

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 4 MAY 2016**

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 4 May 2016

Agenda Ref No:	DAP040516 – 2.1
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Mantrix Pty Ltd
Development Description:	Three two storey row dwellings and a single storey residential flat building, comprising two dwellings to the rear of the site
Site Location:	2 Ulva Avenue, Warradale
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 2/Consent
Lodgement Date:	23/07/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1300
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 Part 2 18(b) of the Development Regulations 2008, which assigns construction of 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high, but no residential building is to be more than 2 storeys high as a Category 2 form of development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed Dwelling 2 and 3 supporting an allotment area less than the minimum of 210 square metres required for row dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

Additionally, as 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.

It is staff's view that the three dwellings facing Ulva Avenue should be appropriately classified and assessed as row dwellings as, for all intents and purposes, the dwellings comprise three dwellings, erected side by side with party walls to form a single building each occupying a site that has exclusive frontage to a public road, pursuant to the Schedule 1 definition in the Development Regulations, 2008.

BACKGROUND

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

Amendments Requested	Amendments Made
The garage of Dwellings 1-3 should be setback a minimum 5.5 metres from the front boundary.	Proposal amended to ensure a minimum 5.5 metre setback from the front boundary to each garage is achieved.
Incorporate fixed and obscure glazing, to a height of 1.7 metres, to all side and rear upper level windows of Dwellings 1-3.	Provided.
To ensure safe and convenient access for vehicles accessing Dwellings 4 and 5, an additional 900mm setback between the front facades of these dwellings and the rear boundary of Dwellings 1-3 is required.	Additional setback provided.
Amend plans to ensure two parking spaces (of which vehicles can enter and exit in a forward manner) are provided for Dwelling 5.	Amended plans provided.
Provide greater articulation and design to the southern façade of Dwelling 3 (blank wall) and northern façade of Dwelling 1.	A mixture of colours and materials has been incorporated into the design of each façade to improve visual interest and design.
A pitched roof or similar for Dwellings 1-3 should be considered to reduce the buildings' visual bulk and provide greater visual interest and articulation.	Skillion roof form incorporated into the design of Dwellings 1-3.
Increase upper level side setback of Dwelling 1 to 2 metres to ensure compliance with Council Development Plan criteria.	Upper level of Dwelling 1 increased to meet requirements.
Alter the internal layout of Dwellings 1 and 3 to provide off-street parking.	Dwelling 1 and 3 footprints altered.
A greater mix of colours, materials and dwelling design should be incorporated to improve the visual appearance of the dwellings.	A greater level of design, articulation and materials has been afforded.
Front paths of Dwellings 1-3 should be removed and the amount of landscaping increased to better improve visual presentation to the street.	No change made.
Amended stormwater and drainage plan that provides FFL's and BL's that meet Council's Development Engineer's requirements and illustrates amended dwelling footprints.	Amended site plan provided.

Information Required	Information Provided
A site plan of the entire proposal illustrating the correct dimensions.	Provided.
Elevations of each proposed dwelling.	Provided.
Engineered site works and drainage plan.	Provided.
Provide a vehicle manoeuvring plan which details the vehicle turning areas and nominated car parking spaces.	Turning areas illustrated on site plan.
Rear setbacks of Dwellings 1-3 on the overall site plan differ from the Dwellings 1-3 floor plan.	Issue rectified by providing amended plans.
Confirmation of all colours and materials.	Basic level of information provided.

Provide overall allotment area on plans.	Provided.
Provide individual site areas for each proposed dwelling	Provided.
Provide individual frontage widths for each proposed dwelling.	Provided.
Party wall cross-section information required.	No cross-section provided, but party wall nominated on relevant plans.
Detailed landscape plan required.	Basic landscape plan provided.

SUBJECT LAND & LOCALITY

The subject land is located on the western side of Ulva Avenue, Warradale. The allotment is slightly trapezium in shape and supports a frontage width of 27.95 metres, a depth of 52.04 metres an overall allotment area of 1,407 square metres.

The land is relatively flat and contains a 1960'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. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through a crossover located to the western side of the allotment. 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 within 250 metres of the Seaford Rail line (which provides direct access to the Adelaide CBD), 300 metres of the Regional Centre Zone and 500 metres of the Warradale Park Reserve.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes the demolition of the existing dwelling and associated outbuildings and the construction of three two storey row dwellings and a single storey residential flat building, comprising two dwellings to the rear of the site.

The upper level of each row dwelling comprises three bedrooms, en-suite, walk-in-robe, bathroom and front facing balcony. The ground floor incorporates a cupboard laundry, water closet and a combined kitchen/meals/family room with direct access to the associated area of private open space. Each dwelling is afforded a single width garage, which has direct access to Ulva Avenue. Dwelling 1 proposes to gain access through the existing crossover whilst new crossovers are proposed for Dwellings 2 and 3.

The single storey residential flat dwellings to the rear of the allotment incorporate three bedrooms, en-suite, walk-in-robe, bathroom and a combined kitchen/meals/family room with direct access to the associated area of private open space. Both dwellings are provided with single width undercover parking spaces and an associated visitor space. Vehicular access is achieved through an internal common driveway running the length of the southern boundary of the allotment.

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

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	20 properties were notified during the Category 2 public notification process.
Representations:	<p>6 representations were received by Council.</p> <ul style="list-style-type: none"> • 1 representation was in favour of the application • 1 representation was in favour of the application subject to amendments • 1 representation was against the proposal • 3 representations were primarily against the proposal
Persons wishing to be heard:	<ul style="list-style-type: none"> • Mr & Mrs G & J Wilkin • Mrs A Hall • Mr & Mrs D & J Dempster
Summary of representations:	<ul style="list-style-type: none"> • Two storey dwellings and balconies does not fit in with other dwellings within the locality. • Dwellings' two storey nature, combined with the balconies, will result in a loss privacy to adjacent dwellings to the eastern side of Ulva Avenue. • Proposed density is considered inappropriate and will result in additional noise and traffic impacts. • Proposed dwellings will reduce the current amount of on-street parking and result in additional traffic. • Additional dwellings within the immediate locality will reduce water flow. • Dwellings 1-3 do not meet the minimum setback requirements. • Additional development within the immediate locality will increase flooding issues. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>The applicant's response to the representations raised has been attached to this report.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering: <i>Initial Comments</i>	The boundary fence along the rear of Dwellings 1-3 need to be setback an additional 900mm. Visitor park located to the front of Dwelling 5 is acceptable provided an additional manoeuvring area is provided.
<i>Additional comments</i>	Manoeuvring to Dwellings 4 and 5 is acceptable.
<i>Flooding Comments</i>	Maximum flood depth is 150mm and 150mm freeboard is required, therefore Finished Paving levels need to be set down 300mm below the Finished Floor Levels. The Finished Paving Levels along the southern boundary should be setdown at or below existing levels of 300mm below the FFL's of 4 Ulva Avenue to ensure floor waters do not back up to flood neighbouring dwellings.
Development Officer – Arboriculture:	The trees located in front of Dwellings 2 and 3 can be removed, and later replaced, at a cost of \$440. Council's Development Officer – Arboriculture has advised these trees are not worthy of retention due to their poor health and structure.

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 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.</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. 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.</p>		
<p>Desired Character</p> <p>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 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 4	<p>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.</p>	<p>Complies</p> <p>Dwellings 1-3 which propose site areas of 234m², 190m² and 208m² respectfully are all two storey in nature.</p>

	<i>(i.e. Site areas between 149.3 and 250 m²)</i>	
PDC 8	<i>Upper level balconies may extend 1 metre closer to the road boundary than the associated dwelling.</i>	<p>Does Not Comply The proposed balconies for Dwelling 1-3 extend 1.2 metres closer to the road boundary than the associated dwelling.</p> <p>This noncompliance is minor, and the deeper balcony is considered to provide the occupants with a greater area to utilise.</p>
PDC 6	<i>In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.</i>	<p>Partially Complies Whilst the dwellings to the rear of the site achieve access via a single driveway, the row dwellings are provided individual access to Ulva Avenue.</p>
PDC 7	<p><i>Minimum Site Area:</i></p> <p><i>Dwellings 1 – 3 - Row Dwelling: 210m²</i> <i>Dwellings 4 & 5 - Residential Flat Building: 250m² (average)</i></p>	<p>Complies Dwelling 1: 234m² Dwelling 4 & 5: 265m²</p> <p>Does Not Comply Dwelling 2: 190m² Dwelling 3: 208m²</p>
	<p><i>Minimum Frontage</i></p> <p><i>Dwellings 1 – 3 - Row Dwelling: 7m</i> <i>Dwellings 4 & 5 - Residential Flat Building: 18m</i></p>	<p>Complies Dwelling 1: 9.24m Dwelling 3: 7.9m Dwelling 4 & 5: 27.95m</p> <p>Does Not Comply Dwelling 2: 6.94m</p>
	<p><i>Minimum Depth:</i></p> <p><i>Dwellings 1 – 3 - Row Dwelling: 20m</i> <i>Dwellings 4 & 5 - Residential Flat Building: 45m</i></p>	<p>Complies Dwelling 1: 27.9m Dwelling 2: 27.1m Dwelling 3: 26.7m Dwelling 4 & 5: 52.04m</p>

Assessment

The applicant proposes to replace one dwelling and construct five dwellings in its place. Objective 1 of the Residential Zone seeks a range of dwelling densities, whilst Objective 2 of both the Residential Zone and Medium Density Policy Area 12 encourages development of an increased density close to public open space, neighbourhood centres and public transport nodes. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Medium Density Policy Area 12 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types at a higher density that differ to that typically found within the immediate locality.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Future occupants would be within walking distance of the Warradale Reserve, frequent bus transportation is available along Morphett Road with services to the city and Flinders University/Hospital complex, whilst train transportation is available via the Seaford rail line. Additionally, a Regional Centre which contains Westfield Marion and other services is located within 300 metres.

The proposal does display some numerical shortfalls with respect to the minimum site area of Dwellings 2 and 3, and the frontage width of Dwelling 2.

Site Area

The site area of Dwellings 2 and 3 fall 20 and 2 square metres short, respectfully, of the minimum requirement of 210 square metres. However, I am of the view that this is not fatal to the merits of the proposal, particularly as each dwelling is provided with appropriate rear setbacks (upper and lower) and private open space (area and dimensions).

The distribution between the proposed row dwelling allotments is disproportionate due to the irregular shape of the allotment. Dwelling 1 achieves a site area above the minimum allotment size and when the three proposed row dwelling allotments are combined, these allotments maintain an average site area of 210.66 square metres, which exceeds the minimum allotment area required for row dwellings within the Medium Density Policy Area 12.

Furthermore, it will be shown throughout this report that each of the dwellings achieve relative compliance when assessed against the remaining provisions of the Development Plan and in my view, will not adversely affect the amenity of existing neighbouring properties.

Despite the shortfall in area for allotments 1 and 2, the development results in a form of housing consistent with a majority of the Policy Area Objectives, will not have a detrimental impact on adjoining land and will contribute to the residential environment sought within the Policy Area.

Frontage

Dwelling 2 accommodates a frontage width of 6.94 metres, which therefore falls short of the 7 metres required for row dwellings within the Medium Density Policy Area 12. The non-compliance in frontage width is not considered to adversely jeopardise the functionality of the site as appropriate setbacks from boundaries and adequate area and dimensions of private open space are achieved. Furthermore, it is considered that the dwelling will not negatively impact on the streetscape, particularly as the single width garage constitutes less than 50% of the allotment. As such, the discrepancy in frontage width is not considered to negatively affect the streetscape or compromise the functionality of the dwelling.

Street Tree Removal

The removal of two street trees to provide driveway access does not reflect the Desired Character which states medium density development should not be achieved at the expense of mature vegetation where additional access points requires removal of mature street trees in a road reserve. In this instance, the removal of two street trees is considered acceptable as Council's Development Officer – Arboriculture has assessed the subject trees and advised the southernmost tree is in declining health and does not positively contribute to the streetscape, whilst the middle tree, whilst in reasonable health, has restricted growth due to the adjacent larger trees and subsequently does not contribute positively to the streetscape.

Given, in the opinion of Council's Development Officer – Arboriculture both trees do not contribute positively to the landscape character of the locality, removal is considered acceptable. In the event Development Plan Consent is granted, the applicant will be charged for the trees' removal and replacement, and to ensure the landscape character of the locality is maintained and enhanced, Council will plant new trees once the development has been completed.

Landscaping of Hammerhead Driveway

A minimum 400mm wide landscape strip either side of the common driveway servicing Dwellings 4 and 5 is proposed that will enable the provision of attractive landscaping and

therefore aid in presenting an attractive appearance to Ulva Avenue. Although the minimum 400mm wide landscape bays do not meet the minimum width required (discussed further within this report) they are of sufficient dimension to enable appropriate landscaping and increase the visual attractiveness of the development.

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: <i>Site area between 270 and 375 m²: 130 m² or 40% (130m² is applicable)</i> <i>Site area less than 270 m²: 100 m² or 40% (100m² is applicable)</i> <i>Medium Density Policy Area 12: PDC 8</i></p>	<p>Complies Dwelling 1: 95m² Dwelling 2: 95m² Dwelling 3: 95m² (100m² is applicable for Dwellings 1-3 in this instance) Does Not Comply Dwelling 4 & 5: 165m² (130m² is applicable for Dwellings 1-3 in this instance)</p>
<p>Maximum floor area ratio: <i>Site area between 270 and 375 m²: 0.6</i> <i>Site area less than 270 m²: 0.7</i> <i>Medium Density Policy Area 12: PDC 8</i></p>	<p>Complies Dwelling 1: 0.62 Dwelling 3: 0.70 Dwelling 4: 0.52 Dwelling 5: 0.52 Does Not Comply Dwelling 2: 0.76 <i>(0.6 is applicable for Dwellings 1-3 whilst 0.7 is applicable for Dwellings 4 & 5)</i></p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> <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> <i>General Section: Residential Development: PDC 13</i></p>	<p>Complies 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> <i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>

Site Coverage

The Medium Density Policy Area 12 prescribes a maximum site coverage of 130 square metres in this instance, whereas Dwellings 4 & 5 propose a total floor area of 165m².

Whilst high, the excess in site coverage is nonetheless considered acceptable, as the dwellings have been provided with adequate side and rear setbacks (discussed further within this report), appropriate vehicular turning areas and adequate dimensions and area of private open space. Furthermore, the excess in site coverage is unlikely to result in overshadowing of the areas of private open space or create adverse visual impacts on adjoining properties due to the single storey nature of the dwellings.

It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code and whilst not applicable for a dwelling of this type, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants. Furthermore, a 'residential flat dwelling' can incorporate site coverage of up to 70% with the subsequent construction of a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008 (once the dwellings have been completed).

Floor Area Ratio

Despite the excess in floor area ratio of Dwelling 2, the additional floor area is not considered significant or unreasonable, and does not contribute to the dwelling being excessively bulky when viewed from the adjacent allotments. In my opinion, the proposed floor area ratio does not result in a bulk and scale that would unreasonably impact on existing neighbouring properties or on future occupants of the site of development.

Private Open Space

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

- (a) to be accessed directly from a habitable rooms of the dwelling*
- (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*
- (c) to take advantage of, but not adversely affect, natural features of the site*
- (d) to minimise overlooking from adjacent buildings*
- (e) to achieve separation from bedroom windows on adjacent sites*
- (f) to have a northerly aspect to provide for comfortable year round use*
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development*
- (h) to be partly shaded in summer*
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (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.*

General Section: Residential Development: PDC 15

Complies

- 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 rear of the dwellings 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.

Partially Complies

- f) The proposed POS areas maintain a partial northern aspect to provide for comfortable year round use, although it is acknowledged that the primary orientation is to the west

<p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. 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: <i>20% of the site area or 35 m², whichever is the greater Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. 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>Complies Dwelling 4: 70m² / 26.4%. Minimum 6.1m by 6.8m dimensions have been achieved.</p> <p>Does Not Comply Dwelling 5: 69m² / 26.03% (complies). Minimum 3.82m by 12.18m dimensions have been achieved (does not comply).</p> <p>Complies Dwelling 1: 66m² / 28.2% Dwelling 2: 58m² / 30.5% Dwelling 3: 57m² / 27.4%</p> <p>Each dwelling achieves an area of POS that is directly assessable from a living room and achieves minimum 4m by 4m dimensions.</p>
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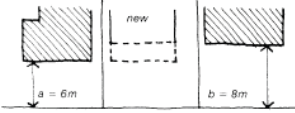
Although Dwelling 5 is not provided with a minimum 5m by 5m dimension of private open space (POS), it has, in my opinion, been provided with an overall sufficient area of POS. The dwelling has been provided with an area achieving minimum dimensions of 3.829m by 12.18m, in addition to another smaller area of POS that achieves dimensions of 4m by 3.6m. The larger of the two areas is directly accessible from a living room and provides a large, usable area for the future use and enjoyment of the occupants.

In my opinion, given the entire area of POS is provided to the rear of the dwelling, the numerical shortfall in dimensions is not considered fatal to the application and is considered to satisfy the intent of Principle 15. Furthermore, the two side areas of POS provide appropriate, functional areas which can be used for the location of waste, recycling and green matter receptacles storage, rainwater tanks and other utilities.

Street Setbacks

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (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.</p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>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 setbacks of 5.4m, 5.3m and 5.2m for Dwellings 1-3 respectfully is similar to that of new dwellings in the locality. As such, the proposed front setbacks are considered to contribute positively to the function, appearance and desired character of the locality.</p>
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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	The same setback as one of the adjacent buildings, as illustrated below:  When $b > a$: 2, setback of new dwelling = a or b
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Does Not Comply

Dwelling 1: 5.2 metres
Dwelling 2: 5.3 metres
Dwelling 3: 5.4 metres

(Dwellings on adjoining land set back approximately 6 and 8 metres, which equals a desired setback of 6 metres)

PDC 23 however, 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.

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 not greater than 3 metres: 1 metre

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

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

Residential Zone: PDC 7

Does Not Comply

Dwelling 1: 0.9 m

The proposed side setback falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.

Complies

Dwelling 1: 2m Northern upper level side setback complies.

Does Not Comply

Dwelling 3: 900mm upper and lower level side setback does not comply with the minimum requirements.

The discrepancy in southern setbacks is considered acceptable as the southern boundary is adjacent the common driveway servicing Dwellings 4 and 5 and will not result unreasonable or adverse bulk/scale or overshadowing impacts.

*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 side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building 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

Complies

Dwelling 1: 6.9m
Dwelling 2: 8.1m

	<p>Dwelling 3: 7.4m</p> <p>Does Not Comply Dwelling 4: 3.8m (40% of allotment), increasing to 6.1m Dwelling 5: 3.8m (44.3% of allotment), increasing to 6.1m</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Dwelling 1: 6.9m Dwelling 2: 10.85m Dwelling 3: 10.15m</p>
<p><i>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:</i> (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</p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies Dwelling 4: 3.8m (40% of allotment), increasing to 6.1m Dwelling 5: 3.8m (44.3% of allotment), increasing to 6.1m</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> (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.</p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies Although the rear setbacks of Dwellings 4 and 5 do not comply with quantitative criteria, the extent of 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. The setbacks do comply with Residential Development PDC 37.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> (i) 2 storeys of not more than 9 metres (ii) 2 storeys plus attic of not more than 10 metres</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies The proposed dwellings incorporate a maximum building height of 8 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:</i> 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</p> <p><i>Residential Zone: PDC 8</i></p>	<p>Partially Complies Whilst the garages of Dwellings 1-3 are setback a minimum 5.5 metres from the primary road frontage, they are not setback a minimum 500mm behind the main face of the associated dwelling. This shortfall is considered minor and does not affect the merits of the proposal. Each dwelling is afforded significant articulation, including upper level balconies protruding forward of the main face and a mixture of colours/materials which appropriately minimises the discrepancy in setbacks.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> (a) not adversely impact on the safety of road users (b) provide safe entry and exit.</p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</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: PDC 8</i></p>	<p>Complies</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 Dwelling 1: 2.7m / 34% Dwelling 2: 2.7m / 38.9% Dwelling 3: 2.7m / 29.2%</p>
<p>Car Parking</p>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> 2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms. 3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms. 1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Each dwelling is provided with 2 parking spaces, one of which covered.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> (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).</p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Partially 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.</p> <p>Does Not Comply d) e) 2 on-street car parking spaces shall remain available adjacent the subject land, where 3 ought to be provided in accordance with General Section: Transportation & Access: PDC 44 (see below).</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> (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.</p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies (a) (b) Council's Development Engineer has confirmed that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. Additionally, it is anticipated access to and from the site can be achieved in a safe and convenient manner. (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
<p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i> (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.</p> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>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.</p>

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>					<p>Does Not Comply</p> <p>2 on-street car parking space is provided for the proposed allotments, where 3 spaces are required.</p> <p>Nevertheless sufficient on-site parking has been provided in accordance with PDC 7 and I am satisfied that as transportation and Access Principle 43 has been achieved, the number of on-street spaces is considered acceptable.</p>
Access					
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>					<p>Complies</p> <p>Each driveway crossover is a maximum 3 metres in width.</p>
<p><i>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.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>					<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>					<p>Partially Complies</p> <p>The vehicle access points of Dwellings 2 and 3 are separated by a minimum distance of 8.1 metres.</p>
<p><i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</i></p>					<p>Does Not Comply</p> <p>The driveway 'handle' servicing Dwellings 4 & 5 achieves a maximum width of 3.8 metres.</p> <p>The driveway itself achieves a minimum width of 3 metres which complies with the applicable requirements, however, only 400mm wide landscape strips have been provided on each side of the driveway.</p> <p>Whilst safe and convenient vehicular access will not be impacted as the driveway width meets the minimum requirements, the lack of landscaping width will limit the effective amount of landscaping able to be provided between the boundary and driveway.</p>
No. of dwellings served by driveway	Width at front property boundary & for first s	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (s)	
1-2	3	3	-	0.5	
<p><i>General Section: Residential Development: PDC 41</i></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

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 cladding and colours on the front façade
- Protruding portico and balcony
- Skillion pitched roof form at 15 degree slope
- Fenestration
- Dwellings 1-3 are each provided with a stylized rectangular blade wall that protrudes 900mm from the front façade and provides visual interest and visual separation.

Dwellings 1-3 incorporate a custom orb skillion pitched roof form at 15 degrees, with primal instinct (grey) facades. 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 satisfy relevant Development Plan criteria.

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

General Section: Design & Appearance: PDC 17

Partially Complies

The upper level side elevations of the Dwellings 1 & 3, which face the adjacent allotments to the north and south, feature a considerable extent of uninterrupted and unarticulated walling.

The upper level side façade of Dwelling 1 in particular is reasonably bland, with little stepping, design detailing or articulation. The inclusion of parapet walls increases the overall wall height and emphasises the significant lack of articulation and design/detailing.

Despite this, the lack of articulation is not considered to result in an unreasonable design/appearance outcome to the extent where refusal is warranted, given the wall is sited adjacent the side boundary and roughly aligns with the existing building on adjoining land. Additionally, given the location the adjacent dwelling's POS which runs the length of the dwelling and is primarily covered, view of the proposed development is likely to be limited.

The inclusion of additional north-facing windows to the upper level façade of Dwelling 1, and/or the introduction of an additional material, would present a more attractive façade, increase visual interest and aid in reducing the bulky nature of the façade.

The upper level side façade of Dwelling 3 incorporates several windows, and due to the separation afforded by the adjacent common driveway, the lack of design and articulation is not as apparent.

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*

General Section: Design & Appearance: PDC 5

Complies

The proposed balconies are integrated into the portico design, and enable an appropriate line of sight to the street.

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 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 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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.

General Section: Residential Development: PDC 6

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.

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

- (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*
- (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) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

Each area of private open space achieves a partial northern aspect and will receive adequate natural light throughout the winter months.

The proposed development will not result in adverse overshadowing onto adjacent dwellings or their associated areas of private open space due to the significant separation to boundaries. The upper level of Dwelling 3 is setback a minimum 4.7 metres from the existing southern side boundary and is separated by the common driveway of Dwellings 4 & 5. The potential impact of overshadowing is not considered to have an unreasonable impact on the amenity of the owners and occupiers of adjoining land.

As such, the development is considered to reasonably accord with the above mentioned Principles of Development Control.

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 building 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 12

Complies

Dwelling 1-3 incorporate fixed obscure glazing, to a height of 1.7 metres above the internal floor level, for all windows located on the side and rear elevations. The upper storey windows located on the front façades remain unobscured to provide suitable surveillance to the street. Given the obscured nature of the side and rear upper level windows, and the orientation of the front façade windows onto the street, direct overlooking of habitable areas of adjacent properties should not occur. Likewise, the upper level front balcony is oriented to obtain views of the Ulva Avenue and should not result in the direct overlooking of habitable areas of adjacent properties to the north and south, or to the east across Ulva Avenue.

It should be worth noting, several dwellings within the immediate area incorporate fenced front yards. A review of previous approvals for 7 and 9 Ulva Avenue identified that neither of these allotments has obtained an approval that relied on private open space being located forward of the dwelling's main face. As such, whilst owners of 7 and 9 Ulva Avenue have chosen to utilise the front yard to provide the current occupants with an additional area of open space, this does not form part of the dwellings designated area of Private Open Space which, under Council's Development Plan, should be located to side and/or rear of the dwelling.

In my opinion, the level of separation afforded between the proposed balconies and upper level façades and the front yards/dwellings opposite Ulva Avenue is significant enough to appropriately minimise the opportunity for direct overlooking.

Aside from the above, in my opinion, it would be considered unreasonable to expect and/or require windows and/or balconies which are orientated to achieve view of the street to require obscure glazing or screening, when Council's Development Plan encourages appropriate presentation to, and casual surveillance of, the street. The inclusion of balconies to the front façades results in increased articulation and reinforces the build form's positive presentation to the street.

In my opinion, the dwellings have been designed to minimise direct overlooking of habitable rooms and private open spaces to the adjacent dwellings to the north, south and west. The front facing windows and balconies do not result in adverse overlooking and provide an appropriate external outlook to the public realm and encourage passive surveillance.

Noise

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

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

General Section: Residential Development: PDC 29

Complies

Dwelling 4 features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 3.3 metres and incorporate landscaping between the driveway and bedroom window. This combination of setback and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 30

Complies

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

c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Does Not Comply

a) the location of common letterbox facilities have not been identified on the subject plans.

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 so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Partially Complies

Dwellings 1-3 do not provide shading via eaves, whilst Dwellings 4 and 5 are provided with eaves which shall provide appropriate shading to windows during the summer months.

Whilst main activity areas of the dwellings are oriented east/west, each 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.

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

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.

General Section: Energy Efficiency: PDC 5

Partially Complies

Dwellings 1 and 3 incorporate a north facing skillion roof form set at a 15 degree pitch whilst Dwellings 4 and 5 incorporate a more traditional hip-end roof forms set at a 25 degree – all of which with north-facing sections upon which solar collectors could be sited efficiently.

The roof form of Dwelling 2 is orientated south, and therefore does not enable the efficient installation of solar hot water services and photovoltaic cells.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the Finished Paving Levels surrounding the dwelling must be set down 300mm below the Finished Floor Levels.

Council's Development Engineer has advised, a proposed finished floor level of 100.50, finished paving level of 100.20 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*

General Section: Landscaping, Fences & Walls: PDC 2

Partially Complies

Landscaping, incorporating a range of low to medium level plantings, to both sides of the hammerhead driveway and the front gardens of Dwellings 1 and 2 is considered to complement the built form and afford an attractive streetscape.

The provision of larger plantings forward of Dwellings 1-3 would further aid in reducing and softening the visual bulk/scale posed by the two storey nature of the dwellings.

It is recommended that if the Panel are supportive of the proposal, that a condition be attached to the consent seeking a landscape plan that better reflects the provisions of the Development Plan

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to lack of on-site and on-street parking, overlooking and the loss of privacy, front setbacks of Dwellings 1-3, the design and appearance of the proposed dwellings, the overall proposed density, landscaping and potential flooding impacts attributed to an increase in the density have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over lack of water flow. 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

Assessment of the application has demonstrated shortfalls in the total site area of Dwellings 2 and 3, frontage width of Dwelling 2, site area of Dwellings 4 and 5, driveway 'handle' width servicing Dwellings 4 & 5, provision of on-street parking spaces, upper level side setback of Dwelling 3 and the private open space dimensions of Dwelling 5.

Although the number of non-compliances are considerable, in my opinion, they do not adversely affect the functionality of the proposal to the extent where refusal is warranted.

Whilst allotments 2 and 3 are undersized for their intended dwelling type, the distribution between the proposed row dwelling allotments is disproportionate due to the irregular shape. When the three allotments are combined, they maintain an average site area of 210.66 square metres, which exceeds the minimum allotment area required for row dwellings within the Medium Policy Area 12. Despite the shortfall in site area, 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 a positive 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 five group or residential flat dwellings (which require a greater minimum allotment area than row dwellings), which demonstrates the overall density proposed is appropriate and reflects that sought by the Residential Zone and Medium Density Policy Area 12.

Whilst the front setbacks of the Dwellings 1-3 do not meet the quantitative requirements of the Development Plan, they do not result in detrimental impacts upon the adjacent dwellings or adversely affect the streetscape. The proposed setbacks, whilst not the average of adjoining dwellings, are considered to be consistent with more recently constructed dwellings within the locality and are likely to be replicated as more properties are developed in the future. Furthermore, adequate design, articulation and visual interest has been incorporated into the dwelling facades to appropriately reduce potential visual and bulk/scale impacts. Whilst the upper level side setback of Dwelling 3 does not meet the minimum requirement, this setback provides sufficient separation to appropriately reduce the potential bulk, scale and overshadowing impacts caused by the building's two-storey nature.

The upper level side elevations of the Dwellings 1 & 3, which face the adjacent allotments to the north and south, feature a considerable extent of uninterrupted and unarticulated walling. The upper level side façade of Dwelling 1 in particular is reasonably bland, with little stepping, design detailing or articulation. The lack of articulation is not considered to result in an unreasonable design/appearance outcome to the extent where refusal is warranted given the wall is sited adjacent the side boundary and roughly aligns with the existing building on adjoining land. Additional north-facing windows and/or the inclusion of additional material would assist in reducing the visual impact of these walls.

The high site coverage of Dwelling 4 and 5 is considerable since the dwellings do not incorporate a rear verandah or under main roof alfresco, and the inclusion of these structures would result in an additional increase in site coverage. This notwithstanding, the proposal does achieve acceptable side boundary setbacks, and dimensions and area of private open space. As such, the excess in site coverage and floor area ratio is not considered to adversely affect the functionality of each dwelling, nor compromise the amenity of adjacent properties.

Each dwelling is provided with two on-site car parking spaces, whilst a further two on-street parking spaces have been provided along Ulva Avenue. Whilst only two on-street car parking space have been provided for the proposed allotments, where three spaces are required, I am satisfied an appropriate amount of parking throughout the site has been achieved and the

number of on-street spaces is considered acceptable to meet the likely needs of future occupants.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1300 for three two storey row dwellings and a single storey residential flat building, comprising two dwellings to the rear of the site at 2 Ulva 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. 100/2015/1300, being 'Site Plan', 'Unit 1-3 Ground Floor Plan', 'Unit 1-3 First Floor Plan', 'East/South Elevation', 'West/North Elevation', 'Unit 4-5 Floor Plan', 'East/South Elevation (Dwellings 4-5)', 'West/North Elevation (Dwellings 4-5)' prepared by ADS Architects, received by Council on 18/04/2016, and 'Civil Plan' prepared by TMK, received by Council on 21/02/2016, except when varied by the following conditions of consent.
2. Payment of \$440 shall be made to Council for the removal of two street trees prior to the submission of Building Rules Consent documentation. Payment can be made by contacting Council on 83756600 and quoting the Development Application Number.
3. An amended site plan (architectural) and engineered siteworks plan shall be provided to Council prior to the submission of Building Rules Consent documentation removing the front paths to Dwellings 1-3, decreasing the width of the driveway to a maximum of 3 metres and providing 400mm landscape strips either side the driveway accessing Dwellings 4-5.

This information is sought at the architectural and engineering plans are inconsistent.

4. Amended elevations detailing additional windows and additional design/detailing to the upper level façade of Dwelling 1 (northern façade) shall be provided to Council prior to the submission of Building Rules Consent documentation for consideration
5. A revised landscaping plan shall be submitted to Council for consideration and approval, prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site, including the provision of no less than one tree that obtains a minimum mature growing height of 6 metres to the front yard of Dwellings 1, 2 and 3.
6. 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

- 7. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 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. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.**
- 10. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.**
- 11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**
- 12. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 13. 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.**
- 14. 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.**
- 15. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.**

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 4 May 2016

Agenda Ref No: DAP040516 – 2.2

Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: Urban Planning & Design

Development Description: To construct two (2), two-storey semi-detached dwellings incorporating a garage wall on the eastern boundary

Site Location: 18 Frederick Street, Glengowrie

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 08/10/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/1837

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 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 main face of the dwellings be setback a minimum 6.5 metres	Front setback of both dwellings increased to 6.5 metres.
Separation should be provided from at least one side boundary of the allotment.	The garage associated with Res. 2 has been amended to a carport as part of the response to the representations.

The boundary wall associated with Res. 2 should be reduced to a maximum 3 metres.	Amended to carport, 3 metres in height.
Increase in the upper storey setback of Res. 2 to achieve a minimum 2 metres.	The upper level of Res. 2 has been increased to 2 metres.
Increase landscaping along the eastern side of the driveway servicing Res. 1	400mm landscaping strip provided.
It was encouraged that further consideration be provided to reduce the length of the internal wall of Res. 1.	No changes made.
It was encouraged that further consideration be provided to the layout/design of the Res. 1 to provide a front entrance point that presents to the street.	No changes made.
Additional Information Requested	Information Received
A fully engineered site works and drainage plan	Engineered site works and drainage plan provided.
A landscaping plan	Landscape plan provided.
Sectional details of the proposed party wall	Party wall details provided.
A schedule of proposed colours/materials/finishes	A schedule of colours and materials provided.

SUBJECT LAND & LOCALITY

The subject land is located at 18 Frederick Street, Glengowrie. The land is rectangular in shape, achieving a frontage width of 19.2 metres, a depth of 40.2 metres and a total site area of 773.5 square metres. The site currently accommodates a single storey detached which is in relatively good condition. The existing dwelling is setback approximately 10 metres and vehicular access is currently available from Frederick Street. The contour of the land is relatively flat; however, the site is prone to flooding. There are no regulated or significant trees on the subject land.

The pattern of development is typically defined by single storey detached and semi-detached dwellings, at low to medium densities. The existing housing stock also displays a presence of residential flat buildings. Recent developments in the locality have increased the number of detached, semi-detached and row dwellings, which are both single and double storey in nature.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes two, two storey semi-detached dwellings, incorporating a garage wall along the eastern boundary.

Residence 1 features four bedrooms, whereas Residence 2 features three. Both dwellings provide for associated wet areas/ensuite and open plan kitchen/dining/living room.

The dwellings present to Frederick Street, incorporating habitable room windows to the front façade and carport associated with Residence 2. Residence 1 proposes a new crossover to Frederick Street and Residence 2 seeks to alter the existing crossover to provide 1 metre separation from the existing stobie pole.

The front façade of the dwellings feature a mixture of colours and materials, including exposed brick, render, panel lift doors and Colorbond roofing.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	2 representations against the proposal were received by Council.
Persons wishing to be heard:	Mr Jarrod Smith
Summary of representations:	<ul style="list-style-type: none"> • Concerns regarding on-street parking. • Concerns regarding overshadowing. • Concerns regarding the visual impact of the garage associated with Residence 2. • Concerns regarding the visual dominance of garaging presenting to the street. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The location of the proposed crossovers allows for one on-street park. • It is acknowledged that there will be some form of shadow cast to adjoining land; however, adequate natural sunlight will be available to satisfy Council's Development Plan provisions. • The garage associated with Res. 2 has been amended to a carport, which will be the only structure located along the western side boundary. • The upper level of Res. 2 is considered to adequately reduce the visual dominance of garaging at ground level. <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Council's Development Engineer has reviewed the proposed development and is comfortable that vehicles will be able to enter and exit the garage of Residence 1 without any conflict.</p> <p>Council's Engineer has reviewed the siteworks and drainage plan and is satisfied with the finished floor levels and external paving levels.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 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.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating 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 contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. 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.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. 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 require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	The following forms of development are envisaged in the policy area: ▪ semi-detached dwelling	Complies
PDC 3	Minimum Site Area: 320 square metres	Complies Res. 1: 392.8m ² Res. 2: 380.5m ²
	Minimum Frontage: 9m	Complies Res. 1: 9.7m Res. 2: 9.5m
	Minimum Depth: 20m	Complies 40.3m

Assessment

The application proposes two, two storey semi-detached dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the number of dwellings on the land by one. It is acknowledged that the proposal satisfies the density sought by Council's Development Plan, which is consistent with other recent and similar developments in the locality and encouraged by Objective 1 and 3 and the Desired Character Statement of the Northern Policy Area 13.

The proposal seeks to maintain a coherent streetscape as a result of the front setback, front yard landscaping and design in order to reduce the bulk and scale of the dwellings as well as garage dominance. The dwellings' design will be modern in terms of design and use of materials, which will assist in providing a development which positively contributes to the locality and streetscape.

The general layout and design of the dwellings is considered to adhere to the applicable Objectives and Desired Character Statement of the Residential Zone and 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>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Does Not Comply Res. 1: 184.1m ² (46.9%) Res. 2: 158.5m ² (41.6%) Although site coverage of each allotment exceeds 40%, it is acknowledged that it does so by minimal amounts. Further, the total site coverage is similar to other similar and recent developments in the locality and it is acknowledged that a generous amount of private open space will be available for each dwelling. As such, it is my view that the proposal is not an overdevelopment of the site and that the dwelling will be able to function efficiently.
<i>Maximum floor area ratio: 0.6</i> <i>Northern Policy Area 13: PDC 4</i>	Complies Res. 1: 0.58 Res. 2: 0.52

<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>Res. 1: 21.6%</p> <p>Res. 2: 42.1%</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 dwellings 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 primary areas of POS maintain a southerly aspect as a result of the existing orientation of the site; however, it is acknowledged that a portion of private yard (residence 1) faces east.</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><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Res. 1: 85.76m² (21.8%)</p> <p>Res. 2: 167.6m² (44%)</p>

Street Setbacks

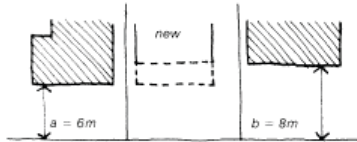
Except in areas where a new character is desired, the setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the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

General Section: Design and Appearance: PDC 23

Complies

The front setback is considered compatible with dwellings on adjoining land to the west and therefore, considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

Partially Complies

(Dwellings on adjoining land set back approximately 6.5 metres and 10.5 metres, which equals an average setback of 8.5 metres)

Given the front setback will be in-line with the adjacent dwelling to the west, any visual impacts to the streetscape will be negligible, as demonstrated by compliance with PDC 23.

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 not greater than 3 metres: 1 metre

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

Complies

Ground level

Res. 1: 1m (east side)
 Res. 2: 1m (west side)

Upper level

Res. 1: 3.5m (east side)
 Res. 2: 2m (west side)

Does Not Comply

Ground level

Res. 1: dwelling located along the western internal boundary

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Partially Complies</p> <p>(a) The proposal seeks for a garage wall along the eastern boundary; however, separation will be provided from the western boundary as the proposal has been amended to a carport. Further, given the garage of Res. 1 will be located somewhat out of view from the street, when the site is viewed as a whole, the dwellings present some form of separation from the boundary.</p> <p>(b) There are currently no existing walls from adjoining land located on either the eastern or western side boundaries of the subject land.</p> <p>(c) (i) The garage wall associated with Res. 1 will be located well behind the main face of the dwelling on adjoining land.</p> <p>(ii) The garage wall will be 6.5m in length.</p> <p>(iii) The garage wall will be 3.1m in height</p> <p>(iv) The garage will be located adjacent a carport on adjoining land.</p> <p>Although the length of the garage wall exceeds 6 metres and 3 metres in height, it is acknowledged that it will be located adjacent a carport on adjoining land, an area primarily used for the parking of vehicles. As such, it is my view that any overshadowing or visual impacts will be of a minor nature.</p> <p>Does Not Comply</p> <p>Res. 1 proposes a boundary wall along the internal boundary, which will be 10.47m in length and 2.7m in height.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setback of the garage of Res. 1 does not comply with the quantitative criteria the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p> <p>It is acknowledged that the length of the eastern wall of Residence 1 exceeds that sought. This will be discussed further in the Table Discussion section of this report.</p>
<p>Rear Setbacks</p>	
<p>6 metres for a single storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p> <p><i>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:</i></p> <p><i>(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</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Partially Complies</p> <p>Res. 1: 5.7m (56.2%) and 6.7m (43.8%)</p> <p>It is acknowledged that PDC 37 allows for a portion of the dwelling to be setback 3m and as such, the proposal is unlikely to result in detrimental visual/overshadowing impacts to adjoining land.</p> <p>Complies</p> <p>Res. 2: 16m</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of 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.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Res. 1: 7.81m Res. 2: 7.94m</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:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>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>Res. 1: 16.7m and 10.2m behind the main face of the dwelling</p> <p>Does Not Comply</p> <p>Res. 2: 6.5m and in-line with the main face of the dwelling</p> <p>Whilst the carport will be located in-line (Res. 2) with the main face of the dwelling, the design and appearance of the development aims to reduce the visual dominance of the carport through the use of the upper storey articulation and a mixture of colours and materials.</p> <p>When the development is viewed as a whole, the upper storey articulation and use of colours and materials ultimately reduces the visual prominence of the carport. Further, landscaping will be provided to the front yard of each dwelling to soften the appearance of the garaging. Lastly, the design of the dwellings aim to present as one building to the street, further increasing articulation of the front façade.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 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><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(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:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(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</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Partially Complies</p> <p>Res. 1</p> <p>(i) The garage on the boundary will be the only structure located along the eastern boundary.</p> <p>(ii) Enclosed structure of 6.55m in length on the boundary</p> <p>(iii) 2.7m wall height</p> <p>Given the garage will be located adjacent a carport on adjoining land, the excess in wall height is not considered to have detrimental visual or overshadowing impacts.</p> <p>Complies</p> <p>Res. 2</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) Open structure with a length of 7 metres on the boundary</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>The proposed garage and carport incorporates a roof form, materials and detailing which 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> <p>Res. 1: 5.6m (57.7%)</p> <p>Does Not Comply</p> <p>Res. 2: 6.25m (65.8%)</p> <p>The carport width of Res. 2 equates to 65.8% of the frontage width. Whilst this does not accord with Council's Development Plan provisions, an appropriate level of upper storey articulation has been provided, along with landscaping, which will soften the appearance and dominance of the structure.</p>
<p>Car Parking</p>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered):</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Res. 1 (4 bedroom): 4 spaces, 2 of which will be covered.</p> <p>Res. 2 (3 bedroom): 4 spaces, 2 of which will be covered.</p>

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Public transports are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) - e) 1 on-street car parking space shall remain available adjacent the subject land.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>1 on-street car parking space will be available for the proposed allotments, which satisfies PDC 22</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Res. 1: 3.4m</p> <p>Res. 2: 4.5m</p>
<p><i>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.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>

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

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

General Section: Design & Appearance: PDC 17

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, horizontal cladding and render on the front façade
- Protruding portico (Res. 2)
- Upper level eave overhang and pitched roof form at 20 degree slope for the upper floor.

The dwellings incorporate a 20 degree Colorbond roof in Monument, with rendered façades. The garage of each dwelling features Surfmist Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The upper level side elevations of the dwellings feature render work and the provision of habitable room windows avoid extensive areas of uninterrupted walling exposed to public view.

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

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 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 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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.

General Section: Residential Development: PDC 6

Partially Complies

Res. 1

The dwelling is designed so that the main facade faces the primary street frontage; however, the front entrance point will be out of view from the street.

Complies

Res. 2

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

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

- (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*
- (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) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

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 the upper levels of each dwelling satisfy the setbacks sought by Council's Development Plan, I am satisfied there will be adequate natural sunlight available for the private open space and habitable room windows on adjoining land. However, it is acknowledged that 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 building 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 12

Complies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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.

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 so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Does Not Comply

The main activity areas of the dwellings are south facing as a result of the existing orientation of the site. Given the rear of the dwelling will be single storey in nature, it is my view that adequate sunlight will be available to the rear portion of the private open space area during winter.

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.

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

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.

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 100.45, finished paving level of 100.25 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

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:

- Side setback of Res. 1 (wall located along the internal boundary); and
- Design and appearance of Res. 1 (front entrance point does not present to the street).

Side setback

The proposal seeks for the western dwelling wall of Res. 1 to be located along the internal boundary, for a length of 10.47m and 2.7m in height. It is acknowledged that the dwelling wall, combined with the associated party wall (17.6m) results in a total of 69.7% of built form along the boundary. Whilst the greater portion of this percentage is allocated to the party wall, the ground level wall of Res. 1 will be located adjacent the main private open space area of Res. 2. Given the generous amount of private open space for Res. 2, it is my view that the impacts of this wall will be lessened to some extent. Further, the shadow cast from the dwelling wall into Residence 2 will subside throughout the morning and as such, the overshadowing impacts of the reduced setback will not be apparent from midday.

Despite the dwelling wall being located directly adjacent the main open space of Residence 2, it is my view that it provides a reasonable level of privacy between the dwellings and private open space areas. Reasoning behind this is that the internal wall provides separation between the entertaining areas, which assists in reducing potential conflicting noise impacts. It is also acknowledged that the impacts of the dwelling wall are upon a dwelling to be constructed at the same time and therefore, persons purchasing or choosing to reside in Residence 2 will be fully aware of the dwelling wall and its associated impacts. However, it is acknowledged that this differs in instances where such impacts are proposed upon existing dwellings/properties.

Design and Appearance

The design of Residence 1 presents the main façade and habitable room windows to the street; however, the dwelling features a side entrance point, located behind the Guest Bedroom/Lounge. The design of the dwellings aims to present as a single building to the street, which assists in reducing garage dominance and the bulk of the building. However, it is acknowledged that Council's Development Plan provisions advocate front entrance points which present to the street in order to identify individual dwellings, which has not been achieved. Despite there being some positive outcomes of the shortfall, it comes at the cost of reducing passive surveillance.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to on-street parking, overshadowing and garage dominance have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

Given the site area and frontage width of each allotment exceed that sought by Council's Development Plan, it is my opinion that the proposed development appropriately satisfies the Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of old housing stock at low-medium densities.

It is acknowledged that the proposal displays areas of non-compliance, the most significant being, Residence 1 fails to accord with the side setback requirements, the length of the wall along the internal boundary and design and appearance provisions of Council's Development Plan. It has been demonstrated that these failings result in some acceptable outcomes, and whilst not ideal, when considered on balance with the overall compliance with Council's Development Plan, the merit of the application is considered to outweigh these shortcomings.

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: 100/2015/1837 to construct two (2), two-storey semi-detached dwellings incorporating a garage wall on the eastern boundary at 18 Frederick Street, Glengowrie GRANTED 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. 100/2015/1837, being drawing numbers 1-9 (inclusive) of Job No. QD1110 prepared by Quadrant Drafting, dated as received 15 April 2016, and Siteworks Plan C20834 prepared by Residential Commercial Industrial Consulting Engineers, dated as received 3 February 2016, except when varied by the following conditions of consent.
- 2. A revised fully engineered site works and drainage plan reflective of the dwellings footprint 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. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 5. All 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.
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 4 May 2016

Agenda Ref No:	DAP040516 – 2.3
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Yong Guo
Development Description:	To construct four, two storey row dwellings with Dwelling (4) incorporating a garage wall along the northern side boundary.
Site Location:	6 – 8 Jane Street, Marion
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	15/10/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1885
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 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.

In addition to the above, the subject application is also required to be determined by the Development Assessment Panel as proposed Dwellings (2) and (3) both support allotment areas that are 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.

It is staff's view that the dwellings should be appropriately classified and assessed for row dwellings as, for all intents and purposes, the dwellings comprise four, two storey dwellings, erected side by side with party walls to form a single building each occupying a site that has exclusive frontage to a public road, pursuant to the Schedule 1 definition in the Development Regulations, 2008.

BACKGROUND

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

Requested Amendments	Amendments Made
The density of the proposed development was considered high being greater than that envisaged within Northern Policy Area 13. The applicant was therefore requested to reduce the number of dwellings from five (5) to four (4) two storey row dwellings.	The applicant has amended the plans accordingly which now illustrate four, two storey row dwellings on the subject land.
Information Requested	Information Received
The applicant was requested to provide shadow diagrams to help determine the extent of shadow to be cast over the properties located to the east and south of the subject land by the proposed development.	The applicant has provided the required shadow diagrams as requested and are attached.
The applicant was requested to provide a revised landscaping plan which included a mix of vegetation species to be planted to the front of the proposed dwellings.	A revised landscaping plan has been provided and is attached.

SUBJECT LAND & LOCALITY

The subject land is situated on the western side of Jane Street at 6 – 8 Jane Street, Marion. The subject land comprises two regular shaped allotments which provide a combined frontage width of 34.39 metres to Jane Street and a depth of 30.75 metres to provide a total site area of 1,057.5 square metres.

The subject land is relatively flat and is developed with an existing single storey detached dwelling on the land situated at 6 Jane Street, whilst the adjacent parcel to the north at 8 Jane Street contains two existing out-buildings. An inspection to the subject land reveals that both allotments are devoid of any regulated trees, whilst the certificates of title confirm that both parcels are clear of any encumbrances or easements.

The locality is characterised by a predominance of low density residential development comprising single storey detached dwellings (circa 1970 – 1980) on large regular shaped allotments. No new development was noted within the locality, however it is worthy to note that an approval has recently been granted to construct three, two storey row dwellings on land located on the opposite side of the road to the north-east of the subject land at 7 Jane Street.

The locality also includes a large area of public open space in the form of a Council Reserve (George Street Reserve) which is located some 160 metres to the south-east of the subject land at 14 – 26 George Street, Marion. This reserve is considered to be within easy walking distance from the subject land and provides a tennis court, sheltered areas for picnics and a children's playground area.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to demolish the existing detached dwelling and out-buildings on the subject land and construct four, two storey row dwellings. The dwellings will each provide three bedrooms (master bedroom with en-suite) at first floor level with open plan kitchen/meals/living areas all directly linked to areas of useable private open space to the rear.

In respect to on-site car parking provision, all dwellings will be provided with a single width garage under the main roof with provision for one visitor's car parking space within the individual driveways forward of each garage. Driveways are to be paved, whilst open front yard areas are to be landscaped with a combination of lawn, shrubs, trees and ground covering vegetation.

It is noted that Land Division application 100/D019/16 has been received by Council, which proposes to create four Torrens Title allotments, which reflects the subject dwelling application.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	4 representations were received by Council with 3 against the proposed development and 1 providing a neutral response.
Persons wishing to be heard:	3 representors have indicated a desire to be heard by the Panel.
Summary of representations:	<ul style="list-style-type: none">• The proposed dwellings will have a detrimental impact on the amenity of adjacent owners and occupiers of land.• The proposed dwellings will result in the loss of privacy caused from overlooking into the rear yards of adjacent properties.• The character of the locality will change with the introduction of two storey dwellings in the area.• The proposed dwellings will look out of place within the locality which contains mostly single storey dwellings.• The development will increase the amount of traffic in the street and reduce on-road parking potential.• The dwellings will potentially overshadow adjacent dwellings and block sunlight into rear yard areas.• The proposed dwellings may have a detrimental effect on the value of existing properties.• It would be desirable if existing boundary fencing can remain in place. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none">• The construction of two storey row dwellings is anticipated within Northern Policy Area 13.• The proposed dwellings incorporate a building height of 7.3 metres (maximum allowed 9.0m) and a rear setback ranging between 10.3 – 10.8 metres.

	<ul style="list-style-type: none"> • The upper level side setback of Dwelling (1) from the southern boundary will be 3.0 metres to help minimise overshadowing of properties to the south. • The site coverage achieved by the dwellings ranges between 33.9% to 36.7% which is less than the maximum 40%. • The revised landscaping plan does not propose the planting of any tall trees close to the rear boundaries of the individual dwellings. • The upper level windows of the dwellings will incorporate obscure glazing to protect the privacy of adjacent neighbours. • The shadow diagrams indicate that the dwellings will not cast excessive amounts of shadow for extended periods of the day on 21 June. <p style="text-align: right;"><i>Refer Attachment V</i></p>
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INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Whilst the subject land is not located within a flood prone area of the Council, the application was referred to the Council's Engineer who raised no concerns following his assessment of the proposed development.</p> <p>The finished floor levels of the individual dwellings and the drainage of stormwater from the subject land has all been deemed to be acceptable.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 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.</p>
Northern Policy Area 13
<p>Objectives</p> <p>1 A policy area primarily accommodating 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 contributes to the desired character of the policy area.</p>

Desired Character

The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. 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.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. 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 require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

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>detached dwelling</i>▪ <i>group dwelling</i>▪ <i>residential flat building</i>▪ <i>row dwellings</i>▪ <i>semi-detached dwelling</i>▪ <i>supported accommodation.</i>	Complies As listed opposite, row dwellings are an envisaged form of housing type within Northern Policy Area 13.
PDC 3	<i>Minimum Site Area:</i> <i>Row Dwellings: 250 m²</i>	Complies Dwelling (1) = 295 m ² Dwelling (4) = 264 m ² Does Not Comply Dwelling (2) = 249 m ² Dwelling (3) = 249 m ²
	<i>Minimum Frontage:</i> <i>Row Dwellings: 7 metres</i>	Complies Dwelling (1) = 9.5 metres Dwelling (2) = 8.1 metres Dwelling (3) = 8.1 metres Dwelling (4) = 8.6 metres
	<i>Minimum Depth:</i> <i>Row Dwellings: 20 metres</i>	Complies All dwellings = 30.75 metres

Assessment

The application seeks approval to replace an existing detached dwelling with four two-storey row dwellings, being a form of housing that is envisaged by Principle of Development Control 1 which can be up to two stories in height. It is considered that the proposed development complements the Desired Character for Policy Area 13 which seeks the redevelopment of existing properties at greater densities to that which currently exists on the land.

In addition to the above, it is noted that the proposed development will not require the removal of any regulated or significant trees from the land, nor compromise the health of any existing mature vegetation on adjoining land. It is also worthy to note that the subject land is located within easy walking distance to a large area of public open space (George Street Reserve) which is located approximately 160 metres to the south-east of the subject land.

Given the close proximity of this large functional Council Reserve, it is considered the subject land to be a suitable site for the redevelopment of medium density residential development in accordance with the locational criteria prescribed within Objective 2 of the Residential Zone.

Whilst a minimum site area of 250 square metres is prescribed for row dwellings within Northern Policy Area 13, it is noted that Dwellings (2) and (3) will each provide site areas of 249 square metres, representing a very minor shortfall of 1 square metre per dwelling/site. It is noted that Dwellings (1) and (4) easily exceed the above minimum site area requirements, providing individual site areas of 295 and 264 square metres respectively.

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).

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area displayed in respect to Dwellings (2) and (3) do not jeopardise the underlying merits of the overall proposal. It is therefore considered that the proposed development appropriately satisfies the Objectives, Principles and Desired Character of 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>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies</p> <p>Dwelling (1) = 33.9%</p> <p>Dwelling (2) = 36.7%</p> <p>Dwelling (3) = 36.7%</p> <p>Dwelling (4) = 33.9%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies</p> <p>Dwelling (1) = 0.53</p> <p>Dwelling (2) = 0.60</p> <p>Dwelling (3) = 0.60</p> <p>Dwelling (4) = 0.59</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 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>

Private Open Space

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

- (a) to be accessed directly from a habitable rooms of the dwelling*
- (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*
- (c) to take advantage of, but not adversely affect, natural features of the site*
- (d) to minimise overlooking from adjacent buildings*
- (e) to achieve separation from bedroom windows on adjacent sites*
- (f) to have a northerly aspect to provide for comfortable year round use*
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development*
- (h) to be partly shaded in summer*
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (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.*

General Section: Residential Development: PDC 15

Complies

- a) All POS areas are directly accessible from habitable rooms of the associated dwelling.
- b) All POS is located at ground level to the rear of the dwellings 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

Partially Complies

- f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use, although it is acknowledged the orientation of the POS is to the west

Site Area 250 m² or greater:

*Minimum area of POS: 20% of the site area
Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.
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.*

Site area less than 250 m²:

*20% of the site area or 35 m², whichever is the greater
Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.
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.*

General Section: Residential Development: PDC 17

Complies

Dwelling (1) = 33.7% (99.4m²)
Dwelling (4) = 31.9% (89.1m²)
(Minimum dimensions of private open space exceeding 5 metres x 5 metres).

Complies

Dwelling (2) = 35.5% (88.4m²)
Dwelling (3) = 35.5% (88.4m²)
(Minimum dimensions of private open space exceeding 4 metres x 4 metres)

Street Setbacks

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

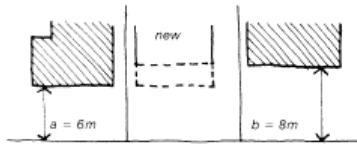
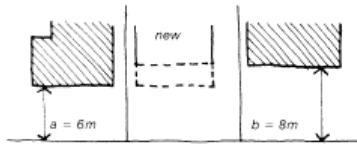
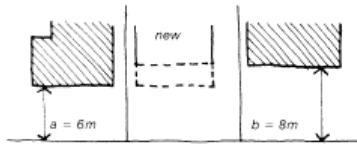
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

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 dwellings 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 the dwellings at 7.0 metres is considered similar to that established by the existing dwellings located either side of the subject land. As such, the front setback of the proposed dwellings is considered to contribute positively to the function, appearance and

	desired character of the locality.						
<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> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> <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> </table> <p><i>General Section: Design and Appearance: PDC 25</i></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>Complies Dwellings (1 - 4) = 7.0 metres</p> <p><i>(Dwellings and buildings on adjoining land are set back approximately 7.0 metres, which equals an average setback of 7.0 metres)</i></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><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies It is considered that the habitable rooms of all dwellings are adequately separated from pedestrian and vehicle movement either by being well setback to the rear of dwellings or satisfactorily screened by landscaping and solid boundary fencing.</p>						
Side Setbacks							
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> <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 7</i></p>	<p>Does Not Comply Dwelling (1) = The garage wall of this dwelling is to be setback 990 mm from the southern side boundary falling 10 mm short of the 1 metre distance prescribed by PDC 7.</p> <p>Notwithstanding the above, this minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a side setback of 0.9 metres would comply with the Building Code of Australia.</p> <p>Does Not Comply Dwelling (1) = the upper level wall of this dwelling is to be setback 2,990 mm from the southern side boundary falling 10 mm short of the 3.0 metre distance prescribed opposite.</p> <p>This shortfall is considered to be insignificant and should not result in the unreasonable overshadowing of adjacent properties to the south</p> <p>Complies Dwelling (4) = 2.0 metres.</p> <p>(Note: The wall height of the dwellings measures 5.8 metres).</p>						

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Does Not Comply</p> <p>Dwelling (4) proposes a wall along the northern side boundary being the garage wall which is to stand 2.7 metres in height and is to extend for a distance of 6.45 metres along the boundary.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Whilst a shortfall has been identified in relation to the lower and upper level side setbacks of Dwelling (1), I am of the opinion that the separation from side boundaries is considered sufficient to minimise the visual impact of the buildings when viewed from adjacent properties.</p> <p>Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<p>Rear Setbacks</p>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling (1) = 10.3 metres</p> <p>Dwelling (2) = 10.8 metres</p> <p>Dwelling (3) = 10.8 metres</p> <p>Dwelling (4) = 10.3 metres</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling (1) = 10.3 metres</p> <p>Dwelling (2) = 10.8 metres</p> <p>Dwelling (3) = 10.8 metres</p> <p>Dwelling (4) = 10.3 metres</p>
<p><i>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:</i></p> <p><i>(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</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>All dwellings.</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property.</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 7</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:</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p>Residential Zone: PDC 8</p>	<p>Complies</p> <p>The garages of all four dwellings are to be set back 7.5 metres from the primary road frontage and 0.5 metres behind the main face of each dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p>General Section: Residential Development: PDC 12</p>	<p>Complies</p> <p>All dwellings</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>General Section: Residential Development: PDC8</p>	<p>Complies</p> <p>The garages of all four dwellings are to be incorporated into the overall design of the dwellings and therefore comply with PDC 8.</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>Residential Zone: PDC 6</p>	<p>Complies</p> <p>The garages of all four dwellings will be of single width measuring 2.6 metres across the front to comply with PDC 6.</p>
Car Parking	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or <u>row dwelling containing up to 3 bedrooms.</u></i></p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>All four dwellings provide a maximum of three bedrooms each and a total of two on-site car parking spaces per dwelling (one of which is covered).</p>

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>b) The subject land is located some considerable distance Centre Zone.</p> <p>d) e) 1 on-street car parking spaces shall remain available adjacent the subject land along Jane Street.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does Not Comply</p> <p>Only one on-street car parking space is provided for the proposed 4 allotments where two spaces would be required by PDC 22 opposite.</p> <p>Nonetheless, it is considered that sufficient on-site car parking has been provided in accordance with PDC 7 and I am satisfied that as Transport and Access Principle 43 has been achieved, the number of on-street car parking spaces to be acceptable in this instance.</p>
<p>Access</p>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>The proposed development provides three new 2.8 metre wide driveways for Dwellings (1), (2) and (3), whilst the existing 3.0 metre wide driveway for Dwelling (4) is to be reused.</p>
<p><i>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.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are to be set back a minimum distance of 1 metre from existing stobie poles, whilst there are no street trees located to the front of the subject land.</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

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

General Section: Design & Appearance: PDC 17

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:

- Power panel cladding with acrylic texture and painted finish to the front façade and side walls
- Stepping of upper and lower storeys along the front elevations of each dwelling to minimise building height, mass and proportion when viewed from the street
- Protruding porticos over the main entry to each dwelling
- Eave overhang of 300 mm when measured out from external walls and pitched roof form to be set at a 22.5 degree slope
- Fenestration

The dwellings are to incorporate a hipped roof design with a 22.5 degree Colorbond roof in "Windspray", with rendered and painted facades. The garage of each dwelling features a single width Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwellings feature rendered and painted power panel cladding, fenestration. That having been said, the side and rear elevations of the dwellings provide a low level of articulation when compared to the front elevation of the dwelling. Nonetheless, the external walls of all dwellings are to be rendered or painted in a combination of colours which should help to soften the appearance of the dwellings when viewed from adjacent land.

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

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 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 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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.

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.

General Section: Residential Development: PDC 6

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

- (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*
- (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) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:

a) North-facing windows to habitable rooms located to the south at 4 Jane Street shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21st June.

It is noted that shadow cast over the dwelling located to the south will occur in the early hours of the day on the 21st of June and then will reduce during the day leaving the private rear yard area of this dwelling in full sunlight.

I am of the opinion that the extent of shadow to be cast onto the habitable windows and over the private rear open yard of the property to the south to be acceptable. As such, I am of the opinion that the proposed development complies with PDC 10 and 11.

Note: It is also worthy to note that the attached shadow diagrams clearly illustrate that the existing solar panels on the roof of the dwelling to the south at 4 Jane Street will not be affected by shadow cast by the proposed development.

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 building 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 12

Complies

The dwellings incorporate obscure glazing to a height of 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

External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:
(a) active communal recreation areas, parking areas and vehicle access ways
(b) service equipment areas and fixed noise sources on the same or adjacent sites.

General Section: Residential Development: PDC 29

Complies

All dwellings feature bedrooms at first floor level which should protect and separate these areas from external noise sources or artificial light intrusion as envisaged by PDC 29.

Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.

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 so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Complies

Whilst the rear of the dwellings are orientated in a westerly direction, it is noted that the private rear open yard areas are afforded some degree of northern aspect which should allow for a reasonable level of exposure to northern sunlight during the winter months.

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.

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

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.

General Section: Energy Efficiency: PDC 5

Complies

All four dwellings are to incorporate a hipped roof form which is to be set at a 22.5 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*

General Section: Landscaping, Fences & Walls: PDC 2

Complies

It is considered that the proposed landscaping plan could be further improved with the incorporation of a greater mix of vegetation in order to achieve a higher degree of compliance with the requirements set out opposite.

It is therefore proposed to include a condition of consent which requires the applicant to provide an amended landscaping plan for further assessment purposes. (Refer to Condition (2)).

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

As the subject land is relatively flat in nature, it is not anticipated that there will be a need to construct any retaining walls along the existing boundaries of the subject land.

The proposed development includes the erection of new 1.8 metres high good neighbour fencing (classic cream in colour) which is to be erected along the rear, side and internal boundaries of the new dwelling. This fencing will provide both security and privacy for the future residents of the dwellings.

As no fencing of any type is proposed along the front of the subject land, this should provide clear lines of sight for residents backing vehicles out on to Jane Street from their individual driveways.

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-compliance is noted and discussed in further detail below:

- Garage wall of Dwelling (4) along the northern side property boundary.

As identified during the assessment of this application, the garage wall of Dwelling (4) will stand 2.7 metres in height and will extend for a distance of 6.45 metres in length along the northern side boundary of the subject land, thereby exceeding the maximum 6.0 metre length prescribed for solid walls constructed along a side boundary. The construction of solid walls along boundaries commonly occurs where land is developed at higher densities where the total land area of development sites is maximised to make efficient use of the land.

That having been said, it is considered that the proposed garage wall of Dwelling (4) will have a minimal impact on the adjacent property located to the north at 10 Jane Street as it is to be located along the northern boundary of the site and will therefore not cast any shadow over the habitable room windows of this dwelling. This is confirmed by the shadow diagrams that have been supplied by the application which are attached. To this end, it is considered that the construction of the garage wall of Dwelling (4) along this section of the boundary to be acceptable, in that it is unlikely to result in having any direct adverse impacts on the amenity of the residents of the dwelling.

Notwithstanding the above, it is befitting to acknowledge that Schedule 4 permits the construction of dwellings "as of right" which incorporate boundary walls with a maximum length of 8.0 metres and height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land. As such, it is not appropriate to request amendments to proposed boundary walls simply due to their visibility from adjoining properties. Moreover, the proposed boundary wall length of 6.45 metres remains relatively modest in relation to the standard design criteria for new dwellings.

REPRESENTOR'S CONCERNS

The concerns raised within the representations regarding the density and height of the proposed development, overshadowing and overlooking issues including the loss of privacy and on-road parking spaces have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representations also raised concerns in relation to the devaluing of existing property values and the retention of fencing along existing boundaries. Whilst these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence is outside the scope of this assessment.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development reflects the low-to-medium level of density that is envisaged within Northern Policy Area 13. The proposed development is also suitably located within walking distance to a nearby Council Reserve to the south-east of the subject land on George Street. As such, the subject land is considered to be an appropriate site for medium density development satisfying one of the locational attributes prescribed within Objective 2 of the Residential Zone.

The applicant has amended the application in order to address concerns raised during the assessment of the proposal and has subsequently reduced the number of dwellings proposed on the subject land from five to four. Consequently, it is now considered that the proposed development complies with a majority of the quantitative and qualitative provisions of the Council's Development Plan, providing improved vehicular access to each dwelling, suitable areas of private open space, setbacks from boundaries and sufficient on-site car parking provision for both the future occupants and visitors to the site.

In terms of design and appearance, it is considered that the proposed development provides a medium-density form of development that is envisaged within Policy Area 13. In my opinion, the proposed dwellings provide a satisfactory level of articulation and streetscape presentation, whilst the two-storey nature of the dwellings and proposed density of the development both accord with the desired character envisaged for Policy Area 13.

Notwithstanding the concerns raised within the representations received during the Category 2 public notification process, I am of the opinion that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, 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: 100/2015/1885 to construct four, two storey row dwellings with Dwelling (4) incorporating a garage wall along the northern side boundary at 6 – 8 Jane Street, Marion, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the amended plans and details prepared by Yogo Design and Consulting stamped dated received 22 December 2015 and the Site Works and Drainage Plan prepared by SCA Engineers Pty Ltd stamped dated received 11 January 2016 all submitted with and forming part of Development Application No. 100/2015/1885, except where varied by the following conditions of consent.
- 2. A 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 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. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 5. All 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.
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. All external wall surfaces or any face brickwork on the property boundary is to be finished in a professional manner, similar to other external wall surfaces or face brickwork on the subject dwelling.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 4 May 2016

Agenda Ref No:	DAP040516 – 2.4
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Ipad Homes
Development Description:	To demolish existing buildings and structures and to construct three, two storey row dwellings one of which incorporates a garage wall along the southern side boundary.
Site Location:	6 Seaforth Avenue, Dover Gardens
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	30/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2239
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 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.

In addition to the above, the subject application is also required to be determined by the Development Assessment Panel as proposed Dwelling (3) supports an allotment area that is 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.

It is staff's view that the dwellings should be appropriately classified and assessed for row dwellings as, for all intents and purposes, the dwellings comprise three dwellings, erected side by side with party walls to form a single building each occupying a site that has exclusive frontage to a public road, pursuant to the Schedule 1 definition in the Development Regulations, 2008.

BACKGROUND

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

Requested Amendments	Amendments Made
The applicant was requested to increase the side setback of the upper level south facing wall of Dwelling (1) from 2.0 to 3.0 metres achieve compliance to comply with the Development Plan.	The applicant has not amended the plans with the upper level side setback of Dwelling (1) to remain at 2.0 metres from the southern boundary.
Information Requested	Information Received
The applicant was requested to provide shadow diagrams to help determine the extent of shadow to be cast over the properties located to the east and south of the subject land by the proposed development.	The applicant has provided the required shadow diagrams as requested and are attached.
The applicant was requested to provide a streetscape elevation of the proposed dwellings and that of the dwellings located either side of the subject land.	This plan has not been provided by the applicant.

SUBJECT LAND & LOCALITY

The subject land is situated on the western side of Seaforth Avenue at 6 Seaforth Avenue, Dover Gardens. The subject land comprises a large irregular shaped allotment which has a 22.8 metre frontage to Seaforth Avenue and an average depth of 36 metres to provide a total site area of approximately 739 square metres.

The subject land is developed with an existing single storey detached dwelling (circa 1950) which displays little architectural merit or amenity value. The subject land slopes naturally downwards towards the northern side property boundary, whilst the certificate of title for the subject land confirms that the site is clear of any encumbrances or easements.

The locality is characterised by a mix of older housing stock comprising single storey detached dwellings on large regular shaped allotments, together with many new dwellings in the form of single and two storey row dwellings at low to medium densities as exhibited to the north and south of the subject land and along the northern side of McKay Street to the north of the site.

The other notable observation to be made includes the existence of an existing Council Reserve which is located directly opposite the subject land on the eastern side of Seaforth Avenue. The reserve is regular in shape and provides some 4,500 square metres of public open space and is furnished with children's playground equipment and provides picnic facilities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to construct three, two storey row dwellings with associated car parking and landscaping. The dwellings will each provide three bedrooms at first floor level (master bedroom with en-suite) with open plan kitchen/dining/family areas all directly linked to west facing areas of useable private open space located to the rear of each dwelling.

In respect to on-site car parking provision, all dwellings will provide one undercover car parking space within a single width garage or carport which is to be attached to the dwelling with one

on-site visitor car parking space to be provided within each driveway. In addition, a single on-street car parking space is also to be provided along Seaforth Avenue to the front of the site.

The proposed driveways are to be paved, whilst the open front yard areas of each dwelling are to be landscaped with a combination of small shrubs and ground covering vegetation.

Some minor earthworks involving the cutting and filling of the site are also proposed which will require the construction of retaining walls along the side and rear boundaries of the subject land. The height of these retaining walls are considered typical for the locality which naturally slopes downwards in a northern direction

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	16 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council both objecting to the proposed development.
Persons wishing to be heard:	1 representor has indicated a desire to be heard by the Development Assessment Panel.
Summary of representations:	<ul style="list-style-type: none">• There will be a loss of privacy as a result of overlooking from the upper level windows of the two storey dwellings.• The proposed development will devalue our property.• The development will increase the amount of traffic in the street and reduce on-road parking potential.• The proposed dwellings are far too large for the subject land and will look out of place. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none">• The proposed development provides 2 on-site parking spaces per dwelling with one undercover space within the garage and one visitor's space within the driveway.• The dwellings all provide obscure glass to a height of 1.7 metres above upper floor level to protect the privacy of adjacent residents. <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Whilst the subject land is not located within a flood prone area of the Council, the application was referred to the Council's Engineer who raised no concerns following his assessment of the proposed development.</p> <p>The finished floor levels of the individual dwellings and the drainage of stormwater from the subject land has all been deemed to be acceptable.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 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.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating 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 contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. 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.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. 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 require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwellings ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies As listed opposite, row dwellings are an envisaged form of housing type within Northern Policy Area 13.</p>
PDC 3	<p>Minimum Site Area:</p> <p>Row Dwellings: 250 m²</p>	<p>Complies Dwelling (1) = 264.3 m² Dwelling (2) = 250.1 m²</p> <p>Does Not Comply Dwelling (3) = 224.8 m²</p>
	<p>Minimum Frontage:</p> <p>Row Dwellings: 7 metres</p>	<p>Complies Dwelling (3) = 9.4 metres</p> <p>Does Not Comply Dwelling (1) = 6.85 metres Dwelling (2) = 6.60 metres</p>

	<i>Minimum Depth:</i> <i>Row Dwellings: 20 metres</i>	Complies Dwelling (1) = 41.1 metres Dwelling (2) = 34.4 metres Dwelling (3) = 30.9 metres
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Assessment

The application seeks approval to replace an existing single storey detached dwelling on the land with three two-storey row dwellings, being a form of housing that is envisaged by Principle of Development Control 1 where dwellings of this type can be up to two stories in height. It is considered that the proposed development also complements the Desired Character of the Policy Area which seeks for the redevelopment of existing properties at greater densities than that of the original housing stock. This is noted throughout the immediate locality where existing single dwelling allotments have been sub-divided and developed with three or more dwellings in line with the desired character for the locality.

In addition to the above, it is noted that the construction of the proposed dwellings will not require the removal of any regulated or significant trees on the subject land nor compromise the health of any existing mature vegetation on adjoining land. The subject land is also situated in close walking distance to public transport links (bus) along Seacombe Road to the south and is located directly across from a large Council Reserve which is situated on the eastern side of Seaforth Avenue. Given the above, it is considered that the subject land is a suitable site for redevelopment as envisaged by Objective 2 of the Residential Zone.

Whilst a minimum site area of 250 square metres is prescribed for row dwellings within Northern Policy Area 13, it is noted that Dwelling (3) provides a site area of 224.8 square metres, which equates to a shortfall of 25.2 square metres (9.9%). That having been said, Dwellings (1) and (2) both accord with the above minimum requirement, providing site areas of 264.3 and 250.1 square metres respectively.

Having regard to the overall development of the subject land, the shortfall in site area collectively results in an 1.4% discrepancy for the total site area. In my view, the shortfall in site areas 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).

In addition to the above, it is also noted that the width of the allotments accommodating proposed Dwellings (1) and (2) at 6.85 and 6.6 metres to be slightly less than the prescribed distance of 7 metres, representing a shortfall ranging between 15 to 40 centimetres in width. This shortfall in frontage width is considered to be relatively minor and should not adversely impact upon the amenity of adjoining land nor prevent the subject land from being appropriately developed in accordance with the requirements set out within the Development Plan. This is further reinforced by the fact that each dwelling achieves appropriate front, side and rear setbacks from adjacent property boundaries, as well as adequate areas of rear private open space and on-site car parking provision for (2) vehicles per dwelling.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area and depth do not jeopardise the underlying merits of the proposal. It is therefore considered that the proposed development appropriately satisfies the Objectives, Principles and Desired Character of 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:

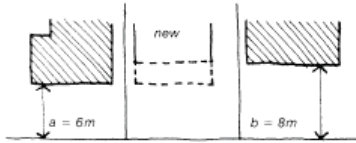
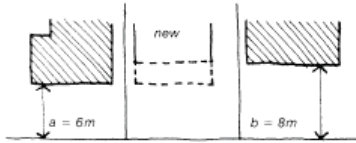
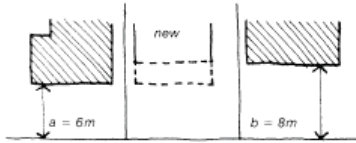
Principles of Development Control

Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Dwelling (1) = 48%</p> <p>Dwelling (2) = 50%</p> <p>Dwelling (3) = 44%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Dwelling (1) = 0.66</p> <p>Dwelling (2) = 0.66</p> <p>Dwelling (3) = 0.70</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 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>
Private Open Space	
<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> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><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></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><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> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from a habitable room of the associated dwelling.</p> <p>b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>e) The POS areas of all three dwellings will not be directly located next to bedrooms of dwellings situated on adjacent sites.</p> <p>g) The proposed POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) Traffic, industry or other business activities should not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>f) The proposed POS areas of all three dwellings are oriented such that they will</p>

	received some northern sunlight, although it is acknowledged that the orientation of the POS is in a westerly direction.
<p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. 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: <i>20% of the site area or 35 m², whichever is the greater Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. 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>Complies Dwelling (1) = 35% (92.4m²) (Minimum dimensions of 11.1 metres x 5.6 metres excluding the portico area to the rear.</p> <p>Dwelling (2) = 32% (79.8m²) (Minimum dimensions of 6.6 metres x 6.5 metres excluding the portico area to the rear.</p> <p>Complies Dwelling (3) = 23% (53.7m²) (Minimum dimensions of 6.6 metres x 5.4 metres excluding the portico area to the rear.</p>

Street Setbacks

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (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.</p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>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.</p> <p>Nonetheless, the proposed front setback of 5.5 metres is similar to that of new dwellings within the locality as exhibited to the north and south of the subject land at 8 and 4 Seaforth Avenue. As such, the proposed front setback 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 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><i>General Section: Design and Appearance: PDC 25</i></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 Dwellings (1 - 3) = 5.5 metres when measured from the main face of each dwelling.</p> <p>(Dwellings on adjoining land are set back 5.0 and 5.5 metres, which permits a minimum setback of 5.0 metres)</p> <p>Complies In respect to the front setback of the proposed dwellings, it is considered that Dwellings (1 – 3) will sit comfortably between the dwellings located either side of the subject 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 < a ≤ 2, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						

<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p> <p>The habitable rooms of the dwellings are adequately separated from pedestrian and vehicle movement.</p>
<h2 style="text-align: center;">Side Setbacks</h2>	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</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 7</i></p>	<p>Complies</p> <p>Dwelling (1) = 1.1 metres from the southern side boundary</p> <p>Dwelling (3) = Minimum distance of 1.0 metre from the northern side boundary increasing in distance along the boundary</p> <p>Does Not Comply</p> <p>Dwelling (1) = 2 metres from the southern side boundary reducing down to 1.1 metres for a distance of three metres adjacent the boundary.</p> <p>Partially Complies</p> <p>Dwelling (3) = ranges between 2.8 to 1.0 metre along the boundary with an average setback distance of 2.0 metres maintained along the length of the boundary. (Note: The wall height of the dwellings measures 6.0 metres).</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <ul style="list-style-type: none"> <i>(i) be located immediately abutting the adjacent wall</i> <i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i> <i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <ul style="list-style-type: none"> <i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i> <i>(ii) not exceed 6 metres in length</i> <i>(iii) not exceed 3 metres in height</i> <i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <ul style="list-style-type: none"> <i>(i) 50 per cent of the length of the boundary</i> <i>(ii) 4 metres in height.</i> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Does Not Comply</p> <p>Dwelling (1) proposes a wall along the southern side boundary being the garage wall which is to stand 3.5 metres in height and is to extend for a distance of 6.3 metres along the boundary.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Whilst a shortfall has been identified in relation to the side setback of the upper level components of Dwellings (1) and (3), I am of the opinion that the separation from side boundaries is considered sufficient to minimise the visual impact of the buildings when viewed from adjacent properties.</p> <p>Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>

Rear Setbacks

<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling (1) = 13.0 - 15.8 metres. Dwelling (2) = 9.5 - 14.0 metres Dwelling (3) = 7.5 - 10.4 metres</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling (1) = 15.0 - 17.0 metres. Dwelling (2) = 9.5 - 14.0 metres Dwelling (3) = 7.5 - 10.4 metres</p>
<p><i>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:</i></p> <p><i>(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</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>All dwellings</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>In my opinion, the separation achieved by the dwellings from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property.</p> <p>Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>

Building Height

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed row dwellings incorporate a maximum building height of 7.7 metres, which is less than the maximum permitted in the Policy Area.</p>
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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:</i></p> <p><i>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>The garages of Dwellings (1) and (2) and the attached carport of Dwelling (3) are all to be set back 6.0 metres from the primary road frontage and 0.5 metres behind the main face of each dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p> <p>All dwellings</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: PDC 8</i></p>	<p>Complies</p> <p>The two garages and single carport are to be incorporated into the overall design of the dwellings and therefore comply with PDC 8.</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> <p>The garages/carport of all three dwellings will be of single width measuring 2.4 metres across the front to comply with PDC 6.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or <u>row dwelling containing up to 3 bedrooms.</u></i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>All three dwellings provide a maximum of three bedrooms each and a total of two on-site car parking spaces per dwelling (one of which is covered).</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) An existing Neighbourhood Centre Zone is located within easy walking distance some 260 metres to the south/south-west of the subject land on Secombe Road which is also serviced by public transport (bus) links to the CBD and Marion Shopping Centre. c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) e) 1 on-street car parking space shall remain available adjacent the subject land along Seaforth Avenue.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does Not Comply</p> <p>Only one on-street car parking space is provided for the proposed 3 allotments where two spaces would be required by PDC 22 opposite.</p> <p>Nonetheless, it is considered that sufficient on-site car parking has been provided in accordance with PDC 7 and I am satisfied that as Transport and Access Principle 43 has been achieved, the number of on-street car parking spaces to be acceptable in this instance.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>The proposed development provides two new 3 metre wide driveways for Dwellings (2) and (3) whilst the existing 3.0 metre wide driveway for Dwelling (1) is to be reused.</p>

<p><i>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.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are to be set back a minimum distance of 1 metre from existing stobie poles, whilst there are no street trees located to the front 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> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><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>	<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"> • Hebel brick cladding with a rendered finish on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding balconies over extended front porticos • Eave overhang of 450 mm when measured out from external walls and pitched roof form to be set at a 27.5 degree slope • Fenestration <p>The dwellings are to incorporate a hipped roof design with a 27.5 degree Colorbond roof in “Woodland Grey”, with rendered facades. The garage of each dwelling features a single width Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwellings feature rendered Hebel brick cladding, 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>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Complies</p> <p>The proposed balconies are well integrated into the design of the dwellings to provide a dominant feature of the front façade. The proposed balconies incorporate open balustrades that enable a clear line of sight of the Council Reserve to the east on the opposite side of Seaforth Avenue and down into the street below.</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>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>

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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.

General Section: Residential Development: PDC 6

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

- (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*
- (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) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Does Not Comply

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:

a) Whilst the north-facing window of the habitable lounge room located to the rear of the dwelling at 4B Seaforth Avenue (being the most affected of the three row dwellings located to the south of the subject land) may receive at least 3 hours of direct sunlight over a portion of its surface between 9 am and 3 pm on the 21st of June, the remaining windows along this same elevation, including the windows of bedrooms (1), (2) and (3), would not receive any direct sunlight between this same time.

That having been said, the adjoining row dwellings located at 4A and 4 Seaforth Avenue are to be less affected by the shadow to be cast by the proposed development achieving greater exposure to sunlight between the hours of 9 am and 3 pm on the 21st of June, with the rear yards of all three dwellings to be exposed to full sunlight after 12 noon on the 21st of June.

The setback of the upper level component of proposed Dwelling (1) falls one metre (and in one portion up to 2 metres) short of the required three metre setback distance prescribed by the Development Plan. As such, it is considered that the proposed development fails to "minimise" the overshadowing of the habitable room windows along the northern side of Dwelling 4B.

That having been said, the attached shadow diagrams tend to confirm that no significant improvement or reduction in shadow would result should the 3 metre side setback distance be enforced, it should however be acknowledged that any increase in the upper level setback would nonetheless improve solar access for times of the year when the sun is higher above the horizon.

Given the compact arrangement of the three row dwellings constructed to the south of the subject land, I am of the opinion that the extent of shadow to be cast onto the habitable north facing windows to be problematic, whilst

	<p>the shadow to be cast over the private rear open yard areas of these properties to be acceptable. On balance, it is considered that the proposed development fails to meet total compliance with PDC 9 and 10.</p>
Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including 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><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p> <p>The dwellings incorporate obscure glazing to a height of 1.7 metres above floor level for windows on the side and rear elevations.</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>The balconies along the front façade of each dwelling are oriented to obtain views of the existing streetscape and of the Council Reserve located to the east on the opposite side of Seaforth Avenue.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
Noise	
<p><i>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 29</i></p>	<p>Complies</p> <p>All dwellings feature bedrooms at first floor level which should protect and separate these areas from external noise sources or artificial light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</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 so that the 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><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><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>Whilst the rear of the dwellings are orientated in a westerly direction, it is noted that the private rear open yard areas are afforded some degree of northern aspect which should allow for a reasonable level of exposure to northern sunlight during the winter months.</p> <p>As identified in the Overshadowing section of this table, whilst the upper level setback of Dwelling (1) does not accord with the prescribed minimum 3 metre distance, it is considered that adequate winter sunlight remains available to the main activity areas located to the rear of the adjacent dwellings at 4 Seaforth Avenue.</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>All three dwellings are to incorporate a hipped roof form which is to be set at a 27.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>It is considered that the proposed landscaping plan could be further improved with the incorporation of a greater mix of vegetation in order to achieve a higher degree of compliance with the requirements set out opposite.</p> <p>It is therefore proposed to include a condition of consent which requires the applicant to provide an amended landscaping plan for further assessment purposes. (Refer to Condition (2)).</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 site works and drainage plan submitted with the application indicates that retaining walls varying in height between 200 to 600 millimetres may be required along the rear and side boundaries of the subject land. The height of these retaining walls are considered typical for the locality which naturally slopes in a downwards direction from south to north.</p> <p>That having been said, the balance between the level of cut and fill proposed for the subject land could be improved upon which in turn would potentially result in other improvements in respect to the development of the subject land, including a reduction in the overall building height of the dwellings on the land. Should this be achieved, the proposed development would reduce the amount of shadow to be cast of the dwellings to the south whilst also improving the streetscape appearance of the dwelling when viewed from the street.</p> <p>Notwithstanding the above, if a standard 1.8 metre high fence was to be constructed atop the retaining walls as proposed, this will result in a maximum structure height ranging between 2.0 to 2.4 metres.</p>

	This fencing/retaining wall 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. As such, the proposed height of the fencing along these boundaries is considered acceptable.
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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/Floor Area Ratio Dwellings (1 - 3)
- Garage wall along the southern side property boundary Dwelling (1)

Site Coverage/Floor Area Ratio

As identified above, the site coverage achieved in relation to all three dwellings exceeds the required maximum provision of 40% prescribed within Northern Policy Area 13, with Dwelling (1) achieving a site coverage of 48%, Dwelling (2) a site coverage of 50% and Dwelling (3) a site coverage of 44%. In addition to this, all three dwellings also exceed the maximum floor area ratio of 0.6 prescribed for two storey dwellings within Policy Area 13, with Dwellings (1) and (2) recording a floor area ratio of 0.66 and Dwelling (3) providing a floor area ratio of 0.70.

That having been said, it is not uncommon for row dwellings to exceed site coverage and floor area ratio criteria, especially row dwellings which are “hemmed” in by outer row dwellings located either side. As a result, middle placed row dwellings generally always provide a higher floor area ratio as these dwellings are not provided side yards or any degree of separation from adjacent land and boundaries. The same cannot be said for dwellings located on the outside which should comply with upper level side setback criteria in order to reduce their upper floor areas to help minimise the impacts associated with overshadowing as in the case of proposed Dwelling (1), which fails to provide an adequate upper level side setback along the southern boundary of the subject land.

Similarly, Dwellings (1), (2) and (3) all exceed the 40% maximum site coverage prescribed within Northern Policy Area 13 however, it is not considered that the proposed development represents an over-development of the total site area where the application might warrant refusal. As previously mentioned, it has been determined that the proposed dwellings each achieve a high level of compliance with the quantitative criteria identified above. Whilst some level of overshadowing is likely to have a negative impact on the amenity of the residents of the Dwelling located at 4B Seaforth Avenue, it is considered that the site coverage and floor area ratios achieved in respect to all three dwellings to be acceptable in this instance.

Further to this point, 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. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60%. This signifies that a new detached or semi-detached dwelling(s) could be constructed on the land “as of right” (i.e. without an assessment against Development Plan criteria) with site coverage of 60%.

Whilst it is acknowledged that the proposed row dwellings could not be regarded as a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity. Consequently, subject to satisfying other Development Plan

criteria, the excess in site coverage is not considered to be fatal to the overall merits of the subject application.

Garage wall of Dwelling (1) along the southern side property boundary

As identified during the assessment of this application, the garage wall of Dwelling (1) will stand 3.5 metres in height and will extend for a distance of 6.3 metres in length along the southern side boundary of the subject land, thereby exceeding the minimum 3.0 metre height and 6.0 metre length prescribed for solid walls constructed along a side boundary. The construction of solid walls along boundaries commonly occurs where land is developed at higher densities where the total land area of development sites is maximised to make efficient use of the land.

That having been said, it is considered that the proposed garage wall of Dwelling (1) will have a minimal impact on the adjacent property located to the south of the subject land at 4B Seaforth Avenue, as this wall will be located adjacent an existing open carport and driveway which is located along the northern side of the adjacent dwelling. Given this, it is considered that there will be a reasonable distance of separation created between the wall of the garage and the internal living areas of the adjacent dwelling. To this end, it is considered that the construction of the garage wall of Dwelling (1) along this section of the boundary to be acceptable, in that it is unlikely to result in having any direct adverse impacts on the amenity of the residents of the dwelling at 4B Seaforth Avenue.

Notwithstanding the above, it is befitting to acknowledge that Schedule 4 permits the construction of dwellings "as of right" which incorporate boundary walls with a maximum length of 8.0 metres and height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land. As such, it is not appropriate to request amendments to proposed boundary walls simply due to their visibility from adjoining properties. Moreover, whilst the height of the garage wall exceeds the 3.0 wall height stipulated above, the proposed boundary wall length of 6.3 metres remains relatively modest in relation to the standard design criteria for new dwellings.

REPRESENTOR'S CONCERNS

The concerns raised in the representations regarding the density of the development, the loss of privacy and on-road parking spaces have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The concern raised within the representations regarding the devaluing of property values is acknowledged however, a planning assessment under the Development Act 1993 does not allow consideration of this particular matter and hence is outside the scope of this assessment.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development reflects the low-to-medium level of density that is envisaged within Northern Policy Area 13. The proposed development is also suitably located adjacent an existing Council Reserve which is located to the east of the subject land on the opposite side of Seaforth Avenue. As such, the subject land is considered to be an appropriate site for medium density development satisfying one of the locational attributes prescribed within Objective 2 of the Residential Zone.

It is considered that the proposal complies with a majority of the quantitative and qualitative provisions of the Council's Development Plan, with the proposed dwellings providing suitable areas of private rear open space, sufficient setbacks from front and rear boundaries and adequate car parking provision for both future occupants and visitors to the site. Where shortfalls

have been identified with the proposed development, they have been found to be minor in nature without having a detrimental impact on the function of the proposed dwellings.

The overshadowing of the dwelling located immediately adjacent the southern side boundary of the subject land at 4B Seaforth Avenue has been identified as the largest failing of the proposed development. Whilst the applicant has been reluctant to set back the upper level section of Dwelling (1) the required 3.0 metre distance from the southern side boundary, the amount shadow to be cast could potentially be minimised by (a) achieving the required setback; (b) decreasing the extent of the upper level (and therefore reducing the floor area ratio); and/or (c) reducing the overall building height of the dwellings by increasing the amount of cut on the land. Should one or all be achieved, it is likely to result in less impacts on the amenity of the residents located to the south of the subject land.

In terms of design and appearance, it is considered that the proposed development provides a medium-density form of development that is envisaged within Policy Area 13. The proposed dwellings provide a satisfactory level of articulation and streetscape presentation, whilst the two-storey nature of the dwellings accords with the desired character of the policy area and is considered to be in keeping with the design and density of housing that is currently being developed within this section of Dover Gardens.

Notwithstanding the concerns raised within the representations received during the Category 2 public notification process, I am of the opinion that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, 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: 100/2015/2239 to demolish existing buildings and structures and to construct three, two storey row dwellings one of which incorporates a garage wall along the southern side boundary at 6 Seaforth Avenue, Dover Gardens, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the amended plans and details prepared by Noble Design stamped dated received 12 January 2016 all submitted with and forming part of Development Application No. 100/2015/2239, except where varied by the following conditions of consent.
- 2. A 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. 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.
- 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. 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.

8. 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.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. 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.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 4 May 2016

Agenda Ref No:	DAP040516 – 2.5
Originating Officer:	Emily Nankivell Senior Development Officer - Planning
Applicant:	Andrew Butcher Project Management
Development Description:	Land Division Residential Torrens Title - 2 into 3 allotments and the construction of Two Single Storey Detached Dwellings and a Single Storey Residential Flat Building comprising Three Dwellings with associated Garages, Car Parking and Landscaping and Land Division Residential Community 1 into 3 allotments
Site Location:	49 & 51 Hawker Avenue Plympton Park
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 1 / Consent
Lodgement Date:	17/12/2015
Development Plan:	Consolidated – 3 December 2015
Application No:	100/2015/2366 (DAC Ref: 100/D291/15) and 100/2015/2368 (DAC Ref: 100/C292/15)
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED for application 100/2015/2366 and Development Plan Consent, Land Division Consent and Development Approval be GRANTED for application 100/2015/2368 subject to conditions

CATEGORISATION & DELEGATION

Both applications are Category 1 forms of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii) and 2(f)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings and the division of land which creates not more than 4 additional allotments as a Category 1 development.

The subject applications are required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum of 250 square metres required for detached and residential flat dwellings within the Regeneration

Policy Area 16. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

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

Amendments Requested	Amendments Made
Increased on site car parking to ensure adequate visitor spaces were provided for the three group dwellings.	The layout of Residences 3, 4 & 5 were altered to increase car parking on the site. Car parking spaces for Residences 3, 4 & 5 have been increased from 1 space per dwelling to 2, with an additional space to Residences 3 and 5 incorporated into their allotments and located forward of the associated dwelling and the additional space to Residence 5 located in the common property.
Walls of Residences 1 & 2 to be removed from the internal/common driveway boundaries.	The design of Residences 1 & 2 have been amended with the dwelling walls setback 600mm (for bedroom 3) and 900mm for the remainder of the dwelling from the internal boundaries adjacent the common driveway.
Reduction in the size of Residences 3, 4 & 5 from 3 bedrooms to 2 bedrooms to reduce site coverage and improve functionality of the site.	Residences 3 & 5 have been reduced from three bedroom dwelling to two bedroom dwellings and Residence 4 has been reduced in size reducing site coverage and improving vehicle manoeuvring within the site.
Incorporate north facing windows to the internal living areas of Residences 1 & 2	North facing windows provided to the kitchen and meals area of Residences 1 & 2.
Front facades of Residence 1 & 2 incorporate render elements and panel lift door	The front facades of Residences 1 & 2 will be rendered with the pillar to the left of the front door remaining brick finish and garages will comprise panel lift doors.
An increase to the length/size of the garden bed located in front of Residence 4 to improve separation from the bedroom window and the common driveway	The landscape strip in front of Residence 4 has been increased in length to run in front of all three windows of the front façade of Residence 4.

SUBJECT LAND & LOCALITY

The subject land comprises two allotments that together create a large rectangular site located on the northern side of Hawker Avenue. The two allotments that comprise the subject land are identified as 49 Hawker Avenue allotment 515 in Certificate of Title Volume 6156 Folio 48 and 51 Hawker Avenue allotment 519 in Certificate of Title Volume 6156 Folio 49. The subject land has a frontage to Hawker Avenue of 26.66 metres, a depth of 43.85 metres and total area of 1169 square metres.

The subject land is currently vacant and previously contained Housing SA housing stock, which has been demolished and removed from the land. The land is generally flat with no trees or vegetation of note.

There are two existing vehicle access points located to the east and west of the site frontage. There is one existing street tree in front of the property.

The locality has undergone considerable redevelopment in the past few years with a number of the original dwellings throughout the area having been demolished and the allotment pattern re-established to create allotments that correspond to the current Policy Area provisions (for

example detached dwellings on allotments of 250 square metres). This has occurred generally throughout this area of Plympton Park with some examples of this new allotment pattern located to the rear of the subject site facing Shakespeare Avenue and on the southern side of Hawker Avenue.

The predominant built form in the locality comprises residential development in detached, semi-detached and group dwelling forms of both single and two-storey scale. Due to the establishment of a new sub-division pattern in the locality a majority of the residential development in the locality is new and it is anticipated that older housing stock will be replaced with new development in the coming years.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applications propose the construction of five dwellings in a hammerhead shaped pattern on the existing allotments at 49-51 Hawker Avenue, Plympton Park. There are two dwellings located at the front of the subject land, which, upon deposit of the titles with the Lands Titles Office, will become detached dwellings, identified as Residences 1 and 2. To the rear of these dwellings is a single storey residential flat building comprising three dwellings, identified as Residences 3, 4, and 5.

Residences 1 and 2 comprise three bedrooms (main with ensuite), bathroom, kitchen/living/dining area and garage.

Residence 3 and 5 comprise two bedrooms, bathroom, kitchen/living area and garage and laundry. Residence 4 comprises with two bedrooms (main with ensuite), study, bathroom, kitchen/living area and garage and laundry.

All of the dwellings are provided with their own independent site area with private open space located at the rear of each dwelling.

The two dwellings at the front of the site are provided with their own vehicle access and will utilise the existing access points onto the site. A new access is provided through the middle of the subject land to provide access to the three dwellings located at the rear of the site.

The existing street tree located to the west of the common driveway has been approved for removal and replacement.

Landscaping is provided throughout the site. Three visitor parks are provided in front of Residences 3, 4 and 5, two have been included in the allotments for Residence 3 and 5 and the third sits within the common property.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Council's Development Engineer has reviewed the proposal and advised:</p> <ul style="list-style-type: none">• Finished floor levels and vehicle manoeuvrability is acceptable.• Would prefer 80% of roof water collected and discharged to 3000L rainwater tanks plumbed to toilet or laundry. Applicant has amended the plans to include 3000L r/w tanks.
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Open Space:	The street tree located towards the centre of the site has been assessed by Council's arborist as suitable for removal and replacement.
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Regeneration Policy Area 16 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <ol style="list-style-type: none"> 1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.
Regeneration Policy Area 16
<p>Objectives</p> <ol style="list-style-type: none"> 1 Integrated re-development of poor quality housing stock and underutilised land. 2 Improved quality of living environments. 3 Improved quality of housing. 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation. 5 Improved environmental outcomes. 6 Increased dwelling densities and population. 7 More efficient use of land. 8 Improved community services and infrastructure. 9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces. 10 A smooth transition in the character and scale of development between this and adjoining residential policy areas. 11 Development that contributes to the desired character of the policy area.
<p>Desired Character</p> <p><i>This area has been identified for regeneration because many of the dwellings and other infrastructure within the area are nearing the end of their economic life. Within the context of the Council area and the surrounding region this policy area represents a key opportunity to achieve strategic goals such as improved living conditions, environmental outcomes, and community services and infrastructure, as well as provide economically viable housing choices for the changing demographics of our population and make more efficient use of land and infrastructure within the Metropolitan area.</i></p> <p><i>New development will occur at densities greater than the current density of housing to increase the number of dwellings and the number of residents within the policy area and justify the improvement of infrastructure and other services.</i></p> <p><i>This policy area encompasses areas of recent redevelopment and areas that are suitable for comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing. Much of the existing development in the area comprises older public housing, primarily detached or semi-detached dwellings of varying age and construction materials.</i></p> <p><i>The desired character of the policy area is one of a high quality and distinctive living environment 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. It will be characterised by residential development at low-medium and medium densities, with a variety of architectural styles and a wide range of dwelling types 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. Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and</i></p>

amenity.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger development sites, a comprehensive scheme for the development of a range of dwelling types is desirable. 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.

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>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ student housing ▪ supported accommodation. 	<p>Complies</p> <p>The application proposes five residential dwellings in a form envisaged by the Policy Area.</p>
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p>Complies</p> <p>The proposal results in a residential development demonstrating densities higher than what was originally on the site. The application is considered to result in an attractive residential development that will complement and enhance the streetscape. For these reasons the application is considered to be consistent with the Desired Character of the Policy Area.</p>
PDC 5	<p>Allotments should be amalgamated to facilitate co-ordinated and efficient development.</p>	<p>Complies</p> <p>This application results in the amalgamation of two allotments to facilitate a coordinated and efficient development.</p>
PDC 3	<p>Minimum Site Area: Detached dwellings 250m² Residential Flat Building (single storey) 250m² per dwelling</p>	<p>Does Not Comply</p> <p><u>Detached Dwellings</u> Res 1: 225m² Res 2: 225m²</p> <p><u>Residential Flat Building</u> Average Site Area Including Driveway: 239.3m²</p> <p>Average Site Area Excluding Driveway: 169.3m²</p> <p>Individual Site Area Res 3: 183m² Res 4: 159m² Res 5: 166m²</p> <p><u>Average Allotment Area Taken Over the Entire Site:</u> 233.8m²</p>

	<i>Minimum Frontage:</i> <i>Detached Dwellings 9m</i> <i>Residential Flat Building 18m</i> <i>Hammerhead Allotment 4m</i>	Complies / Does Not Comply Res 1: 11.33m Res 2: 11.33m Overall Site Frontage: 26.66m Hammerhead Driveway: 4.0m
	<i>Minimum Depth:</i> <i>Detached Dwellings 20m</i> <i>Residential Flat Building 45m</i>	Complies Res 1: 20.6m Res 2: 20.6m Does Not Comply Overall Site Depth: 43.85m

Assessment

The application, proposing infill development comprising two detached dwellings and a residential flat building comprising three dwellings is an envisaged form of land use in the Policy Area. Overall the development is considered to reflect the Policy Area, Desired Character and Principles of Development Control with the exception of site density and the overall site depth.

In terms of the site density, the development will result in detached dwellings sites that represent a shortfall of 25 square metres (10%) and the residential flat dwellings with an average site area demonstrating a shortfall of 80.7 square metres (32.2%) (calculated at 169.3 square metres excluding the driveway) or 10.7 square metres (4.2%) (calculated at 239.3 square metres including the driveway). Although seeking a higher density on the subject land than the Policy Area specifies, the proposed dwellings are not excessive in size and each demonstrates good function and is provided with reasonable private open space areas and compliant car parking. Where the development demonstrates the greatest non-compliance, being the residential flat building site areas, these dwellings have been designed to respond to the smaller site areas, two of which are limited to two-bedrooms with a smaller dwelling footprint.

Consideration has also been given to average site area calculated over the entire allotment being 233.8 square metres per dwelling. This is a shortfall of 16.2 square metres or 6.5% per each allotment. When considered as an average, the site areas accord more closely with the minimum requirement of 250 square metres. This indicates that the proposed site density is not inappropriate, particularly when considered in the context of the Regeneration Policy Area 16, which seeks higher density development and an increase in the number of dwellings on allotments.

Therefore, when considering the site area shortfalls and having regard to the proposed dwelling layout and function along with the overall site density, the site area shortfalls are not considered fatal to the application.

The overall site depth of the subject land does not achieve the minimum requirement, demonstrating a shortfall of 1.15 metres. It is considered that the proposal adequately overcomes this shortfall by demonstrating a built form that generally achieves the requirements of the Development Plan and only demonstrates minor shortfalls in relation to other Development Plan criteria. The depths of the individual allotments for each dwelling, being 20.6 metres for Residences 1 and 2 and 17.25 metres, at the shortest boundary, for Residences 3, 4 and 5 are considered adequate to allow for appropriate setbacks and private open space areas. It is considered that the depth shortfall does not hinder the function of each dwelling site and as such is considered acceptable in this instance.

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></tr> </thead> <tbody> <tr> <td>200 - 249 m²</td><td>100 m²</td></tr> <tr> <td>< 200 m²</td><td>80 m²</td></tr> </tbody> </table> <p><i>Regeneration Policy Area 16: PDC 4</i></p>	Site area	Maximum Site Coverage	200 - 249 m ²	100 m ²	< 200 m ²	80 m ²	<p><u>Site coverage:</u></p> <p>Does Not Comply</p> <p><u>Site Coverage for Individual Allotments</u> <u>Site Areas 200 - 249 m²</u> Res 1: 119.98m² (53.3%) Res 2: 119.98m² (53.3%) <u>Site Areas < 200 m²</u> Res 3: 110.7m² (60.4%) Res 4: 123.5m² (77.6%) Res 5: 110.7m² (66.6%)</p> <p><u>Site Coverage % for Average Site Areas (including driveway):</u> Res 3: 46.2% Res 4: 51.6% Res 5: 46.2%</p> <p><u>Site Coverage for Average Site Areas (excluding the driveway)</u> Res 3: 65.3% Res 4: 72.9% Res 5: 65.3%</p> <p><u>Site Coverage Over Subject Site (all dwellings):</u> 342.3m² / 47.65%</p> <p><u>Site Coverage % for the Residential Flat Building (including driveway):</u> 48%</p> <p><u>Site Coverage % for the Residential Flat Building (excluding driveway):</u> 67.8%</p>
Site area	Maximum Site Coverage						
200 - 249 m ²	100 m ²						
< 200 m ²	80 m ²						
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> (a) would not be contrary to the relevant setback and private open space provisions (b) would not adversely affect the amenity of adjoining properties (c) would not conflict with other relevant criteria of this Development Plan.</p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The proposal demonstrates appropriate setbacks, private open space areas and good function to each dwelling without detrimentally impacting the amenity of the locality.</p>						
<p><i>Site coverage should ensure sufficient space is provided for:</i> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.</p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>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>						

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

Does Not Comply

The landscape areas nominated throughout the site equates to approximately 16% of the site.

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

Complies

Less than 175 square metres – 35m²

Res 4: 39m²

Res 5: 38.9m²

The area of POS for Residences 4 and 5 are directly accessible from the living areas of the dwellings with an area greater than 16 square metres. The POS is provided with an area having a minimum dimension of 4m by 4m. The POS areas are generally flat with a gradient of less than 1-in-10. An area of the POS comprises a covered alfresco area that is approximately 10m² in area or 25% if the POS area.

Partially Complies

175 square metres or greater - 20%

Residences 1 & 2 are provided with 20.3% (45.75m²) of POS. Residence 3 is provided with 21.13% (38.9m²). The POS areas are directly accessible from the living areas of the dwellings. Residences 1 and 2 are provided with an area that has a minimum dimension of approximately 5m by 5m. Residence 3 is provided with an area that has a minimum dimension of 6m x 4.3m. The area is flat and has a gradient of less than 1-in-10. The POS to Residences 1 & 2 comprises an alfresco area of 11.7m² in size, this is equivalent to 25.5% of the POS area. Residence 3 is also provided with an alfresco area that is approximately 10m² in area or 25% if the POS area.

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

Complies

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

<p><i>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><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> <p>All five dwellings propose an alfresco area as part of the POS.</p> <p>Residences 1 & 2: 74.5% of the POS area will remain open to the sky.</p> <p>Residences 3, 4 & 5: 75% of the POS area will remain open to the sky.</p>
Building Setbacks from Road Boundaries	
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p>5 metres within <i>Regeneration Policy Area 16</i></p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Residences 1 & 2: 5m</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>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 5.0 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.</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>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><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i></p> <p>0.9 metres</p> <p>Residential Zone: PDC 6</p>	<p>Partially Complies</p> <p>Residences 1 & 2: Setback 900mm from the external side boundary. Setback 600mm, increasing to 900mm from the internal (common driveway) boundary.</p> <p>Residence 3: 900mm from the western boundary and abutting the eastern boundary.</p> <p>Residence 4: 1.0m from the eastern boundary and abutting the western boundary.</p> <p>Residence 5: Abutting the western boundary and 900mm from the eastern 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>Complies</p> <p>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 impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p>Residences 1 & 2: At their closest points the dwellings are setback 2.6m from the rear boundary where it begins to taper in. The dwellings then have a setback of 6.3m and 4.2m (excluding the alfresco area) and then maintain a rear setback of 3 metres for 43.6% of the rear boundary.</p> <p>Residences 3 & 5: The dwellings are setback 6 metres for 48.2% of the allotment width and 3m for the remaining 51.8% of width of the allotment.</p> <p>Residence 4: Is setback 6 metres for 41% of the width of the allotment. The remaining part of the dwelling is setback 3 metres for a length equivalent to 47.6% of the allotment width.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>3 storeys of not more than 12 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 4.8 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>All the dwellings are single storey and will not impact on the privacy or amenity of adjoining properties by way of overlooking or excessive built form scale.</p>
<p>Garages, Carports, Verandahs and Outbuildings</p>		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p>Complies</p> <p>The proposed garaging has been incorporated into the design of each dwelling and as such incorporate a roof form, pitch and materials that complements 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>The carport and garages to the associated dwellings range in size from between 18m² and 19m².</p> <p>Complies</p> <p>Carports have a maximum post height of 2.71 metres Garages have a maximum wall height of 2.71 metres.</p> <p>Complies</p> <p>The garage/carport element of each dwelling is under the main roof of the associated dwelling. Notwithstanding this no portion of the garage area of the dwellings exceed 5 metres in height.</p> <p>Complies</p> <p>The finished floor levels of the carport and garage for Residences 2 and 5 are 160mm and 140mm above natural ground level.</p> <p>Partially Complies</p> <p>The finished floor levels of the carport and garages to Residences 1,3 & 4 are raised 305mm, 430mm and 460mm above the natural ground level. Although exceeding the height above natural ground level provision, the levels of the garages are consistent with the finished floor levels of the dwellings and are not considered to result in unreasonable impact on neighbouring properties.</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	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></p>	<p>Complies</p> <p>The carports associated with Residences 1 and 2 are setback 5.5 metres from Hawker Avenue and 0.5 metres behind the main face of the associated dwelling. The garages to Residences 3, 4 & 5 are setback in line with the main face of the associated dwelling and are not directly associated with the primary street.</p>
Minimum setback from side or rear boundaries	<p><i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i></p>	<p>Complies</p> <p>The garages to Residences 3, 4 and 5 are all</p>

<i>(when not located on the boundary)</i>		setback from the external boundaries. Where they are located on an internal boundary they are adjoining either another garage or boundary wall.
<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>	Complies Residences 1 & 2 have the carport sited on the boundary of their respective allotments. The wall length is 6 metres and is equivalent to 29.1% of the allotment boundary.
<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 Residences 1 & 2 carports are single width and equivalent to 28.3% of the dwelling widths.
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<p>Complies</p> <p>The carports to Residences 1 and 2 are the only car parking elements that will have a visual impact on the streetscape. The carports to these dwellings are single width, are setback behind the main face of the associated dwelling and are equivalent to a third of the dwelling façade such that they do not dominate the appearance of the dwellings or cause a detrimental impact on the streetscape.</p>

Vehicle Parking

<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		<p>Complies</p> <p><u>Detached Dwellings</u> Residences 1 & 2 are provided with two onsite car parks, one of which is covered.</p> <p><u>Residential Flat Building</u> A total of 6 spaces are provided for Residences 3, 4 and 5, where 6 is the required standard under the Development Plan. Residences 3, 4 & 5 are provided with one designated undercover car parking space and one visitor car parking space each located in front of Residences 3 and 5. The visitor spaces allocated to Residences 3 and 5 have been included within their individual allotments.</p>
<i>Detached Semi-detached Row</i>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<i>Group Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>		<p>Complies</p> <p>The visitor spaces are located behind Residences 1 and 2 such that they will not be easily viewed from the street. The visitor spaces, being allocated to each allotment, will be available for use to visitors to the site at all times.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Partially Complies</p> <p>d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>

<p>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The parking areas for Residences 3, 4 and 5 are located to the rear of the site with access from a shared internal driveway, and therefore do not directly face the primary street frontage. The carports for Residences 1 and 2 are accessed from and will present to the street but are setback 0.5 metres behind the main face of the associated dwelling.</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>Does Not Comply</p> <p>2 on-street car parking spaces will be provided in front of the subject site, where 2.5 (or 3 rounded up) would otherwise be required by this provision. Read in conjunction with PDC 22 the site falls short of its on street and off street car parking requirements by 1 space. Although not achieving the minimum requirement each dwelling will be provided with two on site car parking spaces. Furthermore, the locations of the access have been placed in such a way as to maintain the maximum amount of on street car parking while increasing the density of the site. The shortfall of 1 car parking space is considered acceptable in this instance.</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>Complies</p> <p>Residences 1 & 2: Driveway width of 2.8 metres</p> <p>Residences 3, 4 & 5: Driveway width of 3 metres</p>														
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>														
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p>	<p>Complies</p> <p>The common driveway will service 3 dwellings and demonstrates a width of 3 metres with a 0.5 metre landscaping strip on either side of the driveway.</p>														
<table><tr><td rowspan="3">Dwellings served</td><td colspan="2">Trafficable width (metres)</td><td rowspan="3">Width beyond first 6 metres</td><td rowspan="3">Minimum landscape strips on both sides of driveway (metres)</td></tr><tr><td colspan="2">Intersection with public road and first 6 metres</td></tr><tr><td>Arterial roads</td><td>Other roads</td></tr><tr><td>1 – 3</td><td>6</td><td>3</td><td>3</td><td>0.5</td></tr></table>		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
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											
<p>General Section: Residential Development: PDC 41</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>The proposed and existing vehicle access points for the development are separated by a minimum distance of 8 metres.</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

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:

- Render and brick to the front façade of Dwellings 1 & 2
- Portico over the front door
- Additional setback to the carport
- Eave overhang and pitched roof form at 22.5 degree slope
- Fenestration

The dwellings incorporate a 22.5 degree Colorbond roof with brick facades. The carport of Residences 1 & 2 and garages of Residences 3, 4 & 5 will feature a Panel lift door. 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.

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

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

General Section: Residential Development: PDC 6

Complies

Residences 1 and 2 have been designed to have the front door and bedrooms 2 and 3 windows facing onto the street. The front yards of these dwellings are landscaped. The proposal is considered to contribute favourably to the streetscape.

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

All five dwellings have been designed with entryways that address/face the street and common driveway. The entries to each of the dwellings are clearly identifiable. The front doors and bedroom window of Residences 1 and 2 face Hawker Street. The proposal is considered to achieve Principles 8 and 9.

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

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 front elevations of the dwellings feature predominantly render cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 16</p>	
Noise	
<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>General Section: Residential Development: PDC 30</p>	<p>Complies</p> <p>Residences 3, 4 and 5 feature bedroom windows sited adjacent the common driveway. The windows of Residence 3 and 4 are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway/parking area and bedroom window. The bedroom window of Residence 5 is adjacent this dwelling's allocated parking space. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
Site Facilities and Storage	
<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>General Section: Residential Development: PDC 31</p>	<p>Partially Complies</p> <p>a) Residences 1 & 2 are provided with their own letterbox. Residences 3, 4 & 5 will have their letterboxes sited on the common property near the front of the site as nominated on the site plan.</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 Residences 1, 2, 3, & 5 maintain side gate access to its rear garden and Dwelling 4 will have some space either to the side of the dwelling or within the garage for storage of bins. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
Energy Efficiency	
<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:</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>General Section: Energy Efficiency: PDC 2</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>The main activity areas of the dwellings are oriented north, which will also receive northern winter sunlight.</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 set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>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>
<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 proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

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 exceeds the maximum for each allotment as specified by the Development Plan.
- The rear setback of all dwellings fails to achieve the rear setback requirements of the Development Plan.

Site Coverage

As demonstrated by the table above, the site coverage calculations for the site have been considered on an individual allotment basis and also as a percentage over the whole site. Considering first the site coverage for each individual allotment, the Development Plan provides a total square metre maximum for site coverage on allotments that are between 200-249 square metres and less than 200 square metres, being 100 square metres and 80 square metres respectively. Residences 1 and 2 represent a total built area of 119.98 square metres, this is 19.98 square metres greater than the allowable maximum under the Development Plan or equivalent to 8.8% of the proposed allotment area. Residences 3, 4 and 5 represent a total built area of 110.7 and 123.5 square metres. This equates to an additional 30.7 to 43.5 square metres of coverage for each allotment or 18.1% to 25.6% additional built area on the land (calculated using the average allotment size excluding the common driveway). The total site coverage proposed by the development as a percentage over the entire allotment is 47.65%, only exceeding the maximum 40% allowable site coverage by 7.65% or 88.8 square metres.

When considered as individual allotments and as a whole, the site coverage, although exceeding the maximum allowable area is not considered unreasonable. It is also relevant to consider that each dwelling is provided with an undercover alfresco area. The development demonstrates reasonable setbacks from the side and rear boundaries, provides usable areas of private open space to each dwelling and generally demonstrate good function. For the reasons above, the site coverage is considered acceptable.

Rear Setback

To varying degrees Residences 1, 2, 4 and 5 fail to achieve the rear setback requirements of the Development Plan. Residences 1 and 2 fail to meet the requirement in so far as the dwellings are setback 5 metres from the rear boundary, instead of 6 metres, and where applicable, extend closer to the rear boundary than 3 metres. This shortfall is somewhat exacerbated by the corner cut-offs required to the rear corners of the allotments. Dwellings 3 and 5 fail to achieve the rear setback in so far as the area of the dwellings that extends to within 3 metres of the rear boundary is greater than 50% of the allotment width.

Although not achieving the rear setback standard set out in the Development Plan, each allotment is provided with acceptable separation from rear boundaries and adequate POS areas. The dwellings are also single storey so are not considered to result in an unreasonable impact by way of visual bulk on neighbouring properties. In this instance the rear setbacks are considered acceptable.

ANALYSIS/CONCLUSION

The proposed development will result in an infill development on the subject allotment with a total of five dwellings and a net increase of three dwellings on the site. The primary shortfall with the development is the site density, which seeks dwellings on allotments smaller than the required 250 square metres. Although the site density is greater than that specified in the Development Plan, the proposed dwellings have been designed to relate to the site and where necessary the size of the dwellings have been kept smaller to respond to a smaller site area. Each dwelling is provided with a functional area of POS, maintains setbacks from side and rear boundaries and does not result in excessive site coverage. It is considered that the proposed development results in an appropriate outcome for the site, notwithstanding the slightly higher density being proposed.

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;
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2015/2366 (DAC Ref: 100/D291/15) for Land Division Residential Torrens Title - 2 into 3 allotments and the construction of Two Single Storey Detached Dwellings and a Single Storey Residential Flat Building comprising Three Dwellings with associated Garages, Car Parking and Landscaping at 49 and 51 Hawker Avenue, Plympton Park be GRANTED subject to the following conditions; and
- (d) That Development Plan Consent, Land Division Consent and Full Development Approval for Development Application No: 100/2015/2368 (DAC Ref: 100/C292/15) for Land Division Residential Community - 1 into 3 allotments at 49 and 51 Hawker Avenue, Plympton Park be GRANTED subject to the following conditions:

Development Application 100/2015/2366 (DAC Ref: 100/D291/15)

CONDITIONS

DEVELOPMENT PLAN CONSENT

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2366 (DAC Ref: 100/D291/15), being Land Division Plan ABPM01852dwg01rev02, Engineered Site Works Plan C1511-040 Rev A, Site Plan amended 12/04/2016, Landscape Plan amended 22/04/2016, Res '1' Floor Plan amended 22/04/2016, Res '1' Front and Rear Elevations amended 22/04/2016, Res '1' Side Elevations amended 22/04/2016, Res '2' Floor Plan amended 22/04/2016, Res '2' Front and Rear Elevations amended 22/04/2016, Res '2' Side Elevations amended 22/04/2016, Res '3' Floor Plan amended 6/04/2016, Res '3' Front and Rear Elevations amended 29/03/2016, Res '3' Side Elevations amended 29/03/2016, Res '4' Floor Plan amended 26/04/2016, Res '4' Front and Rear Elevations amended 26/04/2016, Res '4' Side Elevations amended 29/03/2016, Res '5' Floor Plan amended 6/04/2016, Res '5' Front and Rear Elevations amended 29/03/2016, Res '5' Side Elevations amended 29/03/2016 (inclusive) prepared by Andrew Butcher Project Management, Herriot Consulting Civil & Structural Engineers and Designtech Architectural Services, except when varied by the following conditions of consent.
2. 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.
3. 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.

4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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 SA Water shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.
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.
2. Payment of \$6488 into the Planning and Development Fund (1 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can

be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please email Development Services at council@marion.sa.gov.au with the address, development application number and/or DAC reference number in the subject line of the email.

Development Application 100/2015/2368 (DAC Ref: 100/C292/15)

CONDITIONS

DEVELOPMENT PLAN CONSENT

1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No: 100/2368/2015 (DAC Reference No: 100/C292/15), except where varied by the following conditions of consent.
2. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

LAND DIVISION CONSENT

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.
An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.
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.
2. Payment of \$12976 into the Planning and Development Fund (2 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the

Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.

3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. This approval has been granted on the basis of the suitability of the land for two detached and a residential flat building comprising three dwellings as demonstrated in Development Application Number: 100/2366/2015. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that:
 - a) Any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council.
 - b) The proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.
 - c) Semi-detached and row dwellings are required to be built as a single building, and therefore should share common foundations and party walls with the adjoining dwelling(s).
2. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please email Development Services at council@marion.sa.gov.au with the address, development application number and/or DAC reference number in the subject line of the email.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 4 May 2016

Agenda Ref No:	DAP040516 – 2.6
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Fairmont Homes Pty Ltd
Development Description:	Single storey detached dwelling and carport
Site Location:	16 Chambers Street, Marion
Zone:	Residential Zone
Policy Area:	Residential Character Policy Area 17
Application Type:	Category 1 / Consent
Date Lodged:	05/02/2016
Development Plan:	Consolidated – 3 December 2015
Application No:	100/2016/177
Recommendation:	That Development Plan Consent be REFUSED

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 as, in the opinion of administration, the proposal may compromise or undermine the Panel's previous decision.

BACKGROUND

At its meeting of 16 September 2015, the Panel resolved to grant Development Plan Consent for the construction of a single storey dwelling on a proposed allotment to the rear of the existing dwelling (please refer Attachment IV for plans). The subsequent land division has been approved, and it is anticipated the new title will be executed in the coming weeks.

The owner of the land seeks a differing design to that previously approved via this development application.

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

Amendments Requested	Amendments Made
A front setback of no less than 5.0 metres should be achieved to satisfy the Desired Character of the Policy Area	No change
A setback of no less than 600mm should be provided to the northern side boundary	No change

SUBJECT LAND & LOCALITY

The subject site is located at 16 Chambers Street, Marion. The land is a corner allotment which has Whittier Avenue as its secondary street frontage. The site is 831 square metres in area, with a frontage width of 18.29m (excluding the corner cut-off) and a depth of 42.67m.

A single storey detached dwelling exists on the allotment and is a conventional brick home typical of the locality. The dwelling includes a 'home business'; a hairdresser's salon, which gained lawful approval in 2010. The site maintains no discernible slope and there are no regulated or significant trees on the land.

The land subject to this application has been granted Development Approval and Section 51 clearance for the creation of a new allotment (Lot 51), which incorporates dimensions reflected in the proposal plans. The severance of the title is currently being processed through the Land Titles Office, and is anticipated to be executed in the coming weeks.

The locality predominantly contains single storey detached dwellings on large allotments between 500 and 1000 square metres in area, with some exceptions. Directly to the west of the site is a place of worship, a two storey residential flat building is situated on the eastern neighbouring property and the Park Holme Shopping Centre is located opposite to the north.

The site is located approximately 600m from the Marion Train Station, which is serviced by the Adelaide to Seaford Railway line. Additionally, there are several large areas of public open space close by, including the Oaklands Wetlands and the Marion Swimming Centre and associated reserve.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks the construction of a new dwelling to the south of the existing dwelling, to be erected on the soon-to-be-created Lot 51.

The proposed dwelling comprises three bedrooms, associated wet areas and an open plan kitchen/family/meals area. The carport is located on the northern side of the dwelling.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Residential Character Policy Area 17 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>		
Residential Character Policy Area 17		
<p>Objectives</p> <p>1 Preservation of the existing development patterns and built form.</p> <p>2 Development which reflects the traditional character elements of the locality, particularly as presented to the streetscape.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development that reflects good residential design principles.</p> <p>5 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p><u>Marion</u></p> <p>In that part of the policy area located in the suburb of Marion, the established character is primarily low density detached dwellings on large allotments. This form of development will continue through the replacement of detached dwellings with the same. In this area the maintenance and enhancement of the generous and vegetated garden character is most important.</p> <p>Buildings should be well setback from all property boundaries, and existing vegetation should be protected and enhanced wherever possible. Front and side garden landscaping is particularly important and should complement and reinforce street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses.</p> <p>Buildings of up to two storeys in height are appropriate, provided that landscaping is available or proposed to soften the visual impact of the second storey.</p> <p>Fences forward of the building line will be low and constructed of stone, masonry or timber and in a style that complements those in the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie. 	Complies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p>Does Not Comply</p> <p>See comments below</p>
PDC 4	<p>Development should preserve and enhance streetscapes by:</p> <p>(a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</p> <p>(b) limiting the number of driveway crossovers.</p>	Complies

Assessment

As some Panel Members may recall, the merits of the previous development application for alteration to the existing dwelling and construction of a new dwelling presenting to Whittier Avenue (DA 100/2014/1334) were finely balanced.

In the words of the assessing officer, the undersized nature of the allotment (315 square metres in a Policy Area that seeks for 420 square metres) was not so fundamental to the overall merits of the proposal, as the proposed dwelling *“has been sited so that there is separation from all boundaries and whilst the setbacks provided are not generous to the extent that a majority of dwellings in the Policy Area are, the setbacks are not considered so incompatible within the immediate locality that it will be significantly out of character in its setting...”* (my underline).

The proposed dwelling seeks for reduced setbacks than previously approved. The dwelling now proposes an under-main-roof carport abutting the northern side boundary, where previously the carport was setback 600mm from the (southern) side boundary (the design of the dwelling has been ‘flipped’), and enabling some (albeit limited) landscaping adjacent the boundary. The front setback has been reduced, with a minimum setback of 4.5 metres proposed, whereas the previous dwelling incorporated a 5.0 metre setback. The carport is now proposed to be setback at 5.5 metres, which previously measured 7.3 metres. Furthermore, site coverage has increased from 39% to 52.2%.

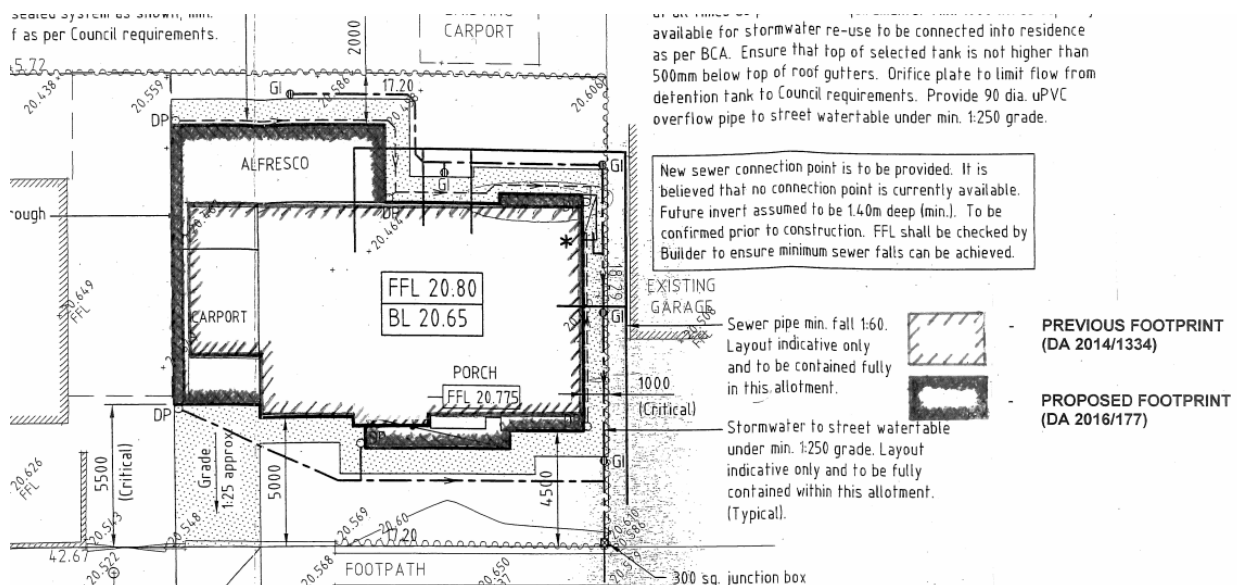


Image 1: The footprint of the proposed dwelling in comparison to the previously-approved dwelling. Note: Footprint of previously-approved dwelling has been ‘flipped’ to provide meaningful comparison).

In my view, the reduced setbacks, although not significant in isolation, result in the dwelling being placed on the allotment in conflict with those parts of the Desired Character that seek for *“the maintenance and enhancement of the generous and vegetated garden character...”* and *“[b]uildings [to] be well setback from all property boundaries...[with] [f]ront and side garden landscaping [being] particularly important and should complement and reinforce street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses”* (my underline).

The proximity to the northern side boundary, and therefore lack of separation between dwellings, is in my opinion, exacerbated by the proximity of the existing dwelling at 16 Chambers Street to the common boundary. In staff’s previous report to the Panel, it was noted, *“...the substantial reduction in the rear setback [of the existing dwelling] further depletes the*

landscape character, removing the opportunity to enhance the space in a manner that contributes to the leafy, garden appearance described in the Desired Character.”

Further, by placing the carport on the side boundary, removes opportunity for side landscaping to be readily visible from the street and adjoining properties; further deteriorating the landscape character sought.

The reduced front setback, albeit for a small percentage of the dwelling’s footprint, further erodes the extent of area set aside for landscape plantings forward of the dwelling. This is exacerbated when having regard to the position of the front verandah, setback at 3.8 metres from the front boundary, which when combined with the perimeter path, provides a depth of unsealed area at the front of the dwelling of 2.8 metres, measured to the front boundary.

When having regard to the setback of other dwellings in the locality (discussed further in this report), the dwelling is located closer to the street boundary and will comprise a lesser area of landscaped yard area, than a majority of other properties.

For the reasons above, it is my opinion, that whilst the footprint of the proposed dwelling (excluding the under-main-roof alfresco) has increased marginally over that previously approved by the Panel, the positioning of the dwelling on the land is such that it will not adequately satisfy those parts of the Desired Character of the Policy Area that seek to maintain the generous and vegetated garden character and to provide buildings that are well setback from all property boundaries with front and side garden landscaping.

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 (PDC): Assessment:

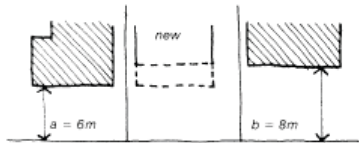
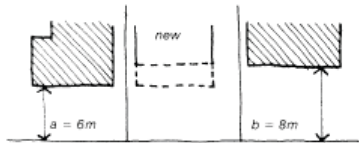
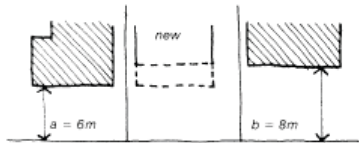
Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.5.</i></p> <p><i>Residential Character Policy Area 17: PDC 7</i></p>	<p><u>Site coverage:</u> Does Not Comply 52.2%</p> <p><u>Floor area ratio:</u> Complies 0.435</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>Does Not Comply</p> <p>Whilst the site coverage proposed does not offend Principle (b), as discussed above and below, the site coverage results in a building footprint that does not satisfy the Desired Character of the Policy Area, and as such, does not satisfy Principle 9(a) and 9(c).</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</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>However, as identified in this report, provision</p>

<p><i>receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>			of landscaping throughout the front and side yard is limited, as a result of the site coverage proposed.
<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>			Complies
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>26.9% (84.7 square metres). Appropriate dimensions and gradient provided.</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>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 dwelling and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</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>Partially Complies</p> <p>e) The POS area will be overlooked by the adjacent two storey residential flat dwellings. However, the location of the POS (to the rear of the dwelling) is desired by Council's Development Plan, whilst the proposed under-main-roof alfresco is likely to provide some shielding and privacy to this space.</p> <p>Furthermore, the location of the POS was previously supported by the Panel in the same location.</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 proposed POS area maintains an easterly aspect, which should nonetheless achieve adequate solar access.</p> <p>Complies</p>
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<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>28.6% of POS covered by alfresco roof</p>
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Building Setbacks from Road Boundaries

<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 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>Partially Complies</p> <p>The setback of the proposed dwelling, is compliant with that sought in Principle 22. The existing dwelling at 16 Chambers Street maintains structures on the secondary street boundary and the adjacent dwelling to the south is setback at its closest point, approximately 3.5m, albeit, the majority of the dwelling is setback approximately 7m.</p> <p>As such, the proposed dwelling maintains a setback greater than the average of the two adjacent dwellings.</p> <p>The dwelling at no. 5 Whittier Avenue, which is sited on an allotment similar in size to the proposed dwelling, maintains a 5m setback.</p> <p>To this end, the setback of the proposed dwelling is considered to sufficiently accord with Design and Appearance Principle 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><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. 34</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Does Not Comply</p> <p>Despite compliance with Principle 22 above, the proposed front setback of 4.5 metres, combined with the projecting verandah, in my view, does not contribute positively to the function, appearance and desired character of the locality, which seeks for “the maintenance and enhancement of the generous and vegetated garden character...” and “[b]uildings [to] be well setback from all property boundaries...”</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>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

Min setback 1.0 metre

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

Does Not Comply

The proposed dwelling incorporates an under-main-roof carport, which is to abut the northern side boundary. Given the desire of the Residential Character Policy Area 17 to achieve separation from all property boundaries, it is my view that the positioning of the carport on the boundary does not provide sufficient space between buildings, nor the opportunity for landscaping, as sought by Principle 2(c).

Rear Setbacks

Minimum setback from rear boundary:

(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), and
(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

Setback of 4.6 - 5.0 metres proposed

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

Although the rear setback does not comply with the quantitative criteria, the setback proposed is similar to that previously approved. Whilst the under-main-roof alfresco will add to the bulk of the building, a roofed area of the same or similar area could be erected 'as of right' pursuant to Schedule 4 of the Development Regulations. As such, whilst additional separation from the rear boundary is desired by the Policy Area, the reduced setback proposed is not considered fundamental to the overall merits of the proposal.

Building Height

Maximum building height (from natural ground level):

(i) within the suburb of Marion, 2 storeys of not more than 9 metres
(ii) in all other areas, one storey with an ability to provide a 2 storey addition within the roof space subject to Principles of Development Control within the policy area of not more than 7 metres

Residential Zone: PDC 6

Complies

The proposed dwelling incorporates a maximum building height of 4.55 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

<p>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</p> <p>General Section: Residential Development: PDC 12</p>		<p>Complies</p>
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.	
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<p>Complies</p>
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Complies</p>
<p>Vehicle Parking</p>		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Complies</p> <p>Two on-site parking spaces, one of which is undercover.</p>
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered.	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		<p>Complies</p> <p>Two on-street car parking spaces are provided in front of the subject land, which satisfies PDC 22.</p>

Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p>(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>	<p>Complies</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed driveway is to utilise the existing crossover.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</p> <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 to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> Exposed brick to the front façade Protruding verandah Eave overhang and pitched roof form at 22.5 degree slope Fenestration <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>The 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> <p>The elevations of the dwelling features brick and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p>

<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <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>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.</p> <p>b) A majority of winter shadow will be cast within the driveway of the adjacent dwelling.</p> <p>Shadow cast into the eastern adjoining property only commences in afternoon hours, and will fall upon the common driveway area. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 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>Partially Complies</p> <p>The dwelling is oriented so that the open spaces and main activity areas face east and west, which are shaded by the under-main-roof alfresco, front verandah and eaves overhang to minimise heat entry during summer months.</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 dwelling incorporates 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

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

A landscape plan has not been provided with the application.

In the event Panel Members were supportive of the proposal, it is respectfully recommended that provision of a landscape plan be provided to Council, for consideration and approval, prior to Development Approval being issued.

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; and
- Front setback

Site coverage

The site coverage proposed, at 52.2%, is significantly greater than that previously supported by administration and the Panel (39%) and exceeds the maximum desired in the Policy Area.

Having said this, if the front, side and rear setbacks were consistent with that previously approved by the Panel, a verandah structure, up to 60 square metres in area could be constructed in the rear yard 'as of right' pursuant to Schedule 4 of the Development Regulations 2008, resulting in an increased site coverage in the order of 58%.

As the current proposal displays shortfalls in front, side and rear setbacks, site coverage does contribute to the proposal failing to satisfy the Objectives and Desired Character of the Policy Area. However, site coverage alone, in my view, is not a sufficient enough reason to refuse the proposal, for the reason above.

Front setback

The dwelling previously approved on the land incorporated a 5.0 metre setback, and minor portico protrusion. The subject proposal seeks for a minimum 4.5 metre setback, and large verandah element, setback 3.8 metres from the front boundary.

Whilst the reduction in front setback (compared to that previously approved) is not significant in area (500mm for a width of 5.81 metres), it is my view that the setback proposed does not satisfy Design and Appearance Principle 21, which seeks for buildings to be set back *“similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality”* and *“contribute positively to the function, appearance and/or desired character of the locality”* (my underline).

As the Residential Character Policy Area 17 desires *“[b]uildings [to] be well setback from all property boundaries...[with] [f]ront and side garden landscaping [being] particularly important”* (my underline), any reduction to the setback proposed, in my view, further erodes the opportunity for front landscaping and the compatibility of the building with the setback of others in the locality.

For comparison, Zone Principle 7 identifies a minimum setback of 5 metres where there is no established streetscape in Policy Areas other than the Hills Policy Area, which seeks 8 metres. As such, a setback less than 5 metres, in my view, is at odds with that sought by Council’s Development Plan.

As such, given the substantial shortfall in site area of the allotment, whereby the achievement of the “generous and vegetated garden character” is already constrained, it is my view it is paramount for the location of the dwelling on the land to achieve front and side setbacks that do not further encroach upon those previously supported by administration and the Panel.

ANALYSIS/CONCLUSION

The subject proposal seeks to construct a single storey dwelling on a soon-to-be-created allotment of 315 square metres in the Residential Character Policy Area 17, which seeks for minimum allotment areas of 420 square metres.

In supporting the creation of that allotment, the Panel concurred with administration’s position that whilst finely balanced, the merits of the proposal were adequate enough due in part, to the setbacks demonstrated by the dwelling proposed on the land.

The subject application seeks for a dwelling to be constructed larger than previously approved; resulting in reduced front, side and rear setbacks, an increase in site coverage and therefore an erosion of the “generous and vegetated garden character” sought in the Policy Area (which admittedly, was to be limited as a result of the previous approval).

In the words of the assessing officer (in the report for the previous dwelling proposed on the land (DA 100/2014/1334)), the undersized nature of the allotment was not so fundamental to the overall merits of the proposal, as the proposed dwelling *“has been sited so that there is separation from all boundaries and whilst the setbacks provided are not generous to the extent that a majority of dwellings in the Policy Area are, the setbacks are not considered so incompatible within the immediate locality that it will be significantly out of character in its setting...”* (my underline).

In my view, the reduced setbacks, although not significant in isolation, result in the dwelling being placed on the allotment in conflict with those parts of the Desired Character that seek for *“the maintenance and enhancement of the generous and vegetated garden character...”* and *“[b]uildings [to] be well setback from all property boundaries...[with] [f]ront and side garden*

landscaping [being] particularly important and should complement and reinforce street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses” (my underline).

For the reasons above, it is my opinion, that whilst the footprint of the proposed dwelling (excluding the under-main-roof alfresco) has increased marginally over that previously approved by the Panel, the positioning of the dwelling on the land is such that it will not adequately satisfy those parts of the Desired Character of the Policy Area that seek to maintain the generous and vegetated garden character and to provide buildings that are well setback from all property boundaries; providing front and side garden landscaping.

In conclusion, it is my view that whilst the proposal is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993, the proposal nonetheless does not appropriately satisfy the desire of the Policy Area for building setbacks to boundaries, and as such, does not warrant the granting of Development Plan Consent.

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: 100/2016/177 for Single storey detached dwelling and carport at 16 Chambers Street, Marion be REFUSED for the following reasons:**

REASONS FOR REFUSAL:

- 1. The proposed dwelling does not provide sufficient setbacks to the front and side boundaries, at variance to the Desired Character, Objective 1 and 5 and Principle 2 of the Residential Character Policy Area 17 and Design and Appearance Principle 2(c).**
- 2. The proposed dwelling does not enable appropriate setbacks from all property boundaries, nor does it enable the provision of side garden landscaping; failing to satisfy the Desired Character, Objective 5 and Principle 2 of the Residential Character Policy Area 17 and Landscaping, Fences and Walls Objective 1 and Principle 1(a), 1(b) and 1(e).**
- 3. The resultant site coverage substantially exceeds the maximum desired, at variance to Principle 7 of the Residential Character Policy Area 17.**

Attachments

- Attachment I: Certificate of Title*
- Attachment II: Aerial Photographs*
- Attachment III: Proposal Plan and supporting documentation*
- Attachment IV: Previous proposal plan (DA 100/2014/1334)*

DEVELOPMENT ASSESSMENT PANEL

Wednesday 4 May 2016

Agenda Ref No: DAP040516 – 2.7

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: Sterling Homes Pty Ltd

Development Description: Two single storey detached dwellings incorporating walls on the northern and southern side boundaries.

Site Location: 7 Woodfield Avenue, Warradale.

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 17/12/2015

Development Plan: Consolidated – 03 December 2015

Application No: 100/2015/2378

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 proposed dwellings supporting allotment areas 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

Approval has previously been granted for the removal of two Regulated trees (*Eucalyptus maculata*- Spotted Gum) to the rear of the subject land (DA 100/1506/2015).

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

Amendments Requested	Amendments Made
Increase front setback of the front dwelling from 5 metres to 6 metres.	Front setback increased to 6 metres.

Increase private open space of the rear dwelling to incorporate a minimum dimension of 5 metres x 5 metres.	Minimum dimensions provided.
Amend the driveway servicing the front dwelling to maintain 1 metre clearance from the existing Stobie pole.	Driveway amended to maintain 1 metre clearance from the Stobie pole.
Provide an additional landscaping strip (0.5 metres in width) along the northern side of the driveway servicing the rear dwelling.	Additional landscaping strip provided.

SUBJECT LAND & LOCALITY

The subject site is located at 7 Woodfield Avenue, Warradale. It is a regular shaped allotment comprising a width of 17.07 metres and a depth of 45.42 metres, thus achieving a total site area of 775.3 square metres.

The site currently accommodates a single-storey detached dwelling in average condition with a carport on the northern side of the dwelling as well as a verandah to the rear. Several ancillary structures, including a shed, are located alongside the northern boundary of the allotment. The site has no discernible slope and the remaining trees on the site are not regulated or significant pursuant to 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, semi-detached and row dwellings. The subject land is located approximately 350 metres walking distance north of the Warradale Railway Station, while the Regional Centre Zone is situated 1 kilometre south-east of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct two single storey detached dwellings in a battleaxe formation. Each dwelling features three bedrooms (main with ensuite), a bathroom, open plan living/kitchen areas, a laundry and double garage. The garage of the front dwelling incorporates a wall on the southern boundary while the garage of the dwelling to the rear is sited on the northern allotment boundary.

The rear dwelling shall utilize the existing vehicle crossover, providing for a battleaxe driveway along the northern side boundary, which includes a selection of landscaping along both sides of the driveway. A new vehicle crossover is proposed adjacent the southern side boundary to provide access for the front dwelling. For the purposes of assessment, the proposed dwellings have been considered as detached dwellings, as each is indicated to be sited on its own allotment with direct and exclusive access to a public road.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<ul style="list-style-type: none"> The proposed finished floor levels should prevent the entry of floodwaters in a 1-in-100-year average return interval flood event. Vehicular manoeuvrability is acceptable.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>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.</p> <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. 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.</p> <p>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.</p> <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.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies

PDC 3	Minimum Site Area: 375m ² (detached dwellings)	Does Not Comply Front dwelling: 308.7m ² Rear dwelling: 369.6m ²
	Minimum Frontage: 12m (detached dwelling) 4m (battleaxe driveway)	Complies Front dwelling: 13.07m Rear dwelling (battleaxe allotment): 4m
	Minimum Depth: 20m	Complies Front dwelling: 23.77m Rear dwelling: 21.65m

Assessment

The application proposes to replace an existing single storey detached dwelling in average condition, with two single storey 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.

The site area of the front dwelling is proposed at 308.7 square metres, where a minimum site area of 375 square metres is prescribed for detached dwellings in the Northern Policy Area 13. This represents a shortfall of 66.3 square metres; 17.7% below the minimum requirement. Despite the shortfall in site area, the allotment maintains a frontage width of 13.07 metres and a depth of 23.77 metres, exceeding the minimums sought for these provisions.

The rear dwelling will comprise a site area of 369.6 square metres; representing a minor shortfall of 5.4 square metres or 1.4%. It is noted that this figure excludes the hammerhead driveway. It is noted that, were the driveway to be included in the site area calculation, the proposed dwelling would maintain a site area of 466.6 square metres, substantially exceeding the minimum requirement of 375 square metres.

Nonetheless, the shortfall in site area suggests that it is important to consider whether the proposed residential density is contradictory to that anticipated within the Policy Area. The subject land comprises an overall site area of 775.3 square metres, equating to an average site area of 387.65 square metres per dwelling, exceeding the minimum site area sought for detached dwellings within the Northern Policy Area 13. It is further considered that the existing site area exceeds the minimum requirements for a pair of semi-detached dwellings or two group dwellings.

As such, it is considered that the subject land could feasibly be developed to accommodate two dwellings. Accordingly, the proposed residential density is not in conflict with that permitted in the Policy Area. 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:

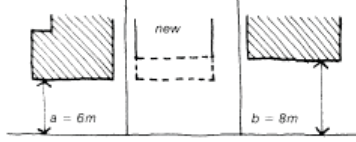
Principles of Development Control:

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>Does Not Comply</p> <p>Front dwelling: 47.7% (147.32m²)</p> <p>Rear dwelling: 57.6% (212.82m²)</p> <p>(45.6% including driveway)</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 setbacks of the proposal are considered to be acceptable (as discussed within the table discussion) and the excess in the building footprint does not adversely impact upon the POS of the dwellings or upon the amenity of adjoining properties.</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>
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		<p>Does not comply</p> <p>Front dwelling: 19.9% (61.4m²)</p> <p>Rear dwelling: 19.3% (71.2m²)</p>
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
<p><i>Residential Zone: PDC 7</i></p>		<p>Compiles</p> <p>Minimum dimensions of 5x5 metres provided for each dwelling.</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 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>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially complies</p> <p>g) The proposed POS areas maintain an easterly aspect which should nonetheless benefit from adequate solar access.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><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>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. Nonetheless, the proposed front setback of 6 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.</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 adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent 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 adjacent buildings

General Section: Design and Appearance: PDC 22

Partially Complies

Dwelling 1: 6 metres

(Dwellings on adjoining land set back approximately 8 and 10.5 metres, which equals an average setback of 9.25 metres)

However, 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 Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

Residential Zone: PDC 6

Complies

Front dwelling: 0.959m
Rear dwelling: 0.949m

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

Front dwelling: Length 6m, height 2.95m
Rear dwelling: Length 6.5m, height 2.96m

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

General Section: Design and Appearance: PDC 2

Complies

The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the proposed side setbacks 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

Partially Complies

Front dwelling: 4.1m (55.1%) & 5.78m (44.9%) of allotment width

Rear dwelling: 3.015m (69.7%) and 6.8m (30.3%) of allotment width.

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 setbacks do not strictly 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 rear 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 single storey dwellings incorporate a maximum building height of 5.1 metres and 5.5 metres for the front and rear dwellings respectively, 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 rear dwelling is single storey to maintain the privacy of adjoining residential properties.

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 proposed garages are located underneath the main roof of their respective dwelling and thus incorporate a roof form, materials and detailing which complement the associated dwelling.

<p>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</p>		Complies
<p>General Section: Residential Development: PDC 12</p>		
Parameter	Value	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies Front dwelling: 6.72m and 0.72m behind the main face of the dwelling.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	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
<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 Each dwelling provides two car parking spaces, one of which is undercover.
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.		
<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 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.

<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>Complies</p> <p>1 on-street car parking space is provided for the proposed allotments.</p>	
<p>General Section: Land Division: PDC 22</p>					
<p>Access</p>					
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p>				<p>Complies</p> <p>Front dwelling: 3m</p> <p>Rear dwelling: 4m (existing crossover)</p>	
<p>General Section: Residential Development: PDC 39</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>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>	
<p>General Section: Residential Development: PDC 40</p>					
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p>				<p>Complies</p> <p>The width of the driveway servicing the rear dwelling is 4 metres. 3 metres for the driveway and an additional 0.5 metres on each side for landscaping.</p>	
<p>Dwellings served</p>	<p>Trafficable width (metres)</p>			<p>Minimum landscape strips on both sides of driveway (metres)</p>	
	<p>Intersection with public road and first 6 metres</p>		<p>Width beyond first 6 metres</p>		
	<p>Arterial roads</p>	<p>Other roads</p>			
<p>1 – 3</p>	<p>6</p>	<p>3</p>	<p>3</p>	<p>0.5</p>	
<p>General Section: Residential Development: PDC 41</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>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>	
<p>General Section: Transportation and Access: PDC 28</p>					
<p>Design & Appearance</p>					
<p>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</p> <p>(a) building height, mass and proportion</p> <p>(b) external materials, patterns, colours and decorative elements</p> <p>(c) roof form and pitch</p> <p>(d) façade articulation and detailing</p> <p>(e) verandas, eaves, parapets and window screens.</p>				<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. While the rear dwelling is not readily visible from the streetscape, the front dwelling incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none">• Face brick front façade in PHG ‘Liquorice’• Protruding portico• Pitched roof form• Eave overhang• Fenestration	
<p>General Section: Design & Appearance: PDC 1</p>					
<p>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</p>				<p>The dwellings incorporate a 25-degree Shingle tiled roof in ‘Onyx’. The garage of each dwelling features a Panel lift door in ‘Surf mist’. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p>	
<p>General Section: Design & Appearance: PDC 3</p>					
<p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>					

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

The entry to the front dwelling is clearly visible from the street, presenting an entrance door, portico and habitable windows to the street.

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. The elevations of the dwellings are appropriately articulated 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) A majority of winter shadow will be cast within the driveway of the adjacent dwelling to the south. The private open space of which will receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June to at least half of the existing POS. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties 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 main activity areas of the dwellings are oriented east, which should nonetheless receive some access to northern winter sunlight.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

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
- Private Open Space
- Rear setbacks

Site coverage

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area; the front dwelling surpasses this limit at 47.7%, while the rear dwelling considerably exceeds criteria at 57.6%. It is noted that these figures are based upon the curtilage of the dwellings only, and does not include the hammerhead driveway. When including the hammerhead driveway, site coverage equates to 45.6%, more closely aligned with that sought.

Furthermore, the proposed dwellings each include an undercover alfresco/verandah area. Were these to be deleted from the proposal, site coverage would reduce to 44.8% and 51.3% for the front and rear dwellings respectively (42.3% of the total site area). 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. Verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to those proposed under the subject application; 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 verandahs would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

In addition, 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.

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

Rear setbacks

The front dwelling features a rear setback of 5.78 metres for 44.9%, and 4.1 metres for 55.1% of the allotment width, while the rear dwelling comprises a setback of 6.8 metres for 30.3%, and 3.015 metres for 69.7% of the allotment width. Whilst the rear setbacks of each dwelling do 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 each dwelling nonetheless provides adequate private open space (as discussed below) including the minimum dimensions sought.

Furthermore, given that the dwellings are single storey, the proposed separation from the rear boundaries is considered adequate to minimise unreasonable overshadowing of adjacent land. Any shadow cast to the east will be limited to afternoon hours only, and therefore the extent of overshadowing complies with criteria specified in PDC 9 (General Section: Design and Appearance).

Private open space

Private open space should comprise at least 20% of the site area. The proposed POS equates to 19.9% and 19.3% of the site area for the front and rear dwellings, representing a shortfall of 0.34 and 2.72 square metres for each dwelling respectively. This shortfall is considered to be of minor consequence given that the POS of each dwelling is nonetheless comprises sufficient area and shape to be functional for likely occupant needs.

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, rear setbacks and private open space, 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: 100/2015/2378 for two single storey dwellings with associated garaging at 7 Woodfield 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. 100/2015/2378.
- 2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

1. 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 4 May 2016

Agenda Ref No:	DAP040516 – 3.1
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Rossdale Homes Pty Ltd
Development Description:	Two-storey detached dwelling and garage
Site Location:	10 Gulfview Road, Seaview Downs
Zone:	Hills Face Zone
Policy Area:	N/A
Application Type:	Category 3 / Non-Complying
Lodgement Date:	16/02/2016
Development Plan:	Consolidated – 3 December 2015
Application No:	100/2016/259
Recommendation:	The report be noted

INTRODUCTION

The subject application is a Category 3/ Non-complying form of development by virtue of the Procedural Matters section of the Hills Face Zone, which lists a dwelling which has a floor level directly above another floor level, where the upper floor level is not located wholly at or below finished ground level as non-complying.

The applicant seeks to develop the land for a two-storey detached dwelling. The proposed dwelling features a double garage, four bedrooms (main with en-suite and WIR), a bathroom, separate WC, open plan kitchen/living areas as well as a balcony to the upper (street) level. The lower level comprises living areas, a laundry and a separate WC.

Despite the zoning of the land, all other allotments on Gulfview Road within the Hills Face Zone are residential in nature, with several of the allotments comprising either split level or two-storey detached dwellings.

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

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

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

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-Complying Development Application No: 100/2016/259 for a two storey detached dwelling and garage at 10 Gulfview Road, Seaview Downs, be NOTED.

Attachments

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