainage purposes (decommissioned). There is also a 2.3 metre wide easement along the southern (side) boundary for electricity supply purposes. Access to the land is currently provided for by a driveway crossover from Cherub Street on the southern side of the land.



LOCALITY

Cherub Street allotments to the south of the subject land have a relatively regular pattern and are generally square in shape. Frontages are generally about 25 metres in width, and allotment depths are not much longer. Dwellings are generally setback about 6.5 metres from front boundaries and located towards one side of sites. Structures such as carports and garages constructed between dwellings and side boundaries are common.

Cherub Street allotments to the north of the subject land are deeper, wider and angled to the street. These allotments contain dwellings with broader facades built across the sites, facing the street at an angle. Front setbacks are more generous, tapering from about 7.5 metres up to 15 metres.

Dwellings along Cherub Street in the locality generally have a single-storey detached appearance. Most appear to have been constructed between about the 1960s to 1980s. Buildings generally appear to be aging and do not contribute significantly to streetscape character.

The Seaford railway line is located on the opposite (eastern) side of Cherub Street. The subject land is located within 100 metres of the Hallet Cove railway station, and within 250 metres of a few large public parks and outdoor recreational and fitness facilities.

Due to the slop of the land, some overlooking is prevalent between adjoining properties.

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



PROPOSED DEVELOPMENT

The proposed development is for the construction of 2 (2) two storey dwellings including garages and rear alfresco verandahs, with associated earthworks, retaining walls and fencing.

Both dwellings include 4 bedrooms, 1 flexible use room and 2.5 bathrooms. Master bedrooms and main living areas, including rear alfresco under the main roof, are located on the ground floors. Remaining bedrooms, an open secondary living area and a bathroom are located upstairs. The northern dwelling includes a double garage. The southern dwelling includes a single garage.

The proposed development also includes fencing on top of retaining on boundary with a combined height exceeding 2.1 metres. These elements also constitute development and require development approval.

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 defined as a Category 2 form of development as per Development Regulations 2008, Schedule 9, Part 2, 18 (b) for the following reasons:

As the land division application had not yet been formalised at the time of lodgement, it cannot be considered that each dwelling site is held exclusively with that dwelling. As such, the dwellings cannot be considered as "detached dwellings". For this reason the application proposes 2 new 2 storey dwellings, technically to be on the same site.

Referrals

Coordinator Arboriculture (Internal):

The southernmost street tree, a Willow Myrtle (*Agois flexuosa*), be removed to allow driveway access and an appropriate replacement be planted as determined by Council. The removal, replacement and establishment of the new tree will be carried out by Council. The cost of \$1250 would be covered by the applicant.

Development Engineer (Internal)

Proposed siteworks and drainage are appropriate. Southern dwelling finish floor level could be up to 300mm lower. Proposed southern driveway crossover would require upgrade of Communications cover to be trafficable.

PUBLIC NOTIFICATION

**Properties Notified**

4

Representations

2 received

1 opposing the development and 1 in support

Representations received

1. Mr 2.Martin Savarton (supportive)
2. Mr Simo (Xiaohui) Xu (opposed)

Applicant Response

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

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
1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>	The proposal would contribute towards an attractive residential zone.
2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>	The land is located within 100 metres of Hallett Cove railway station. It is also within 250 metres of number of large parks and public outdoor fitness facilities.
Relevant Principles of Development Control	Satisfies
1 <i>The following forms of development are envisaged in the zone:</i> ▪ <i>dwelling including a residential flat building</i>	The proposal is an envisaged form of development.
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>	The proposal demonstrates a higher density, but compatible with adjoining residential development.
Foothills and Seaside Policy Area 23	
Objectives	Reasonably satisfies
1 <i>A policy area primarily comprising low scale, low density housing.</i>	The proposal is low density and at a scale envisaged for the policy area.
2 <i>Development which is sensitive to the particular topography of the locality</i>	The gradient of the land is not steep. Cut and fill has been balanced across the land. All cut, fill and associated retaining walls would be less than 1 metre in height. Side setbacks generally meet or exceed minimums sought. The proposed development has some regard to the topography of the land.
3 <i>Development that reflects good residential design principles.</i>	
4 <i>Development that contributes to the desired character of the policy area.</i>	The southern dwelling reasonably satisfies all relevant provisions. Whilst the northern garage exceeds the maximum width of 50% of the dwelling width as sought by 11%, the garage would be appropriately setback from the street and behind

the main face of the dwelling - refer to discussion. The impact of garaging shall be reasonably minimal.

Proposal reasonably incorporates good residential design principles and contributes to the Desired Character.
- refer to discussion

Desired Character

Reasonably satisfies

This policy area encompasses the residential area at Hallett Cove. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1960s, which incorporate generous front and rear setbacks. Two storey dwellings of a larger scale have become more predominant in areas closer to the coast with sea views and occasionally on elevated sites with views of the Adelaide metropolitan area.

The desired character of the policy area is an attractive residential area comprising predominantly low density dwellings exhibiting a variety of architectural styles. Future development of land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity when compared to the existing housing stock. In particular, higher densities are anticipated to occur in close proximity to centres, public transport routes and public open spaces and on land with minimal gradient.

Natural features within the policy area warrant protection from inappropriate development and earthworks, and include the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including the Hills Face Zone and coastal land.

Future development will be designed to be considerate of the topography of the area, with limited cut and fill and associated retaining walls. Split-level housing is encouraged on sites with a steep land gradient to minimise the need for earthworks and to reduce impact of development upon the landscape and adjoining land. In instances where sites have a substantial land gradient, site areas may need to exceed the minimum for the relevant dwelling type to avoid excessive earthworks.

The built form, siting, architectural and landscape design of individual sites should make a positive contribution to the streetscape and character of the locality.

Building design will be of a high architectural standard and incorporate features that reduce the bulk of the development and add visual interest, such as variations in height, roof form, colour and materials, the provision of balconies and porticos and facade articulation.

Buildings should not exceed two storeys in height and sites of steeper terrain should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of

The proposed development would contribute to an attractive residential environment by introducing a modern two storey housing type and architecture to the locality, whilst incorporating traditional elements including roofing brick wall components, and pitched roofing with eaves. The proposal includes landscaping including small tree planting.

The gradient of the land is not steep. Cut and fill has been balanced across the land. All cut, fill and associated retaining walls would be less than 1 metre in height. All side setbacks reasonably meet or exceed minimums sought. The proposed development has some regard to the topography of the land.

The building designs incorporate horizontal and vertical articulation, pitched roofs and eaves, different colours and materials and front porches and balconies.

Upper storey side and rear windows are treated to a height of 1.7 metres above floor level to prevent overlooking. The balconies is oriented to face the front street.

Overlooking would generally not be exacerbated - see discussion below.

Removal of 1 street tree would be required. The tree would be replaced

neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

by Council at the applicants cost.

In localities where a high level of overlooking is common due to the natural topography or existing built form, some overlooking from new development is anticipated, however new development should not exacerbate privacy impacts and should employ design and siting techniques to protect the privacy of adjacent land where appropriate.

Amalgamation of land is desirable to provide opportunities for more efficient and appropriately designed medium density development, particularly in close proximity to Hallett Cove District Centre.

Undercroft car parking will be avoided on flat sites and sites that slope down from the street level.

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

Reasonably satisfies

- 1 The following forms of development are envisaged in the policy area:
 - dwelling including a residential flat building
 - 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.
 - 7 The visual dominance of garages and carports on the streetscape should be minimised.
 - 8 Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:
 - (a) incorporating stepping in the design in accordance with the slope of the land
 - (b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.
-

The proposal reasonably satisfies all 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 below. All relevant pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion thereafter.

Quantitative Snapshot

Criteria		Northern dwelling		Southern dwelling		
Site area	350m ²	401m ²		401m ²		Satisfies
Frontage width	10m	11.25m		11.25m		Satisfies
Depth	20m	29.9m		29.5m		Satisfies
Site coverage	40%	46% (184m2)		41% (164m ²)		Minor Departure
		Average 43%				
Pervious area	20%	32% (127m2)		35% (140m2)		Satisfies
		Average 33%				
Floor aria ratio	0.6	0.5		0.5		Satisfies
Front setback	The same as one adjoining building 3 Cherub: 9.4m 5 Cherub: 7.4m	Tapers 7.3m to 8.0m (average 7.7m)		Tapers 7.1m to 7.9m (average 7.5m)		Minor Departure
Carport/garage setback	5.5m and behind or in-line with main face	Min. 7.3m and 0.8m behind		Min. 7.9m and in-line		Satisfies
Rear setback (ground)	6m, may be reduced to 3m for no more than 50% rear width	Dwelling rear wall tapers from 5.1m to 6.8m (average 6.0m)		Dwelling rear wall tapers from 5.3m to 6.8m (average 6.0m)		Adequately satisfies
Rear setback (upper floor)	8m	About 11m		About 11m		Satisfies
Side setbacks (ground)	0.9m	North: Nil / Min. 2.6m South: 0.9m		North: 0.9m South: Min. 2.7m		Satisfies
Side setbacks (upper floor)	3m if south side, otherwise 2m	North: Min.2m South: Min. 2.2m		North: Min. 2.1m South: Min. 2.9m		Departure
Wall on boundary	8m length, 3m height 1 side only	6.4m length, 2.7m / 3.3m (parapet ends) 1 side only		Nil		Minor Departure
Building height	2 storeys; 9m	2 storeys; 8.1m		2 storeys; 8.4m		Satisfies
Private open space	20%	31% (126m ²)		35% (142m ²)		Satisfies
Private open space dimension	5x5m	5x14.6m		5x12.3m		Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser)	5.9m; 61%		3.1m; 36%		Departure
Off-street parking	3 (1 covered)	≥3 (1 covered) Driveway meets min. AS/NZS 2890 dimensions for 1x 85th percentile vehicles. 1x additional compact vehicle may also be possible		3 (1 covered) Driveway meets min. AS/NZS 2890 dimensions for 2x 85 th percentile vehicles		Satisfies
On-street parking	1 per 2 allotments	1.5 (8.9m (12.5m less 2x 1.8m driveway setbacks)				Satisfies

Assessment Discussion

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

- **Height and bulk of the proposed buildings, overshadowing**
 - **Fencing and retaining**
 - **Upper storey visual bulk and overshadowing**
- **Overlooking**
- **Garage dominance**

Height and bulk of the proposed buildings, overshadowing

The finished floor levels and associated bench levels are dictated to a significant degree as a result of the street top of kerb height. As a result, proposed earthworks include fill of up to a maximum 550mm above natural ground level. The proposal was reviewed by Council's Development Engineer who advised that the finish floor levels of the southern dwelling could be lowered up to 300mm without requiring significant increases in stormwater and potentially sewer management. Splitting the dwelling bench levels would require additional retaining between the dwelling bench levels.

It should also be noted that the proposed finish floor levels are 250mm lower than the previous dwelling to be demolished.

Fencing and Retaining

Retaining on the northern boundary up to 750mm in height below the adjoining land is proposed, combined with 1.8 metre high fencing on top. The full combined boundary fencing height of up to 2.55 metres would not be readily apparent from adjoining land.

Earthworks battering along the western rear boundary would vary in height from about 150mm above natural ground level at the northern corner, to 950mm above at the southern corner.

Retaining on the southern boundary is proposed, tapering in height between 600mm and 850mm in height above the adjoining land. Together with 1.8m high fencing on top, this would result in a visible height to the southern adjoining land of between 2.4 and 2.65 metres. The highest portion would be towards the west at the rear.

The desired character for the policy area encourages split-level development on sites with a steep land gradient. This is to minimise the need for earthworks, and to reduce impact of development upon the landscape and adjoining land.

Sloping land principle 8 provides that retaining walls should be limited to no more than 1.5m in height in order to preserve the natural form of the land. As discussed above, the subject land is relatively flat in the context of the policy area. The land has a fall from the front northern corner to the rear southern corner of about 0.9 metres over a 37.1 metre length (the same as 1-in-42).

Whilst the two sites could arguably have been split, other circumstances including the street water table and engineering considerations would limit practicable reduction in finish floor level to about 300mm for the southern dwelling only.

Fencing on flat land of 2.1 metres is generally expected. On sloping land, whilst ideally heights should be minimised, tapering heights between 2.4 metres and 2.65 metres is not unreasonable.

Upper storey visual bulk and overshadowing

Except for the southern elevations, the proposal meets or exceeds all relevant minimum upper storey setback provisions. The zone provisions seek that walls adjacent southern boundaries between 3 metres and 6 metres in height, be setback a minimum 3 metres. The proposed upper storey components would have a maximum wall heights of 5.65 metres, 350mm less than the 6m allowance. The northern dwelling provides for a southern upper storey setback of about 2.25 metres, 750mm less than the minimum 3 metres sought. The shortfall would be internal to the development and not readily apparent from adjoining land. The finish floor level is about 750mm below that of the northern adjoining dwelling at 3 Cherub Street.

The southern dwelling is setback from the southern boundary at an angle. As such, the upper storey setback tapers between about 2.9 metres and 3.8m, being up to 100mm less than the 3 metres sought, but on average 700mm more. The finish floor level would be about 450mm above natural ground level at the southernmost point, and 600mm above that of the southern adjoining dwelling at 5 Cherub Street. The height difference between the lower adjoining finish floor level and top of the higher subject upper storey wall equates to 6.25m.

Overshadowing principle 9 seeks that buildings should enable direct sunlight into adjacent dwellings and private open space, and that overshadowing of habitable room windows and solar hot water systems be minimised. Principle 10 seeks that buildings should ensure that north facing living room windows receive at least 3 hours of direct sunlight between 9am and 3pm on 21 June (winter solstice).

The shadow diagrams provided demonstrate that the development would limit, but generally not totally prevent, sunlight access to the southern adjoining dwelling habitable room windows. It appears that the affected windows relate to bedrooms and bathroom/toilet, not to living rooms. The performance of the affected solar hot water system would likely be affected in its current position. Whilst the proposal would impact upon the southern adjoining land, it does reasonably achieve performance objectives to minimise overshadowing, but not necessarily limit entirely.

Overlooking

Given the natural topography of the land, the desired character for the zone envisages some overlooking between adjoining properties. It seeks however that development not exacerbate privacy impacts, and development should attempt to minimise privacy impacts where appropriate.

Upper storey side and rear windows are treated to a height of 1.7 metres above floor level to prevent overlooking. The balconies are set forward of the dwellings well away from adjoining area of private open space and are oriented towards the street. The upper storey components would not result in any unreasonably overlooking.

As a result of the earthworks fill, the southern dwelling rear alfresco terrace would be about a maximum of 1 metre above the natural ground level at the western rear boundary. The height of the affected dwelling at 3 Moth Court is not known, but appears to be about the same as the boundary. The terrace would be located about 3.6 metres from the rear boundary. The affected dwelling is located within close proximity of the boundary, orientated at an angle, setback about 2 metres at the closest points. The use of the affected rooms and outdoor areas is not known.

The terrace would be located in a similar position as the previous dwelling's rear verandah, but set down 700mm lower. The development also includes new 2.1 metre high goodneighbour fencing on the rear boundary to replace previous fencing, which was about 1.8 metres in height. Given the above, whilst some degree of overlooking will be likely, as it already existed, it should not be exacerbated. Whilst higher fencing might have further limited overlooking, it would also result in additional bulk and overshadowing, particularly for the western affected property.

Garage dominance

The proposed northern dwelling garage width of 61% of the front façade of the dwelling, exceeds the maximum of 50% sought by Residential Development Principle 12. The garage also includes a 3.4 metre high front parapet wall for 1.8m of the width, 400mm more than the maximum of 3 metres sought. The garage has a double width door opening of 4.8m in width. The garage is setback a minimum 7.3 metres from the road frontage, 1.8 metres more than the minimum sought. The garage is also setback 800mm behind the main face of the dwelling, and the dwelling includes projecting elements including balcony and porch which provide additional articulation.

Overall however the garage element makes up about 28% of the dwelling façade when viewed from the street. Given the above and in context of the site, the garage has been adequately minimised and would not be unreasonably dominant in the streetscape.

Minor & Inconsequential Shortfall Discussion

The minor variances to the following criteria, as identified within the Quantitative Snapshot table, are considered to be justified and are discussed accordingly below:

Site coverage

The average site coverage of 43% exceeds the maximum sought by 3%. Pervious surfaces however average 33%, 13% more than the minimum sought. The proposal includes provision of 3000 litre combination detention/retention rainwater tanks for each dwelling. As such, the departure from site coverage guidelines would be minor and acceptable.

Front setbacks

Due to the angle of the allotment the dwellings would be orientated at a slight angle to the street. As such front setbacks vary between 7.1 metres and 8.0 metres, averaging about 7.6 metres. The adjoining dwelling minimum front setbacks are 7.4 metres and 9.4 metres. Design and appearance principle 22 seeks that where the difference between adjoining dwellings are up to 2 metres, that setbacks should be the same as one of the adjoining dwellings. As such, the minimum setbacks would be about 300mm less than the closer adjoining dwelling, but the average setback would be 200mm more. Given the angled orientations, the front setbacks reasonably satisfy provisions and would not be out of character in the locality.

Boundary wall height

The northern dwelling would have a garage on boundary with side wall heights of about 2.7 metres from natural ground level, 300mm less than the maximum sought. The garage would have front and rear parapet walls abutting the boundary, to a maximum height of about 3.3 metres above natural ground level, 300mm more than the maximum sought. The degree of departure is minor and the impacts negligible.

CONCLUSION

The proposed development is considered to be somewhat finely balanced in terms of its merits against the Development Plan. In my view however, it has sufficient merit to warrant support.

The proposed development reasonably meets desired streetscape character and would provide housing appropriate for range of family types within very close proximity to public transport and quality open space.

Whilst the overshadowing from the upper storey would have an impact, the proposal does generally satisfy all relevant provisions. The upper storey is not in itself unreasonable. Some overlooking is expected in the policy area, and has generally been appropriately minimised. Earthworks, cut, fill, retaining and associated maximum fence heights on boundary have been appropriately minimised and not unreasonable. Other departures are relatively minor and inconsequential.

Given the above and in context of the site and locality, the proposal does not on balance unreasonably depart from the relevant Principles of Development Control contained within the Marion Council Development Plan. The development would not be incongruent with the positive existing attributes, nor desired character for the zone, policy area, nor locality. Whilst the development would impact upon adjoining land, the impacts are reasonably envisaged and not so significant that the development should not be granted consent.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/759/2020 for 2 x Two storey dwellings with associated earthworks, retaining and fencing at 4 Cherub Street, Hallett Cove be GRANTED subject to the following conditions:**

CONDITIONS

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/759/2020, being drawing number(s)
 - Drawing number PD 04, dated 22/06/2020, by Atelier 18 Designs, except when varied by the following conditions of consent.
2. 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.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
7. 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.

NOTES

1. Any existing driveway crossover that becomes redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
2. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, stobie poles, SEP's, pram ramps etc. Any service covers affected by the crossover should be upgraded to trafficable grade covers.
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 developers 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.

5. 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 <https://lsc.sa.gov.au/resources/FencesandtheLawBooklet.pdf>.

**REPORT REFERENCE: CAP071020 – 3.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**



Originating Officer:	Danijel Antic Development Officer - Planning
Applicant:	Lofty Building Group
Development Description:	Residential Torrens Title Land Division - 1 into 3 allotments and three (3), single storey row dwellings with associated landscaping
Site Location:	20 The Triangle, Warradale
Zone & Policy Area:	Residential / Marion Plains Policy Area 8
Lodgement Date:	27/07/2020
Development Plan:	Consolidated - 9 July 2020
Referrals:	SA Water and State Commission Assessment Panel (SCAP)
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 1 as per Schedule 9, 5: <i>The division of land (including for the construction of a road or thoroughfare) where the land is to be used for a purpose which is, in the opinion of the relevant authority, consistent with the objective of the zone or area under the relevant Development Plan, other than where the division will, in the opinion of the relevant authority, change the nature or function of an existing road; and</i> Schedule 9, 2(a)(iv) <i>Except where the development is classified as non-complying under the relevant Development Plan, any development which comprises—</i> <i>(a) the construction of any of the following (or of any combination of any of the following):</i> <i>...(iv) 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high.</i>
Application No:	100/2020/1200
SCAP No.	100/D132/20
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plans and supporting documentation</i>
<i>Attachment III:</i>	<i>External Agency Referral Comments</i>

SUBJECT LAND

The subject land is located on the western side of The Triangle and comprises a regular shape allotment. The allotment has a frontage of 24.38 metres, a depth of 34.04 metres and a width in the rear boundary of 24.38 metres. Thereby, the allotment provides a total site area of approximately 831 square metres. On the subject land located is a dwelling (circa late 50s) with ancillary domestic structures and outbuildings. The site is relatively flat and there appears to be no regulated or significant trees in close proximity of the proposed development. Access is currently gained via a single crossover located on the southern side of the property.



LOCALITY

The wider locality predominantly comprises a mix of dwelling types of original and new dwelling stock. The original dwelling stock predominantly comprises single storey detached and group dwellings. The area is being increasingly redeveloped with single and two storey detached, semi-detached and row dwellings built on a range of allotment sizes. Due to the introduction of new development in the locality, the pattern of development and allotments is diverse and the streetscape character is gradually changing to dwellings of a lesser setback from the primary road frontage. The topography of the area is relatively flat. Other notable elements of the locality include Diagonal Road which offers cycling and public transport access to the subject land. East of the subject land located are commercial properties, with a group of shops and The Corner Uniting Church located north-east of the subject land.

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



PROPOSED DEVELOPMENT

The application proposes to create 3 allotments and three, two storey row dwellings with associated landscaping. As part of the proposal, two additional crossovers are proposed, one for each dwelling, and minor retaining walls ranging from 0.2 to 0.4 metres in height on rear and side allotment boundaries.

Each dwelling proposes a similar floor plan that incorporates a front facing covered car parking space in the form of garage (Dwelling 1 & 2) and carport (Dwelling 3), three bedrooms, two bathrooms, laundry, with main living, kitchen and meals located at the rear of dwelling. One of the bedrooms is located at the front of each dwelling with windows overlooking the street. The remaining bedrooms are focused in the centre of dwelling with opposing laundry and bathroom. All dwellings have Private Open Space area of regular shape located at the rear, which are directly accessible from the internal living rooms of the dwelling.

The proposed dwellings follow the same long shape of the proposed allotments and while joined together with party walls in the front part, the remainder of dwellings are separated from one another allowing for natural ventilation and the infiltration of daylight into interior of dwellings.

The proposed dwellings present to the street with complementary design features such as pitched roofs, eaves, front porches and building materials. The facades of dwellings incorporate a mix of colours and materials, such as render, brick and timber finish, with the carport and garages being equipped with panel lift doors. Landscaping with variety of plants has been proposed between the main road frontage and the building line and rear of dwellings.

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 subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a land division that does not change the nature of an existing road, and construction of 3 or more row dwellings or 1 or more additional row dwellings as a Category 1 development.

Referrals

SA Water; SCAP:

Standard land division comments and conditions which have been included within the Conditions section of this report.

Engineering (Internal):

The Council's Development Engineer deemed the bench & finished floor levels, stormwater retention & drainage, and location of proposed crossovers as satisfactory.

ASSESSMENT

The assessment is split into four 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. Consideration of general Land Division Objectives and relevant Principles of Development Control; and
4. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone	
Objectives	Satisfies
1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>	The proposal is considered to satisfy the intent of applicable provisions.
2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>	The land is in close proximity to public transport, commercial and shopping facilities, which offers some merit to increased dwelling density.
Relevant Principles of Development Control	
1 <i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ <i>affordable housing</i>▪ <i>domestic outbuilding in association with a dwelling</i>▪ <i>domestic structure</i>▪ <i>dwelling including a residential flat building</i>▪ <i>dwelling addition</i>▪ <i>small scale non-residential use that serves the local community, for example:</i><ul style="list-style-type: none">- <i>child care facility</i>- <i>health and welfare service</i>- <i>office</i>- <i>open space</i>- <i>primary and secondary school</i>- <i>recreation area</i>- <i>shop</i>▪ <i>supported accommodation.</i>	<p>The proposal is an envisaged form of development.</p> <p>The proposal demonstrates a higher density which is compatible with some of the recent residential development in the locality.</p>
2 <i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	

Marion Plains Policy Area 8

Objectives	Satisfies
<ol style="list-style-type: none"> 1 A policy area primarily comprising low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that minimises the impact of garaging of vehicles on the character of the locality. 4 Development densities that support the viability of community services and infrastructure. 5 Development that reflects good residential design principles. 6 Development that contributes to the desired character of the policy area. 	<p>The proposal is relatively low scale, low density housing, but at a higher density compared to that typical of the original dwelling stock in the area, as sought by the Desired Character of the Policy Area.</p> <p>The impact of garaging shall be minimal, with each dwelling having only a single garage or carport which is situated behind the main face.</p> <p>The proposed density shall support viability of community services and infrastructure.</p> <p>The proposal incorporates good residential design principles and contributes to the Desired Character – refer to discussion.</p>
Desired Character	Partially Satisfies
<p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low density dwellings, but at a higher density compared to that typical of the original dwelling stock in the area.</i></p> <p><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></p> <p><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></p> <p><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></p> <p><i>Buildings that present plain box-like built forms and limited detailing are generally inappropriate.</i></p> <p><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></p>	<p>The proposal is considered to partially satisfy the Desired Character in that the dwelling density is somewhat greater than envisioned.</p> <p>The development however shall contribute to an attractive residential environment by virtue of its building design and landscaping being complementary of the existing streetscape character.</p> <p>Further discussion is located within the Assessment Discussion of this report.</p>
<p><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 reduce heat loads in summer. Low and open-style front fencing will contribute to a sense of space between buildings.</i></p>	

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 satisfy 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		Res 1	Res 2	Res 3	
Site area	300m ²	277m ²	277m ²	277m ²	Departure
Frontage width	9m	8.13m	8.13m	8.13m	Departure
Depth	20m	34.04m	34.04m	34.04m	Satisfies
Site coverage	40%	56%	56%	54%	Departure
Pervious area	20%	19.8% (including footprints of rainwater tanks)			Minor Departure
Front setback	Average of, or in-line with adjacent Adjoining: approx. 9.3m and 6.1m. Averages at approx. 7.7m	5m	5m	5m	Departure
Carport/garage setback	5.5m and behind or in-line with main face	5.6m (excluding protruding wing wall)	5.6m (excluding protruding wing wall)	5.6m	Satisfies
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width	5.2m for 44.5% of the length of the rear boundary, rest is 8.55m or greater	5.2m for 44.5% of the length of the rear boundary, rest is 8.55m or greater	5.2m for 44.5% of the length of the rear boundary, rest is 8.55m or greater	Satisfies
Side setbacks (ground)	0.9m & 0.6m (for open sided carport structure)	0.9m	0.9m	0.9m & carport at 0.6m	Satisfies
Building height	2 storeys; 9m	Single storey – 5m	Single storey – 5.46m	Single storey – 5.46m	Satisfies
Private open space	20%	18.9% (including footprint of rainwater tank)	18.9% (including footprint of rainwater tank)	18.9% (including footprint of rainwater tank)	Minor Departure
Private open space dimension	5x5m	5.22 x 8.13m	5.22 x 8.13m	5.22 x 8.13m	Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser)	62.6% (including walls on both sides of the garage door)	62.6% (including walls on both sides of the garage door)	60.7% (including walls on both sides of the carport door)	Departure
Off-street parking	2 (1 covered)	1 covered & 1 visitor	1 covered & 1 visitor	1 covered & 1 visitor	Satisfies
On-street parking	1 per 2 allotments	1 on street car parking space available between crossovers of Res 1 & 2			Satisfies

As the subject application also seeks land division consent, the proposal has been assessed against the relevant Objectives and Principles of Development Control.

Land Division

Objectives

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

Satisfies

The proposed division of land is considered to be orderly and although somewhat higher density than envisaged within Marion Plains Policy Area 8.

It is considered that the proposed increase in the number of dwellings to be constructed on the subject land will make optimum use of existing infrastructure and facilities.

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

Satisfies

The accompanying land use application has demonstrated that suitable dwellings can be accommodated on the proposed allotments despite the shortfall in the site area and frontage width – refer to discussion.

Principles of Development Control

1 When land is divided:

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

Satisfies

Satisfies PDC 1 as stormwater disposal system is satisfactory with SA Water confirming water supply is available (subject to conditions). SA Water have also confirmed that sewerage connection is available (subject to conditions).

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

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

Satisfies

The proposed division of land achieves compliance in relation to all the requirements listed opposite.

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

Satisfies

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

Satisfies

The repeated pattern and the location of private open spaces areas of the proposed dwellings should enable efficient solar access.

21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:
(a) the size of proposed allotments and sites and opportunities for on-site parking
(b) the availability and frequency of public and community transport
(c) on-street parking demand likely to be generated by nearby uses.

Satisfies

The allotments and associated dwellings provide adequate on-site car parking and 1 on-street car parking space will be available adjacent the subject land. Providing access to frequent bus services is readily available within the wider locality the proposed car parking spaces are deemed sufficient.

22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).

Satisfies

Each of the dwellings approves adequate on-site parks and room for at least 1 on-street parks will remain available adjacent the subject land.

Assessment Discussion

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

- **Site Coverage**
- **Front Setback**
- **Dwelling Appearance and Width of Garages and Carport**
- **On Site Car Parking Envelope**
- **Overshadowing**
- **Dwelling Density and Pattern of Development**

The application seeks approval to create three Torrens title allotments and three row dwellings, thereby increasing the allotment density of the subject land from one to three. As set out above, proposed Lots 1 to 3 propose site areas and frontage widths which fall short with the prescribed minimum site area and frontage width quantitative provisions in the Marion Plains Policy Area 8. That said, the accompanying dwelling proposal demonstrates that, with some shortfalls, the allotments are capable of accommodating dwellings that are sympathetic with the emerging pattern of development and allotments in the area. As such it is considered the proposed allotments are suitable for their intended use. The below discussion outlines the identified shortfalls and assesses the merits of the application against the relevant objectives, provisions and the Desired Character of the Policy Area.

Site Coverage

Dwellings 1 and 2 exceed the desired maximum site coverage of 40 per cent by 16 per cent and Dwelling 3 by 14 per cent. It is to be noted that the calculated site coverage includes all ancillary structures, such as garages, carport and porches. Although the proposed dwellings represent excess in site coverage, with some relatively minor departures, the proposal provides sufficient space for: pedestrian and vehicle access and vehicle parking; domestic storage; outdoor clothes drying; rainwater tanks; private open space and landscaping; convenient storage of household waste and recycling receptacles. Furthermore, the excess in site coverage does not compromise the ability of the proposal to maintain the character of the locality in regards to the patterns of space between buildings. For example, the proposed dwellings achieve separation from one side boundary so as not to result in 'boundary-to-boundary' development. It is acknowledged that a reduced site coverage could lead to improved front setbacks and some minor departures (such as Private Open Space), however, as per the discussion below, the Policy Area anticipates a lesser setback from the primary road frontage for dwellings adjacent original dwelling stock. In addition, the character of the locality is increasingly being defined by recently constructed dwellings of similar site coverage, thus it is considered that the proposed dwellings are not out of character of the locality in that respect.

Front Setback

The Development Plan's quantitative provision for primary road frontage setback stipulates that the main face of a building should be set back from the primary road frontage at least the average setback of the adjoining buildings where the setback difference between buildings on adjoining allotments with the same primary street frontage is greater than 2 metres, which is applicable in this instance. However, the Desired Character of the Policy Area states amongst other things that *"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."* The proposed dwellings incorporate articulated facades and roof forms with a mix of colours and materials, and landscaping including a variety of plants with varying heights forward of dwellings, presenting to the public realm. As such, the proposed dwellings shall have a positive contribution to the existing streetscape character. Furthermore, The Triangle lacks uniformity in front setback and includes examples of buildings with similar front setbacks to the proposed in the street. For example, dwellings at 7 to 7B have a front setback of approximately 5.4m. The amenity of the adjoining properties should not be detrimentally compromised by the closer front setback as the proposal adjoins driveway areas and carports of adjoining properties, which provide adequate spatial separation and transition in the built form between the adjoining and proposed dwellings. Based on the above, the proposed 5 metre front setback is considered appropriate in the circumstances.

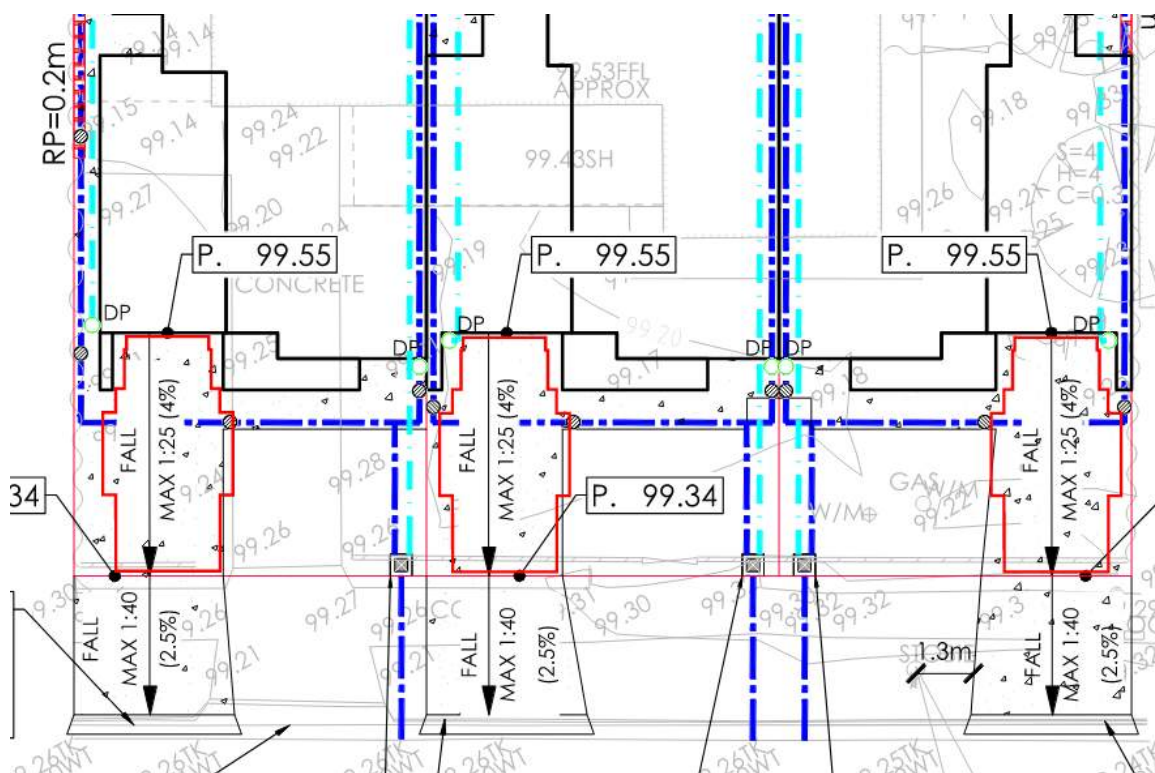
Dwelling Appearance and Width of Garages and Carport

It is specified in the Development Plan that the maximum frontage width of garage or carport with an opening facing the street should not exceed 6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser). While the width of all garages and carport is less than 6 metres, they exceed 50 per cent of the width of the front façade of the dwelling. However, as aforementioned, the impact of garaging shall be minimal, with each dwelling having only a single garage or carport which is situated behind the main face. Furthermore, the articulated facades and roof forms of dwellings, and landscaping forward of dwellings are considered to create visual interest and soften the appearance of garaging so that no garage dominance occurs.

Additionally, the design of dwellings is deemed to align with the Desired Character of the Policy Area which seeks for development that promotes cohesive streetscapes by incorporating designs that are sympathetic to the existing streetscape character, including complementary design features such as pitched roofs, eaves, front verandas/porches and building materials. The proposed landscaping is also considered to accord with the Desired Character which envisages 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 reduce heat loads in summer.

On Site Car Parking Envelope

The planning assessment notes wing walls extending forward of the proposed garages and carport. The main purpose of these walls is to accommodate electrical metre box. Although these walls encroach into the minimum specified front setback distance of 5.5 metres for garages and carports, as per the below image, all driveways are capable of accommodating a car parking envelope (outlined in red) as per relevant Australian Standards, which does not interfere with the wing walls or any other elements of the proposed dwellings. Even though the illustrated car parking envelope is designed for internal and enclosed car parking spaces, it is considered relevant in the circumstances as it demonstrates that a vehicle can park in front of garage/carport and have sufficient room for door opening. Visually, the wing walls are considered relatively minor and should not have a negative impact upon the appearance of dwellings.



Overshadowing

It is noted that the proposed development relates to a southern adjoining property, which are generally more prone to overshadowing. However, due to the single storey nature of development, the generous spatial separation distance between the adjoining dwelling and the proposed built form, and the relatively large Private Open Space area of adjoining property, the proposal should not result in undue overshadowing upon the adjoining property.

Dwelling Density and Pattern of Development

All three proposed allotments propose a shortfall in the site area and frontage width. These shortfalls have been considered in the context of the pattern of allotments in the locality, how well the associated dwellings address the relevant provisions of the Development Plan and whether the allotments result in density and character suitable for the area as envisaged by the Desired Character of the Policy Area. As previously illustrated, the locality contains allotments of varying shapes and sizes resulting in an inconsistent allotment pattern in the area. Allotments achieving similar and, in some cases, lesser frontage widths and site areas are present within the immediate locality. It is noted however a majority of these allotments were considered under the former Northern Policy Area 13 provisions which permitted allotment of lesser area and frontage. The part of the locality east of the subject land and Diagonal Road, accommodates allotments for row dwelling developments which have frontages of significantly lesser widths compared to the proposed. It is considered that although the proposed allotments represent shortfalls in the site area and frontage width, the new allotments are not out of character with the emerging allotment pattern and character of the locality.

Consideration against the Desired Character of the Policy Area has identified that the policy area seeks 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. It is acknowledged that whilst it achieves an increase in density, the proposal exceeds the density envisioned for the policy area. For example, 1 into 2 would see the desired density increase, whereas 1 into 3 exceeds the desired density. However, as mentioned above, allotments of lesser frontage widths and site areas resulting from previous policy area provisions contribute to the character of the locality. For example dwellings at 7 to 7B The Triangle, Warradale have frontage widths of 6.7 metres and site areas of approximately 245 square metres. Furthermore, site areas of dwellings at 14 to 14B Sienna Street, Warradale range from approximately 220 to 250 square metres. It is therefore considered that the proposed dwelling density is a reasonable compromise between what the current policy area envisages and higher density dwellings in the locality, approved under the former policy area. Irrespective of the departures in the frontages and site areas, the proposal shall contribute to an attractive residential environment by virtue of its building design and landscaping complimenting the existing streetscape character. Being located in close proximity of public transport, shopping and commercial facilities, although higher than envisioned, the proposed density shall support viability of community services and infrastructure as sought by one of the objectives of the Policy Area.

CONCLUSION

On balance, the proposal achieves the majority of applicable provisions contained within the Marion Council Development Plan. The departures of note are the proposed frontage widths and site areas of proposed allotments. When considered within the context of the locality, which contains allotments of similar and, in some cases, lesser frontage widths and site areas compared to the proposed, the new allotments are not out of character with the emerging allotment pattern and character of the locality.

Being located in close proximity of public transport, shopping and commercial facilities, although higher than envisioned, the proposed density shall support viability of community services and infrastructure.

Furthermore, the proposed development with the associated row dwelling proposal demonstrates that, although the built form proposes shortfalls against some relevant quantitative Principles of Development Control, its contribution to the streetscape character shall be consistent with the emerging pattern of development within the streetscape and locality, whilst being sympathetic and complementary to the original streetscape character. In addition, the functionality of proposed dwellings, and the amenity of adjoining properties and the locality shall not be adversely affected by the identified departures.

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 subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concurs with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1200/2020 for Residential Torrens Title Land Division - 1 into 3 allotments and three (3), two storey row dwellings with associated car parking and landscaping at 20 The Triangle, Warradale be GRANTED subject to the following conditions:

CONDITIONS

1. Except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be undertaken in strict accordance with the details and plans submitted in Development Application No.100/1200/2020 (SCAP Reference: 100/D132/20) except where varied by the following conditions of consent.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
4. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.
5. 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, to the reasonable satisfaction of the Council.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. Any existing vegetation nominated to be retained and/or any new vegetation proposed to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

8. 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.
9. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
10. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

On receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non standard fees.

On approval of the application, it is the developers/owners responsibility to ensure all internal pipework (water and wastewater) that crosses the allotment boundaries has been severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

2. Payment of \$15522 into the Planning and Development Fund (2 allotment(s) @ \$7761/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure and marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

NOTES

1. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issuance of a certificate pursuant to Section 51 of the Development Act.
2. The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (e.g. colorbond, wood paling, brush etc.) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).

3. **Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.**
4. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2004.**
5. **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.**
6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**
7. **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: CAP071020 – 3.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**



CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

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

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

Recommendation

1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader - Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 3.5 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

**4. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**



4.1 APPEALS AGAINST PANEL DECISIONS

New Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2019/1055	9 Coppin Street, Glengowrie	12/06/2020	Support	Supported compromise	DPC Court Order dated 26/08/2020
100/2019/1957	82 Bradley Grove, Mitchell Park	22/06/2020	Approval	Refused	Conciliation conference scheduled for 15/10/2020

4.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
100/2019/1803	21 Marine Parade, Marino	30/04/2020	Granted	Granted	s86(1)(f) Review – Appeal withdrawn prior to Directions Hearing
100/2017/2090	79-81 Thomas Street, South Plympton	30/03/2020	Refused	Refused	Appeal dismissed.

**5. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 OCTOBER 2020**

