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WEDNESDAY 2 NOVEMBER 2016**

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 November 2016

Agenda Ref No:	DAP021116 – 2.1
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	365 Studio
Development Description:	Two, two-storey group dwellings and four single-storey group dwellings including associated car parking, landscaping and front fence
Site Location:	5-7 Daws Road, Mitchell Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 2 / Consent
Lodgement Date:	04/12/2015
Development Plan:	Consolidated – 03 December 2015
Application No:	100/2015/2284
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Amendments Requested	Amendments Made
Site Coverage of Dwellings 2, 3, 4 and 5 should be reduced to more closely align with Council's policies.	Site coverage of Dwellings 2 and 5 reduced from 134.65 to 128.6 square metres, with a reduction from 135.1 to 129.8 square metres for each Dwellings 3 and 4.
The front setbacks of Dwellings 1 and 6 should be increased to a minimum of 8 metres from the arterial road.	Front setbacks increased from 4.235 metres to 6 metres.
Each dwelling should be provided with a minimum 20% POS, incorporating a minimum dimension of 5 x 5 metres.	POS of each dwelling increased to exceed 20%. Minimum dimensions satisfied.
Design and appearance of Dwellings 1 and 6 warrant revision to reduce overall bulk and scale.	Minor changes including brick portico elements, however no significant change/reduction in bulk and scale of the dwellings.
Landscaping strips should be increased to incorporate a width of 0.8 metres on either side of the common driveway.	No change.
A minimum driveway width of 5 metres (clear of vegetation) is required to achieve vehicular manoeuvrability, with further separation provided to the dwellings.	Driveway width increased accordingly, minimum separation provided to the dwellings.

SUBJECT LAND & LOCALITY

The subject land is comprised of two allotments at 5 and 7 Daws Road, Mitchell Park. Both allotments are rectangular with combined width of 30.48 metres, depth of 51.81 metres, and total site area of 1579.2 square metres.

Each allotment currently accommodates a single-storey detached dwelling, both in poor to average condition. Vehicular access is provided alongside the eastern boundary of 5 Daws Road to a detached garage towards the rear of the site, while the driveway access of 7 Daws Road is sited alongside the western boundary of that allotment. Several other ancillary structures are located to the rear of both existing dwellings. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality is primarily residential in nature, containing a mix of single storey detached dwellings on large allotments and group dwellings in the form of hammerhead allotments, which are particularly prevalent in the immediate vicinity. A number of redeveloped/sub-divided properties are also evident within the locality, which typically take the form of single and two-storey detached, semi-detached and group dwellings.

A Neighbourhood Centre Zone is located at the intersection of Daws and Marion Roads, approximately 300 metres to the west of the subject land, while the Ascot Park Railway Station is located some 350 metres walking distance north of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of two, two-storey group dwellings and four single-storey group dwellings including associated car parking, landscaping and a front fence.

The two, two-storey group dwellings (Dwellings 1 and 6) each incorporate an open plan kitchen/living area and laundry on the ground floor, while the upper levels comprise three bedrooms (main with ensuite) and a bathroom. The four single storey group dwellings each include three bedrooms (main with ensuite), a bathroom, laundry and open plan kitchen and living areas.

A 1.8m high rendered fence (including horizontal timber elements) is proposed on the front boundary with landscaping to be placed in front and behind the fence as well as on either side of the common driveway, in front of the dwellings and around external car parking spaces.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	22 properties were notified during the Category 2 public notification process.
Representations:	3 representations were received by Council.
Persons wishing to be heard:	Unit 2/1 Daisy Avenue
Summary of representations:	<p>Unit 2/1 Daisy Avenue</p> <ul style="list-style-type: none">Concerns regarding overshadowing from Dwelling 6 over solar panels. <p>2A Richard Avenue</p> <ul style="list-style-type: none">Concerns regarding the need for construction vehicles to park on Richard Avenue during construction of the dwellings.Occupants of the future dwellings may need to perform U-turns at Richard Avenue when approaching the subject land from the west- causing hazardous traffic conditions at this intersection.Concerns regarding increased traffic, and the impact of this increase upon Richard Avenue which already experiences higher than normal traffic volumes due to the school at the southern end of this street.Insufficient on-site car parking proposed.Loss of natural light due to insufficient rear setbacks of 2.5 metres, and subsequent increase in lighting and heating costs.Concerns regarding privacy loss due to the close proximity of the rear dwellings.Loss of vegetation which currently provides natural cooling during summer months, and subsequent increase in cooling costs, as well as an increase in noise impacts from Daws Road due to the loss of vegetation.Concerns regarding noise impacts during the construction of the dwellings. <p><i>Refer Attachment IV</i></p>
Applicant's response:	See attached. <i>Refer Attachment V</i>

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	<ul style="list-style-type: none"> • Council should be satisfied that an appropriate amount of car parks have been provided to service the proposed use given parking is restricted adjacent the site. These spaces should be designed in accordance with AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009. • It is strongly recommended that the common property be extended to include the area between the garages to allow convenient vehicular manoeuvring- this should be addressed at the land division stage. • The proposed access arrangements are tolerated, subject to conditions.
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	The site works plan has been assessed by Council's Engineer who advised that the access arrangements and vehicle manoeuvring areas are deemed satisfactory.
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>
Medium Density Policy Area 12
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</p> <p>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</p> <p>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p>
<p>Desired Character</p> <p>This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).</p>

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.

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

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Medium density development should be in the form of 2 storey buildings with an ability to provide a 3rd storey addition within the roof space.</i>	Complies
PDC 5	<i>In the case of more than one dwelling on one site, access to parking and garaging areas from public streets should be via a minimum number of common driveways.</i>	Complies
PDC 6	Minimum Site Area: 250m ²	<p>Does Not Comply</p> <p>Dwelling 1: 195m² Dwelling 2: 186m² Dwelling 3: 202m² Dwelling 4: 202m² Dwelling 5: 186m² Dwelling 6: 195m²</p> <p>(Average site area of 263.2m² per dwelling including the common driveway area)</p>
	Minimum Frontage: 18m	Complies 30.48m
	Minimum Depth: 45m	Complies 51.81m

Assessment

Objectives & Desired Character

The application proposes to replace two single-storey detached dwellings in poor/average condition, with six dwellings, in the form of two, two-storey groups dwellings, and four single-storey group dwellings to the rear of the site. Group dwellings are form of development anticipated by PDC 1.

Given that the subject land is located in close proximity to public transport routes and within reasonable walking distance of centre facilities, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

It is envisaged that medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (development with site areas of between 149.3 and 250 square metres) should be in the form of 2 or 3 storey buildings. The proposed development achieves this intent in part, with two, two-storey dwellings proposed. With the remaining single-storey dwellings nonetheless considered appropriate given the 'hammerhead' nature of the development.

The application is consistent with the Desired Character of the Medium Density Policy Area 12 in that it will provide both single and two-storey medium density dwellings, and redevelop the site at a higher density compared to that typical of the original housing stock in the area. Further, the Desired Character encourages medium densities through the amalgamation of properties. Accordingly, the essential form and nature of the proposal complements the overarching policies of the Medium Density Policy Area 12.

This being said, the Desired Character also encourages a wide range of dwelling types to meet a variety of accommodation needs. All proposed dwellings feature three bedrooms and therefore do not provide a distinct variety in dwelling size. However, it could be interpreted that the mixture of two-storey and single storey dwellings on the subject land achieves the desired variety of dwelling types. Whilst the proposed similarity in dwelling size is not ideal, the Development Plan does not specifically seek a mixture of dwelling sizes in relation to bedrooms, and therefore this aspect of the proposal is not of sufficient weight to warrant refusal.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Medium Density Policy Area 12.

Site Areas

A minimum site area of 250 square metres is prescribed for group dwellings in the Medium Density Policy Area 12, which equates to a shortfall of 55 square metres (22%) for Dwellings 1 and 6, 64 square metres (25.6%) for Dwellings 2 and 5, and 48 square metres (19.2%) for each Dwellings 3 and 4.

It is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in the site area calculations, the proposed dwellings would maintain an average site area of 263.2 square metres per dwelling, exceeding the prescribed minimum.

Nonetheless, given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 210 square metres within the Medium Density Policy Area 12, whereby a site of 1260 square metres could theoretically accommodate 6 dwellings. The subject land maintains an overall site area of 1579.2 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

Furthermore, the proposed site areas fall within the category of “medium” residential density, as defined in the handbook “*Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples*” published by the Government of South Australia in October 2011, which corresponds with the level of density desired to occur within the Policy Area. It is noted that this document has no statutory weight, however, it nonetheless provides a useful, and widely accepted, methodology for the determination of residential densities within South Australia.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage								
<p><i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table border="1"> <thead> <tr> <th>Site area</th><th>Maximum Site Coverage</th><th>Maximum Floor Area Ratio</th></tr> </thead> <tbody> <tr> <td>< 250 m²</td><td>100 m²</td><td>0.7</td></tr> </tbody> </table> <p><i>Medium Density Policy Area 12: PDC 7</i></p>			Site area	Maximum Site Coverage	Maximum Floor Area Ratio	< 250 m ²	100 m ²	0.7
Site area	Maximum Site Coverage	Maximum Floor Area Ratio						
< 250 m ²	100 m ²	0.7						
<p>Site coverage:</p> <p>Complies Dwelling 1: 93.4m² Dwelling 6: 93.4m²</p> <p>Does Not Comply Dwelling 2: 128.6m² Dwelling 3: 129.8m² Dwelling 4: 129.8m² Dwelling 5: 128.6m²</p> <p>Floor area ratio:</p> <p>Complies Dwelling 1: 0.57 (111m²) Dwelling 6: 0.57 (111m²)</p>								
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p> <p><i>Residential Zone: PDC 9</i></p>								
<p>Complies</p> <p>The proposal generally maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>								

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p><i>General Section: Residential Development: PDC 14</i></p>			<p>Partially Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS and waste storage.</p> <p>Limited landscaping is noted. This is discussed further in the 'Landscaping' section of this table.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p>Complies</p> <p>Approximately 20.3% (320m²)</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies</p> <p>Dwelling 1: 24.9% (48.5m²)</p> <p>Dwelling 2: 24.2% (45m²)</p> <p>Dwelling 3: 28.5% (57.5m²)</p> <p>Dwelling 4: 28.5% (57.5m²)</p> <p>Dwelling 5: 24.2% (45m²)</p> <p>Dwelling 6: 24.9% (48.5m²)</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>5 x 5 metre POS dimension achieved by each dwelling.</p>
<i>Residential Zone: PDC 7</i>			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(i) to be partly shaded in summer</p> <p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>

<p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Does Not Comply</p> <p>g) The proposed POS areas face east, south and west. Whilst undesirable, each area of POS should nonetheless receive adequate levels of northern sunlight.</p> <p>j) Traffic, industry or other business activities may affect the subject land, however the proposed front fence and landscaping may reduce noise impacts.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>Dwelling 1: 6m</p> <p>Dwelling 6: 6m</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Partially Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.0 metres is similar to that of new dwellings in the locality (albeit not facing the arterial road). As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i></p> <p><i>0.9 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p><u>Wall height not greater than 3 metres</u></p> <p>Dwelling 1: 3.54m increasing to 5m</p> <p>Dwelling 2: 1m increasing to 5m</p> <p>Dwelling 3: 0.9m</p> <p>Dwelling 4: 0.9m</p> <p>Dwelling 5: 1m increasing to 5m</p> <p>Dwelling 6: 3.54m increasing to 5m</p> <p><u>Wall height between 3 metres and 6 metres</u></p> <p>Dwelling 1: 3.54m</p> <p>Dwelling 6: 3.54m</p>

Rear Setbacks

Minimum setback from rear boundary:

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

(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

Partially Complies

Wall height not greater than 3 metres

Dwelling 3: 2.5m increasing to 6.35m

Dwelling 4: 2.5m increasing to 6.35m

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

(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight

(b) minimise the impact of bulk and scale of development on adjoining properties

(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.

General Section: Design and Appearance: PDC 2

Complies

Although the rear setback does not strictly comply with quantitative criteria, the separation from the existing rear allotment boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Building Height

Maximum building height (from natural ground level):

(i) 2 storeys of not more than 9 metres

(ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than 10 metres

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of 7.6 metres, which is less than the maximum permitted in the Policy Area.

Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.

General Section: Residential Development: PDC 2

Complies

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

Each proposed carport is incorporated under the main roof of the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter

Value

Maximum wall or post height

3 metres

Complies

Each proposed carport incorporates a post height of 2.72m

Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies All garaging sited to the rear of Dwellings 1 and 6.
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	Complies
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Complies
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. General Section: Transportation & Access: PDC 34 1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings. (11 on site spaces required, 9 to be allocated to the dwellings and 2 to be visitor spaces.) Table Mar/2 - Off-street Vehicle Parking Requirements.		Complies The proposal provides 12 on site car parking spaces. Dwellings 1, 3, 4 and 6 have each been provided with two covered spaces. Dwellings 2 and 5 are provided with one undercover vehicle space each Two separately defined visitor spaces are provided to the rear of the site.
On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). General Section: Transportation & Access: PDC 43		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. Does not Comply d) e) On street car parking is not available due to a no stopping zone forward of the subject land on Daws Road.
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). General Section: Land Division: PDC 22		Does not Comply On street car parking is prevented forward of the subject land, where three spaces are required by PDC 22. Two shared visitor car parking spaces are available on site.

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:

- 3 metres wide for a single driveway
- 5 metres wide for a double driveway.

General Section: Residential Development: PDC 39

Complies

Two crossovers are proposed, each incorporating a width of 3 metres.

Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street trees.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

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

General Section: Residential Development: PDC 41

Partially Complies

Left in/left out crossovers each incorporate a minimum width of 3 metres, and a total width of 8 metres for the first 5 metres. Reducing to 5 metres thereafter. This does not reduce again to 3 metres (as required in PDC 41) to ensure appropriate vehicular manoeuvrability within the site. 0.5 metre wide landscaping strips are proposed along portions of the common driveway.

Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.

General Section: Residential Development: PDC 42

Complies

The driveway width of 5 metres (as well as common property areas forward of the garages of Dwellings 1, 2, 5 and 6) allow for vehicles to pass on site.

The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.

General Section: Transportation and Access: PDC 28

Partially Complies

While the proposed vehicle access points are not separated by a minimum distance of 6 metres, this does not impact on the opportunities for on street parking as this is already prevented by a no stopping zone forward of the subject land. Further, access is restricted to left in/left out movements only

Design & Appearance

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

- building height, mass and proportion
- external materials, patterns, colours and decorative elements
- roof form and pitch
- façade articulation and detailing
- verandas, eaves, parapets and window screens.

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Partially Complies

The proposed dwellings reflect the desired character of the Policy Area, as they provide a variety in architectural style. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Rendered front facades with brick portico elements to Dwellings 1 and 6.
- Face brickwork and rendered porticos to Dwellings 2 to 5.
- Eave overhang and pitched roof forms at 25-degree slope
- Fenestration

	<p>While it is noted that the design of Dwellings 1 and 6 does not incorporate stepping of upper and lower storeys to minimise building height, mass and proportion, the side elevations of the each of these dwellings features a mixture of render, horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p>
<p>Relationship to the Street and Public Realm</p>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>Dwellings 1 and 6 are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of render and horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

An assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that;

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

Shadows cast into the adjoining properties to the south of the subject land will not exceed that prescribed by PDC 9 and 10 given that Dwellings 3 and 4 are single-storey in nature only, and generally maintain appropriate setbacks from the rear boundary.

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

Visual Privacy

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

- (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*
- (b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

General Section: Design & Appearance: PDC 11

Complies

Dwellings 1 and 6 incorporate sill heights at least 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

Noise

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

General Section: Residential Development: PDC 27

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

General Section: Residential Development: PDC 28

Partially Complies

Dwellings 1 and 6 will be sited closest to the arterial road. To address potential impacts from noise, it has been included as a recommended condition of consent that the windows to the front facades of these dwelling be treated with double glazing. Further, the impacts from traffic noise are considered to be somewhat reduced by the front fencing and landscaping proposed along the front boundary of the site.

<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Partially Complies</p> <p>Dwellings 2, 3, 4 and 5 feature bedroom windows sited adjacent the common driveway.</p> <p>In particular, concern is held for the amenity of bedrooms 1 and 2 of Dwellings 2 and 5, with the windows of these rooms separated from the common driveway by a distance of less than a metre.</p> <p>However, it is noted that double-glazing is proposed to all bedroom windows within close proximity of the common driveway. Further, landscaping is incorporated in front of these windows,</p> <p>If desired, window shutter devices, external screening or alternative additional preventative measures may be installed by future occupants, in order to minimise external noise and light intrusion as envisaged by PDC 29.</p>
<h2>Site Facilities and Storage</h2>	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</i></p> <p><i>General Section: Residential Development: PDC 31</i></p>	<p>Partially Complies</p> <p>a) Mail box facilities have not been specified within the proposal. It is included as a recommended condition of consent that common letterboxes be incorporated into the design of the front fence.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
<h2>Energy Efficiency</h2>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>2 Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Partially Complies</p> <p>The main activity areas of Dwellings 1 and 2 are oriented to the east, while the living areas and POS of Dwellings 5 and 6 face in a westerly direction. While these are not optimum orientations for energy efficiency of the dwellings, adequate sunlight will nonetheless be available to these areas.</p> <p>The living areas and POS of Dwellings 3 and 4 face south. Whilst undesirable, the single-storey nature of these dwellings, in combination with the dimension of the POS areas, mean that some northern sunlight will be available within the POS areas of these dwellings.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>

Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:
(a) taking into account overshadowing from neighbouring buildings
(b) designing roof orientation and pitches to maximise exposure to direct sunlight.

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate hipped roof forms set at a 25-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

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

General Section: Landscaping, Fences & Walls: PDC 1

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Does not comply

Shortfalls in driveway landscaping area, and limited landscaping forward, and within private open space, of the dwellings is noted.

It is considered that an opportunity exists for additional landscaping areas within the common driveway and for taller/broader plantings to be incorporated within the proposal in order to soften the built form.

As such, it has been included as a recommended condition of consent that a revised landscaping plan be submitted to Council for consideration and approval prior to issuing Development Approval.

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The proposed front fence is reasonably articulated through horizontal timber elements and landscaping beds set within the fence line.

Retaining walls varying in height to a maximum 400 millimetres are proposed. If a standard 1.8-metre-high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

TABLE DISCUSSION

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

- Site Coverage
- Front setbacks (Dwellings 1 and 6)
- Rear setbacks (Dwellings 3 and 4)
- On-street car parking
- Landscaping

Site coverage

Site coverage substantially exceeds criteria, as the Medium Density Policy Area 12 prescribes maximum site coverage of 100 square metres per dwelling, whereas Dwellings 2 and 5 comprise site coverage of 128.6 square metres, while 129.8 square metres coverage is noted of Dwellings 3 and 4. The following considerations are noted with regard to the discrepancy in site coverage;

- (a) The Medium Density Policy Area 12 generally envisages maximum site coverage of 40%. In this regard, the overall site coverage equals 44.6% of the total site area (including the common driveway), closely aligning with the Council's policies.
- (b) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below) Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- (c) The proposal is considered to comply with PDC 13 (General Section: Residential Development) as well as PDC 9 of the Residential Zone, given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space and convenient storage of household waste and recycling receptacles. (A shortfall in landscaping is discussed further below within this report).

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

Front setbacks (Dwellings 1 and 6)

A minimum 8 metre front setback is prescribed for allotments located on arterial roads, whereas Dwellings 1 and 6 each comprise a front setback of 6 metres. It is noted that the existing dwellings, as well as the dwellings on adjacent properties, comprise front setbacks of approximately 7 metres, also failing to meet the prescribed minimum.

PDC 21 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Medium Density Policy Area 12 specifically encourages a new character of medium density housing, whilst encouraging replacement of original dwelling stock with higher densities. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate higher density housing. Nonetheless, the dwellings are still considered to be compatible with setbacks of buildings on adjoining land and other buildings in the locality.

It is further considered that the shortfall in front setback may result in amenity impacts from noise and high traffic volumes on Daws Road. However, it has been included as a recommended condition of consent that the windows of Dwellings 1 and 6 facing Daws Road incorporate double glazing in order to reduce such impacts, with the impacts from traffic noise further reduced by the front fencing and landscaping proposed along the front boundary of the site.

Rear setbacks (Dwellings 3 and 4)

Residence 3 and 4 each comprise rear setbacks of 2.5 metres (for 61.7%), increasing to 6.35 metres for 32.8% of the allotment width. Whilst this does not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. The portions of the dwellings setback 2.5 metres from the rear boundary are sited adjacent side boundaries of the dwellings on the adjoining properties to the south. This is further supported by the fact that each dwelling nonetheless exceeds POS requirements. Furthermore, given that these dwellings are single storey, this discrepancy is unlikely to result in unreasonable visual impacts or overshadowing of adjacent land.

On-street car parking

PDC 22 (General Section: Land Division) requires the provision of one on-street space per two allotments, unless separately defined shared visitor parking spaces exist on-site and at the same ratio. Accordingly, three on-street parking spaces are required adjacent the subject land. However, on-street car parking is prevented by a 'no-stopping' zone on Daws Road forward of the subject land. While two on-site visitor spaces have been provided in order to satisfy PDC 34 (General Section: Transportation & Access), additional on-site visitor spaces to compensate for the lack of on-street car parking is not provided.

Regard is had for the likely increase in demand for on-street car parking spaces arising from the increase in density of the site. It is noted that on-street car parking is available on nearby side streets, with Richard Avenue sited approximately 30 metres to the east of the subject land, and Daisy Avenue some 30 metres to the west. Accordingly, it may be expected that visitors of the proposed dwellings will utilize other available on-street car parking in close proximity to the subject land. Whilst the availability of nearby on-street car parking does not entirely excuse the shortfall, practicably, it may nonetheless supplement any overflow in car parking requirements arising from the future occupants and/or visitors of the site. It is further considered that the proposal exceeds the total on-site parking requirements of PDC 34, and that the dwellings are located in relatively close proximity to public transport and centre facilities.

Nonetheless the non-compliance in on-street car parking is noted and considered accordingly with the overall merit of the proposal.

Landscaping

Dwellings servicing between 4 and 7 dwellings should incorporate landscaping strips on either side of the driveway, comprising a minimum width of 0.8 metres each. In addition, the Development Plan seeks for landscaping to complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components) and to enhance the appearance of road frontages.

During the assessment process, it was sought that the width of the landscaping strips be increased to satisfy the prescribed minimum, and that landscaping be maximised wherever possible surrounding vehicle manoeuvring areas. Further, it was requested that the landscaping plan incorporate taller and broader plantings to soften the appearance of the built form.

A referral response received from DPTI sought for the vegetation adjacent the entire common driveway to be removed, while Council's Development Engineer advised that a driveway width of 5 metres, clear of landscaping, would be required in order to achieve appropriate vehicular manoeuvrability within the site. As such, the landscaping areas alongside the common driveway were not increased. Further, a limited distribution and variety of landscaping has been provided forward of, and within the private open space of the dwellings.

It is considered that despite driveway width requirements in order to achieve vehicular manoeuvrability, additional landscaping width alongside the common driveway could have been achieved through a reduction of the floor areas of the dwellings. Nonetheless, an opportunity exists for additional landscaping areas within the existing common areas and for taller/broader plantings to be incorporated within the proposal in order to soften the built form.

As such, it has been included as a recommended condition of consent that a revised landscaping plan, maximising landscaping surrounding vehicular manoeuvring areas and within the private open space of the dwellings, and incorporating taller/broader plantings (with a growth height of at least 5 metres) within the front yards of Dwellings 1 and 6, be submitted to Council for consideration prior to issuing Development Approval.

REPRESENTOR'S CONCERNS

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

Concerns regarding increased traffic hazards at the intersection of Daws Road and Richard Avenue, due to U-turns performed in order to access the subject land when approaching from the west, is noted. However, it is considered that this may occur regardless of the proposed development, with the traffic island preventing right hand turns into a number of properties, and that this is nonetheless a common outcome of allotments on arterial roads where traffic islands may be present. Furthermore, DPTI have not raised concerns with any such manoeuvre required.

Concerns regarding lack of on-street car parking have been noted in this report and shall be considered on balance.

The representors have also raised concerns over increased noise from Daws Road, construction noise, and increased heating and cooling costs due to the loss of natural light and vegetation. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, being the amalgamation of properties, replacement of original dwelling stock, and increase to medium density dwellings in the form of group dwellings.

Whilst the essential nature of the development is envisaged, it is noted that the proposed dwellings each contain three bedrooms, which represents the most common dwelling size in the locality. Accordingly, the proposal does not contribute to providing a “wider range of dwelling types... to meet a variety of accommodation needs” as desired in the Policy Area 12. The applicant has interpreted this policy differently, by observing that the proposal provides variety in dwelling types via the mixture of one and two storey dwellings. Given the lack of clear policy direction regarding dwelling types, combined with the fact that the overall density of the site accords with density criteria, the uniformity in proposed dwelling size does not significantly undermine the merit of the proposal.

Despite the individual deficiencies in site area, the average site areas over the subject land exceed the minimum of 250 square metres prescribed for group dwellings. Additionally, the proposed site areas are classified as medium density, which accords with the density envisaged to occur within the Medium Density Policy Area 12. Consequently, the proposed site areas and associated density are considered appropriate.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site coverage, front setbacks and rear setbacks. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality. While the shortfall in on-street car parking is noted and considered accordingly with the overall merit of the proposal.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2284 for two, two-storey group dwellings and four single storey group dwellings including associated car parking, landscaping and front fence at 5-7 Daws Road, Mitchell Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2284/2015 except when varied by the following conditions of consent.
- 2. A revised landscaping plan, maximising landscaping surrounding vehicular manoeuvring areas and within the private open space of the dwellings, and incorporating taller/broader plantings (with a growth height of at least 5 metres) within the front yards of Dwellings 1 and 6, shall be submitted to Council for consideration and approval, prior to issuing Development Approval.
- 3. Mail box facilities shall be provided within the front fence. An amended plan of the proposed front fence incorporating common mail facilities shall be submitted to Council for consideration prior to issuing Development Approval.
- 4. The windows on the front (northern) facades of Dwellings 1 and 6 shall be double glazed for sound attenuation purposes.
- 5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 6. The portion of the upper floor windows of Dwellings 1 and 6 (except the north-facing windows presenting to the street) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
- 7. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 8. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

9. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
10. 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.
11. 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.
12. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

DPTI CONDITIONS

1. The Daws Road Access points shall each be a maximum of 4.0 metres in width at the property boundary and angled at 70 degrees to the road. Directional signage and/or line marking shall be provided to reinforce the desired one-way operation.
2. The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (including meters, fences and parked cars).
3. All vehicles shall enter and exit Daws Road in a forward direction.
4. All obsolete sections of the existing Daws Road crossover shall be closed and reinstated to Council standard kerb and gutter at the applicant's expense.
5. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Daws Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 November 2016

Agenda Ref No:	DAP021116 - 2.2
Originating Officer:	Dylan O'Brien Development Officer – Planning; and Rhiannon Hardy Development Officer - Planning
Applicant:	Mr Anatoly Patrick
Development Description:	A residential flat building comprising six (6) two storey dwellings and one (1) single storey dwelling with associated masonry fencing, parking and landscaping
Site Location:	27 Finniss Street, Marion
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	24/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/914
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a building of 2 storeys comprising dwellings as Category 2 development. Further, the Public Notification section of the Residential Zone in Council's Development Plan assigns a residential building of 2 or more storeys on a battle-axe site as Category 2 development.

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

BACKGROUND

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

Amendments Requested	Amendments Made
The average site area for the proposed 7 dwellings falls 11% below the minimum average site area requirement (excluding the common driveway).	No change to average site areas, but Dwellings 1, 2 and 7 reduced to two-bedrooms.
The Development Plan expressly talks against two storey battle-axe development, so as to avoid the likely visual impact of taller built form towards the rear of existing properties and to maintain privacy.	Dwelling 7 changed from two-storey to single-storey.
The somewhat boxy geometric design exacerbates the visual impact of the two storey residential flats.	Pitched skillion roofs provided to reflect the desired character of the locality while incorporating contemporary design. The form, height and bulk of Dwellings 3-6 reduced.
Vehicle access to and from all dwellings does not appear to provide for safe and convenient movements. The proposal also fails to provide a sufficient amount of separation between the driveway/crossover and existing traffic island situated directly in front of the subject site, or a sufficient amount of landscaping (no less 0.8m in width) either side of the driveway, or a dedicated passing section through the common driveway.	Plan mirrored so that the common driveway is accessed via Finness Street rather than Township Road, to improve access/egress and traffic management. Passing areas provided. Landscaping strips of 0.8m width provided along both sides of the common driveway.
Given the number of dwellings proposed and lack of on-street parking, a minimum of two dedicated visitor parking spaces which are independent/separate from each of the dwellings is required to accommodate projected visitor needs.	Parallel visitor car parks proposed along the common driveway, but this resulted in inconvenient vehicle movements and compromised the passing area. Plans further amended to provide visitor parking forward of the respective garages.
Council's Development Plan promotes a minimum rear setback of 6 metres (lower level) although a portion of the dwelling can be set as close as 3 metres, and 8 metres to the upper level. Dwelling 7 (adjacent the existing rear boundary) falls significantly short of both the lower and upper level standard.	Dwelling 7 converted to a single-storey dwelling, and from 3-bedroom to 2-bedroom. Rear setback remains at 1 metre.
All upper level windows will need to be either high level windows or include fixed obscure glazing to no less than 1.7m above the internal finished floor level.	All upper level windows provided with obscure glazing or sill heights 1.7 metres above floor level.
The POS of Dwelling 1 and 2 equates to approximately 15% (40 m ²), where 20% is required.	POS of Dwellings 1 and 2 increased to 55 m ² , or 20.6%.
Site facilities for residential flat buildings should include mail boxes sited close to the major pedestrian entrance to the site, bicycle parking for residents and visitors, and household waste and recyclable material storage areas located away from dwellings and screened from public view.	Bicycle parking, letterboxes and bin storage area provided adjacent the front boundary, screened by a 1.3 metre high masonry front fence.
Site coverage for the proposed dwellings varies between 44.4% and 58.1%, with an average excluding the driveway of 55.1%, whereas the floor area ratio for Dwellings 3 to 6 is calculated at 0.62. To this end, the proposal is well above the maximum 40% site coverage espoused in the subject Policy Area.	Overall site coverage (excluding the common driveway) reduced to 54.4%. Floor area ratio of Dwellings 3-6 reduced to 0.61.

SUBJECT LAND & LOCALITY

The subject land is located at 27 Finnis Street, Marion (Lot: 20 CT: 5397/848). The allotment is rectangular in shape, with a frontage width of 26.05 metres, depth of 84.81 metres, and total site area of 2209.4 square metres.

The allotment currently accommodate a single-storey detached dwelling, which was built circa 1965. A freestanding outbuilding is located behind the dwelling. The remaining majority of the allotment to the rear of the dwelling comprises clear vacant land.

The existing dwelling features an under-main-roof carport which obtains access from a driveway adjacent the northern side of the allotment. A second vehicle point is located adjacent the southern side of the allotment, but does not appear to be used.

The land is relatively flat with negligible gradient.

There are no regulated trees on the subject land; the trees at the front of the site are located within 10 metres of the existing dwelling and are not Agonis/Eucalyptus species, and are therefore exempt from regulated tree status.

Although the allotment has only one street frontage, this frontage forms the junction between Finnis Street and Township Road. As such, a large traffic island is located at the centre of the allotment's street frontage.

The locality is varied; to the west is predominantly single-storey dwellings at low densities; to the east is Marion Road which features a range of commercial and industrial land uses. Unit development is relatively common along Township Road, and includes a number of aged care facilities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct seven (7) dwellings on the subject land; six (6) of those dwellings are two-storey, and one (1) dwelling located at the rear of the site is single storey.

Dwellings 1 and 2 both face the primary street frontage, and incorporate a double-width garage with access from the street frontage. Their ground floor features a master bedroom, ensuite, W/C, and open-plan kitchen/living/dining. The upper floor maintains a second bedroom, bathroom and balcony.

Dwellings 3-6 maintain a double-width garage, master bedroom, bathroom and open-plan kitchen/living/dining on the ground floor, while upstairs contains the second and third bedroom and bathroom.

Dwelling 7 provides two bedrooms, double-width garage, ensuite, bathroom and open-plan kitchen/dining/lounge area.

A common driveway runs along the northern side boundary for the length of the allotment. Dwellings 2-7 provide ground-level areas of private open space (POS) adjacent the southern boundary of the allotment. Dwelling 1 provides POS on the northern side of the dwelling, adjacent the common driveway.

A masonry fence is proposed along the front boundary, which varies in height from 0.9 to 1.3 metres. The fence provides area for letterboxes and screening of bins and bicycle parking. A

masonry fence is also proposed around the private open space of Dwelling 1 (adjacent the common driveway).

Landscaping is incorporated throughout the site, including strips along the common driveway, in the front gardens and in the private open spaces of all dwellings.

The application proposes to retain both existing vehicle crossovers, however the northern-most crossover is proposed to be widened to accommodate the common driveway and access to Dwelling 1's garage.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	19 properties were notified during the Category 2 public notification process.
Representations:	<p>2 representations were received by Council, both against the application.</p> <p>[1 late representation and 1 invalid representation were also received, but cannot be taken as valid representations under the <i>Development Act 1993</i>.]</p>
Persons wishing to be heard:	Nil
Summary of representations:	<ul style="list-style-type: none">• Request lower density, single storey development to maintain the amenity and nature of the area.• Note the significant number of heritage sites within short distance of the proposed development; such a high density two-storey development is not in keeping with the single storey heritage buildings of old Marion.• Create precedent for a large number of vehicles entering and exiting on the dangerous blind bend in Finnis Street.• Absence of street parking immediately out the front of the property and insufficient on-site visitor parking; concern regarding overflow into surrounding streets, particularly Adrian Court.• Adverse impact on property value.• Request high fences to provide greater privacy at the developer's cost.• Request opaque privacy glass to all upper storey windows (even high-level).• The physical size of the two storey building does not suit or fit in with the surrounding buildings, all of which are single storey.• Overshadowing of nearby dwellings.• Concern regarding the detrimental impact the proposed development will have on the ambience of the precinct, the cultural value of the heritage sites, and the sense of identity and history provided to the community if developments become more prominent than or take away from the heritage sites.

	<ul style="list-style-type: none"> • Likelihood of dangerous situations due to the proximity of the bus stop on the western side of Finniss Street. • Approval of this development may set a precedent for higher density on the northern adjoining sites, which would exacerbate issues with privacy, safety and ambience. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The proposal has been significantly amended to address Council's concerns, and to create a development that is sympathetic to the area. • We believe the housing density of the proposed development is consistent with the size of the allotment and housing density in the area; we do not consider this to be a "high density" development. • This development is consistent with the criteria for development in this area. • We do not believe the proposed development has any negative influence on local heritage sites. • Vehicle movements by residents create less traffic management issues than surrounding retail and community services. • Any additional [future] development on other properties in the local area is unknown and are not related, so we believe should not have a bearing on this application. • The proposed development has been modified so that traffic is accessed via Finniss Street rather than Township Road to improve traffic management and minimise risk for residents and road users. • The development allows for adequate on-site parking; 2 garage spaces and 2 spaces in front of each garage. • Issues relating to the road width and bus stop do not have any bearing of the proposed development. • The second level to Dwellings 3-6 is strategically placed over the garage, reducing overall height by 300mm hence reducing scale. • There is no overlooking – upper level windows are high level with a 1.7 metre sill, and also non-habitable rooms face south. There are no balconies, decks or terraces. • A new 1.8-metre-high Good Neighbour fence will be provided to the bounding perimeter of the development. • The development has been carefully considered to ensure it achieves a high quality design excellence and is sensitive to issues relating to siting, scale, articulation, spacial quality and prevention of overshadowing. <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Proposal amended to satisfy initial comments, including:</p> <ul style="list-style-type: none"> • 1.5 x 1.5 metre corner cut-offs required at the entrance and exit of all parking bays • 1.5 metre setback is required at the landscape median
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	<p>between garages of Dwellings 4/5 and 6/7, and next to the entrance of the visitor park to Dwelling 2, and only low groundcover permitted to allow ease of vehicle access by passengers.</p> <ul style="list-style-type: none"> • Visitor parking area for Dwelling 1 needs more paving width and the crossover may need to be widened to limit driveway alignment deviation to crossover to 20 degrees. • Access to garage of Dwelling 2 is too restricted <p>Final comments: No issue with proposed vehicle access. All on-site vehicle manoeuvring areas are satisfactory.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p>

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Complies Application proposes a residential flat building</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Complies See discussion below</p>
PDC 5	<p><i>Residential development located on land within 60 metres of Marion Road Policy Area 1, South Road Policy Area 2, Sturt/Marion Road Corner Policy Area 3, Industry Commerce Policy Area 4, Industry/Commerce Edwardstown Policy Area 5 and Light Industry Policy Area 6 should incorporate appropriate noise attenuation measures noise sensitive rooms and private open spaces should be located away from potential noise sources.</i></p>	<p>Partially Complies The subject land is located approximately 43 metres from the Industry Zone to the east (Industry/Commerce Policy Area 4). Although the proposal does not incorporate specific noise attenuation measures, noise should not unreasonably impact on the proposed dwellings given that:</p> <ul style="list-style-type: none"> • other residential properties and dwellings are located between the subject land and the Industry Zone, which should provide a reasonable buffer. • Dwelling 7 (which is located closest to the Industry Zone) features its bedrooms on the western side of the dwelling, furthest away from the Industry Zone to the east. • Dwelling 7's private open space is located on the southern side of the dwelling, and therefore does not face directly east toward the Industry Zone.
PDC 6	<p><i>Residential development on land abutting of Marion Road Policy Area 1, South Road Policy Area 2, Sturt/Marion Road Corner Policy Area 3, Industry Commerce Policy Area 4, Industry/Commerce Edwardstown Policy Area 5 and Light Industry Policy Area 6, should provide for a continuous solid wall or fence of at least 2 metres in height along the abutting boundary.</i></p>	<p>Not applicable The subject land does not abut the Industry Zone.</p>
PDC 7	<p><i>Bedroom windows that face the boundary of Marion Road Policy Area 1, South Road Policy Area 2, Sturt/Marion Road Corner Policy Area 3, Industry Commerce Policy Area 4, Industry/Commerce Edwardstown Policy Area 5 and Light Industry Policy Area 6 should be setback at least 3 metres from this boundary.</i></p>	<p>Complies The subject site is located over 43 metres from the Industry Zone boundary. Furthermore, no bedroom windows face east toward the Zone.</p>
PDC 3	<p><i>Minimum Site Area:</i></p> <p><i>Residential flat building: 300 square metres (average)</i></p>	<p>Does Not Comply Average site area (excluding common driveway): 267 m²</p>
	<p><i>Minimum Frontage:</i></p> <p><i>Residential flat building: 20 metres</i></p>	<p>Complies 26.05 metres</p>

	Minimum Depth: Residential flat building: 45 metres	Complies 84.8 metres
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Assessment

Objectives

The proposed development satisfies the objectives of both the Residential Zone and Northern Policy Area 13 in that it will provide for increased densities in proximity of a Local Centre Zone and high frequency bus routes along Marion Road. The development should not be unreasonably affected by noise of nearby industrial and commercial activities. The garaging is appropriately integrated into the design of the dwellings to minimise visual impact.

Desired Character

The proposed development satisfies the Desired Character of the Northern Policy Area 13, in that it should achieve an attractive residential environment and provides low to medium density dwellings that contributes toward a variety of architectural styles in the locality. The proposal is at a higher density compared to that typical of original dwelling stock in the area, and directly satisfies the desired character in this respect. The two-storey dwellings (including both 2 and 3 bedroom options) should contribute toward the desired range of dwelling types to meet a variety of accommodation needs.

The development's streetscape presentation is different to that of other dwellings in the locality given its two-storey nature and contemporary design. While the desired character promotes cohesive streetscapes, at the same it allows for *"a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality."* As such, the two storey nature of the dwellings, in itself, does not offend the desired character. However, it is important to consider whether the impacts of the two-storey height and bulk adversely impacts on the amenity of adjacent land and the locality. This is discussed further in the table below in relation to design and appearance, overshadowing and visual privacy.

Although the allotment is not proposed to be amalgamated, it is of sufficient size to enable appropriately designed medium-density development.

The development does not result in the removal of mature street trees in the road reserve.

Principles of Development Control

The proposal adequately complies with the relevant principles of development control of the Northern Policy Area 13, with exception to a shortfall in site areas.

All dwellings maintain an average site area of 267 square metres, where a minimum site area of 300 square metres applies. This shortfall equates to an 11% deficit in site area.

When calculating site areas, the area of the common driveway is excluded, as this does not form part of the 'curtilage' of each dwelling. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the dwellings would maintain an average site area of 315 square metres per dwelling.

Given the shortfall in site areas, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The proposed site areas of 267 square metres would fall within the category of medium density, while the overall average site areas of 315 square metre would classify as low density. This low-to-medium density range reflects the level of density desired to occur within the policy area.

It is noted that the allotment's frontage width and depth significantly exceeds minimum quantitative criteria.

These considerations suggest that the shortfall in site areas is not fatal to the merit of the subject application. However, it is important to consider whether the shortfall in site areas constrains the design and function of the proposed dwellings. This is considered in greater detail in the table below.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply Dwellings 1 & 2: 139 m² = 52.2% Dwellings 3-6: 143 m² = 53.6% Dwelling 7: 166 m² = 62.2%</p> <p><i>Note: Overall site coverage including the common driveway equals 46.0%, excluding the common driveway equals 54.4%</i></p> <p><u>Floor area ratio:</u></p> <p>Complies Dwellings 1 & 2: 133 m² = 0.50 Does Not Comply Dwellings 3-6: 163 m² = 0.61</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The excess in site coverage does not compromise the proposal's ability to provide adequate private open space. Most setbacks accord with criteria (except rear setback; discussed further below). On balance, the excess in site coverage is not considered to result in detrimental impacts to adjacent land.</p>

Site coverage should ensure sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking
- (b) domestic storage
- (c) outdoor clothes drying
- (d) rainwater tanks
- (e) private open space and landscaping
- (f) convenient storage of household waste and recycling receptacles.

General Section: Residential Development: PDC 14

Complies

The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.

General Section: Residential Development: PDC 15

Complies

24.9% of the site shall comprise pervious garden areas.

Private Open Space

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

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

Residential Zone: PDC 7

Complies

Percentage:

Dwellings 1 & 2: 55.1 m² = 20.6%
Dwellings 3-6: 73.8 m² = 27.6%
Dwelling 7: 57.7 m² = 21.6%

Minimum dimension:

Dwellings 1 & 2: 5.2 metres
Dwellings 3-6: 6.15 metres
Dwelling 7: 6.0 metres

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

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

General Section: Residential Development: PDC 16

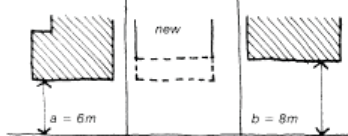
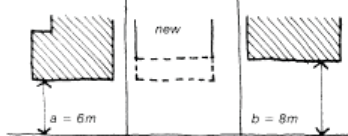
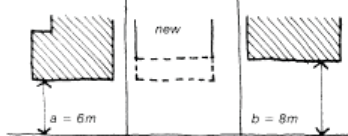
Private open space should not include:

Complies

- a) All POS areas are directly accessible from the internal living rooms of the associated dwelling.
- b) All POS is located at ground level
- c) All POS is located to the side/rear of the dwelling/dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not unreasonably affect the subject land (discussed in Zone and Policy Area Assessment).
- k) The POS areas are considered to have sufficient shape and area to be functional.

Does Not Comply

f) POS areas are not located next to bedrooms of dwellings on adjacent sites, with exception to Dwelling 6, which is partially adjacent Dwelling 7's master bedroom. However, the affected master bedroom does not incorporate windows facing the neighbour's POS, only a solid wall on

<p>(a) any area covered by a dwelling, carport, garage or outbuildings</p> <p>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</p> <p>(c) common areas such as parking areas and communal open spaces</p> <p>(d) any area at ground level at the front of the dwelling (forward of the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>the shared boundary. As such, the noise impacts should not be unreasonable.</p> <p>g) Only Dwelling 1 provides north-facing POS. The remaining dwellings feature POS located south of the associated dwelling.</p> <p>h) The POS areas are likely to be significantly shaded during winter by the associated dwelling (discussed further in "Overshadowing" below).</p>						
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p> <p>Only Dwelling 7 incorporates a verandah, which covers 27% of its POS.</p>						
<h3>Building Setbacks from Road Boundaries</h3>							
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6.5 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>						
<p>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" data-bbox="193 1227 911 1552"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \geq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \geq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Partially Complies</p> <p>Dwellings 1 & 2: 6.5 metres</p> <p>(Dwellings on adjoining land are set back approximately 7 metres)</p> <p>PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. Nonetheless, the proposed front setback of 6.5 metres (and 7.5 metres to the garages of Dwellings 1 and 2) is considered to be compatible with the setbacks of dwellings on adjoining land.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \geq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement, as the bedroom windows facing the street on the ground floor of Dwellings 1 and 2 are separated by a generous garden area and masonry front fence.</p>						

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Complies

Ground floor (wall height 2.8 metres):

Dwelling 1: Garage abuts common driveway, remainder of ground floor set back 5.2 metres.
Dwelling 2: Garage abuts southern side boundary, remainder set back 5.2 metres.
Dwellings 3-6: Ground floor set back 6.15 metres from southern side boundary, 8.1 metres from northern side boundary
Dwelling 7: 3.0 – 6.1 metres from southern side boundary, 8.05 metres from northern side boundary

Complies

Second floor (wall height 5.7 metres):

Dwelling 1: 5.2 metres from common driveway and 9.8 from current northern side boundary.
Dwelling 2: 5.2 metres from current southern side boundary.
Dwellings 3-6: 10.2 metres from southern side boundary, 8.6 metres from northern side boundary

Maximum length and height when wall is located on side boundary:

*(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height
(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.*

Residential Zone: PDC 6

Complies

Dwelling 2: Garage wall abuts southern side boundary for a length of 5.78 metres and height of 2.8 metres.

Partially Complies

Dwelling 7: wall abuts the proposed boundary shared with Dwelling 6 for a length of 3.1 metres and height of 3.1 metres.

Rear Setbacks

Minimum setback from rear boundary:

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

Residential Zone: PDC 6

Does Not Comply

Dwelling 7 is set back 1.0 metre from eastern rear boundary for 45.6% of lot width, then 5.9 metres for 11.9% of lot width.

Complies

The two-storey component of Dwelling 6 is set back 16.6 metres from the rear boundary.

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

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

General Section: Design and Appearance: PDC 2

Partially Complies

The rear setback of Dwelling 7 fails to meet quantitative criteria, as it is set back 1.0 metre, where it should be set back 3.0 metres. However, it is noted that the dwelling adjacent the rear boundary is set back approximately 2 metres from the subject boundary. As such, the shortfall in setback is not wholly incompatible with patterns of space in the locality.

Given that Dwelling 7 is single storey with a flat skillion roof design, the bulk and scale of Dwelling 7 should be minimal when viewed from the rear adjoining properties. Indeed, the rear

		<p>elevation of the dwelling maintains a total height of less than 3 metres, which is less than that of standard outbuildings which can be built abutting rear boundaries.</p> <p>For these reasons, the shortfall in setback is considered acceptable in this instance.</p>
Building Height		
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Complies</p> <p>The proposed residential flat building incorporates a maximum building height of 6.8 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>		<p>Complies</p> <p>Dwellings 1 and 2 are not located on battle-axe sites.</p> <p>Dwelling 7 is located on the rear battle-axe site, but is single storey to reduce the visual impact of taller built form towards the rear of the site and protect the privacy of adjoining residential properties.</p> <p>Does not Comply</p> <p>Dwellings 3-6 are two-storey and located on battle-axe sites (or the like). However, it is noted that they have been designed to maintain the privacy of adjoining residential properties.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p>Complies</p> <p>The garages of Dwellings 1, 2 and 7 incorporate flat roofs, where the main dwelling features a skillion form. Nonetheless, the building materials and design achieve a complementary design.</p> <p>The garages of Dwellings 3-6 are located under the second storey, and fully integrated into the design of the associated dwelling.</p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p>Complies</p> <p>All garages are less than 33 m²</p>
Parameter	Value	
Maximum floor area	60 square metres	
Minimum setback from a primary road frontage	<p>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</p>	<p>Complies</p> <p>Garages set back 7.5 metres and 1.0 metre behind the main face of the dwelling</p>

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Dwelling 2's garage abuts the boundary for a length of 5.78 metres or 6.8% of the boundary length
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies The garages of Dwellings 1 and 2 comprise 49.8% of the dwelling facade's width
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Complies
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. General Section: Transportation & Access: PDC 34		Complies 1.5 x 7 dwellings = 10.5 resident spaces required, where 14 are provided 2.3 visitor spaces required, where 7 are provided
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site visitor parking spaces should be sited and designed to: (a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times. General Section: Transportation & Access: PDC 42		Does Not Comply The proposed visitor parking spaces are located forward of each dwelling's garage, which fails to meet part (b). The applicant did propose parallel visitor parks along the common driveway, however these resulted in excessive and inconvenient movements, compromised the passing areas, and dominated the internal site layout. To resolve these issues, the proposed visitor parks forward of the garages have been proposed instead.
On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). General Section: Transportation & Access: PDC 43		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with Table Mar/2. b) Centre facilities and public transport are located in walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements. e) There is no loss of on-street parking arising from the proposed development. Does Not Comply (d) No on-street car parking spaces available adjacent the subject land. However, the surplus in on-site car parking spaces (7 additional spaces provided) should sufficiently compensate for the lack of on-street parking.

<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>	<p>Complies</p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking and manoeuvring areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>														
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Partially Complies</p> <p>No on-street car parking spaces are provided for the proposed allotments, where 4 should be provided. However, the proposal maintains a surplus of 7 on-site parking spaces, which should sufficiently compensate for the lack of on-street spaces – albeit they are not “separately defined”.</p>														
Access															
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Does Not Comply</p> <p>The northern-most crossover is proposed to be widened to 5.6 metres in order to provide access to the common driveway and Dwelling 1.</p>														
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossover maintains sufficient clearance from existing street infrastructure.</p>														
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p> <table><tr><th rowspan="3">Dwellings served</th><th colspan="2">Trafficable width (metres)</th><th rowspan="3">Width beyond first 6 metres</th><th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th></tr><tr><th colspan="2">Intersection with public road and first 6 metres</th></tr><tr><th>Arterial roads</th><th>Other roads</th></tr><tr><td>4 – 7</td><td>6</td><td>5</td><td>3</td><td>0.8</td></tr></table> <p>General Section: Residential Development: PDC 41</p>	Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	4 – 7	6	5	3	0.8	<p>Complies</p> <p>The common driveway servicing 5 dwellings maintains a width of 6 metres at the front boundary for 6 metres into the property, narrowing to 3 metres thereafter, except where areas for passing are provided. Landscaping strips of 0.8 metres minimum width are provided along both sides of the common driveway. In addition, a small garden area is located forward of each dwelling along the common driveway.</p>
Dwellings served		Trafficable width (metres)				Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)								
		Intersection with public road and first 6 metres													
	Arterial roads	Other roads													
4 – 7	6	5	3	0.8											
<p>Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.</p> <p>General Section: Residential Development: PDC 42</p>	<p>Complies</p> <p>Two passing sections are provided in the common driveway.</p>														
<p>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p> <p>Vehicle access points are separated by over 6 metres (but on-street parking is not permitted due to the traffic island).</p>														

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Partially Complies

The proposed dwellings incorporate an attractive contemporary presentation to the streetscape, including large full-height windows, skillion roof and geometric shapes. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of 'off-white' rendered masonry on the triangulated fascias and blade wall, 'charcoal' rendered masonry on the remainder of the facades.
- Stepping of upper and lower storeys on the side and rear elevations, and the incorporation of balconies (Dwellings 1 and 2) and shadow joints (Dwellings 3-6) to minimise building height, mass and proportion
- Protruding balcony on the front elevation of Dwellings 1 and 2 to maximise street presentation and surveillance.
- Eaves overhang and skillion pitched roof
- Fenestration

While the design and materials provide a modern appearance, the selection of materials does not specifically complement the character of the local area. If the Panel deemed it appropriate to grant Development Plan Consent, a condition could be imposed which requires the inclusion of more natural materials (timber, stone, brick) on some feature elements of the dwellings to provide greater visual interest in the design (as per recommended condition of consent 3).

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balconies are integrated into the dwelling design, with aluminium slat balustrades in "charcoal".

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

Dwellings 1 and 2 present an entrance door, several large habitable room windows and a generous balcony facing the street frontage.

Relationship to the Street and Public Realm

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

Complies

Dwellings 1 and 2 are designed so that their main facade faces the primary street frontage, presenting an entrance door, balcony and habitable windows toward the street.

<p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>The elevations of the dwellings feature eaves overhang, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>
<h2>Overshadowing</h2>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level private open space</i> <i>(ii) 35 square metres of the existing ground level private open space</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>The shadow diagrams provided by the applicant (Attachment III) demonstrate that north-facing windows to habitable rooms of existing dwellings on adjacent allotments should receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June. Further, the POS areas of adjacent dwellings should receive a minimum of 2 hours of direct sunlight between 9am and 3pm.</p> <p>Given that the upper storey of Dwellings 3-6 is located 10.2 metres from the southern side boundary (where a minimum of 3 metres is recommended by the Development Plan), winter overshadowing is minimised by the substantial separation. Indeed, at 12 noon in winter solstice, shadow will only just reach the southern side boundary.</p> <p>Although the upper storey of Dwelling 2 is set closer to the southern boundary at 5.2 metres, this upper storey is sited adjacent the southern neighbour's driveway and carport, and therefore any potential shadow impacts should not unreasonably affect habitable windows or private open space.</p> <p>As such, the projected overshadowing shall remain compliant with PDC 9 and 10.</p>
<h2>Visual Privacy</h2>	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <ul style="list-style-type: none"> <i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i> <i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i> <i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal</i> 	<p>Complies</p> <p>The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the northern side elevations, and sill heights 1.7 metres above floor level on the southern elevation. There are no windows on the second storey rear (eastern) elevation of Dwelling 6.</p> <p>Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p>

<p><i>negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>The balconies on the front façades of Dwellings 1 and 2 are oriented to obtain views of the streetscape, but incorporate aluminium slat screening of 1.7 metres height on the side and rear elevations, which should minimise potential overlooking toward adjacent properties.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
<h2>Noise</h2>	
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Complies</p> <p>The bedrooms of Dwellings 3-7 are located to the rear of the associated dwelling, and separated from the common driveway. As such, these areas should not be unreasonably affected by vehicle noise and headlight glare.</p>
<h2>Site Facilities and Storage</h2>	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</i></p> <p><i>General Section: Residential Development: PDC 31</i></p>	<p>Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Bicycle parking is provided adjacent the front boundary, screened by the masonry front fence.</p> <p>c) A common waste storage area is located adjacent the front boundary, screened by the masonry front fence.</p>
<h2>Energy Efficiency</h2>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>The POS and living area windows of Dwelling 1 are oriented north for exposure to winter sun.</p> <p>Does Not Comply</p> <p>Dwelling 2 provides south-facing living area windows and POS, which will result in poor passive thermal comfort.</p> <p>Partially Complies</p> <p>Although the POS of Dwellings 3-7 are located south of the dwellings, each dwelling provides a large north-facing window belonging to their lounge area to provide for access to sunlight and passive thermal comfort in winter.</p> <p>It is noted that the POS of these dwellings was originally oriented north to maximise solar access, however the site layout has been mirrored during the assessment process in order to provide the required common driveway width (vehicle access of sufficient width was only available along the northern boundary due to the location of the traffic island forward of the subject land).</p>

	Overall, with exception to Dwelling 2, the dwellings are designed to provide adequate energy efficiency via large north-facing living area windows.
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p>General Section: Energy Efficiency: PDC 3</p>	<p>Does Not Comply</p> <p>The dwellings incorporate a skillion roof form. Solar panels typically face north to maximise exposure to direct sunlight in winter months. Only Dwelling 1's roof incorporates a north-facing slope, whereas Dwelling 2's roof pitches to the south, and the remaining dwellings pitch east or west. As such, the proposed roof forms generally do not facilitate the efficient siting of solar collectors.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 2</p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 3</p>	<p>Complies</p> <p>The Site Plan contains a landscaping schedule which indicates the location of grasses, low level shrubs and trees throughout the site.</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application does not propose any retaining walls due to the minor slope of the land. The applicant has indicated that 1.8 metre high “Good Neighbour” fencing will be constructed along the side and rear boundaries, which should maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p> <p>The proposed masonry fence along the front boundary varies in height from 0.9 to 1.3 metres, and is articulated via stepping and two-tone colour (shades of “off-white”). This fence height enables visibility of the two-storey dwellings beyond, while still providing adequate screening for waste bin and bicycle storage.</p>
Heritage Places	
<p><i>New buildings should not be placed or erected between the front street boundary and the façade of existing State or local heritage places.</i></p> <p><i>General Section: Heritage Places: PDC 5</i></p> <p><i>Development that materially affects the context within which the heritage place is situated should be compatible with the heritage place. It is not necessary to replicate historic detailing, however design elements that should be compatible include, but are not limited to:</i></p> <ul style="list-style-type: none"> <i>(a) scale and bulk</i> <i>(b) width of frontage</i> <i>(c) boundary setback patterns</i> <i>(d) proportion and composition of design elements such as rooflines, openings, fencing and landscaping</i> <i>(e) colour and texture of external materials.</i> <p><i>General Section: Heritage Places: PDC 6</i></p>	<p>Complies</p> <p>The closest heritage place to the subject land is located on the opposite side of the road at 34 Finniss Street. The proposed buildings are not considered to materially affect the context of the Local Heritage place, as they will not be readily visible when viewing the heritage-listed dwelling.</p>

TABLE DISCUSSION

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

- The average site areas (excluding the common driveway) equal 267 m², where 300 m² is prescribed;
- Overall site coverage equals 54.4% of the site area excluding the common driveway (or 46.0% of the total site area including the common driveway) where 40% is envisaged;
- Dwelling 7 is set back 1.0 metre from the rear (eastern) boundary, where the Development Plan prescribes 3 metres minimum;
- Dwellings 3-6 are two-storey and located on battle-axe sites (or the like), where the Development Plan recommends that these dwellings should be single-storey;
- The private open space areas of Dwellings 2-7 face south and will be substantially overshadowed in winter months;
- Dwelling 2 does not feature any north-facing windows and therefore has poor energy efficiency;
- The roof pitch of Dwellings 2-7 does not facilitate the efficient siting of solar collectors;

- The proposed visitor parking spaces are located forward of each dwelling's garage, where they should not be associated with particular dwellings.

Site areas

Although the average site areas fall 11% short of criteria, the overall net density of the site exceeds minimum site areas when including the common driveway. Furthermore, the site areas of 267 square metres fall within the low-to-medium density category, and in this respect, satisfy the Desired Character and Objectives of the Northern Policy Area 13.

Site coverage

Site coverage substantially exceeds criteria at 54.4%, where 40% is envisaged. However, when considering the entire site, the building footprint comprises 46.0%. While this is still in excess, the additional building footprint is not considered to detract from the merit of the proposed development. This is demonstrated by the fact that sufficient areas are provided for private open space, car parking, service areas and garden areas which satisfy the relevant Development Plan criteria.

Dwelling 7 rear (eastern) setback

The rear setback of Dwelling 7 fails to meet quantitative criteria, as it is set back 1.0 metre, where it should be set back 3.0 metres. However, it is noted that the existing neighbouring dwelling adjacent the rear boundary is set back approximately 2 metres from the subject boundary. As such, the shortfall in setback is not wholly incompatible with patterns of space in the locality.

Given that Dwelling 7 is single storey with a flat skillion roof design, the bulk and scale of Dwelling 7 should be minimal when viewed from the rear adjoining properties. Indeed, the rear elevation of the dwelling maintains a total height of less than 3 metres, which is less than that of standard outbuildings which can be built abutting rear boundaries. Accordingly, the shortfall in setback is considered acceptable in this instance.

Dwellings 3-6 are two-storey and located on battle-axe sites

PDC 2 of the General Section: Residential Development states that:

“Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.”

Although Dwellings 2-6 are located on battle-axe sites, the built form toward the rear of the subject land has been minimised via the single-story nature of Dwelling 7. Further, the built form of Dwellings 2-6 is minimised via the substantial setbacks from existing site boundaries – the upper storey components are set back 8.6 metres from the northern side boundary (where a minimum of 2 metres applies), 10.2 metres from the southern side boundary (where a minimum of 3 metres applies), and 16.6 metres from the eastern rear boundary (where a minimum of 8 metres applies). This substantial separation should minimise the visual bulk and scale of the dwellings as viewed from adjoining residential properties.

The dwellings have also been designed to satisfy the second clause of PDC 2, in that the privacy of adjoining residential properties should be maintained. All upper storey windows feature obscure glazing to 1.7 metres above floor level, or a sill height commencing 1.7 metres above floor level. Dwellings 3-6 do not incorporate any upper level balconies, terraces or decks.

Given that the proposal has been designed to satisfy the justifying clauses of PDC 2, it could be argued that non-compliance with the first part of the principle "*Buildings on battle-axe allotments or the like should be single storey*" would not create non-compliance with the principle. This argument has not been considered in detail in a legal context.

This ambiguity is noted, and taken into consideration in the overall merit of the proposal.

Energy Efficiency

The proposal maintains several major failings in energy efficient design: the private open space areas of Dwellings 2-7 face south and will be substantially overshadowed in winter months; Dwelling 2 does not feature any north-facing windows; and the roof pitch of Dwellings 2-7 does not facilitate the efficient siting of solar collectors. This orientation and design is not ideal, but has resulted from amendments to the site layout to provide sufficient vehicle access to the common driveway.

It is noted that all dwellings except Dwelling 2 feature substantial glazing on their north-facing living areas, which will provide good passive thermal comfort in winter months. However, overall, solar access to the proposed dwellings' POS and roofs is poor.

Visitor parking spaces are located forward of each dwelling's garage

The location of the visitor parking spaces does not create independency, as the parking spaces are only available forward of each garage. The applicant has tried but been unable to provide for separate visitor parking spaces that are not associated with a particular dwelling, without compromising vehicle manoeuvrability and convenient access/egress. On balance, the location of the visitor parks is not considered to undermine the merit of the proposal.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density, impact on heritage places, number of storeys, vehicle access/egress, absence of on-street parking, privacy and overshadowing have been addressed in the body of the report, and I have concluded that the proposal largely satisfactory in relation to these matters.

The representor have also raised concerns over loss of property values and setting a precedent for other nearby sites. A planning assessment under the Development Act 1993 does not allow for consideration of these matters and hence they are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed development of seven (7) dwellings satisfies a number of key objectives of the Northern Policy Area 13, as it shall provide for low-to-medium density dwellings at a greater density than the original dwelling stock, whilst providing a range of dwelling types (2 or 3 bedroom and single or two storey) in a contemporary design to enhance architectural diversity in the locality.

All dwellings are provided with sufficient private open space and car parking, whilst being set back from boundaries to minimise overshadowing and reduce visual impact when viewed from adjacent properties.

However, the proposal also maintains a number of numerical shortfalls, such as site areas, rear setback and site coverage. These shortfalls have been considered in relation to the potential impact on the function and amenity of the subject land, and the amenity impacts on adjacent land and the locality. This assessment concluded that these shortfalls are not of such severity to compromise the underlying merit of the proposal.

Qualitative shortfalls in relation to the two-storey nature of Dwellings 3-6 and the southern orientation of private open space are noted. These shortfalls are not ideal, however they have been somewhat mitigated by the substantial separation of the upper floor from side boundaries, and the provision of north-facing living areas. As such, these detrimental attributes are not considered to outweigh the prevailing merits of the proposal.

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: 100/2016/914 for a residential flat building comprising six (6) two storey dwellings and one (1) single storey dwelling with associated masonry fencing, parking and landscaping, at 27 Finnis Street, Marion, be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/914, being drawing numbers A/01 to A/09 (inclusive) prepared by Anatoly Patrick, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, stormwater disposal system, and the location of all existing street infrastructure and street trees.
3. An amended schedule of colours/materials/finishes and elevation plans shall be provided to Council for consideration and approval prior to Development Approval being issued. The amended plans/details shall provide for the use of natural materials (i.e. timber, stone, brick) on some feature external elements of the dwellings to provide greater visual interest in the design, to the reasonable satisfaction of Council.
4. All mortar joints or finishes on any walls on the property boundary are to be finished in a professional manner, similar to other finishes on the associated dwelling.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council. A copy of the information guide can be viewed at the City of Marion webpage: www.marion.sa.gov.au/page.aspx?u=181.
Alternatively, each dwelling can be provided with a 3000 litre rainwater retention tank fully plumbed into toilet and laundry and be connected to at least 80% roof area, instead of dual retention/detention tanks.

6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
7. The portion of the upper floor windows (except the west-facing windows presenting to the street for the front dwellings) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
8. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
9. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
10. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
11. 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.
12. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 November 2016

Agenda Ref No:	DAP021116 – 2.3
Originating Officer:	Dylan O'Brien Development Officer – Planning; and Rhiannon Hardy Policy Planner / Development Officer – Planning
Applicant:	Mr Janis Semets
Development Description:	To vary Development Application 100/2016/884 - single storey detached dwelling - to increase the length of the northern-most side boundary wall, from 8.0 metres to 11.07 metres
Site Location:	47A Johnstone Street, Glengowrie
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	29/06/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1170
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary exceeding a length of 8 metres as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

The original Development Application 100/2016/884 was granted Development Plan Consent on 27 May 2016. This application was granted consent pursuant to Schedule 4 2B of the Development Regulations 2008 as a “Residential Code” complying application.

SUBJECT LAND & LOCALITY

The subject land is located at 47A Johnstone Street, Glengowrie, on the northern side of the street. The subject land comprises a regular shaped allotment which has a 9.0 metre frontage to Johnstone Street, a depth of 43.66 metres and a total site area of 393 square metres.

The subject land has recently been subdivided. The land is relatively flat with no discernible slope.

The subject land is devoid of any vegetation and the certificate of title confirms that the land is clear of any easements or encumbrances.

Johnstone Street and the wider locality are characterised by a mixture of the original housing stock as well as new detached, semi-detached and hammerhead development at low to medium densities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal is a variation to Development Application number 100/884/2016, initially granted Development Plan Consent as a "Residential Code" complying development for a single storey detached dwelling incorporating walls on the western side boundary. The subject application proposes to vary the original consent by extending the northern-most boundary wall by an additional 3.07 metres in length (i.e. 11.07 metres total length). The proposed extended wall is 2.5 metres high. The application proposes a slight reduction in height of the original 3.0-metre-high wall where it attaches to the proposed extension.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	21 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council: 1 in favour and 1 against the proposal.
Persons wishing to be heard:	1 representor wishes to be heard by the Panel.
Summary of representations:	<ul style="list-style-type: none">• Result in unreasonable inconvenience with gutters abutting my boundary.• Gutters likely to hang onto my property and cause water damage.• The visual impact of the wall extension.• The proposed wall extension will make my living conditions uncomfortable, unpleasant and will look ugly.• Impact on resale value.• Cause overshadowing, particularly in the morning.• As an elderly lady this will make my house feel depressing and could have an impact my well-being and psyche.• Impact on air flow, making summertime condition more uncomfortable.• Impact of building the wall on the boundary and builders requiring access to my land.

	<ul style="list-style-type: none"> • Loss of fencing during construction will make access to my property easy. • I feel scared and insecure about the proposed construction. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The location of gutters on boundaries is common in areas where a higher density of development is sought. The gutter will be located entirely within the site of the development. Subject to normal ongoing maintenance of the roof and gutter system, there is no reason that the gutters will result in any damage to the adjoining property. • The proposed wall will not contribute to any overshadowing. The dwelling approved on the subject land has a verandah at the rear of the building with eaves on the boundary to a height of approximately 2.7 metres. The proposed wall, at 2.4 metres above the footings, will therefore not further contribute to any overshadowing of the adjoining property. • The proposed wall will extend slightly beyond the rear wall of the adjoining property, but will not encroach further to the rear than the verandah on that property. • During construction of the dwelling, the builder will comply with all requirements of the Development Act 1993 with respect to notifying the adjoining owner of any proposed building works and any access of the adjoining site that may be required. • The applicant has tried to engage with the adjoining landowner but the offer has been declined. The applicant would like to extend an opportunity to meet with the neighbour to discuss any preferred treatment to the boundary wall, such as rendering or painting, or through the contributions of additional landscaping to the neighbour's property. <p style="text-align: right;"><i>Refer Attachment V</i></p>

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Side Setbacks	
<p><i>Maximum length and height when wall is located on side boundary:</i></p> <p><i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i></p> <p><i>(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply Wall length: 11.07 metres</p> <p>Complies Wall height: 2.5 - 3.0 metres</p>

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

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

General Section: Design and Appearance: PDC 2

Partially Complies

- a) The proposed boundary wall should not detract from the amenity of adjacent land in relation to noise or privacy impacts, as the proposed wall will create additional privacy and buffer potential noise intrusion between neighbouring verandah areas. The impacts on sunlight are discussed in the "overshadowing" section below.
- b) The proposed boundary wall's bulk and scale is relatively minor given the wall maintains a modest height of 2.5 metres (where a maximum of 3.0 metres is anticipated by PDC 6 above). While the length of the wall is considerable, it is sited partially adjacent to the neighbour's verandah, and partially adjacent the neighbour's dwelling. Consequently, the entirety of the wall's length should not be wholly visible or dominant when viewed from any one vantage point.
- c) The subject dwelling incorporates a total 20.5 metres of walls abutting its western side boundary, which equates to 46.9% of the side boundary. It is acknowledged that this extent of boundary development is uncommon in the locality. While this results in a reduced pattern of space between buildings, this should not decrease opportunities for landscaping, as this area would otherwise be paved/impervious to accommodate a side path.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The proposed boundary wall will result in some overshadowing of the western neighbour's private open space during morning hours. However, this shadow will subside throughout the morning, such that all areas of private open space (and any north-facing habitable windows) should be free from shadow by midday. Consequently, the extent of shadow cast onto north-facing habitable windows and private open space of the western adjoining property complies with PDC 9 and 10.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to overshadowing and amenity impacts have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns over property values and potential issues during the construction process. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed additional wall length on the boundary exceeds Development Plan criteria by 3.07 metres, as a total boundary wall length of 11.07 metres is proposed, where 8 metres is prescribed. Despite this excess, the boundary wall height of 2.5 metres is 0.5 metres less than the maximum prescribed height of 3.0 metres. The lesser height is considered to sufficiently minimise the visual and amenity impacts arising from the excess in length. It is noted that the wall height is only 0.4 metres above the height of a standard fence which can be built without requiring development authorisation.

Assessment of the proposed boundary wall against the relevant qualitative principles of the Development Plan demonstrates that the wall should not result in unreasonable overshadowing or obstruction of sunlight, and may improve amenity with respect to increased privacy and noise minimisation.

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: 100/2016/1170 to vary Development Application 100/2016/884 - single storey detached dwelling - to increase the length of the northern-most side boundary wall, from 8.0 metres to 11.07 metres at 47A Johnstone Street, Glengowrie, 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. 100/884/2016, except where superseded by Development Application 100/2016/1170, and except where varied by the following conditions of consent.**
- 2. Any mortar joints, render or finishing of walls located on the property boundary are to be finished in a professional manner, similar to other external finishes on the subject dwelling, or as agreed to by the adjoining property owner.**

NOTES

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

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 2 November 2016

Agenda Ref No:	DAP021116 – 2.4
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Kacy Family & JCP Family Trust
Development Description:	Torrens Title land division (2 into 4 allotments) and two pairs of two storey semi-detached dwellings, with associated car parking and landscaping
Site Location:	121 Dunrobin Road and 1A Third Avenue, Warradale
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 1 / Consent
Lodgement Date:	01/10/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1796 (DAC Ref: 100/D229/15)
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 of the Development Regulations 2008, which assigns the construction of semi-detached dwellings (provided no dwelling exceeds two storeys in height), and land division creating no more than four additional allotments, as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 270 square metres required for semi-detached dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

Panel Members may recall determining to resolve to refuse consent for the construction of four dwellings on the land at its meeting of 6 July 2016.

The owner of the land has sought to pursue the construction of four dwellings on the land via an alternative design, and combined the construction of the dwellings with the land division

application. This application is entirely independent of the previous application considered by the Panel.

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

Amendments Requested	Amendments Made
Greater separation should be provided between the dwellings; suggested amendment; separating Dwellings 2 and 3	Dwellings 2 and 3 separated to form two pairs of two storey semi-detached dwellings
Greater separation between the upper level portions of the dwellings should be provided to reduce visual impact/bulk	Separation between upper level parts increased from (generally) 2.0m to 3.8m, 1.8m and 2.9m
The upper level southern side setback of Dwelling 4 should be increased to no less than 3.0m	No change (remains at 1.9m)
The variety of colours and materials should be increased to assist in reducing bulk and providing visual interest	'Hardies Stria' and render added to front façade and stone or tile veneer provided to portico. Applicant has agreed to a condition that Dwellings 1 and 2 will have a differing, but complementary colour scheme to Dwellings 3 and 4.
The northern elevation of Dwelling 1 should be altered to improve presentation to and surveillance of Dunrobin Road	'Hardies Stria' provided to upper level northern façade, however, limited fenestration remains.

SUBJECT LAND & LOCALITY

The land subject to the proposed development is sited over two allotments, being 121 (Lot 501) Dunrobin Road and 1A (Lot 502) Third Avenue, Warradale.

The land incorporates a frontage width to Dunrobin Road of 14.68 metres, a secondary street to Third Avenue of 52.32 metres, a depth (measured east-west) of 17.68 metres and a total site area of 973 square metres.

Lot 501 is currently vacant, whilst Lot 502 currently accommodates a single storey detached dwelling, constructed in the 1980s.

The land is relatively flat, with no discernible slope, whilst vegetation on the land is not classified as Regulated pursuant to the Development Regulations 2008.

The locality typically comprises single storey detached dwellings on large allotments between 600 – 800 square metres.

More recent development within the locality takes the form of single storey residential flat buildings, semi-detached and detached dwellings, typically on site areas between 250 – 500 square metres.

Christ the King school is located 100 metres to the north-east, whilst further afield, Coles Supermarket, the Warradale Hotel and various small-scale shops, offices and consulting rooms are situated on both sides of Diagonal Road, within the Neighbourhood Centre Zone.

The Adelaide-Seaford rail-line is located 150 metres to the south, with the Warradale station located 300 metres walking distance from the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct two pairs of two storey semi-detached dwellings.

Dwelling 1, 2 and 3 comprise a double garage, with Dwelling 4 incorporating an open carport abutting the southern side boundary. In addition, all dwellings incorporate an open plan kitchen/living/dining area and laundry on the ground floor.

The upper floor comprises three bedrooms and two bathrooms (main with ensuite).

The facades of the dwellings will incorporate exposed brick ('Cobalt' in colour), render ('Surf Mist') and 'Hardies Stria', with stone or tile veneer to the (two storey height) portico. The roof is to incorporate a colorbond roof in 'Woodland Grey', set at 25 degrees.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	No concerns with proposed division, subject to conditions.
DAC:	No concerns with proposed division, subject to conditions.

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 are listed in the following table and discussed in further detail below:

Residential Zone	
Objectives <i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i>	
Medium Density Policy Area 12	
Objectives <i>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes. 2 Development that minimises the potential impact of garaging of vehicles on the character of the area. 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles. 4 Development that contributes to the desired character of the policy area.</i>	
Desired Character <i>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely</i>	

impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.

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

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

PDC 1	The following forms of development are envisaged in the policy area: ... ▪ semi-detached dwelling ...	Complies
PDC 4	Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings. (i.e. Site areas between 149.3 and 250 m ²)	Complies Average site area in the order of 243 square metres and the dwellings are in the form of two storey dwellings
PDC 7	Minimum Site Area:	Does Not Comply Lot 1: 268.2 sq metres Lot 2: 235.8 sq metres Lot 3: 235.8 sq metres Lot 4: 233.6 sq metres
	Minimum Frontage:	Complies Min frontage width of 12.4 metres
	Minimum Depth:	Does Not Comply Depth of 17.68 metres

Assessment

The Medium Density Policy Area 12 encourages redevelopment of properties at greater densities than that of the original housing, whilst seeking the establishment of a range of dwelling types to meet a variety of accommodation needs. The proposed development generally embodies these aims, as it will increase the residential density of the subject land within the envisaged net density guidelines of 40-67 dwellings per hectare to deliver four, two storey dwellings.

The site is located in convenient reach of a Neighbourhood Centre Zone and fixed rail transport. The proposed dwellings are considered to provide an appropriate contribution to new housing stock in the area, although noting that all four dwellings incorporate three bedrooms, which is common in the locality.

The proposed semi-detached dwellings are a form of development envisaged by Principle 1, whilst the Desired Character encourages both one and two storey dwellings. The application

proposes an average net site area of 243 square metres per dwelling, which is reflective of the medium density sought for new dwellings in the Policy Area.

Principle 7 - Site Areas and Depth

Dwelling 1 maintains a site area of 268 square metres, Dwellings 2 and 3 each support a site area of 235 square metres and Dwelling 4 incorporates a site area of 233 square metres. Across the site, an average site area of 243 square metres per dwelling is achieved.

A minimum site area of 270 square metres is prescribed for semi-detached dwellings in the Medium Density Policy Area 12, and therefore the dwellings maintain an average shortfall of 27 square metres (or 10%) per allotment. Additionally, these dwellings maintain a site depth of 17.68 metres, where 20 metres is prescribed.

Whilst falling short of minimum site area and site depth provisions, it is of worth to note that if all four dwellings were attached, they would form row dwellings, where a minimum site area of 210 square metres is prescribed. If this was to occur, the average site area of the proposal would exceed that sought.

In staff's view, it is preferable for two, two storey buildings to be erected (despite the 'technical' shortfall in site area), as such a built form has the opportunity to have a lesser impact via building bulk than could be achieved with four, two storey dwellings joined together. Consequently, in my view, the shortfall in site areas is not considered a fundamental failing of the proposal.

The site incorporates a depth of 17.68 metres, where 20 metres is prescribed. However, as front, rear and side setbacks are generally satisfied (discussed further in this report), and the bulk of the built form has been addressed via sufficient articulation and the variety of materials employed, I am satisfied the shortfall in site depth has not resulted in unreasonable impacts upon adjoining land or the street.

Desired Character statement

The Desired Character states, "[d]evelopment should seek to promote cohesive streetscapes ... buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development."

The proposal results in an extensive amount of built form (measured north-south), which when viewed from land to the east, will substantially change the outlook from that property. However, as identified above, I am satisfied the stepping/articulation provided to the front and rear facades, combined with the variety of materials employed will soften the built form to an appropriate degree and will provide visual interest. Furthermore, an appropriate amount of separation between the upper levels of each dwelling has been provided to reduce overall bulk and extent of the two storey form.

The Desired Character of the Medium Density Policy Area 12 states that "[w]here housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing" (my underline). The Northern Policy Area 13 is located immediately north-west of the subject land (on the northern side of Dunrobin Road), which prescribes a site area of 250 square metres for row dwellings.

Whilst the proposed development is of a height and density exceeding that demonstrated in the Northern Policy Area 13 to the north, in my view, the bulk of the development has been sufficiently addressed via the treatments described above. As such, I am satisfied the proposal adequately complies with that part of the Desired Character that seeks for transitional built form and scale.

No significant trees or street trees require removal to facilitate the proposed development.

As a result of these considerations, it is my view that the proposal satisfies the applicable Objectives, Principles and Desired Character of the Medium Density Policy Area 12.

Panel Members will be aware of administration's recommendation that Development Plan Consent be refused for the previous proposal for the site.

Whilst the subject proposal is a separate application to that previously considered by the Panel, I am of the view that given the similarities in the proposals, it is of worth to make comment regarding the differences between the two.

Most importantly, the subject proposal provides significant separation between the upper levels of all four dwellings. The upper level footprints are more conservative in floor area, and achieve greater separation from the rear boundary of the land (albeit, the front setback is 100mm less than the previous proposal).

The eastern elevation of the upper level is set-in from the ground floor, softening view of the dwellings from the east by 'introducing' the upper level and avoiding unbroken two storey walls.

The mix of colours and materials will further assist in reducing the bulk of the dwellings and will aid in providing visual interest when viewed from the street and adjoining land.

Furthermore, the area of private open space of all four dwellings well exceeds the minimum sought, and whilst not typically a planning consideration, the amenity/function of the dwellings with respect to the internal dimension and area of the kitchen/meals/living room is, in my view, more appropriate for a three-bedroom dwelling and the likely household size.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p>Maximum site coverage: Site area less than 270 m²: 100 m² or 40% (whichever is the greater)</p> <p>(40% is applicable for Dwelling 1 100 sq metres is applicable for Dwellings 2, 3 and 4)</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Complies Dwg 1: 38.64% (103.65 sq metres) Dwg 2: 98.1 sq metres Dwg 3: 98.1 sq metres</p> <p>Does Not Comply Dwg 4: 103.55 sq metres (41.45% for whole of site)</p>
<p>Maximum floor area ratio: Site area less than 270 m²: 0.7</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Complies Dwg 1: 0.45 Dwg 2: 0.50 Dwg 3: 0.50 Dwg 4: 0.51</p>

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>Approximately 40% of the site will remain undeveloped.</p>
<p>Private Open Space</p>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from a habitable room of the associated dwelling b) All POS is located at ground level to the side/rear of the dwelling and capable of being screened for privacy c) The subject land does not maintain natural features which warrant preservation d) The POS areas should not be directly overlooked by adjacent buildings e) POS areas are not located next to bedrooms of dwellings on adjacent sites g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development h) POS areas are capable of being shaded during summer i) Traffic, industry or other business activities should not affect the subject land j) The POS areas are considered to have sufficient shape and area to be functional. <p>Does Not Comply</p> <p>f) The POS areas are located to the east of the two storey dwellings. Whilst this orientation is not ideal, adequate solar access will be available to the living rooms and POS areas as per Council's Energy Efficiency criteria.</p>
<p>Site Area 250 m² or greater:</p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p>Site area less than 250 m²:</p> <p><i>20% of the site area or 35 m², whichever is the greater</i></p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Partially Complies</p> <p>Dwg 1: 65.45 sq metres (24.4%)</p> <p>The POS area directly accessible from the living room incorporates a minimum dimension of 4.0 metres, where 5.0m is desired. However, the length of this area well exceed minimum criteria (being 15.4m in length)</p> <p>Complies</p> <p>Dwg 2: 60.3 sq metres (25.6%)</p> <p>Dwg 3: 60.3 sq metres (25.6%)</p> <p>Dwg 4: 57.1 sq metres (24.4%)</p> <p>All POS areas comprise an area with a minimum dimension of 4.0 metres.</p>

Street Setbacks

Except in areas where a new character is desired, the setback of buildings from public roads should:

(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality

(b) contribute positively to the function, appearance and/or desired character of the locality.

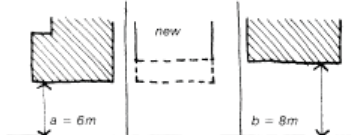
General Section: Design and Appearance: PDC 23

Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.9 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

Furthermore, Council's current Development Plan enables a front setback of 5.0 metres in the Medium Density Policy Area. As such, the 100mm shortfall will not be apparent from the street.

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

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

General Section: Design and Appearance: PDC 25

Partially Complies

Dwelling 1-4: 4.9 metres

PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Medium Density Policy Area 12 encourages redevelopment of existing dwelling stock at higher densities, PDC 25 has limited weight.

It is further noted that Council's current Development Plan allows a minimum front setback of 5.0 metres in the Medium Density Policy Area, regardless of the setback of adjacent dwellings.

As such, the front setback proposed is considered acceptable.

Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 7

Complies

Dwg 1: Min 2.01 metres

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

Residential Zone: PDC 7

Does Not Comply

Dwelling 2: Minimum 925mm to 'internal boundary'
 Dwelling 3: Minimum 925mm to 'internal boundary'
 Dwelling 4: Minimum setback 1.975 metres, where 3.0 metres should be provided. See Overshadowing section for assessment.

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:
 (a) the visual impact of the building as viewed from adjacent properties
 (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Complies

Although the upper level side setback of Dwellings 2, 3 and 4 do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the buildings from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

Min setback 4.0 metres

6 metres for a 2 or more storey dwelling

Residential Zone: PDC 7

Complies

Min setback 6.477 metres

Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:
 (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary

General Section: Residential Development: PDC 37

Partially Complies

Dwg 1: 4.0 metres (48%), 5.3 metres (39%)
 Dwg 2: 4.0 metres (53%), 5.3 metres (40%)
 Dwg 3: 4.0 metres (53%), 5.3 metres (40%)
 Dwg 4: 4.0 metres (54%), 5.3 metres (46%)

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:
 (a) the visual impact of the building as viewed from adjacent properties
 (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Complies

Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p>(i) 2 storeys of not more than 9 metres</p> <p>(ii) 2 storeys plus attic of not more than 10 metres</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.3 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p>(a) when located on side or rear allotment boundaries:</p> <p>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</p> <p>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</p> <p>(A) 7 metres for structures with enclosed side walls</p> <p>(B) 8 metres for structures with open side walls</p> <p>(C) 7 metres where there are both enclosed and open sided structures</p> <p>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Complies</p> <p>i) Carport on boundary is not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) Carport length of 6.87 metres on the boundary</p> <p>Does Not Comply</p> <p>iii) Post height of 3.0 metres</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>As the proposed garages/carport are located under the main roof of the dwelling, the materials and detailing complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>

Car Parking

*Minimum number of on site car parking spaces (one of which should be covered):
3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.*

Residential Zone: PDC 7

Complies

All dwellings incorporate two undercover car parking spaces, with no less than one open, on-site visitor space.

*On-site vehicle parking should be provided having regard to:
(a) the number, nature and size of proposed dwellings
(b) proximity to centre facilities, public and community transport within walking distance of the dwellings
(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons
(d) availability of on-street car parking
(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).*

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
b) Centre facilities and public transport are located in walking distance of the dwellings.
c) The likely occupants are anticipated to have standard mobility and transport requirements.
d) e) Four on-street car parking spaces shall remain available adjacent the subject land.

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

General Section: Land Division: PDC 22

Complies

Four on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.

Access

*The width of driveway crossovers should be minimised and have a maximum width of:
(b) 5 metres wide for a double driveway.*

General Section: Residential Development: PDC 39

Complies

Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.

A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.

General Section: Transportation and Access: PDC 28

Partially Complies

Whilst the vehicle access points of Dwellings 1 and 2 are not separated by a minimum distance of 6 metres, ample on-street parking nonetheless remains available in front of the subject land.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

Complies

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

- Mixture of 'Cobalt' brick, 'Surf Mist' render and 'Hardies Stria' on the dwelling façades and stone or tile veneer to the (two storey height) portico

<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<ul style="list-style-type: none"> • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico • Eave overhang and pitched roof form at 25 degree pitch • Fenestration <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The elevations feature a mixture of brick, render and 'Hardies Stria' panelling fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The living areas have an external outlook, with reasonable separation from the rear boundary.</p>
<h2>Overshadowing</h2>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level open space</i> <i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5</i> 	<p>Complies</p> <p>Ideally, the upper level southern wall of Dwelling 4 should incorporate a 3.0 metre setback to the southern side boundary, to minimise overshadowing impact upon the adjoining property – particularly in the event the adjoining property was to be redeveloped (the current proposal would prejudice a new dwelling to maximise solar entry).</p> <p>Having said this, given the positioning of the upper level of Dwelling 4, and its relatively narrow width (measured east-west), it is likely shadow cast by the dwelling would fall upon the side path of any new dwelling constructed to the south, rather than a living room and POS area, which are typically located to the rear of dwellings/sites. Furthermore, Council must place most weight on that which currently exists on the adjoining property.</p> <p>In this regard, the neighbouring property</p>

<p>metres)</p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p>General Section: Design & Appearance: PDC 10</p>	<p>incorporates no north-facing windows open to the sky, whilst a carport is located adjacent the northern boundary of the site for a length of 17.5 metres; preventing solar access to the northern portion of the dwelling.</p> <p>As such, the shadow cast by Dwelling 4 is most likely to fall upon this carport (during mid-day and afternoon hours) and the front yard area during morning hours.</p> <p>To this end, the limited southern side setback of Dwelling 4 will not result in any detrimental impacts to the adjoining property by way of solar access.</p> <p>Shadow cast by the dwellings into the adjoining property to the east will not commence until 1.30pm (on June 21).</p> <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>
<h2>Visual Privacy</h2>	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p>General Section: Design & Appearance: PDC 12</p>	<p>Complies</p> <p>The dwellings incorporate fixed obscure glazing and/or window sill heights to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in overlooking of habitable areas.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
<h2>Energy Efficiency</h2>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p>General Section: Energy Efficiency: PDC 1</p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p>General Section: Energy Efficiency: PDC 2</p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p>General Section: Energy Efficiency: PDC 3</p>	<p>Complies</p> <p>The main activity areas of the dwellings are oriented east/west, which should nonetheless receive some winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>

<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Flooding	
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:</i></p> <p><i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i></p> <p><i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p><i>General Section: Hazards: PDC 5</i></p>	<p>Complies</p> <p>Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the finished floor level must be raised by 50mm to should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</p> <p>As such, this amendment has been reflected in the recommended conditions of consent.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

TABLE DISCUSSION

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

Site coverage

The site coverage displayed by Dwelling 4 exceeds that sought by 3.55 square metres, respectively.

Given the amount of private open space provided well exceeds Council's minimum requirements, and boundary setbacks and the bulk of the buildings are considered acceptable, I am of the view that the marginal excess in floor area does not result in unreasonable impacts upon adjoining land, the street or the function of each site.

Rear setback

The ground floor rear setback of all dwellings fails to satisfy Council's design criteria, which seeks a minimum setback of 3.0 metres for up to 50% of the boundary width, and no less than 6.0 metres for the remainder (for single storey walls).

All dwellings incorporate a ground floor rear setback of 4.0 metres and 5.3 metres. Whilst the maximum rear setback does not meet the 6.0 metres sought, the minimum 4.0 metre setback exceeds the minimum; providing private open space that well exceeds the minimum area required.

The adjacent allotment to the east will not be impacted by overshadowing to any significant degree by the shortfall in rear setback, whilst the separation provided substantially exceeds the setback anticipated to this boundary if a dwelling was to maintain Dunrobin Road as its primary frontage.

As such, I am of the view that the shortfall in rear setback for the ground floor of the dwellings is inconsequential.

LAND DIVISION ASSESSMENT

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

Land Division	
Objectives	
<i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i>	Complies
<i>2 Land division that creates allotments appropriate for the intended use.</i>	Complies
<i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i>	Complies
Principles of Development Control	Complies
<i>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.</i>	The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <ul style="list-style-type: none"> (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 <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Complies</p> <p>a) It has been demonstrated that the allotments are suitable for their intended use.</p> <p>b) Each allotment will have frontage to a public road.</p> <p>c) No excessive cut and/or fill is required as the subject land is relatively flat.</p> <p>d) The proposed division is unlikely to result in undue erosion of the subject land or locality.</p> <p>e) The subject site has access to existing services.</p> <p>f) Semi-detached dwellings are an envisaged built form in the Residential Zone</p> <p>g) The entirety of the subject land will remain in the Medium Density Policy Area 12 within the Residential Zone.</p>
<p>Design and Layout</p> <p>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.</p>	<p>Complies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Partially Complies</p> <p>As a result of being situated on the eastern side of a north-south running street, the layout of the land division provides for the dwellings to be oriented so that their open spaces and main activity areas face east. This enables adequate morning solar access all year around.</p>
<p>Roads and Access</p> <p>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:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Complies</p> <p>a) Adequate on-site parking available</p> <p>b) Public transport services are readily accessible within both the immediate and wider locality.</p> <p>c) The locality is dominated by residential uses. No less than four on-street parking spaces will remain in front of the subject land.</p>
<p>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).</p>	<p>Complies</p> <p>No less than four on-street parking spaces will remain in front of the subject land.</p>

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock complements the Desired Character of the Medium Density Policy Area 12.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains a number of quantitative shortfalls, including site area and southern side setback, and an excess in site coverage (for Dwelling 4 only), assessment of these shortfalls and consideration of potential impacts has demonstrated they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2015/1796 for a Torrens Title land division (2 into 4 allotments) and two pairs of two storey semi-detached dwellings, with associated car parking and landscaping at 121 Dunrobin Road and 1A Third Avenue, Warradale be **GRANTED** subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1796, except when varied by the following conditions of consent.
- 2. A revised set of elevation plans shall be provided to Council, for consideration and approval, prior to Development Approval being issued, detailing that Dwellings 1 and 2 will have a differing, but complementary colour scheme to Dwellings 3 and 4.
- 3. An amended fully engineered siteworks plan shall be provided to Council, for consideration and approval, prior to Development Approval being issued, providing a minimum finished floor level to all dwellings of 17.00.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

LAND DIVISION CONSENT

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

The internal drains shall be altered to the satisfaction of the SA Water Corporation

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$12976 into the Planning and Development Fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 November 2016

Agenda Ref No: DAP021116 – 2.5

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: Ms Nadia Tugwell

Development Description: Two single-storey semi-detached dwellings

Site Location: 15 & 17 English Avenue, Clovelly Park

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 23/12/2015

Development Plan: Consolidated – 3 December 2015

Application No: 100/2015/2415

Recommendation: That Development Plan Consent be **GRANTED**
subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Amendments Requested	Amendments Made
POS and rear setbacks to the existing dwellings should be increased.	Frontage width of the proposed allotments reduced from 9.5 metres to 9 metres each in order to provide increased rear setbacks to the existing dwellings. POS of these dwellings subsequently increased from 18.5% and 18.3% to 20.7% and 22.6% respectively.

SUBJECT LAND & LOCALITY

The subject site is located at 15 and 17 English Avenue, Clovelly Park. 15 English Avenue comprises a regular allotment with a width of 16.76 metres, a depth of 43.13 metres and a site area of 722.9 square metres. 17 English Avenue comprises a corner allotment, with a southern primary street frontage to English Avenue of 13.72 metres and a western secondary street frontage to Finchley Street of 40.13 metres and a site area of 718.4 square metres.

Each allotment currently accommodates a single-storey detached dwelling in average condition with vehicular access to a carport adjacent each eastern side boundary. Several other ancillary structures are located to the rear of each existing dwelling. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality is primarily residential in nature, and consists of predominantly single-storey detached dwellings at low densities, and to a lesser extent, group dwellings in the form of hammerhead allotments. A number of redeveloped/sub-divided properties are also evident within the locality, which typically take the form of single-storey detached and semi-detached dwellings.

The subject land is sited 150 metres north of the York Street Reserve and some 300 metres walking distance to the south-east of Rosslyn Street reserve both of which include a children’s playground. South Road, including bus services to the City as well as the Marion Regional Centre, is located 150 metres to the east of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a pair of single-storey semi-detached dwellings, located to the northern portion of the subject allotments. Alterations and additions have been undertaken to the existing dwelling at 17 English Avenue, including a carport to the eastern side of the dwelling, as well as the demolition of a lean-to at the rear of the dwelling in order to provide additional private open space, as approved as part of Development Application 100/2416/2015.

The proposed dwellings each feature three bedrooms (main with WIR and ensuite), a study, bathroom, separate WC, laundry and open plan kitchen and living areas. A single-width garage and alfresco area are both included under the main roof of each dwelling.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<p><i>Minimum Site Area:</i> <i>Detached dwellings: 375m²</i> <i>Semi-detached dwellings: 320m²</i></p>	<p>Complies Existing House 1: 422.4m² Existing House 2: 417.9m²</p> <p>Does Not Comply Proposed House 1: 302.04m² Proposed House 2: 302.04m²</p>
	<p><i>Minimum Frontage:</i> <i>Detached dwellings: 12m</i> <i>Semi-detached dwellings: 9m</i></p>	<p>Complies Existing House 1: 16.76m Existing House 2: 13.72m Proposed House 1: 9m Proposed House 2: 9m</p>
	<p><i>Minimum Depth:</i> <i>Detached dwellings: 20m</i> <i>Semi-detached dwellings: 20m</i></p>	<p>Complies Existing House 1: 25.2m Existing House 2: 25.2m Proposed House 1: 33.56m Proposed House 2: 33.56m</p>

Assessment

The application proposes to retain two existing detached dwellings, and increase the density of the site through the construction of a pair of semi-detached dwellings, which is a form of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock. Further, given that the subject land is located in close proximity to transport routes and within reasonable walking distance of public open space, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

A minimum site area of 320 square metres is prescribed for semi-detached dwellings in the Northern Policy Area 13. Each allotment comprises a site area of 302.04 square metres, which equates to a shortfall of 17.96 square metres (5.6%). In my view, this shortfall is not considered to represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application.

Fundamentally, in my view, the ability of the dwellings to accord with a majority of other Development Plan criteria (as discussed further below within this report) demonstrates that the minor shortfalls in site area and depth do not jeopardise the underlying merit of the proposal. The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

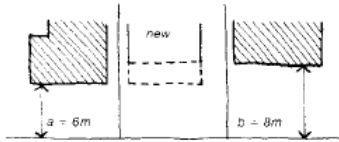
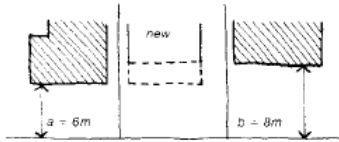
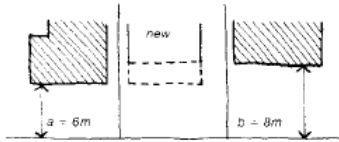
The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Complies Existing House 1: 38.3% (161.8m²) Existing House 2: 32.5%(136m²)</p> <p>Does Not Comply Proposed House 1: 58.5% (176.7m²) Proposed House 1: 58.5% (176.7m²)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Partially Complies</p> <p>a) The proposal is not contrary to the relevant private open space provisions, however, a shortfall in front setbacks are noted, as discussed within the table discussion further below in this report.</p> <p>b) c) The excess in building footprint of the proposed dwellings should not adversely affect the amenity of adjoining properties, and will not result in conflict of other relevant criteria of the Development Plan.</p>

<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p>			<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>General Section: Residential Development: PDC 14</p>			
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p>			<p>Complies</p>
<p>General Section: Residential Development: PDC 15</p>			
<p>Private Open Space</p>			
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			<p>Complies</p> <p>Existing House 1: 20.7% (87.5m²)</p> <p>Existing House 2: 22.6%(94.6m²)</p> <p>Proposed House 1: 25.6% (81.7m²)</p> <p>Proposed House 2: 25.6% (81.7m²)</p>
<p>Site area of dwelling</p>	<p>Minimum area of POS</p>	<p>Provisions</p>	
<p>175 square metres or greater</p>	<p>20 per cent of site area</p>	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p>Residential Zone: PDC 7</p>			
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(i) to be partly shaded in summer</p> <p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>g) The POS areas of the existing dwellings maintain a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>
<p>General Section: Residential Development: PDC 16</p>			

<p><i>Private open space should not include:</i></p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings</p> <p>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</p> <p>(c) common areas such as parking areas and communal open spaces</p> <p>(d) any area at ground level at the front of the dwelling (forward of the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>Partially Complies</p> <p>g) The POS areas of the proposed dwellings face east, which should nonetheless benefit from adequate northern sunlight.</p> <p>Does Not Comply</p> <p>f) The POS area of existing house 2 is located next to bedrooms of the proposed house 1.</p>								
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p>								
<h3>Building Setbacks from Road Boundaries</h3>									
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>								
<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:</td></tr> <tr> <td colspan="2">  <p>When $b \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p>When $b \leq 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Does not Comply</p> <p>Proposed House 1: 4m Proposed House 2: 4m</p> <p>(Dwellings on adjoining land do not comprise the same primary street frontage)</p> <p>PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p>When $b \leq 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>								

Side Setbacks

Minimum setback from side boundaries:

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

Residential Zone: PDC 6

Complies

Existing House 1: unchanged
Existing House 2: unchanged
Proposed House 1: 0.9m
Proposed House 2: 0.9m

Rear Setbacks

Minimum setback from rear boundary:

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

Residential Zone: PDC 6

Partially Complies

Existing House 1: 4.09m-6.29m

Does Not Comply

Existing House 2: 2.62m-4.62m

Complies

Proposed House 1: 8.6m
Proposed House 2: 8.6m

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

(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight

(b) minimise the impact of bulk and scale of development on adjoining properties

(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.

General Section: Design and Appearance: PDC 2

Complies

Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwellings incorporate a maximum building height of 4.6 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The garages of the proposed dwellings are incorporated under the main roof for the dwellings.

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

General Section: Residential Development: PDC 12

Parameter	Value	
Maximum wall or post height	3 metres	Complies 2.7m
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Complies
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. General Section: Transportation & Access: PDC 34		Complies Each existing, and both proposed dwellings provide at least 2 on-site car parking spaces in accordance with PDC 34/Table Mar/2.
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). General Section: Land Division: PDC 22		Complies 6 on-street car parking spaces are provided for the existing and proposed allotments, which exceeds the requirements of PDC 22.
Access		
The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of: (a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway. General Section: Residential Development: PDC 39		Complies
Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.). General Section: Residential Development: PDC 40		Complies

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

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

- Mixture of brick and stone tile cladding on the front façade
- Protruding portico element
- Pitched roof form at 25 degree slope
- Fenestration

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

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

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) Given that south forms the street boundary of the existing dwellings, a majority of winter shadow from these dwellings will be cast within the front yards of the subject land. Some shadow will be cast into the eastern adjoining property in afternoon hours, however this remains unchanged from existing conditions.

Shadow cast from the proposed dwellings may fall within the POS of the existing dwellings. However, the proposed dwellings maintain appropriate side setbacks and a moderate building height, consequently, the extent of shadow cast onto habitable windows and private open spaces of the existing dwellings complies with PDC 9 and 10.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The existing dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The proposed dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

TABLE DISCUSSION

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

- Site coverage (Proposed House 1 and 2)
- Front setbacks (Proposed House 1 and 2)
- POS dimensions (Existing House 2)
- Rear setbacks (Existing House 2)

Site coverage (Proposed House 1 and 2)

Site coverage considerably exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposed dwellings each comprise site coverage of 58.5%. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposed dwellings each include an undercover terrace/verandah area. Were these to be deleted from the proposal, site coverage would reduce to 49.4% for each of the proposed dwellings. While this level of site coverage more closely aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

Furthermore, verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to the proposed terraces; such structures are likely to comply with Schedule 1A of the Development Regulations 2008 and therefore would not require Development Plan Consent. Accordingly, whilst removal of the proposed terraces would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

- b) The proposal exceeds the minimum POS requirement of 20%, at 25.6% for each of the proposed dwellings. Additionally, the proposed dwellings achieve sufficient setbacks from boundaries. Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.
- d) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

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

Front setbacks (Proposed House 1 and 2)

The main face of each proposed dwellings is set back at 4 metres from the front boundary, where PDC 22 (General Section: Design and Appearance) stipulates that setbacks should not be less than that of dwellings on adjoining allotments with the same primary street frontage. Both the dwelling on the adjoining allotment to the north of the subject land, as well as Existing House 2 of the subject application, incorporate secondary street setbacks to Finchley Street. While dwellings on the western side of Finchley Street incorporate front setbacks of 5 metres.

PDC 21 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Northern Policy Area 13 encourages a new character of low-medium density housing, whilst encouraging replacement of original dwelling stock with higher densities. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate higher density housing.

Given the limited length, and subsequently the inconsistent streetscape, of Finchley Street, the proposed setback of 4 metres is considered acceptable, with the shortfall not readily apparent within the streetscape being between two dwellings which incorporate secondary street setbacks. On balance, the proposed separation from the street boundary is considered to contribute positively to the function, appearance and desired character of the locality.

POS dimensions (Existing House 2)

Each dwelling should be provided with a minimum dimension of private open space of 5 x 5 metres. The minimum dimensions prescribed are not satisfied by Existing House 2 (17 English Avenue). However, this dwelling is provided with an area of 4.62 metres x 9.86 metres. These dimensions are considered to be usable, with the shortfall not resulting in meaningful impacts upon the amenity of functionality of the dwelling.

Rear setbacks (Existing House 2)

The existing dwelling of 17 English Avenue comprises rear setbacks of 2.62 metres (for 22.7%), 4.62 metres (for 40.6%), and 5.95 metres for 17.9% of the allotment width, and increasing thereafter. Whilst this does not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. This is supported by the fact that this dwelling nonetheless generally satisfies POS requirements. Furthermore, given that north forms the rear boundary, and that the dwelling is single storey, this discrepancy is unlikely to result in unreasonable overshadowing of, or visual impacts upon, the proposed dwellings.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains a number of quantitative shortfalls, including site area, site coverage, front setbacks, rear setback and POS dimension, assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2415 for two single-storey semi-detached dwellings at 15 & 17 English Avenue, Clovelly Park, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2415, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 2 November 2016

Agenda Ref No:	DAP021116 – 2.6
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Mr Harmendar Singh Athwal
Development Description:	Residential land division (Torrens Title- 1 into 3 allotments) as well as three two-storey row dwellings
Site Location:	75 Castle Street, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	05/07/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1200 (DAC Ref. 100/D140/16)
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings (provided that no such dwelling is more than 2 storeys high) as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed dwellings supporting allotment areas less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

Development Application 100/1305/2016 for the construction of three two-storey row dwellings had previously been lodged with Council, albeit did not include the division of the land. This application is currently on hold; however, during the assessment process, Council staff requested modifications (which are reflected in the subject application) to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Development Plan provisions.	Site coverage reduced from 61.1% for each dwelling, to 50.4%, 51.4% and 51.7% for Lots 1, 2 and 3 respectively.
The floor area ratio of each dwelling should be reduced to more closely align with Council's Development Plan provisions.	FAR's increased from 0.66 for each dwelling, to 0.67 for Lot 1, and 0.69 for Lots 2 and 3.
Front setbacks should be increased to meet the average of buildings on adjoining land.	Front setback increased from 5 metres to 7.05 metres.
The proposed dwellings should maintain a minimum 0.9 metre setback from at least one side boundary.	Proposal amended from boundary to boundary development to include a side setback of 0.6 metres to the dwelling of Lot 1.
Greater articulation/additional colours and materials sought to the front facades of the dwellings including relocation of the upper levels either in line or forward of the lower level garages.	Design and appearance of the dwellings revised to achieve improved streetscape outcome. Upper levels set in line with the lower level garages.
Upper level windows not facing the primary street frontage should be obscured to a level of 1.7 metres above the upper floor level.	Side and rear facing windows amended to include 1.8 metre sill heights.
Proposed crossover/driveway servicing Lot 1 should be relocated to maintain 1 metre separation from the existing stobie pole.	Driveway servicing Lot 1 deviated to provide 1 metre clearance from the existing stobie pole.
Proposed crossover/driveways should maintain a minimum 1.5 metre separation from the existing street tree.	Frontage width of Lot 2 increased and the driveway servicing this dwelling deviated to provide 1.7 metre clearance from the existing street tree.
Additional Information Requested	Information Provided
A landscaping plan which nominates the proposed location and variety of species to be installed throughout the development site.	Provided.
Streetscape elevation including a schedule of proposed colours and materials.	Provided.

SUBJECT LAND & LOCALITY

The subject land is located at 75 Castle Street, South Plympton. The land comprises a rectangular allotment, with a southern primary street frontage of 21.34 metres, a depth of 33.53 metres, and a total site area of 714 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with a driveway sited alongside the eastern boundary providing access to a freestanding garage at the rear of the dwelling. The subject site does not maintain any discernible slope, nor does it accommodate any trees classified as Regulated pursuant to the current legislation.

The locality consists of predominantly single storey detached dwellings at low densities, which are representative of the original dwelling stock. A number of redeveloped/sub-divided properties are also evident in the locality, which typically take the form of single-storey detached and semi-detached dwellings, and to a lesser extent, two-storey row dwellings.

The subject land is sited some 300 metres walking distance to the east of a public open space reserve (Yapinga Street Reserve) which includes picnic tables and a children's playground. A bus stop (Stop 12) is sited 25 metres from the subject land on Chitral Terrace providing services between Anzac Highway and Marion Interchange (Regional Centre Zone), while the Edwardstown Railway Station is located approximately 750 metres walking distance to the east of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create two additional allotments (three in total) as well as the construction of three two-storey row dwellings with associated car parking and landscaping.

The ground floor proposal for each dwelling features open-plan kitchen, living and dining areas, a laundry and separate WC, as well as a study to the dwellings of Lots 2 and 3; while the second floor of each dwelling comprises three bedrooms (main with ensuite and WIR) and a bathroom.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include Hebel panel external walls with a range of rendered finishes as well as feature brickwork and timber look panel lift garage doors. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 22.5-degree pitch. Landscaping is also proposed to the front of each dwelling.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has advised that the proposed deviation of the driveway servicing Lot 1 is considered acceptable.
Open Space:	Council's Arborist has advised that the existing street tree forward of the subject land is suitable for retention and that a minimum tree protection zone of 1.5 metres is required to any proposed crossover.

ZONE & POLICY AREA ASSESSMENT

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

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Minimum Site Area: 250m²</i>	Does Not Comply Lot 1: 238m ² Lot 2: 244m ² Lot 3: 232m ²
	<i>Minimum Frontage: 7m</i>	Complies Lot 1: 7.11m Lot 2: 7.91m Does Not Comply Lot 3: 6.32m
	<i>Minimum Depth: 20m</i>	Complies Lot 1: 33.53m Lot 2: 33.53m Lot 3: 33.53m

Assessment

The application proposes to replace an existing single-storey detached dwelling in average condition, with three two-storey row dwellings, which is a form of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

A minimum site area of 250 square metres is prescribed for row dwellings in the Northern Policy Area 13, which equates to a shortfall of 12 square metres (4.8%) for Lot 1, 6 square metres (2.4%) for Lot 2 and 18 square metres (7.2%) for Lot 3. This results in a 4.8% discrepancy for the total site area. In my view, the shortfall in site area is not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the ability of the application to maintain a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from the Development Plan (as discussed further in the Table Discussion of this report).

The proposed width of Lot 3, at 6.32 metres, falls short of the prescribed minimum of 7 metres. It is noted that only the area of the allotment forward of the dwelling falls short of the frontage width requirement, with the frontage width of Lot 2 widened in order to achieve adequate separation from the proposed crossover of that allotment to the existing street tree. The width of Lot 3 increases to 7.11 metres at the main face of the dwelling and for the remainder of the allotment. As such, the shortfall in site width of Lot 3 is not readily apparent within the streetscape, nor does it impact upon the function and layout of the proposed dwelling. Further, the total frontage width of the subject land, at 21.34 metres, exceeds the minimum required of three row dwellings within this Policy Area.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area and frontage width do not jeopardise the underlying merit of the proposal. The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

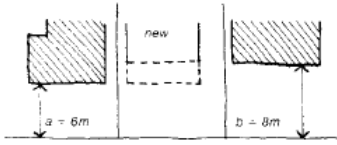
Assessment:

Site Coverage	
<i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i> <i>Northern Policy Area 13: PDC 4</i>	<p><u>Site coverage:</u></p> <p>Does Not Comply Lot 1: 50.4% (120.2m²) Lot 2: 51.4% (125.6m²) Lot 3: 51.7% (120.2m²)</p> <p><u>Floor area ratio:</u></p> <p>Does Not Comply Lot 1: 0.67 (159.4m²) Lot 2: 0.69 (168.2m²) Lot 3: 0.69 (159.4m²)</p>

<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>			<p>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>			<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p>Complies</p> <p>Approximately 28% (200m²)</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies</p> <p>Lot 1: 25.7% (61.2m²)</p> <p>Lot 2: 25.1% (61.2m²)</p> <p>Lot 3: 26.4% (61.2m²)</p> <p>5 x 5 metre POS dimension achieved</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<i>Residential Zone: PDC 7</i>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p> <p>Lot 1: 82.5% of POS free from structures</p> <p>Lot 2: 82.5% of POS free from structures</p> <p>Lot 3: 82.5% of POS free from structures</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The proposed front setback of 7.05 metres is considered to be compatible with setbacks of buildings on adjoining land and contributes positively to the function, appearance and desired character of the locality.</p>

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

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

General Section: Design and Appearance: PDC 22

Partially Complies

Lot 1: 7.05 metres

(Dwellings on adjoining land set back approximately 7 and 10 metres, which equals an average setback of 8.5 metres)

While the front setback does not meet the average of the buildings on adjoining land, the proposed setback of 7.05 metres is nonetheless similar to/compatible with the setback of the dwelling on the adjoining allotment to the east of the site. Furthermore, the Desired Character of the Policy Area anticipates dwellings to incorporate 'generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area'.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Does Not Comply

Wall height up to 3 metres:

Lot 1: 0.6m (to the carport) increasing to 0.9m
Lot 3: 0m (wall on boundary) increasing to 0.9m

Complies

Wall height between 3 and 6 metres

Lot 1: 2m
Lot 3: 2m

Maximum length and height when wall is located on side boundary:
(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height
(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.

Residential Zone: PDC 6

Complies

Lot 3 boundary wall:

Length: 7.5m
Height: 2.92m (from natural ground level)

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

General Section: Design and Appearance: PDC 2

Complies

Although a portion of the lower level side setback of Lot 1 does not comply with the quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Rear Setbacks

Minimum setback from rear boundary:

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

(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

Complies

Lower levels:

Lot 1: 8.61m

Lot 2: 8.61m

Lot 3: 8.61m

Upper levels:

Lot 1: 12m

Lot 2: 10.9m

Lot 3: 12m

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

(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight

(b) minimise the impact of bulk and scale of development on adjoining properties

(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.

General Section: Design and Appearance: PDC 2

Complies

Building Height

Maximum building height (from natural ground level):

2 storeys of not more than 9 metres

Residential Zone: PDC 6

Complies

The proposed dwellings incorporate a maximum building height of 6.46 metres (from the natural ground level), which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

Each proposed garage is incorporated under the main roof of the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter

Value

Maximum wall or post height

3 metres

Complies

Lot 1: Carport wall height of 2.7m

Lot 3: Garage wall height of 2.92m (from natural ground level)

Minimum setback from a primary road frontage

Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.

Partially Complies

Lot 1: 7.5m (0.45m behind the main face)

Lot 2: 7.5m (0.45m behind the main face)

Lot 3: 7.5m (0.45m behind the main face)

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Lot 3: 7.5m (22.4%)
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Lot 1: 3m (42.2%) Lot 2: 3m (37.9%) Lot 3: 3m (47.5%)
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		Complies On-site car parking is provided in accordance with Development Plan requirements with each dwelling providing 2 on-site car parking spaces, 1 of which is covered within the garage.
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located within reasonable walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. Does Not Comply d) e) On street car parking is not available due to a no stopping zone sited on the portion of Castle Street forward of the subject land.
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		Does Not Comply On street car parking is prevented forward of the subject land.
Access		
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>		Complies Lot 1: 3m Lot 2: 3m Lot 3: 3m

<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Partially Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 1.7 metres from the existing street tree, however Council's arborist is satisfied that a 1.5 metre setback to the street tree will not compromise the health of the tree.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Partially Complies</p> <p>While the proposed vehicle access points are not separated by a minimum distance of 6 metres, this does not impact on the opportunities for on street parking as this is already prevented by a no stopping zone forward of the subject land.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick and various rendered finishes to the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding balcony and cantilevered upper levels • Eave overhang and pitched roof form at 22.5-degree slope • Fenestration <p>The dwellings feature rendered facades in 'Whisper White' and 'Water Worn Grey'. Garages feature timber look panel lift doors. The roof of each dwelling is clad in Colorbond 'Woodland Grey' corrugated iron roof sheeting set at a 22.5-degree pitch.</p> <p>These materials are appropriate within the locality and will not result in unreasonable glare to nearby persons and properties.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p>

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

Visual Privacy

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

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

Complies

The dwellings incorporate 1.8 metre sill heights above the upper floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

<p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 22.5-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

LAND DIVISION ASSESSMENT

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

Land Division	
Objectives <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i>	Complies
<i>2 Land division that creates allotments appropriate for the intended use.</i>	Complies
<i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i>	Complies
Principles of Development Control <i>1 When land is divided:</i> <i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> <i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i>	Complies The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
<i>2 Land should not be divided if any of the following apply:</i> <i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i> <i>(b) any allotment will not have a frontage to one of the following:</i> <i>(i) an existing road</i> <i>(ii) a proposed public road</i> <i>(iii) access to a public road via an internal roadway in a plan of community division</i> <i>(c) the intended use of the land is likely to require excessive cut and/or fill</i> <i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i> <i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i> <i>(f) the intended use of the land would be contrary to the zone objectives</i> <i>(g) any allotments will straddle more than one zone, policy area or precinct.</i>	Complies a) It has been demonstrated that the allotments are suitable for their intended use. b) Each allotment will have frontage to a public road. c) No excessive cut and/or fill is required as the subject land is relatively flat. d) The proposed division is unlikely to result in undue erosion of the subject land or locality. e) The subject site has access to existing services. f) Row dwellings are an envisaged built form in the Residential Zone g) The entirety of the subject land will remain in the Northern Policy Area 13 within the Residential Zone.
Design and Layout <i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i>	Does not Comply Each allotment comprises a depth between 4 and 5 times the width of the frontage. However, it has been demonstrated that the function and amenity of each dwelling has not been compromised by this non-compliance.

<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Partially Complies</p> <p>As a result of being situated on the northern side of an east-west running street, the layout of the land division provides for the dwellings to be oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p>
<p>Roads and Access</p> <p>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:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Partially Complies</p> <p>a) Adequate on-site parking available</p> <p>b) Public transport services are readily accessible within both the immediate and wider locality.</p> <p>c) The locality is dominated by residential uses, however on-street car parking is restricted forward of the subject land for the 50 metre portion of Castle Street between Chitral Terrace and Towers Terrace.</p>
<p>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).</p>	<p>Does Not Comply</p> <p>On street car parking is restricted forward of the subject land.</p>

TABLE DISCUSSION

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

- Site coverage
- Floor area ratio
- Side setback (Lot 1)
- On-street car parking

Site coverage

Site coverage considerably exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 50.4%, 51.4% and 51.7% for Lots 1, 2 and 3 respectively. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposed dwellings each include an undercover alfresco/verandah area. Were these to be deleted from the proposal, site coverage would reduce to 46.1%, 47.2% and 47.3% for Lots 1 to 3 respectively. While this level of site coverage more closely aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

Furthermore, verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to the proposed alfrescos; such structures are likely to comply with Schedule 1A of the Development Regulations 2008 and therefore would not require Development Plan Consent. Accordingly, whilst removal of the proposed alfrescos would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

- b) The proposal exceeds the minimum POS requirement of 20%, at 25.7%, 25.1% and 26.4% for Lots 1, 2 and 3 respectively. Additionally, the proposed dwellings achieve sufficient setbacks from boundaries. Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- c) The proposal is considered to comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Floor area ratio

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13. Each proposed dwelling surpasses this limit, with FAR equating to 0.67 for Lot 1, 0.69 for Lots 2 and 3. These excesses do not result in direct impacts to adjacent land the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

Side setback (Lot 1)

Dwellings with a wall height of up to 3 metres (i.e. the lower level) should maintain a minimum setback of 0.9 metres to at least one side boundary, whereas the dwelling of Lot 1 comprises a setback of 0.6 metres to the western side boundary. It is noted that the shortfall in side setback is limited to a length of 6.24 metres adjacent the carport, with the setback increasing thereafter to 1.7 metres and 1 metre for the remaining lower level portions of the dwelling.

Given the open nature of the carport, in combination with the length over which the shortfall in setback occurs, amenity impacts upon the adjoining property to the west are deemed relatively minor. Further, the shortfall in side setback is not expected to impact upon the functionality of the proposed dwelling, with the open carport allowing for convenient storage of household waste and recycling receptacles.

On-street car parking

The proposed increase in density requires the provision of two (rounded up) on-street parking spaces adjacent the subject land (i.e. one on-street space per two allotments). On-street car parking is prevented by a 'no-stopping' zone (yellow lines) on the section of Castle Street forward of the subject land between Chitral Terrace and Towers Terrace. As such, it may be considered that the increase in vehicle crossovers does not result in any loss of on-street car parking forward of the subject land.

However, regard must be had for the likely increase in demand for on-street car parking spaces within the locality arising from the increase in density of the site. It is noted that on-street car parking on the portions of Castle Street east of Towers Terrace and west of Chitral Terrace (approximately 50 metres from the subject site in both directions) remains unrestricted. Accordingly, it may be expected that visitors of the proposed dwellings will utilize other available on-street car parking in close proximity to the subject land. Whilst the availability of nearby on-street car parking does not entirely excuse the shortfall, practicably, it is nonetheless available and may supplement any overflow in car parking requirements arising from the future occupants and/or visitors of the site. Furthermore, given that the proposal exceeds the total on-site parking requirements, and that the dwellings are located in relatively close proximity to public transport services, in my view, the shortfall in on-street car parking may be considered acceptable in this instance.

In relation to the above, it is noted that the subject land is positioned at the 'head' of the intersection of Castle Street and Towers Terrace, with the no-stopping zone in effect due to the continuation of Chitral Terrace through to Towers Terrace via a portion Castle Street. This serves as a collector road for local traffic, and as such, sees relatively high traffic flows during peak hours. Consideration is given to the fact that the proposed development may result in an increased number of vehicles required to reverse onto Castle Street, which sees higher traffic volumes than other portions of Castle Street. Further, the continuation of Chitral Terrace and Towers Terrace onto Castle Street, means that vehicles may be travelling at greater speeds than would be expected for regular T-junction intersections (where vehicles come to a stop before turning onto the perpendicular street).

Principle of Development Control 26 (General Section: Transportation and Access) seeks for development with access from roads with traffic volumes exceeding 6000 vehicles per day to avoid the need for vehicles to reverse onto the road. Councils most recent traffic data (2011) for traffic volumes along Towers and Chitral Terraces, indicates that the number of vehicles using these roads is not in excess of 4000 vehicles per day. While the need for vehicles to reverse onto this portion of Castle Street is not ideal, this is nonetheless required of the existing dwelling on the subject land (albeit for only one crossover), while traffic volumes do not exceed that which would require the need to avoid reversing. In my view, it is not reasonable to refuse development which would otherwise be expected (despite a minor departure in site areas), on this basis alone.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains a number of quantitative shortfalls, including site area, site coverage, floor area ratios, side setback and the availability of on-street car parking, assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality. While the location of the subject land at the 'head' of an intersection is noted is noted and considered accordingly with the overall merit of the proposal.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2016/1200 for residential land division (Torrens Title- 1 into 3 allotments) as well as three two-storey row dwellings at 75 Castle Street, South Plympton, be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No.100/1200/2016 (100/D140/16), except when varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
4. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any

diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

9. 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.
10. 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.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

Land Division Consent

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

The internal drains shall be altered to the satisfaction of the SA Water Corporation

SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

2. On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
3. Payment of \$12976 into the Planning and Development Fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

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

4. The proposed vehicle crossovers must be constructed a minimum 1.7 metres from the existing street tree, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. 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 2000.
8. 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 issue of a certificate pursuant to Section 51 of the Development Act.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 2 November 2016

Agenda Ref No:	DAP021116 – 2.7
Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	365 Studio
Development Description:	Two single-storey semi-detached dwellings & garages
Site Location:	7 Neath Avenue, Dover Gardens
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	15/09/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1702
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

Under previous application number 100/2016/1367, Council staff recommended an increase in the secondary street setback of Dwelling 2 (which was not met) and a reduction in the garage width of Dwelling 3 to less than 50% the width of the dwelling façade (which was met).

During the assessment process of the current application (100/2016/1702), Council staff requested the following additional information to support the application:

Additional Information Requested	Information Provided
Landscaping plan	Landscaping added to site plan
Stormwater detention details	Details provided on civil plan

SUBJECT LAND & LOCALITY

The subject land comprises a portion of 7 Neath Avenue, Dover Gardens (with the remaining portion of the land being used for the construction of a single storey detached dwelling under Development Application 100/1701/2016). The subject land occupies the corner of Neath Avenue and Seaview Crescent, has an irregular shape, achieves a total frontage width of 27.63 metres, a minimum depth of 14.5 metres increasing to 27.63 metres and a total site area of 600 square metres.

The site currently accommodates a detached dwelling in a reasonable condition. The dwelling is oriented at a 45 degree angle to both Neath Avenue and Seaview Crescent and is setback approximately 10.0 metres from the corner cut-off. Vehicular access is currently available from Neath Avenue, adjacent the northern boundary of the allotment. The contour of the land is relatively flat.

There are currently no regulated or significant trees or other significant vegetation on the subject land that warrants retaining. The applicant has sought and gained approval to have a Bottlebrush street tree removed from the Council verge on Seaview Crescent and replaced by Council at a cost of \$557 to the applicant/owner to accommodate the construction of a driveway crossover to Dwelling 3.

The pattern of development in the locality is typically defined by single storey detached and semi-detached dwellings at low to medium densities. Recent development in the locality displays a presence of detached, semi-detached and row dwellings, both single storey and two storey in nature.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the creation of two allotments and the construction of two single-storey semi-detached dwellings fronting Seaview Crescent (Dwelling 2 and Dwelling 3). An additional allotment with a single-storey detached dwelling fronting Neath Avenue has recently been granted Development Plan Consent on 20/9/2016 under Development Application number 100/1701/2016 and is outside the scope of this application.

Dwelling 2 incorporates three bedrooms (one with ensuite and walk-in robe), bathroom, laundry and open plan family/dining/kitchen area with direct access to an alfresco area and private open space. A double width carport is situated along the shared eastern boundary with Dwelling 3, which seeks to gain access via a new crossover.

Dwelling 3 incorporates three bedrooms (one with ensuite and walk-in robe), bathroom, laundry and open plan family/dining/kitchen area with direct access to an alfresco area and private open space. A double width carport is situated along the shared western boundary with Dwelling 2, which seeks to gain access via a new crossover which requires the removal of Bottlebrush street tree from the Council verge.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Arborist:	Council's Arborist has advised that removal and replacement of the Bottlebrush street tree (one only) nearest the proposed boundary of Dwellings 2 & 3 on Seaview Crescent is suitable for removal and replacement provided a fee of \$557 is paid to Council to undertake the works. Alternatively, a 2.0m tree protection zone is required to any proposed crossover.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area: 320m²</i>	Does Not Comply Dwelling 2: 300m ² Dwelling 3: 300m ²
	<i>Minimum Frontage: 9.0m</i>	Complies Dwelling 2: 14.63m Dwelling 3: 13.0m
	<i>Minimum Depth:</i> <i>Lot 1: 20m</i> <i>Lot 2/3: 45m</i>	Partially Complies Dwelling 2: 14.5m increasing to 21.87m Complies Dwelling 3: 23.3m

Assessment

The applicant proposes to construct three single storey dwellings on an allotment which currently accommodates a single storey detached dwelling. One of the proposed dwellings (Dwelling 1) has been granted Development Plan Consent under Development Application number 100/1701/2016. Dwellings 2 & 3 have been submitted under development application number 100/1702/2016 and are the subject of this report. Once constructed, the dwellings will represent an increase in density of the land by three.

Whilst Dwellings 2 & 3 are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). It is also acknowledged that the density of the site will be in keeping with other recent development in the locality (row dwellings situated at 4 Seaforth Avenue and 13 McKay Street), which is encouraged by the Desired Character Statement, Objectives 1 and 3 and Principles of Development Control of the Northern Policy Area 13. The dwellings also contribute to the provision of a variety of dwelling types and accommodation needs.

The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and design to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and will provide a positive contribution to the existing streetscape.

The application requires the removal of a Council street tree as the minimum tree protection zone has not been met (2 metres). The tree is not considered to significantly contribute to the amenity of the local area and Council's Arborist has determined that removal and replacement of the tree is suitable at a cost of \$557.

The proposal complements the applicable Objectives, Principles of Development Control and Desired Character statement of the Residential Zone and Northern Policy Area 13.

Site Area

The site area of each proposed allotment fails to meet the minimum prescribed for semi-detached dwellings within the Northern Policy Area 13. Semi-detached dwellings require a minimum 320 square metres.

Dwellings 2 & 3 achieve a site area equal to 300 square metres, which equates to a shortfall of 20 square metres (6.25%). The design of the dwellings has demonstrated that the site dimensions will not result in adverse impacts to the amenity of adjoining properties or come at the expense of the other relevant provisions of the Development Plan (discussed throughout this report). At 14.63 metres and 13.0 metres, both dwellings maintain a frontage width that exceed the 9.0 metres envisaged for semi-detached dwellings in Northern Policy Area 13. As such, the undersized nature of the allotments will not be as apparent from the street as the predominant pattern of wider frontages for dwellings will be maintained.

These considerations suggest that the shortfall in site areas are not fatal to the merit of the subject application. This is further demonstrated by the ability of the dwellings to satisfy a majority of other design criteria (illustrated in the below table, and discussed further below).

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

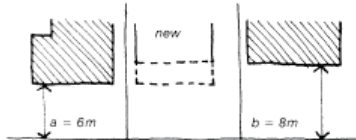
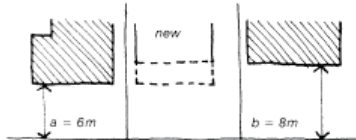
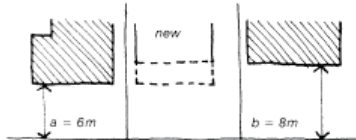
Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Site coverage: Does Not Comply Dwelling 2: 54% Dwelling 3: 55%</p> <p>Excluding alfresco Dwelling 2: 50% Dwelling 3: 51.7%</p> <p>This non-compliance against the Development Plan will be discussed within the "Table Discussion" section of this report.</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 1</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p>Complies</p>
<p>Private Open Space</p>			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies Dwelling 2: 23.2% Dwelling 3: 21.8%</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>Whilst Dwellings 2 & 3 achieve an appropriate area of private open space, it is acknowledged that a 5 x 5 metre area is not provided. Despite the POS area failing to achieve the minimum dimensions sought, the main areas are directly accessible from internal living rooms. It is also acknowledged that these areas are orientated to the north and will receive direct sunlight providing a comfortable environment year round. In addition, these areas are of a reasonable size and can be used for the location of rubbish bin storage, rainwater tanks and other utilities.</p>
<p><i>Residential Zone: PDC 7</i></p>			<p>Despite the POS failing to achieve the minimum dimensions of the Development Plan, I am of the view that the areas provided are of sufficient size to meet the likely needs of future occupants.</p>
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of</i></p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwellings.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy.</p> <p>g) POS area are oriented north to provide year round comfort.</p> <p>h) POS areas are oriented north and will not be overshadowed by the proposed dwellings. The proposed dwelling to the north of the subject land is single-storey and therefore unlikely to significantly overshadow the POS areas of Dwelling 2 & 3.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>

<p>the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p> <p>Dwelling 1: 82% of POS free from structures</p> <p>Dwelling 1: 84% of POS free from structures</p>

Building Setbacks from Road Boundaries

<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.0m and 4.1m is considered to contribute positively to the function, appearance and desired character of the locality.</p>						
<p>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b > a > 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b > a > 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Complies</p> <p>Dwelling 2: 4.0 metres</p> <p>Dwelling 3: 4.1 metres</p> <p>The dwelling on adjoining land at number 8 Seaview Crescent features two garages that are prominent and are setback approximately 3.0 metres from the front boundary.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b > a > 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						

Side Setbacks

<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Dwelling 2: 2.5 metres</p> <p>Dwelling 3: 1.2 metres</p>
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Rear Setbacks

<p>Minimum setback from rear boundary:</p> <p>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</p> <p>Residential Zone: PDC 6</p>	<p>Partially Complies</p> <p>Dwelling 2: 0.9 metres increasing to 6.5 metres. 5.5 metres of the dwelling is within 3.0 metres of the rear boundary whereas 8.5 metres is setback at least 3.0 metres from the rear boundary.</p> <p>Dwelling 3: 4.2 metres increasing to 6.8 metres.</p>
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		Although the rear setbacks of the dwellings do not accord with Council's quantitative requirements, given adequate POS will be available and that the reduced rear setback will not result in adverse visual or overshadowing impacts to the proposed dwelling to the rear of the site, I am of the view that the rear setbacks as proposed are acceptable.
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p>General Section: Design and Appearance: PDC 2</p>		<p>Complies</p> <p>Although the rear setbacks of the dwellings do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties.</p>
Building Height		
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p>Residential Zone: PDC 6</p>		<p>Complies</p> <p>Dwelling 2: 4.9 metres</p> <p>Dwelling 3: 4.9 metres</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p>General Section: Residential Development: PDC 10</p>		<p>Complies</p> <p>The garages associated with Dwellings 2 & 3 are accommodated under the main roof of the dwellings.</p>
<p><i>Garages, carports, verandas and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p>General Section: Residential Development: PDC 12</p>		<p>Complies</p> <p>Dwelling 2: 33m²</p> <p>Dwelling 3: 35m²</p> <p>Complies</p> <p>Dwelling 2: 2.7m</p> <p>Dwelling 3: 2.7m</p> <p>Complies</p> <p>Dwelling 2: 4.3m</p> <p>Dwelling 3: 4.3m</p> <p>Complies</p> <p>Dwelling 2: 0.25m</p> <p>Dwelling 3: 0.26m</p>
Parameter	Value	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	
Maximum building height	5 metres	
Maximum height of finished floor level	0.3 metres	

Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies Dwelling 2: 5.5m & 1.4m behind main face of dwelling. Dwelling 3: 5.5m & 1.5m behind main face of dwelling.
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Dwelling 2: 5.7m (50% of façade width = 8.35m) Dwelling 3: 5.85m (50% of the façade width = 6.0m)
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Complies
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. General Section: Transportation & Access: PDC 34		Complies Dwelling 2 (3 bedrooms): 4 car parking spaces provided, 2 of which are covered. Dwelling 3 (3 bedrooms): 4 car parking spaces provided, 2 of which are covered. .
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). General Section: Transportation & Access: PDC 43 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). General Section: Land Division: PDC 22		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) Three on-street car parking spaces are provided. Three on-street car parking spaces are available, one on Neath Avenue and two on Seaview Crescent.

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:

- (a) 3 metres wide for a single driveway
- (b) 5 metres wide for a double driveway.

General Section: Residential Development: PDC 39

Complies

Dwelling 2: 3.05m (double driveway)
Dwelling 3: 4.4m (double driveway)

Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are set back a minimum of 2.0 metres from existing street infrastructure and street tree; however, Dwelling 3 requires the removal of a Council owned street tree.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

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

- Mixture of exposed brick and render on the front façade
- Eave overhang and pitched roof form
- Fenestration.

The dwellings incorporate a Colorbond roof with a mixture of exposed brick and render to the front facade. The associated carport features exposed brick posts and a Colorbond roof. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

Relationship to the Street and Public Realm

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

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

General Section: Design & Appearance: PDC 13

Complies

Dwellings 2 & 3:
The dwellings are designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level private open space</i> <i>(ii) 35 square metres of the existing ground level private open space</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>The proposed dwellings are single-story only and are unlikely to cause any significant overshadowing of adjacent land, given the majority of shadow will be cast onto the adjacent roads. As such, the proposal satisfies Principle of Development Control 9 and 10.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>The dwellings are oriented so that their POS and main activity areas are facing north and will receive direct sunlight providing a comfortable environment year round.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <ul style="list-style-type: none"> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form, with north-facing sections upon which solar collectors could be sited efficiently.</p>

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Partially Complies

A landscaping plan has been provided showing a limited variety of plants.

An amended landscaping plan will be requested showing a greater diversity of native plantings as a condition of Development Plan Consent.

TABLE DISCUSSION

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

- Site coverage (Dwellings 2 & 3)
- Rear setback (Dwellings 2 & 3)

Site coverage (Dwellings 2 & 3)

The site coverage of Dwelling 2 being 54%, and Dwelling 3 being 55% represent a significant deviation from the 40% standard identified in the Development Plan. This equates to an additional 42m² in floor area for Dwelling 2 and 45m² for Dwelling 3.

Whilst it is acknowledged that this additional area to Dwellings 2 and 3 is not minor, it should be noted that the amount of private open space provided for each dwelling accords with the numerical requirement specified in the Development Plan and, in my view, is suitable for the likely needs of the occupants. Furthermore, site coverage of Dwellings 2 and 3 accord with Principle of Development Control 9 of the Residential Zone which states;

Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:

- (a) would not be contrary to the relevant setback and private open space provisions*
- (b) would not adversely affect the amenity of adjoining properties*
- (c) would not conflict with other relevant criteria of this Development Plan.*

As such, it is my view that the proposal is deemed to be consistent with the provisions of the Development Plan or its variances are not of such a severity that they would warrant refusal, the excess site coverage is not considered to be critical in the overall merits of the application.

Rear setback (Dwellings 2 & 3)

Dwelling 2 achieves a minimum rear setback of 0.9 metres nearest the boundary adjacent Neath Avenue increasing to a maximum setback of 6.5 metres. Dwelling 3 achieves a rear setback of 4.2 metres for 63% of the length of the rear boundary and 6.8 metres for 30% of the width of the rear boundary. As the rear boundary of Dwellings 2 & 3 are adjoining the side boundary of proposed Dwelling 1 (under Development Application 100/1701/2016) and adjacent the proposed side access pathway, a lesser setback is unlikely to have any significant negative impact on the occupants of Dwelling 1. In addition, at 4.2 metres, the rear setback of Dwelling 3 is unlikely to negatively impact the private open space of Dwelling 1.

In my opinion, it is unlikely that the rear setbacks proposed for Dwellings 2 & 3 will create unreasonable visual or noise impacts on proposed Dwelling 1 at the rear.

ANALYSIS/CONCLUSION

It is my view that the proposed development satisfies the relevant Objectives, Desired Character and Principles of Development Control of Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities and a greater diversity in dwelling types.

The assessment discussion contained within this report has demonstrated that the proposal satisfies a majority of the applicable quantitative and qualitative provisions of Council's Development Plan. Whilst the allotments are marginally undersized, the design and layout of each dwelling has demonstrated that the sites are able to accommodate two semi-detached dwellings in the form proposed. Further, the excess in the dwelling footprints has not come at the expense of the amount of private open space provided for each dwelling, nor the setbacks to boundaries.

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: 100/2016/1702 for the construction of a two single-storey, semi-detached dwellings & garages at 7 Neath Avenue, Dover Gardens 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. 100/1702/2016, being drawing numbers 014-06-16/PD01 (F) ('Proposed Site Plan'), 014-06-16/PD04 (F) ('Proposed Floor Plan D2', 014-06-16/PD05 (F) ('Proposed Elevations D2'), 014-06-16/PD06 (F) ('Proposed Floor Plan D3'), 014-06-16/PD07 (F) ('Proposed Elevations D3') prepared by Three Six Five Studio and C01 (C1) ('Civil Plan') prepared by HK Consulting Engineers except when varied by the following conditions of consent.
2. An amended landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site.
3. Stormwater from the structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street water table (inclusive of any system that connects to the street water table via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. All existing street trees are to be retained with the exception of the Bottlebrush street tree which is situated within the Council verge on Seaview Crescent close to the proposed boundary between Dwellings 2 & 3. This tree may be removed and replaced (by Council) at a cost of \$557 to be borne by the applicant/owner. Any future proposed crossover/access must be constructed clear of any other existing street tree and setback the required distances from the tree in accordance with Council requirements.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 2 November 2016

Agenda Ref No: DAP021116 – 2.8

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: Kenny Hsieh

Development Description: Alterations and additions to the existing dwelling, and construction of a single storey dwelling to the rear with associated landscaping and fencing.

Site Location: 4 Coles Street, Plympton Park

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 17/03/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/468

Recommendation: That Development Plan Consent be **GRANTED** subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the existing dwelling supporting a proposed allotment area of 297 square metres and the proposed dwelling supporting an allotment area of 329 square metres, both of which are therefore less than the minimum of 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

During the assessment process, Council staff requested the following amendments and information to assist in the assessment and processing of the application:

Amendments Requested	Amendments Made
5m by 5m dimensions of private open space to the existing dwelling.	Amendment to the proposal made by incorporating minimum 5m by 5m dimensions.

The existing dwelling, and any additions to the dwelling, should be setback an additional 1 metre from the hammerhead driveway to reduce potential noise and amenity impacts.	Proposed addition setback a minimum 1.2 metres from internal boundary. Remainder of dwelling still proposed to be constructed along the internal boundary, adjacent the proposed driveway.
Reduction in site coverage of the proposed dwelling.	Site coverage (dwelling footprint) not reduced.
Information Requested	Information Provided
Provide site area and dimensions on architectural plans.	Not provided.
Confirm all works to the existing dwelling.	Provided.
A detailed and extensive landscape plan should be provided.	Not provided.
Survey plan nominating the location of the existing dwelling to the southern boundary should be provided.	Provided.

SUBJECT LAND & LOCALITY

The subject land is located on the western side of Coles Street, Plympton Park. The allotment is rectangular in shape and supports a frontage width of 15.85 metres, a depth of 46.63 metres and an overall allotment area of 739 square metres.

The land is relatively flat and contains a late 1940's era dwelling in ordinary condition and a small outbuilding to the northern side of the allotment. The allotment contains a moderate level of vegetation in the form of small trees and shrubs; no Regulated or Significant Trees are located on the allotment. A mature Lemon Scented Gum is located to the rear of the allotment, however, the circumference of the tree is less than 2 metres (when measured 1 metre from natural ground level) and therefore is not a Regulated Tree as defined by the Development Regulations 2008. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through a crossover located to the northern side of the allotment. This crossover is proposed to be reused as part of the proposed development.

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single and double storey dwellings at a range of densities. The subject allotment is located within 250 metres of Hendrie Street which provides Adelaide Metro Bus services to the Adelaide CBD and Marion Regional Centre.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to demolish the rear portion of the existing dwelling and construct a new addition that will include an increased dining room and laundry. Additional works to the front of the dwelling are proposed in the form of a redesigned front portico/verandah. New colorbond fencing to a height of 1.8 metres is to be constructed along the side and rear boundaries to screen the existing dwellings' area of private open space.

The proposed dwelling incorporates three bedrooms, laundry, en-suite to bedroom 1 and an open meals/kitchen/living area with direct access to an area of private open space. A double width carport under the main roof of the dwelling is located on the existing southern boundary for a length of 6.3 metres. Vehicle access will be obtained through the construction of a new driveway along the southern side of the allotment adjacent the proposed internal boundary.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering: Council's Development Engineer has advised vehicular manoeuvring for the rear dwelling is acceptable.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
Objectives <i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> <i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i>		
Northern Policy Area 13		
Objectives <i>1 A policy area primarily comprising low scale, low to medium density housing.</i> <i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i> <i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i> <i>4 Development densities that support the viability of community services and infrastructure.</i> <i>5 Development that reflects good residential design principles.</i> <i>6 Development that contributes to the desired character of the policy area.</i>		
Desired Character <i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i> <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> <i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i> <i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i> <i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i>		
PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"><i>▪ affordable housing</i><i>▪ dwelling including a residential flat building</i><i>▪ supported accommodation.</i>	Complies

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Minimum Site Area: Detached Dwelling 375m²</i>	Does Not Comply Existing: 297m ² Proposed: 329m ²
	<i>Minimum Frontage: Detached Dwelling 12m Battleaxe allotment 4m</i>	Complies Proposed: 5m Does Not Comply Existing: 10.85m
	<i>Minimum Depth Detached Dwelling 20m</i>	Complies Existing: 26.43m Proposed: 20.95m (avg)

Assessment

The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 through the retention of existing housing stock which is in reasonable condition and the establishment of a contemporary dwelling, which contributes to the variety of architectural styles found within the locality.

The development does not require the removal of any regulated or significant trees on the development site, nor any mature trees within the road reserve, again in keeping with the Desired Character of the Policy Area.

The site area of the existing dwelling will be reduced to 297 square metres, where a minimum site area of 375 square metres is required for detached dwellings within the Northern Policy Area 13. This represents a shortfall of 78 square metres, and therefore a considerable deficit in area from that sought. Despite the shortfall in allotment area, a majority of the allotment maintains an internal allotment width of 11.9 metres, and an average depth of 20.95 metres. As discussed further within the report, the shortfall in site area is not considered to fundamentally affect the functionality of the dwelling and allotment.

The proposed dwelling will encompass a site area of 329 square metres, representing a shortfall of 46 square metres. It is noted that this figure excludes the hammerhead driveway. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, were the driveway to be included within site area calculations, the proposed dwelling would maintain a site area of 442 square metres, which substantially exceeds the minimum of 375 square metres.

The proposed shortfalls in site area by both dwellings suggest that it is important to consider whether the densities proposed are contradictory to that anticipated within the Northern Policy Area 13. The subject land comprises an overall site area of 739 square metres, equating to an

average site area of 369.5 square metres per dwelling, which is marginally less than that sought for detached dwellings within the Northern Policy Area 13.

In considering the proposed density, it is noted that the existing site area of 724 square metres could accommodate a pair of semi-detached dwellings, requiring a minimum site area of 320 square metres each. It is further considered that although both dwellings are, by definition, classified as detached dwellings, were they to share the common driveway, both would become group dwellings. Group dwellings within the Northern Policy Area require a minimum site area of only 300 square metres each. Whilst a design incorporating group dwellings would not necessarily result in an improved development outcome; the site area would however exceed that sought.

As such, it is considered that the subject land could feasibly be developed to accommodate two dwellings, albeit, in varying formations to that proposed. As such in my view, the proposed residential density is not in conflict with that sought within the Policy Area.

The proposed frontage of 10.85 metres for the existing dwelling, whilst falling short of the 12 metres sought, is not considered to affect the functionality of the proposed dwelling given appropriate setbacks to boundaries have been provided. This is further demonstrated by the ability of the dwellings to satisfy a majority of other design criteria (illustrated in the table above, and discussed further below). Furthermore, whilst not applicable in this instance, regard should be given to Schedule 4 2B of the Development Regulations 2008 which permits detached dwellings to achieve frontage requirements of semi-detached dwellings (9 metres).

The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area</i> <i>Northern Policy Area 13: PDC 4</i>	Complies Existing: 117.15m ² / 39.44% Does Not Comply Proposed: 152.55m ² /46.3%
<i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <i>Residential Zone: PDC 9</i>	Complies

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p>(a) <i>pedestrian and vehicle access and vehicle parking</i></p> <p>(b) <i>domestic storage</i></p> <p>(c) <i>outdoor clothes drying</i></p> <p>(d) <i>rainwater tanks</i></p> <p>(e) <i>private open space and landscaping</i></p> <p>(f) <i>convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>Both dwellings provide sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p>

Site coverage for the proposed dwelling, at 46.3%, is higher than that sought within the Policy Area. It is noted that this figure is based upon the curtilage of the dwelling only, and does not include the hammerhead driveway. When including the hammerhead driveway, site coverage equates to 34.51%, well below the maximum permitted.

The excess in site coverage is considered acceptable, as the dwelling has been provided with appropriate setbacks, adequate area, dimension and orientation of private open space and compliant vehicular manoeuvring areas. Furthermore, the excess in site coverage is unlikely to result in the overshadowing of the area of private open space or overshadow or create a visual impact on adjoining properties.

Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</p>
<p><i>Residential Zone: PDC 7</i></p>		

Complies

Existing: 65.2m² / 21.9%
Proposed: 68.84m² / 20.79%

Both dwellings achieve areas of private open space that achieve the minimum dimensions sought.

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwellings.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings .</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>g) The proposed POS areas maintain a westerly aspect.</p>
<p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Proposed: 910mm & 1100mm</p> <p>Existing: 3.05m (northern)</p>
<p><i>Maximum length and height when wall is located on side boundary:</i></p> <p><i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p>7.85m in length (complies)</p> <p>3.5m in height (does not comply)</p> <p>It should be noted the southern façade of the existing dwelling is to be sited on the proposed internal boundary.</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Does Not Comply</p>
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It should be noted the southern façade of the existing dwelling is to be sited on the proposed internal boundary.

Whilst the proposed wall length is considered acceptable, the wall height of 3.5 metres does not comply with the maximum 3 metres anticipated by the Development Plan. Modifications to the existing dwelling will result in the removal of the eave overhang and installation of a box gutter. These modifications will therefore result in a higher wall along this common boundary.

Despite being higher than that sought, the excess height will result in insignificant visual bulk/scale and amenity impacts given the applicant proposes to include a 'vertical garden' which will aid in reducing the impacts associated with the wall height and improve the visual presentation of the wall/driveway area.

Although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable visual impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Bedrooms 1 and 2 abut the proposed internal driveway, and whilst not no openings will be located along this façade, it is anticipated the amenity of occupants will be somewhat reduced by the noise of vehicles accessing this area multiple times per day. In this regard, the proposal fails to satisfy Design and Appearance Principle 2(a).

Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Proposed: 3m (48.58%), increasing to 6m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p>

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwelling incorporates a maximum building height of 4.3 metres, which is less than the maximum permitted in the Policy Area.

Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.

General Section: Residential Development: PDC 2

Complies

The proposed dwelling is single storey in nature.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

General Section: Residential Development: PDC 12

Parameter	Value
<i>Maximum wall or post height</i>	<i>3 metres</i>
<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>
<i>Maximum length on the boundary</i>	<i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i>
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>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)</i>

Complies

Proposed: 2.7m post height.

Complies

Carport is located to the rear allotment and therefore not highly visible from the street.

Complies

6.3 metres

Complies

Carport is located to the rear allotment and therefore not highly visible from the street.

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

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

Complies

Each dwelling is provided with 2 parking spaces, 1 of which covered.

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

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

General Section: Transportation & Access: PDC 42

Complies

On-site vehicle parking should be provided having regard to:

- (a) the number, nature and size of proposed dwellings*
- (b) proximity to centre facilities, public and community transport within walking distance of the dwellings*
- (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons*
- (d) availability of on-street car parking*
- (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).*

General Section: Transportation & Access: PDC 43

Complies

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
- b) Public transport are located in walking distance of the dwellings
- c) The likely occupants are anticipated to have standard mobility and transport requirements.
- d) e) 1 on-street car parking space shall remain available adjacent the subject land.

Vehicle parking areas servicing more than one dwelling should be of a size and location to:

- (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely*
- (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area*
- (c) reinforce or contribute to attractive streetscapes.*

General Section: Transportation & Access: PDC 44

Complies

- (a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.
- (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.

The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:

- (a) not face the primary street frontage*
- (b) be located to the rear of buildings with access from a shared internal laneway*
- (c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.*

General Section: Transportation & Access: PDC 45

Complies

The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.

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

General Section: Land Division: PDC 22

Complies

1 on-street car parking space is provided for the proposed allotments, which satisfies PDC 22.

Access				
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p>(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</i></p>			Complies	
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>			Complies The proposed crossover servicing the proposed dwelling is set back a minimum of 1 metre from existing street infrastructure.	
<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p>			Does Not Comply Minimum width of driveway (including landscaping) equates to 3.9 metres (i.e. distance between southern boundary and the southern façade of the existing dwelling). See below for further assessment.	
Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres	Arterial roads	Other roads	
1 – 3	6	3	3	0.5
<i>General Section: Residential Development: PDC 41</i>				
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>			Complies Vehicle access points are separated by 7.8 metres.	

The proposal demonstrates a slight shortfall in width for the driveway servicing the allotment to the rear. Council's Development Plan seeks for hammerhead driveways to incorporate a width of no less than 4.0 metres – to enable a 3.0 metre-wide driveway with 500mm of landscaping on both sides. The proposal, due to the location of the existing dwelling, seeks a driveway which narrows to 3.9 metres for a length of 10.3 metres.

Whilst this shortfall will result in a reduction of the extent of landscaping being provided at ground level along the northern side of the driveway adjacent the existing dwelling, the applicant has proposed a 'vertical garden' to maintain a reasonable level of landscaping (discussed further within the Landscape section of this report). The trafficable/navigable area maintains a width of 3 metres. Whilst not ideal, given reasonable separation has been provided in the form of 500mm and 400mm landscape strips either side 9or areas which can accommodate landscaping), it is not anticipated the reduction in the overall width will adversely affect driveways' functionality.

To reduce adverse noise amenity impacts on the occupants of Bedroom 2, the existing window along the southern façade will be removed and filled in, with a new window constructed to the western façade. The existing east facing window to Bedroom 1 will not be altered. Whilst the location of the windows will not necessarily minimise noise disturbance cause by vehicles accessing the driveway, the provision of 1.8 metre high colorbond fencing along the proposed driveway boundary will appropriately minimise light intrusion.

This notwithstanding, as Bedrooms 2 and 3 are located directly abutting the proposed driveway, the occupants will experience a somewhat reduced level of amenity in terms of noise to what would ordinarily be experienced should a 900mm setback from the internal driveway be provided. Nevertheless, in my view, the lack of 100mm in driveway width for a distance of 10.3 metres does not adversely compromise the proposal to the extent where refusal is warranted.

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation and design. The dwelling façade incorporates an eave overhang and pitched roof form at 20 degree slope, articulation and fenestration to enhance its design and appearance. The dwelling incorporates a 20 degree Colorbond roof in Shale Grey, with a selected face brickwork façade. The garage of the proposed dwelling features a Off White Colorbond Panel lift door.</p> <p>The addition to the rear of the existing dwelling will incorporate a parapet design, as not to alter the existing roof form, and walls rendered to match the existing dwelling in terms of texture and colour.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <ul style="list-style-type: none"> <i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p> <p>The existing dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The storey single nature of the proposed dwelling, combined with the provision of compliant side and rear setbacks, will ensure the dwelling achieves the applicable Overshadowing Principles of Development Control.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Partially Complies

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

The existing dwelling also maintains a hipped roof form in which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

While a landscaping schedule is included on the concept plan, a detailed landscape plan specifying the location of all proposed vegetation has not been provided by the applicant. It is considered that there is ample area on site to accommodate an appropriate density and variety of landscape plantings in accordance with the applicable provisions.

To aid in reducing the visual impact of the existing dwellings' southern wall being sited on the internal boundary, and increase the extent and provision of landscaping, the applicant has proposed a 'vertical garden' to be attached to the existing dwelling's southern façade. In my opinion, the inclusion of a 'vertical garden' is a somewhat innovative and creative method to provide landscaping within a confined area at height, and will complement the built form.

It has been included as a recommended condition of consent that an amended landscape plan, that details an increased number and varieties of planting, be provided prior to Development Approval being issued.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The provision of 1.8 metre high colorbond fencing to the side and rear boundaries of the existing dwelling will maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

ANALYSIS/CONCLUSION

Assessment of the proposal has demonstrated that the development accords with a majority of applicable Development Plan criteria. Redevelopment of the subject land to facilitate higher densities, whilst retaining the existing housing stock, complements the Desired Character of the Northern Policy Area 13.

It is noted that several quantitative shortfalls are maintained by the proposal, including site areas of both dwellings, frontage width of the existing dwelling, site coverage and the proposed hammerhead driveway width servicing the proposed allotment.

Despite the shortfall in site area of each allotment, the proposal attains reasonable setbacks to boundaries and acceptable area and dimensions of private open space. Furthermore, the proposal does not result in adverse amenity impacts on adjoining properties with respect to overshadowing, bulk or scale, and provides an acceptable contribution to the streetscape. As such, in my opinion, the shortfall in site area does not result in an over development of the site, nor does it compromise the intent of the Policy Area. Furthermore, the overall allotment is large enough to accommodate two group dwellings, which demonstrates the overall density proposed is appropriate and reflects that sought by the Residential Zone and Northern Policy Area 13.

The location of the existing dwelling reduces the proposed driveway servicing the proposed allotment to a maximum width of 3.9 metres (for a length of 10.3 metres), where 4.0 metres is sought by Council's Development Plan. As there should be no significant amenity impacts upon the occupants of the existing dwelling (partly addressed via the attenuation to the window location for Bedroom 2) and landscaping is provided both at ground level and through the incorporation of the 'vertical garden', it is my view the 100mm discrepancy in driveway width is acceptable.

The existing dwelling displays a shortfall in frontage width, however, given the proposal achieves appropriate compliance in relation to setbacks and provision of private open space, the lack of frontage width is not considered unreasonable or to adversely affect the streetscape appearance of the site.

The excess in site coverage of the proposed dwelling is relatively minor, and will not adversely impact upon the function of the proposed dwelling given acceptable area/dimensions of POS and setbacks to boundaries have been achieved.

These shortfalls have been assessed in relation to the extent of departure from Development Plan criteria and the prospective consequences, taking into account the characteristics of the subject land and locality. This assessment has demonstrated that the shortfalls are not of such severity so as to jeopardise the functionality of the proposed development, nor to detract from the amenity of adjacent land or the character of the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/468 for alterations and additions to the existing dwelling, and construction of a single storey dwelling to the rear with associated landscaping and fencing at 4 Coles Street, Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/468, being drawing number A-1 prepared by D'Andrea and Associates, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. All works to the existing dwelling shall be undertaken and completed prior to the occupation of the existing dwelling.
- 4. An amended landscaping plan shall be submitted to Council for consideration and approval, detailing an increased mix of native medium and low-level plantings throughout the front yard of the existing dwelling and the nominated landscape areas within the driveway area of the proposed dwelling.
- 5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 2 November 2016

Agenda Ref No:	DAP021116 - 2.9
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Scope Development Solutions
Development Description:	Residential Land Division - Community Title 1 into 4 allotments and construction of a two (2) storey detached dwelling, single (1) storey group dwelling and a residential flat building comprising two (2) dwellings and associated landscaping.
Site Location:	17 Adelaide Terrace, Edwardstown
Zone:	Residential
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 1 / Consent
Lodgement Date:	16/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2137
DAC No:	100/C263/15
Recommendation:	Advise the Environment, Resources and Development Court that Council does not support the compromise plans

BACKGROUND

The subject proposal was previously presented to the Development Assessment Panel (DAP) at the meeting held on 3 August 2016 and was refused for the following reasons:

1. The development results in a dwelling density that does not comply with that sought within the Medium Density Policy 12 and is at variance with Objective 1 and 4, Principle 3 and the Desired Character of the Policy Area.
2. The site areas of the proposed dwellings are at variance with Medium Density Policy Area 12 Principle of Development Control 7 as they fail to satisfy the minimum 300 square metres for a detached dwelling, 250 square metres for a group dwelling, and 250 square metres for a residential flat dwelling within the Medium Density Policy Area 12.
3. The site coverage of Dwellings 3 and 4 exceeds 100 square metres and therefore fails to accord with Medium Density Policy Area 12 Principle of Development Control 8.

4. The rear setbacks of Dwellings 3 and 4 do not meet the minimum 6 metres required for a single storey and therefore fail to comply with Residential Zone Principle of Development Control 7.
5. The proposed allotment areas do not maximise solar orientation and do not have area and dimensions to accommodate the provision of landscaping and private open space, and therefore fails to comply with Residential Development Principle of Development 1(b).
6. The private open space areas of Dwellings 1, 2 and 3 have not been sited and designed to enable the achievement of a northern orientation and will be shaded during winter by the associated dwelling, and therefore fails to satisfy Residential Development Principles of Development Control 15(f) & (g).
7. The private open space areas of Dwellings 1 and 2 have not been provided with sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension of the site, and therefore fails to satisfy Residential Development Principles of Development Control 15(j).
8. The dimensions of private open space provided for Dwellings 1 and 2 is significantly less than that sought by Residential Development Principle 17 and are unlikely to be appropriate for the likely needs of occupants.
9. Dwellings 1 and 2 have not been sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun, and therefore fails to Comply with Energy Efficiency Principle of Development Control 2.

Refer Attachment I

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court. A preliminary conference was held on 10 October 2016 where the applicant identified that amended plans would be submitted to Council for consideration. A second preliminary conference is scheduled to be held on 8 November 2016. The applicant has provided amended plans for consideration as a compromise prior to the conference. The original report, plans and attachments can be found in the Member's agenda from the 3 August 2016 meeting, or by contacting the author of this report.

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

Overall Site		
	Original	Compromise
Average Site Area	Total: 756.2m ² Average per allotment: 189.05m ² (excluding the common driveway)	Total: 728.8m ² Average per allotment: 182.2m ² (excluding the common driveway)
Average Site Coverage	Total: 397.25m ² / 52.5% (excluding the common driveway)	Total: 346.5m ² / 47.5% (excluding the common driveway)
Setback of Dwellings 1 and 2 to internal driveway	Dwelling 1: 600mm Dwelling 2: 900mm	Dwelling 1: 500mm Dwelling 2: 500mm
Width between eastern boundary of Dwelling 2 and Western boundary of Dwelling 3 & 4	4.5m	No Change
Site Layout	The overall layout and location of the 'shared' driveway servicing Dwellings 2, 3 & 4 has been altered to abut the southern property boundary (formerly abutted the northern property boundary).	

Dwelling 1		
	Original	Compromise
Site Area	232m ²	214.3m ²
Frontage	12.1m	12.7m
Depth	19.47m (average)	17.95m (average)
Site Coverage	93.55m ²	81.8m ²
Floor Area Ratio	0.61	0.59
POS Area	47.7m ² / 20.5%	43.6m ² / 20.3%
POS Dimensions	6.4m by 3.2m (largest area provided)	4m by 10.1m
Primary POS Orientation	Southern	Eastern
Front Setback	5m	No Change
Side Setbacks	2.35m (southern)	3.1m (northern) & 4.5m (southern)
On-site Parking	2 spaces, 1 of which covered	No Change
Dwelling Layout	Dwelling footprint has been 'flipped' with the associated carport and driveway located abutting the northern boundary. The dwelling footprint has been reduced and whilst the floor plan has been reconfigured.	

Dwelling 2		
	Original	Compromise
Site Area	183.4m ²	183.9m ²
Frontage	18.37m	No Change
Depth	59.22m (average)	No Change
Site Coverage	99.3m ²	97.3m ²
POS Area	47.7m ² / 20.5%	38.4m ² / 20.8%
POS Dimensions	6.4m by 3.2m (largest area provided)	4m by 4m
Primary POS Orientation	Southern	Northern
Side Setbacks	2.9m (northern) & 2.35m (southern)	2.8m (northern) & 4.5m (southern)
On-site Parking	2 spaces, 1 of which covered	No Change
Dwelling Layout	Location of dwelling has changed, with dwelling now sited on the northern half of the allotment. The dwelling footprint has been slightly reduced and the floor plan has been reconfigured.	

Dwelling 3 & 4		
	Original	Compromise
Site Area	170.4m ² (per dwelling)	165.3m ² (per dwelling)
Frontage	18.37m	No Change
Depth	59.22m (average)	No Change
Site Coverage	102.2m ²	83.7m ²
POS Area	35.45m ²	35.8m ²
POS Dimensions	4.79m by 5.44m (largest area provided)	4.36m by 5.5m (largest area provided)
Primary POS Orientation	East	No Change
Side Setbacks	900mm	No Change
Rear Setback	2.9m (41.3%), increasing to 5.5m (47.05%).	3m (43.7%) increasing to 5.5m (45%)
On-site Parking	2 spaces, 1 of which covered	No Change

DEVELOPMENT ASSESSMENT

The proposed compromise plans are assessed in relation to the Panel's reasons for refusal, as detailed below:

1. *The development results in a dwelling density that does not comply with that sought within the Medium Density Policy 12 and is at variance with Objective 1 and 4, Principle 3 and the Desired Character of the Policy Area.*

The proposed density has not changed and the compromise plans continue to propose the construction of a two storey detached dwelling, single storey group dwelling and a residential flat-building comprising two dwellings. As such, the compromise plans do not meet the Panel's reason for refusal.

2. *The site areas of the proposed dwellings are at variance with Medium Density Policy Area 12 Principle of Development Control 7 as they fail to satisfy the minimum 300 square metres for a detached dwelling, 250 square metres for a group dwelling, and 250 square metres for a residential flat dwelling within the Medium Density Policy Area 12.*

The proposed site area of each allotment does not meet the minimum required for the respective dwelling type proposed. The site areas for Dwellings 1, 3 and 4 have been reduced by 17.7m², 5.1m² and 5.15m² respectively, whilst the site area for Dwelling 2 has marginally increased by less than 1 square metre. Whilst each site area is significantly under that required for the Policy Area, each allotment achieves acceptable setbacks to boundaries, and area and dimensions of private open space. This notwithstanding, the compromise plans do not meet the Panel's reason for refusal in relation to the provision of compliant site areas.

3. *The site coverage of Dwellings 3 and 4 exceeds 100 square metres and therefore fails to accord with Medium Density Policy Area 12 Principle of Development Control 8.*

The dwelling footprint (site coverage) of Dwellings 3 and 4 have been reduced to 83.7m². The reduction in dwelling footprint is considered to address the Panel's reason for refusal.

4. *The rear setbacks of Dwellings 3 and 4 do not meet the minimum 6 metres required for a single storey and therefore fail to comply with Residential Zone Principle of Development Control 7.*

The rear setback of Dwellings 3 and 4 has been marginally increased from 2.9 metres (41.3% of the allotment width) to 3 metres (43.7% of allotment width). Whilst the increase in rear setbacks enables separation to the rear boundary and the provision of appropriate area and dimensions of private open space, the compromise plans do not meet the Panel's reason for refusal in relation to the provision of compliant rear setbacks.

5. *The proposed allotment areas do not maximise solar orientation and do not have area and dimensions to accommodate the provision of landscaping and private open space, and therefore fails to comply with Residential Development Principle of Development 1(b).*

Each dwelling has been afforded with compliant area and dimensions of private open space. Although Dwellings 1, 3 & 4 are orientated east to west (east being the direction the primary area of POS faces), each allotment is considered to provide sufficient dimensions to accommodate the provision of landscaping and private open space. Whilst the orientation of the dwellings and POS areas do not "maximise" solar orientation, the compromise plans are considered to sufficiently address the Panel's reason for refusal.

6. *The private open space areas of Dwellings 1, 2 and 3 have not been sited and designed to enable the achievement of a northern orientation and will be shaded during winter by the associated dwelling, and therefore fails to satisfy Residential Development Principles of Development Control 15(f) & (g).*

The compromise plans have resulted in the redesign and layout of Dwelling 2 to provide POS that is sited and designed to provide the achievement of a northern orientation. Whilst the POS areas of Dwellings 1 and 3 retain an easterly orientation, they will be afforded some aspect of northern light. Although each dwelling achieves a partial northern aspect, the private open space areas of Dwellings 1 and 3 have not been designed to enable the achievement of a northern orientation, and therefore do not meet the Panel's reason for refusal.

7. *The private open space areas of Dwellings 1 and 2 have not been provided with sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension of the site, and therefore fails to satisfy Residential Development Principles of Development Control 15(j).*

The compromise plans have resulted in the redesign and layout of the POS areas for Dwellings 1 and 2 to ensure each is provided with sufficient area and shape to be functional when taking into consideration the location of the dwelling and the dimension of the site. The compromise plans are considered to address the Panel's reason for refusal.

8. *The dimensions of private open space provided for Dwellings 1 and 2 is significantly less than that sought by Residential Development Principle 17 and are unlikely to be appropriate for the likely needs of occupants.*

The compromise plans have resulted in the redesign and layout of the POS areas for Dwellings 1 and 2 to ensure each is provided with sufficient area and shape to be functional for the likely needs of the occupants. Each dwelling has been afforded minimum 4m by 4m dimensions of POS, with the remaining areas of POS dimensions of reasonable and functional size. The compromise plans are considered to address the Panel's reason for refusal.

9. *Dwellings 1 and 2 have not been sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun, and therefore fails to Comply with Energy Efficiency Principle of Development Control 2.*

Dwelling 2 has been redesigned to ensure the open space and main activity areas face north for exposure to winter sun. Dwelling 1 does not incorporate north facing windows to provide northern exposure to the main activity areas. The compromise plans are considered to partially address DAP's reason for refusal.

Vehicle manoeuvring

For Members' benefit, recent discussions held with Council's Development Engineer and Technical Design Officer has provided administration with a greater understanding in how to consider and assess vehicle manoeuvring.

The Australian Standards identify that (where the parking space opening is 3.0 metres in width) an apron width of 5.6 metres should be provided to enable the safe entry and exit of car parking spaces. An apron width is the area used for the approach into, or reverse out of a parking space.

This dimension (5.6 metres) can be reduced, if the width of the parking space is increased. As such, not in every instance, is a 5.6 metre apron width necessary.

Council's Development Plan identifies that vehicle parking for residential development should "provide adequate space for vehicles...to manoeuvre between the street and parking area" and "serve users...efficiently, conveniently and safely".

In staff's view, safe and convenient parking spaces should, in part, enable vehicles to enter the parking space in one turning movement, and leave the site, in a forward direction, in no more than two turning movements.

Another factor in considering the level of safety and convenience, is the proximity of vehicles to fixed structures (such as dwellings and fences) to achieve the “one in, two out” test – ie: there should be reasonable ‘buffer room’ (Council’s Technical Design Officer has suggested a minimum of 300mm), as the extent of a vehicle is difficult to decipher when in the driver’s seat.

In considering the appropriateness of the site layout, and having regard to Transport and Access Principle 44, administration is concerned that due to insufficient apron width, unsafe, inconvenient and/or excessive vehicle movements will be necessitated for those vehicles entering the parking spaces of Dwelling 2, exiting the visitor parking space of Dwelling 3 and entering and exiting the garage and visitor parking space of Dwelling 4.

This matter was brought to the attention of the applicant, who was invited to amend the plans to satisfy the relevant Australian Standard, or to provide technical advice/assessment from a traffic engineer, demonstrating how safe and convenient access and egress can be achieved. The applicant has declined to provide expert advice/evidence, albeit a planning opinion has been provided by a town planning consultant (see Attachment III).

For Member’s benefit, the following is an excerpt from the foreword of the relevant Australian Standard,

“The success of a parking development requires an efficient design. It must represent a balance between function, economics, safety and aesthetics. Consideration must be given to the speed and quality of parking service, the traffic circulation, access to and from the street, the external traffic network, car manoeuvring, and convenience for the drivers and pedestrians, including people with disabilities.

Although it provides minimum requirements, this Standard cannot be taken as a textbook for the design of parking stations. The services of a qualified person experienced in designing car parking facilities should be sought in the application of this document. Moreover, its use does not remove the need to comply with regulatory requirements of local government.”

For Members’ reference, it is common that a B85 vehicle be used when assessing vehicle movements. A B85 vehicle is one that is as large as, or larger than 85 percent of passenger vehicles.

In staff’s assessment of the likely on-site manoeuvring the following is noted;

- It is doubtful a B85 vehicle can enter the garage and visitor parking space of Dwelling 2 in one manoeuvre. If this can be achieved, the front of the vehicle will come in close proximity (approximately 200mm) to the south-western corner of Bedroom 1;
- A B85 vehicle cannot exit the visitor parking space of Dwelling 3 in two turning movements. Rather, the vehicle must undertake a three-point-turn before being driven out in a forward direction;
- A B85 vehicle cannot enter the parking spaces of Dwelling 4 in one turning movement. Rather, the vehicle must undertake a two-point-turn before being driven into the space; and
- A B85 vehicle cannot exit the visitor parking space of Dwelling 4 in two turning movements. Rather, the vehicle must undertake a three-point-turn before being driven out in a forward direction.

Despite the applicant declining to engage a traffic engineer for this development, the applicant has sought an opinion from traffic engineer, Mr Ben Wilson of Cirqa Pty Ltd, for a proposed development with a similar layout and apron width (with respect to proposed Dwellings 3 and 4). This application will be presented to the Panel in the near future.

For that development, Mr Wilson identifies that vehicles can enter all parking spaces in a single manoeuvre, can reverse out of the garaged spaces in a single manoeuvre before being driven

forward out, but acknowledges the open visitor spaces require a three-point turn before being driven out in a forward direction.

Mr Wilson identifies that the relevant Australian Standard “permits [for Class 1A (residential/domestic parking spaces)] three-point turn manoeuvres for ingress and egress movements”.

Whilst this is not contested, as identified above, a relevant ‘test’ in Council’s Development Plan is for on-site parking spaces to “*serve users...efficiently, conveniently and safely*”.

The vehicle ‘swept paths’ indicated to achieve the manoeuvres identified by Mr Wilson require vehicles to come in close proximity to the proposed dwellings (minimum 150mm (approximately)).

In this regard, it is staff’s view that the proposal does not serve users efficiently, conveniently, nor safely.

It is also acknowledged that the relevant Australian Standard is not as current as it could be, in that the turning radius of vehicles are generally improving (ie: becoming smaller), and that the evolution of vehicle technology, such as reversing cameras/sensors, provides greater assistance to the driver when navigating constricted areas.

Further, I appreciate there can be differences of opinion. For other development applications with the same or similar apron widths, Council’s Development Engineer considered the vehicle manoeuvring acceptable, albeit, ‘tight’, whereas Council’s Technical Design Officer took a more conservative view, advising that in his opinion the manoeuvring areas were unsatisfactory, and could not achieve safe and convenient vehicle movements. This was, in part, due to his approach that vehicles should not encroach the property boundary (as vehicles, structures or items could be placed on or in close proximity to the boundary) and that no less than a 300mm ‘buffer’ area should be provided (as most drivers would be reluctant to pass buildings/structures closer than this distance).

Administration prefer the opinion of the Technical Design Officer. Whilst it is acknowledged that the proposal is a small residential development and traffic generation would be low, nonetheless, such movements (for residents) would be undertaken 3, 4 or more times per day. Given the somewhat awkward movements required to enter and exit parking spaces for most hammerhead developments (when achieving the “one in, two out” test), such complexity should not be compounded by additional manoeuvres, or ones where there is little-to-no room for error.

Accordingly, I am of the view that the proposal does not provide efficient, convenient or safe vehicle movements, and therefore fails to satisfy Transport and Access Principle 44.

ANALYSIS/CONCLUSION

The proposed compromise plans have attempted to address the reasons for refusal relating to excess site coverage for Dwellings 2 and 3, the provision of acceptable area and dimensions of POS for Dwellings 1 and 2, and the orientation of POS for Dwelling 2.

Minor changes have been made to Dwellings 3 and 4, including a reduction in allotment area and dwelling footprint, and a marginal increase in rear setbacks. Although the rear setbacks do not comply with the relevant setback provisions, or the Panel's reason for refusal, sufficient separation to the rear boundary has been provided in addition to the provision of appropriate area and dimensions of POS.

Significant changes have been made to the location, layout and design of Dwellings 1 and 2. The changes made to 'flip' the location of these dwellings and the common driveway have subsequently enabled the provision of north facing POS to Dwelling 2 and the provision of compliant and acceptable area and dimensions of POS to Dwellings 1 and 2. The area and dimensions of private open space are considered appropriate and to meet the Panel's reasons for refusal.

Whilst considerable changes have been made to the proposal so that a number of the Panel's reasons for refusal are addressed, no change has been made to the overall density of the site or the significantly undersized nature of each allotment. As indicated in staff's original report, the most significant shortfall is the lack of appropriate site area for each dwelling. The proposal is finely balanced in this regard. Whilst the shortfall in site area is substantial, respectfully, it remains administrations view that the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

Whilst the siting and layout of the dwellings is now considered to comply with the applicable Principles of Development Control - indicating the proposed density may be appropriate in this regard – the layout has resulted in excessive, unsafe and inconvenient vehicle movements.

It is my respectful view the Panel should not support a proposal which fails to achieve a fundamental aspect of group/residential flat dwelling development, being functional, safe and convenient vehicular movements.

Therefore, it is suggested the Panel advise the Environment, Resources and Development Court it does not support the compromise plans.

RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan; and**
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council does not support the comprise proposal submitted by Scope Development Solutions for Development Application No: 100/2015/2137 for the following reasons:**
 - 1. The proposal fails to sufficiently address the Panel's previous reasons for refusal with respect to dwelling density and shortfall in site areas; and**
 - 2. The development fails to provide efficient, safe and convenient on-site manoeuvring in accordance with Transport and Access Principle 44.**

Attachments

- Attachment I: Locality Plan and Aerial Photograph*
- Attachment II: Decision Notification Form*
- Attachment III: Compromise Proposal Plans and Supporting Documentation*