

**DEVELOPMENT ASSESSMENT PANEL
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WEDNESDAY 5 OCTOBER 2016**

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HELD ON 5 OCTOBER 2016**
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DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 October 2016

Agenda Ref No:	DAP051016 - 2.1
Originating Officer:	Duncan Shearer Cadet Planning Officer
Applicant:	Fairmont Homes Pty Ltd
Development Description:	To construct a two storey dwelling, incorporating a garage wall on the eastern side boundary and a single storey dwelling and associated garage
Site Location:	12 Kelmscott Street, Oaklands Park,
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 2 / Consent
Lodgement Date:	31/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/967
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3.0 metres or length of 8.0 metres as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

Development Application 100/D288/2015 was submitted to Council seeking for residential land division (Torrens Title, 1 into 2 allotments) of 12 Kelmscott Street Oaklands Park. This application has received Development Approval, however, Section 51 clearance and separation of the titles is yet to occur.

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

Amendments Requested	Amendments Made
House 1 be flipped to utilise the existing crossover and the driveway/crossover associated with House 2 be located abutting the internal boundary, in order to meet a minimum setback of 1.8 metres from existing street trees.	House 1 was flipped to utilise existing crossover, associated driveway/crossover associated of House 2 was altered to abut internal boundary, both dwellings meeting a minimum setback of 1.8 metres from street trees.
Wall height of House 1 be reduced to under 3 metres at finished floor level.	House 1 garage wall height reduced from 3.344 metres to 3.086 metres.

SUBJECT LAND & LOCALITY

The subject site is located at 12 Kelmscott Street, Oaklands Park. The allotment is rectangular in shape, achieving a frontage width of 18.29, depth of 39.85 metres and a site area of 728.8 square metres. The site currently accommodates a detached dwelling in average condition, with a setback of approximately 7.5 metres to the main façade.

Vehicular access is currently available through Kelmscott Street. The existing garage leads to a carport which is located along the eastern boundary. The contour of the land is relatively flat and there are two street trees located adjacent the site.

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

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct two dwellings, one single storey dwelling and one two storey dwelling, located to the northern portion of the land. The proposed dwellings will have direct and exclusive access to a public road.

The single storey dwelling (House 2) features 3 bedrooms (main with WIR and ensuite), bathroom, open plan kitchen and living areas, laundry, alfresco and includes a single width garage to be sited along the eastern 'internal' boundary.

The two storey dwelling features (House 1) 3 bedrooms (main with WIR, ensuite, and balcony), bathroom, home theatre, laundry, open plan kitchen/dining/family room, alfresco and double width garage to be situated along eastern boundary.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	27 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council, 1 of which was against the application.
Persons wishing to be heard:	19 Kelmscott Street

Summary of representations:	<p>19 Kelmscott Street</p> <ul style="list-style-type: none"> • Objection to the amount of townhouses being built in the area. • Concern for the lack of privacy for single storey dwellings in the area. <p>10a Kelmscott Street</p> <ul style="list-style-type: none"> • Concerned current fence height is too low and does not provide enough visual privacy. Increase height of fence. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<p>To proceed with application in its current form.</p> <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Arborist:	Council's Arborist has recommended that street trees be retained and minimum setback of 1.8 metres is established to minimise impacts upon the trees.
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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> <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>
Regeneration Policy Area 16
<p>Objectives</p> <p>1 Integrated re-development of poor quality housing stock and underutilised land.</p> <p>2 Improved quality of living environments.</p> <p>3 Improved quality of housing.</p> <p>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.</p> <p>5 Improved environmental outcomes.</p> <p>6 Increased dwelling densities and population.</p> <p>7 More efficient use of land.</p> <p>8 Improved community services and infrastructure.</p> <p>9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> <p>10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.</p> <p>11 Development that contributes to the desired character of the policy area.</p>

Desired Character

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.

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.

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.

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.

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 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.

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ <i>affordable housing</i>▪ <i>dwelling including a residential flat building</i>▪ <i>student housing</i>▪ <i>supported accommodation.</i>	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 5</i>	<i>Allotments should be amalgamated to facilitate co-ordinated and efficient development.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area: Regeneration Policy Area 16: detached minimum site area 250m²</i>	Complies House 1: 370.2 square metres House 2: 358.6 square metres

	<i>Minimum Frontage:</i> Regeneration Policy Area 16: detached minimum frontage width 9 metres	Complies House 1: 9.29 metres House 2: 9 metres
	<i>Minimum Depth:</i> Regeneration Policy Area 16: detached minimum depth 20 metres	Complies House 1: 39.85 metres House 2: 39.85 metres

Assessment

Objectives & Desired Character

The application proposes to construct a single-storey and two storey dwelling, as such this application is consistent with the Desired Character of the Regeneration Policy Area 16 in that it will allow for the development of housing that contributes to meeting low-medium and medium densities and generate an assortment of architectural styles and dwelling types that meet a variety of housing needs.

Further to this, the proposed dwellings also contribute to promoting a cohesive streetscape, in which a number of buildings throughout Kelmscott Street achieve 2 storeys in height and provide a generally lesser setback from the primary road frontage which is appropriate within the Regeneration Policy Area 16.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Regeneration Policy Area 16.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage										
<i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i>										
<table border="1"> <thead> <tr> <th>Site area</th><th>Maximum Site Coverage</th><th>Maximum Floor Area Ratio</th></tr> </thead> <tbody> <tr> <td rowspan="2">> 325 m²</td><td>building up to 2 storeys: 40%</td><td>0.6</td></tr> <tr> <td>3 storey building: 40%</td><td>0.8</td></tr> </tbody> </table>	Site area	Maximum Site Coverage	Maximum Floor Area Ratio	> 325 m ²	building up to 2 storeys: 40%	0.6	3 storey building: 40%	0.8	Site coverage: Does Not Comply House 1: 161.64 (43.6%) House 2: 187.45 (52.2%) Floor area ratio: Complies House 1: .54	
Site area	Maximum Site Coverage	Maximum Floor Area Ratio								
> 325 m ²	building up to 2 storeys: 40%	0.6								
	3 storey building: 40%	0.8								
Regeneration Policy Area 16: PDC 4										

<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The proposal meets relevant setbacks and private open space provisions, will not adversely affect the amenity of adjoining properties and does not conflict with relevant criteria of this Development Plan.</p>						
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p>						
<p>Private Open Space</p>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>	<p>Complies</p>						
<table><tr><th>Site area of dwelling</th><th>Minimum area of POS</th><th>Provisions</th></tr><tr><td>175 square metres or greater</td><td>20 per cent of site area</td><td>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td></tr></table>	Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	<p>House 1: 29.6%</p> <p>House 2: 21.8%</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><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>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/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>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>(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.</p> <p>General Section: Residential Development: PDC 16</p> <p>Private open space should not include:</p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>g) The proposed POS areas maintain a southerly aspect. However, House 1 should receive sufficient morning light and House 2 should receive sufficient afternoon light during winter.</p> <p>h) The POS areas will have some degree of shading during winter by the associated dwellings. However, House 1 should receive sufficient morning light and House 2 should receive sufficient afternoon light during winter.</p>
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies</p>
<h3>Building Setbacks from Road Boundaries</h3>	
<p>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads shown on Overlay Map – Transport 5 metres in all other circumstances.</p> <p>Minimum setback from primary road frontage where an established streetscape exists: 5 metres within Regeneration Policy Area 16 8 metres from arterial roads shown on Overlay Map – Transport</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>House 1: 7.5 metres</p> <p>House 2: 6.96 metres</p>
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<h3>Side Setbacks</h3>	
<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>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.</p> <p>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.</p> <p>Residential Zone: PDC 6</p>	<p>Partially Complies</p> <p><u>House 1:</u></p> <p>Ground floor: 0.9 and 2m</p> <p>Wall on Boundary: 6.4 metres in length 3.136 metres in height (Natural Ground level)</p> <p><u>House 2:</u></p> <p>Ground floor: 0.9 metres</p> <p>Wall on boundary: Garage along the internal boundary 6.5 metres</p>

<p><i>Maximum length and height when wall is located on side boundary:</i> <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p>House 1 Wall on Boundary: 6.4 metres in length 3.136 metres in height (Natural Ground level)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The proposed boundary wall does not result in significant visual impacts or overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p> <p>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).</p> <p>The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> <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> <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>Complies</p> <p>House 1: 11.8 metres</p> <p>House 2: 8.7 metres</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight</p> <p>The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> 3 storeys of not more than 12 metres</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings consist of two storey and single storey height and incorporate a maximum building height of 7 metres (House 1) and 4.1 metres (House 2), which is less than the maximum permitted in the Policy Area.</p>

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 incorporated under the main roof form. Materials and detailing complement the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter	Value
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

Garages are both situated behind the main face of the associated dwellings. As such include the following front setbacks:

House 1: 7.97 metres

House 2: 7.56 metres

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)
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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)
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Does Not Comply

House 1: 5.99 (64.4%)

Complies

House 2 2.9 metres (32%)

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

The proposed dwellings incorporate three bedrooms, with the following off-street parking provisions:

House 1: 3 off-street car parking spaces (two covered)

House 2: 2 off-street car parking spaces (one covered)

Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.
Multiple dwelling	0.7 per bedroom

Table Mar/2 - Off-street Vehicle Parking Requirements.

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Public transport is located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) e) On-street car parking is not adequately provided for the proposed allotments.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p>General Section: Land Division: PDC 22</p>	<p>Does Not Comply</p> <p>On-street car parking is not adequately provided for the proposed allotments, which does not satisfy 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</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</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>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The existing and proposed crossovers are set back a minimum of 1 metre from existing street infrastructure and 1.8m setback (as recommended by Council Arborist) from street trees.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Does Not Comply</p> <p>Vehicle access points are not separated by a minimum distance of 6 metres.</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</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>General Section: Design & Appearance: PDC 1</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>General Section: Design & Appearance: PDC 3</p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick and render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico, balcony and cantilevered window awnings • Eave overhang and pitched roof form at 25-degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof in Dark Grey, with rendered facades.</p>

	<p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p>General Section: Design & Appearance: PDC</p>	<p>Complies</p> <p>The proposed balcony integrated into the portico design, with high metal balustrade that enables line of sight to the street.</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>General Section: Residential Development: PDC 8</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>General Section: Residential Development: PDC 9</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>General Section: Design & Appearance: PDC 13</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>General Section: Design & Appearance: PDC 14</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 16</p>	<p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of brick work and render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

Whilst the applicant has not provided any shadow diagrams to illustrate the extent of shadow to be cast by the proposed development, it is considered that:

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) As all rear and side setbacks of the proposed development are met, and due to the north-south axis of the land shadows cast will not be to an extent that causes unreasonable overshadowing of the private open space or north facing windows of the adjoining properties. In this regard Principle 10(b) is satisfied.

Shadow cast into the eastern adjoining property will be limited to afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties comply with PDC 9 and 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

House 1 incorporates 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 balcony on the front façade is oriented to obtain views of the streetscape.

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:

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

General Section: Energy Efficiency: PDC 2

Complies

The dwellings are oriented so that their open spaces and main activity areas face south. The rear portion of the open space will nonetheless gain exposure to winter sun, thereby providing an area with reasonable solar access. More specifically, House 1 should receive sufficient morning light and House 2 should receive sufficient afternoon light 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.

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
- Wall height on the boundary
- Garage frontage
- On-street parking

Site Coverage

Site coverage exceeds criteria. The Development Plan seeks for a maximum 40% site coverage of the site area, whereas the proposal comprises site coverage of 43.6% (House 1) and 52.2% (House 2). The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposal exceeds the minimum POS requirement of 20%, at 29.6% (House 1) and 21.8% (House 2). Additionally, the proposed dwelling achieves sufficient setbacks from all boundaries. Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access 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.

Wall height on the boundary

The proposed garage wall located on the eastern side boundary incorporates a height of 3.086 metres when measured from the finished floor level, this increases to 3.136 metres when measured from natural ground level. I am of the opinion the excess in wall height will not result in significant visual impacts upon the adjoining property, as the garage wall abut the carport of the adjacent dwelling. Furthermore, as the proposed boundary wall is sited on the east boundary of the subject land, the additional wall height will not cause any significant level of overshadowing to the adjoining property.

Garage frontage

The proposed 4.8 metre wide garage of House 1 equates to 64.4% of the total dwelling width. Residential Development Principle 12 requires that a garage width of <50% or 6 metre maximum not be exceeded. In my opinion, the garage of House 1 is appropriately integrated into the front façade, with the upper storey and overhanging balcony drawing attention away from the garage.

On-street parking

On-street parking does not meet Land division PDC 22, Transport & Access PDC 28 and Transport & Access PDC 43 of the Development Plan, whereby one on-street parking pace should be provided for every two allotments via a minimum of 6 metres between driveways.

The failure to meet this criteria is due in, in part, to Council's desire to maintain both street trees, which limits the opportunity to place the driveway for House 2 in the position proposed. In this

regard, whilst it would be ideal to provide an on-street parking space, retention of the attractive, established street trees is considered a preferred outcome.

Given the above, the shortfall in on-street car, the proposal adequately demonstrates that development will not adversely impact upon the function of parking provisions of the proposed dwellings.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the amount of townhouses being built and concern over potential lack of privacy for single storey dwellings in the area have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A representor has also raised concerns over fencing height. While this concern is noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Regeneration Policy Area 16, as it achieves an increase in dwelling densities, generates diversity in dwelling types that meet a variety of housing needs and contributes to a cohesive streetscape.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site coverage, boundary wall height, width of garage in relation to dwelling width and on-street parking.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/967 to construct a two storey dwelling, incorporating a garage wall on the eastern side boundary and a single storey dwelling and associated garage at 12 Kelmscott Street Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/967, except where varied by the following conditions.
- 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 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. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 5 October 2016

Agenda Ref No: DAP051016 – 2.2

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Kim Fiedler

Development Description: Verandah and freestanding garage incorporating a wall on the northern boundary

Site Location: 100 Finniss Street, Oaklands Park

Zone: Residential

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 23/05/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/905

Recommendation: That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3.0 metres or length of 8.0 metres as Category 2 development.

As the application received representations expressing opposition to the proposal, the application is delegated to the Development Assessment Panel for a decision.

BACKGROUND

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

Amendments Requested	Amendments Made
Total floor area of structure (80.9m ²) should be reduced to satisfy Council's maximum 60 square metres	No change
Wall length on property boundary (10.4 metres) be reduced to satisfy Council's maximum 8.0 metres	No change

Wall height (3.048 metres) should be reduced to satisfy Council's maximum 3.0 metres	Wall height reduced from 3.048 metres to 2.7 metres
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SUBJECT LAND & LOCALITY

The subject land is situated at 100 Finnis Street, Oaklands Park. The land incorporates a frontage width of 18.9 metres, a depth of 47 metres, providing a total site area in the order of 888.5 square metres.

The land currently accommodates a single storey detached dwelling in good condition, with attached carport and outbuilding adjacent the northern side boundary.

The land is relatively flat, devoid of any easements and regulated trees.

The locality comprises single storey detached dwellings, typically constructed in the 1960s, on large allotments between 650 – 900 square metres in area. A majority of the original housing stock incorporate one or more outbuildings located towards the rear of the respective site.

More recent development in the locality comprises single storey semi-detached and two storey row and residential flat dwellings.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application proposes to construct a freestanding garage abutting the northern side boundary and a verandah attached to the south-western portion of the existing dwelling.

The garage is to replace an existing outbuilding in a similar position, albeit the new structure is substantially larger than that existing.

The proposed garage incorporates a width of 7.778 metres, a depth of 10.4 metres (providing a total floor area of 80.9 square metres) and a wall height of 2.7 metres.

The roof of the garage will incorporate 'Monument' colorbond material, whilst the walls will comprise 'Smooth Cream' colorbond and 'Statesman' panel lift door.

The verandah will incorporate dimensions of 6.4 metres by 6.8 metres (total roof area of 43.5 square metres) and a post height of 2.8 metres.

The roof of the verandah will incorporate 'Monument' colorbond material, whilst the posts and gutters will be 'Smooth Cream' in colour.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	15 properties were notified during the Category 2 public notification process.
Representations: <i>Refer Attachment III</i>	3 representations were received by Council.
Persons wishing to be heard:	No representors identified they wish to be heard by the Panel

Summary of representations:	<ul style="list-style-type: none"> • Structure is too close to the boundary; • Structure is too high; • Construction noise and odour concerns; • Seek area to rear of garage to be concreted to avoid weed and vermin. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>A response from the applicant has not been received.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, 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>Partially Complies</p> <p>Both the garage and verandah are sited to the rear of the dwelling, and as such, the colours/materials proposed will not detract from the appearance of the associated dwelling when viewed from the street.</p> <p>Nonetheless, both structures incorporate matching colours and materials and to this end will present as a uniform built form.</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>Verandah: 43.5 sq metres</p> <p>Does Not Comply</p> <p>Garage: 80.9 sq metres</p>
Parameter	Value	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	<p>Complies</p> <p>Verandah: 2.8 metres</p> <p>Garage: 2.7 metres</p>
Maximum building height	5 metres	<p>Complies</p> <p>Verandah: 4.0 metres</p> <p>Garage: 4.1 metres</p>
Maximum height of finished floor level	0.3 metres	<p>Complies</p> <p>Both structures to be erected at ground level</p>
Minimum setback from a primary road frontage	<p>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street.</p> <p>Outbuildings should not protrude</p>	<p>Complies</p>

	<i>forward of any part of the associated dwelling.</i>	
<i>Minimum setback from side or rear boundaries (when not located on the boundary)</i>	<i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i>	Complies Verandah: min 600mm
<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>	Does Not Comply Garage: 10.4 metres
<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>		Complies

Site Coverage

<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	Does Not Comply 42.1%
<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 total site coverage proposed is marginally above the maximum sought in the Policy Area. Furthermore, the proposal does not offend the relevant setback or private open space provisions, whilst the assessment below will identify the proposal will not adversely affect the amenity of adjoining properties, whilst a majority of relevant Development Plan criteria is also satisfied.</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>

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>Private open space equates to over 30% of the allotment (> 270 sq metres). The POS incorporates dimensions exceeding 5m x 5m and obtains appropriate solar access.</p>
Site area of dwelling	Minimum area of POS	Provisions	
Less than 175 square metres	35 square metres	<p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p> <p><i>Residential Zone: PDC 7</i></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>Design & Appearance</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>Partially Complies</p> <p>(a) The garage will not result in amenity impacts from excessive noise, loss of privacy or overshadowing.</p> <p>(b) Whilst the floor area and boundary wall length exceed criteria, the total height of the garage is less than the maximum permitted. Furthermore, the garage will not be sited directly adjacent the primary area of private open space of the adjoining property, and as such, will not have an unreasonable impact by way of bulk.</p> <p>(c) Ample land area will be maintained for landscaping on the site, whilst the positioning of the garage is similar to other outbuildings evident within the locality.</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>

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:

- Total floor area of garage;
- Boundary wall length of garage; and
- Site coverage

Total floor area of garage

The proposed garage incorporates a floor area of 80.9 square metres, 20.9 square metres (25.9%) larger than the maximum sought by Council's Development Plan.

During the assessment of the application, administration sought for a reduction in the floor area of the garage, to assist in reducing the visual impact and bulk of the structure. This request was made in conjunction with seeking a reduction in the wall length and height of the structure (see below).

The applicant has requested that Council make a decision upon the application in its current form, having reduced the wall height only (from 3.048 metres to 2.7 metres).

The size of the garage is substantial, and will be readily visible from the adjoining property to the north. Having said this, the garage is not adjacent the primary area of private open space for that property, whilst it is acknowledged the structure is located on the northern boundary of the subject land, and in this regard, will not result in unreasonable overshadowing of the adjoining property. The garage is provided with appropriate separation from the rear boundary to avoid inappropriate overshadowing or an unreasonable visual impact upon the adjoining property to the west.

Whilst the size of the garage substantially exceeds the maximum sought, when considering whether the floor area of the structure is acceptable, it is of value to recognise that over 30% of the land will remain as private open space, whilst the total roofed area on the land (42.1%) will marginally exceed the maximum 40% sought in the Policy Area.

Furthermore, the total height of the garage, at 4.1 metres, is less than that anticipated by Council's Development Plan (4.5 metres) and less than that permitted 'as of right' pursuant to Schedules 1A and 4 of the Development Regulations 2008 (5.0 metres).

This indicates the size of the structure will not compromise the function of the site with respect to the outdoor yard area available for the occupants, whilst the total amount of built form and stormwater disposal is not overly excessive.

In conclusion, I do not anticipate the size of the garage will result in an unreasonable impact upon adjoining land, having regard to the position of the garage and the location of adjacent dwellings and the primary areas of private open space on those properties.

Boundary wall length of garage

The boundary wall length, of 10.4 metres, exceeds the maximum 8.0 metres sought. The additional length of 2.4 metres equates to a 23% excess.

In this regard, it is noted the total wall area of 28.08 square metres (10.4m x 2.7m) is marginally greater than a wall that can be erected on a property boundary 'as of right' (24 square metres (3.0m x 8.0m)), pursuant to Schedules 1A and 4 of the Development Regulations 2008.

Furthermore, as identified above, there will be no unreasonable overshadowing of the adjoining land as a result of the structure's position, height and boundary wall length.

As such, it is my view that whilst a reduced wall length would be preferable, the impact upon adjoining land is relatively inconsequential.

Site coverage

The total site coverage proposed (42.1%) marginally exceeds the maximum sought in the Policy Area (40%). Whilst this is the case, the subject land will maintain private open space area and dimensions well exceeding the minimum sought, whilst ample land will remain pervious to enable water infiltration.

Given the above, the amount of site coverage proposed is considered acceptable.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the location of the garage, site coverage and structure height have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

One representor has requested the concreting of the area to the west of the garage to minimise weed growth and potential vermin, whilst another has raised concern regarding construction noise and odours. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed garage exceeds the maximum floor area and boundary wall length as sought in Council's Development Plan.

Whilst a reduction in floor area and wall length to satisfy Council's Development Plan is preferred, the above assessment has identified the impacts upon adjoining land, by way of visual impact and overshadowing, are relatively inconsequential.

Given the above, the garage is considered acceptable as proposed.

The proposed verandah meets all applicable design criteria, and if lodged as a separate application, would comply with the requirements of Schedule 4 as a complying form of development.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2016/905 for a verandah and freestanding garage incorporating a wall on the northern boundary at 100 Finnis Street, Oaklands Park be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/905, except when varied by the following conditions of consent.**
- 2. 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.**
- 3. Stormwater must be disposed of in such a manner that does not flow or discharge into land of adjoining owners, lie against any building, or create insanitary conditions.**
- 4. The garage has been granted consent as a domestic outbuilding only and therefore shall not be used for human habitation or for purposes not reasonably incidental to the use of the land for residential purposes, unless the further development approval of the Council is obtained.**

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>

DEVELOPMENT ASSESSMENT PANEL
Wednesday 5 October 2016

Agenda Ref No:	DAP051016 - 2.3
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Cavallo Forest & Associates Pty. Ltd
Development Description:	Residential Community Title Land Division - 1 into 3 allotments and to construct three (3), two storey row dwellings with associated car parking and landscaping
Site Location:	15 Kent Avenue, Warradale
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	15/08/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1490 (DAC Ref. 100/C177/16)
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of row dwellings up to two stories in height as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

Development Application 1319/2016 for the construction of three, two storey row dwellings has previously been lodged with Council, albeit did not include the division of the land. This application is currently on hold pending the outcome of the subject application; however, during the assessment process, Council staff requested modifications (which are reflected in the subject application) to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
To enhance the secondary street elevation and passive surveillance of Res. 3, the upper level windows should be clear as they overlook a road reserve.	Upper level windows to the southern elevation of Res. 3 amended from obscure glazing to clear.
Additional Information Requested	Information Provided
Sectional details of the party wall system.	Sectional details provided.
Shadow diagrams which illustrate the extent of shadow cast from the development.	Shadow diagrams provided.
Clarification sought in relation to the information within Arborist report, specifically, the tree protection zone and final recommendations.	Correspondence provided by Mark Elliot, which confirms the tree protection zone and final recommendations.

SUBJECT LAND & LOCALITY

The subject land is situated at 15 Kent Avenue, Warradale. The allotment is rectangular in shape, incorporating a corner cut-off to the south-western corner, resulting in a frontage width of 15.24m to Kent Avenue, average depth of 36.5m and total site area of 692.3 square metres. The site currently accommodates a detached dwelling in good condition, which is setback approximately 8.0 metres from the allotment boundary. The dwelling is setback approximately 3.0 metres from Dorset Street; however, a pergola, verandah and garage are situated along the secondary street boundary. The dwelling features a front fence which wraps around the corner cut-off and incorporates a mixture of exposed brick, stone and timber.

Vehicular access is currently gained via Dorset Street, which leads to a garage, situated on the secondary street boundary. An additional crossover is located along Dorset Street adjacent the north-western corner of the allotment, which leads to a freestanding outbuilding to the rear of the site. The contour of the land is generally flat, with an approximate fall of 260mm from south to north.

There are no regulated or significant trees on the subject land; however, an *Angophora costata* (Smooth barked Apple) street tree is situated within the Council road reserve. The tree achieves a trunk circumference of 2.3m and is therefore prescribed regulated tree status under the current legislation. Kent Avenue features an avenue of semi-mature to mature established street trees which provide an attractive character within the locality.

The pattern of development in the locality varies, displaying a presence of detached, semi-detached, group and residential flat buildings, predominantly single storey in nature, at low to medium densities. Recent development in the locality has increased the variety of dwelling types through the provision of row dwellings both single and double storey in nature (22 Kent Avenue and 28 Cedar Avenue, Warradale).

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create two additional allotments (three in total) and the construction of three, two storey row dwellings facing Dorset Street.

The floor plan of each dwelling is similar, incorporating an open plan living room, two bedrooms and associated bathroom/ensuite on the upper level. The ground level incorporates a bedroom, bathroom and open plan kitchen/living/meals area with direct access to the main area of private open space. Residence 1 proposes a double width garage and laundry area situated along the northern boundary, which seeks to gain access via the existing crossover, albeit increased in width. Vehicular access to Residence 2 shall be gained via a new crossover, which leads to a double garage and laundry area. Residence 3 proposes a single width garage; however, the laundry is located within the ground level of the dwelling.

Each dwelling incorporates a mixture of colours and materials to the front façade, including exposed brick, render, panel lift doors and Colorbond roofing. Canopies have been provided to each bedroom at ground level, the front entrance point is covered by a protruding porch and a blade wall is featured between each dwelling.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.
Development Assessment Commission (DAC):	Refer to <i>Attachment IV</i> for the standard DAC land division comments.

Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Coordinator of Arboriculture:	Council's Arborist has reviewed the Arboricultural Report and Assessment prepared by The Adelaide Tree Surgery and advised that they concur with the recommendations of the report and any pruning of the street tree is only to occur through contact with Council's Coordinator of Arboriculture.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Minimum Site Area: 250 square metres</i>	Does Not Comply Res. 1: 227 square metres Res. 2: 227 square metres Res. 3: 238.5 square metres
	<i>Minimum Frontage: 7m</i>	Complies Res. 1: 12.4 metres Res. 2: 12.4 metres Res. 3: 10.25m + corner cut-off
	<i>Minimum Depth: 20m</i>	Does Not Comply Res. 1: 18.3 metres Res. 2: 18.3 metres Res. 3: 15.24 metres and 18.3 metres

Assessment

The application proposes three dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). It is acknowledged however; that there are limited allotments in the locality with comparable site areas. Notwithstanding the above, the dwellings shall contribute to the provision of a variety of dwelling types and accommodation needs in an area where there are limited row dwellings.

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

It is acknowledged that the Council owned street tree is mature and considered to contribute positively to the landscape character of the locality. The design and layout of the dwellings and associated Arboricultural assessment has demonstrated that the health and stability of the tree shall be maintained throughout the development process which is encouraged by the Objectives and Desired Character statement of the Residential Zone and Northern Policy Area 13.

Site Area and Depth

The site area of each proposed allotment fails to meet the minimum prescribed for row dwellings within the Northern Policy Area 13 (250 square metres). Res. 1 and 2 achieve a site area of 227 square metres, which represents a 23 square metres shortfall (9.2%). Res. 3 proposes a site area of 238.5 square metres, which is equal to a shortfall of 11.5 square metres (4.6%).

Res. 1 and 2 fail to meet the minimum depth of 20 metres by 1.71 metres (8.5%); whereas Res. 3 falls 4.76 metres (23.8%) short, along the secondary street as a result of the existing site dimensions and corner cut-off.

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

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

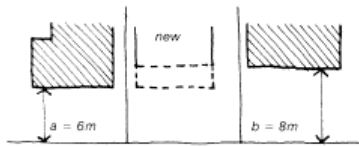
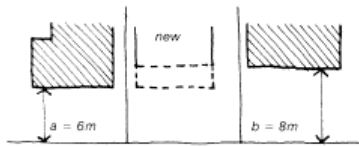
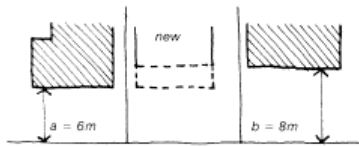
DEVELOPMENT ASSESSMENT

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>Northern Policy Area 13: PDC 4</p>	<p><u>Site coverage:</u></p> <p>Does Not Comply</p> <p>Res. 1: 120.5m² (53%) Res. 2: 120.5m² (53%) Res. 3: 116.5m² (49%)</p> <p>Excluding alfresco/porch</p> <p>Res. 1: 108.4m² (47.7%) Res. 2: 108.4m² (47.7%) Res. 3: 102.1m² (43%)</p> <p><u>Floor area ratio:</u></p> <p>Does Not Comply</p> <p>Res. 1: 0.62 Res. 2: 0.62</p> <p>Complies</p> <p>Res. 3: 0.6</p> <p>Despite the excess in dwelling footprint for each allotment, it is acknowledged that when the associated alfresco/porch is excluded from the calculation, the total site coverage more closely aligns to the Development Plan provision of 40% and is comparable to other recent development in the locality.</p> <p>The dwellings have been provided with adequate setbacks from the side and rear boundaries as well as a private open space area which is considered to function appropriately and meet the likely needs of future occupants. Given the private open space exceeds the minimum 20% sought and that the excess in site coverage is unlikely to adversely affect the amenity of adjoining land, I am of the view that the proposed dwelling footprints are suitable for the subject land.</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p> <p>Residential Zone: PDC 9</p>	<p>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (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>General Section: Residential Development: PDC 14</p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p> <p>Res. 1: 21.3% Res. 2: 21.3% Res. 3: 27.5%</p>						
<p>Building Setbacks from Road Boundaries</p>							
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <ul style="list-style-type: none"> (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>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.75 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>						
<p>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" data-bbox="193 1081 922 1417"> <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 $b > a \geq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b > a \geq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Partially Complies 4.75m</p> <p>(Dwellings on adjoining land set back approximately 5 and 4 metres, which equals an average setback of 4.5 metres)</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 it is acknowledged that the dwellings at 14 Kent Avenue and 20 Cedar Avenue present a reduced setback to Dorset Street, serving as the secondary street. Further, it is acknowledged that the dwellings at 18 Cedar Avenue are setback 4.5m to the main face of the dwellings. Accordingly, it is my view that sufficient transition is proposed between the dwellings along Dorset Street. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p> <p>On balance, the dwellings are considered to achieve a cohesive streetscape as a result of the front setback, design and appearance and front yard landscaping.</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 $b > a \geq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p>Minimum setback from secondary road frontage: 2 metres</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Res. 3 2.5m and 5m 4.2m and 5m (upper level)</p>						

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.

Private Open Space

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

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

Residential Zone: PDC 7

Complies

Res. 1: 53.2 square metres (23.4%)
Res. 2: 53.2 square metres (23.4%)
Res. 3: 70 square metres (29.3%)

Each dwelling achieves a 5 x 5 area of POS directly accessible from an internal living room.

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

- a) All POS areas are directly accessible from the internal living rooms of the dwellings.
- 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 area of Res. 1 and Res. 2 face east; however, achieve a northerly aspect to provide for comfortable year round use.
- The main area of POS associated with Res. 3 faces south/east; however, the secondary area achieves a northerly aspect. Nonetheless, the rear yard should receive some morning/afternoon light throughout the day.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

Partially Complies

- h) The POS areas shall receive natural sunlight throughout the day; however, it is acknowledged that main activity area of Res. 3 will be in shadow throughout the day.

Whilst the main activity area of Res. 3 will be in shadow throughout the day, it is acknowledged that the secondary area (2.7m x 13.3m) achieves a northern aspect and will be free from shadow during the morning hours.

<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>Res. 1: 22.7% of POS covered Res. 2: 22.7% of POS covered Res. 3: 20.1% of POS covered</p>
<h2>Side Setbacks</h2>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (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.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Res. 1 Ground floor 2m and 5m</p> <p>Upper level 2.0 metre from the northern boundary.</p> <p>It is acknowledged that Res. 1 incorporates a two storey wall along the internal boundary. Given this boundary is contained within the subject land, this aspect of the proposal is not considered a failing against the Development Plan. The impacts of this wall will however be discussed further within the “Overshadowing, Design and Appearance and Relationship to the Street and Public Realm” section of this report.</p> <p>The upper level of Residence 2 will be setback 2.0 metres from the northern internal boundary.</p>
<p><i>Maximum length and height when wall is located on side boundary:</i> (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Res. 1 incorporates a garage wall along the northern boundary for a length of 6.4m and 2.88m in height.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report).</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i> (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>Ground level Res. 1: 3m (59.7%), 6m (24.2%) and 6.5m (16.1%) Res. 2: 3m (59.7%), 6m (24.2%) and 6.5m (16.1%) Res. 3: 2.7m (62.4%) and 6.8m (18.8%)</p> <p>Upper level Res. 1: 6m and 6.6m Res. 2: 6m and 6.6m Res. 3: 5.5m, 7.5m and 8.6m</p> <p>This non-compliance with the Development Plan will be discussed further in the “Table Discussion” section of this report.</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 setbacks do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height		
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.7 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		Complies
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p>Complies</p> <p>Res. 1: 38 square metres Res. 2: 38 square metres Res. 3: 20 square metres</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)	<p>Complies</p> <p>Res. 1: 6.4m in length</p>

Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Res. 1: 6m (48.8%) Res. 2: 6m (48.8%) Res. 3: 3m (29.3%)
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Complies
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. General Section: Transportation & Access: PDC 34		Complies Res. 1: 3 spaces (2 covered) Res. 2: 3 spaces (2 covered) Res. 3: 2 spaces (1 covered)
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site visitor parking spaces should be sited and designed to: (a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times. General Section: Transportation & Access: PDC 42		Complies
On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). General Section: Transportation & Access: PDC 43		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 4 on-street car parking spaces shall remain available adjacent the subject land.
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). General Section: Land Division: PDC 22		Complies 4 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.

Access

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

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

General Section: Residential Development: PDC 39

Complies

Res. 1: 5m
Res. 2: 5m
Res. 3: 3m

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, tram ramps etc.).

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are clear of street infrastructure.

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

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a minimum distance of 6 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

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

- Mixture of exposed brick and render on the front façade
- Rendered blade walls
- Panel lift doors
- Eave overhang and pitched roof form
- Fenestration.

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

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for habitable room windows on the side and rear elevations. Upper storey windows on the front and secondary street 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.

Relationship to the Street and Public Realm

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

It is acknowledged that the southern upper level elevation of Res. 1 presents a portion of blank wall. Whilst this portion of the dwelling will be in view from the primary street, I am of the view that the overall design of the dwellings provides appropriate articulation. Residence 1 features a rendered nib wall and horizontal cladding to the southern elevation. Further, the pitched roof of the garage associated with Residence 2 is considered to provide appropriate transition to the two storey wall of Residence 1, which in my opinion, will reduce the overall bulk of the building. I am also of the view that that the separation between the upper level of Residence 1 and 2 reduces the amount of built form presenting to the street and assists in achieving a cohesive streetscape elevation.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The 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 of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.

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

Shadow cast into the eastern adjoining property only begins in afternoon hours, such that all areas of private open space and habitable windows will be free from shadow, during the morning. 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 Res. 1 and 2 dwellings are oriented north whereas the secondary POS area faces west, which should nonetheless receive some northern light.

Res. 3 is oriented so that the POS and main activity areas are facing south. As such, these areas are likely to receive limited exposure to winter sun. However, the private open space will receive some morning and late afternoon winter sun.

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 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The application plans propose landscaping to the front yard of each dwelling and to the side of Res. 3. Further, landscaping will be provided either side of the proposed driveways, which will soften the appearance of driveway paving to the street and assist in achieving a cohesive streetscape.

1.8 metre high Colorbond fencing is proposed to the secondary street, which is 11.4 metres in length. Given the fencing is not proposed to the full length of Kent Avenue, landscaping will be viewed along the side and front yard of Res. 3.

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-compliance is noted and discussed in further detail below.

Rear setback

The ground floor of Residence 1 and Residence 2 is considered to achieve a rear setback anticipated by the Development Plan, which prescribes a building may be setback 3m for no more than 50 per cent of the width of the rear boundary. The dwellings partially satisfy this provision, achieving a rear setback equal to 3m (59.7%), 6m (24.2%) and 6.5m (16.1%). Accordingly, there is 1.2 metres (9.7%) of additional dwelling width, which encroaches the minimum rear setback guidelines. The upper level rear setback of the dwellings is equal to 6m and 6.6m. Residence 3 on the other hand proposes a rear setback equal to 2.7m (62.4%) and 6.8m (18.8%). The upper level achieves a variety in rear setbacks, measuring 5.5m, 7.5m and 8.6m.

I am of the opinion that the reduced rear setback will not result in amenity impacts to adjacent land as it has been demonstrated that an appropriate amount of natural light will be available throughout the day. The dwellings have been designed to assist in reducing the bulk of the building when viewed from adjacent land. This has been achieved through the provision of a mixture of colours and materials to the rear elevation, including horizontal cladding and render and high level and full length windows. Further, the single storey portion of the dwelling is considered to provide transition to the upper level which features a variety of setbacks.

It is also of value to note; the eastern allotment boundary currently serves as a side boundary for the existing dwelling. If a new dwelling/s were to present to Kent Street, a 2.0 metre side setback could be achieved for a two storey wall and accord with the applicable provisions of the Development Plan, which would arguably result in greater impacts to the adjacent land in relation to overshadowing and visual impacts.

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

LAND DIVISION ASSESSMENT

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

Land Division	
Objectives <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i>	Complies
<i>2 Land division that creates allotments appropriate for the intended use.</i>	Complies

<p>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</p>	<p>Complies</p>
<p>Principles of Development Control</p> <p>1 When land is divided:</p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	<p>Complies</p> <p>The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.</p>
<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Complies</p> <p>a) It has been demonstrated that the allotments are suitable for their intended use.</p> <p>b) Each lot will have frontage to a public road.</p> <p>c) No excessive cut and/or fill is required as the subject land is relatively flat.</p> <p>d) The land division is unlikely to result in undue erosion of the subject land or locality.</p> <p>e) The site has access to existing services.</p> <p>f) Row dwellings and are an envisaged built form in the Residential Zone</p> <p>g) The land division will remain in the Northern Policy Area 13 within the Residential Zone.</p>
<p>Design and Layout</p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Complies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Partially Complies</p> <p>As a result of being situated on the eastern side of a street running north-south, the layout of the land division provides good solar access to a portion of the private open space of each allotment; however, is likely to receive direct morning sun throughout the year.</p>

<p>Roads and Access</p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p>	<p>Complies</p> <p>a) Adequate on-site parking available b) Public transport services are accessible in the wider locality c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<p><i>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</i></p>	<p>Complies</p>

ANALYSIS/CONCLUSION

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

The assessment discussion contained within this report has demonstrated that the subject land can accommodate three, two storey row dwellings in the form proposed. It is acknowledged that the allotments fail to meet the minimum depth and site area sought for row dwellings in the Northern Policy Area 13. In my view, the main non-compliances attributed with the site dimensions are the proposed front and rear setbacks of the dwellings. When these failings are assessed and considered in relation to their impacts, it has been demonstrated that the dwellings will be able to function appropriately and the amenity of the locality will not be adversely affected. Further, assessment against the relevant qualitative provisions has shown that the proposed design and layout is compatible with that anticipated by Council's Development Plan and Policy Area. On balance, the overall merit of the proposal is considered to outweigh any discrepancies and shall assist in providing positive contribution to the streetscape.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2016/1490 (DAC Ref. 100/C177/16) for Residential Community Title Land Division - 1 into 3 allotments and to construct three (3), two storey row dwellings with associated car parking and landscaping at 15 Kent 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. 100/2016/1490 (DAC Ref. 100/C177/16), being:
 - a. Arboricultural Assessment and Report prepared by The Adelaide Tree Surgery, received by Council on 2 September 2016;
 - b. Email correspondence prepared by Mark Elliot, dated 2 September 2016;
 - c. Sheets 1 – 8 of Drawing No. PD2A, prepared by MCA Design Pty. Ltd., received by Council on 6 September 2016;
 - d. Sheets 1 – 3 of Drawing No. SD2A, prepared by MCA Design Pty. Ltd., received by Council on 6 September 2016;
 - e. Plan of Proposed Community Division, Ref. No. 16-205, prepared by Cavallo Forest and Associates, received by Council on 7 September 2016;
 - f. Siteworks Plan of Job No. C21847, prepared by RCI Consulting Engineers, received by Council on 19 September 2016;except when varied by the following conditions of consent.
2. A revised site plan shall be submitted to Council prior to the issue of Development Approval, that provides consistent finished floor levels to that detailed in the Siteworks Plan, prepared by RCI Consulting Engineers.
3. Prior to commencement of any site works, a “Tree Protection Area”, consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected at a distance of 5 metres from the outside of the trunk of the Angophora costata tree, situated in the Council road reserve. A sign displaying the words “Tree Protection Area” shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.

4. The existing *Angophora costata* tree located within the Council road reserve adjacent the subject land shall be retained. The area beneath the tree's canopy shall be retained at its existing level at all times with no excavation or fill occurring. Any pruning of the *Angophora costata* street tree is only to occur through contact with Council's Coordinator of Arboriculture.
5. Any structural roots (i.e. greater than 25mm in diameter) of the *Angophora costata* tree that are uncovered outside of the Tree Protection Area shall be retained where possible or, if not, shall be severed by saw cutting, sharp axe or secateurs and not with a backhoe or machinery or blunt instrument. Wounds shall be immediately dressed with a commercially available tree-wound healing compound.
6. 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.
7. 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

8. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
9. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
10. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
11. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
12. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

LAND DIVISION CONDITIONS

1. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
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. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

3. **Payment of \$13352 into the Planning and Development Fund (2 lots @ \$6676/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.**
4. **A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.**
5. **The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0049348).**

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. The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (eg colorbond, wood paling, brush etc) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).**
7. **Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.**
8. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**

9. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 5 October 2016

Agenda Ref No: DAP051016 – 2.4

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: D'Andrea & Associates

Development Description: Single-storey detached dwelling as well as alterations and additions to the existing dwelling

Site Location: 53 Maxwell Avenue, Edwardstown

Zone: Residential Zone

Policy Area: Residential Character Policy Area 17

Application Type: Category 1 / Consent

Date Lodged: 15/03/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/443

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 new dwelling supporting an allotment area less than the minimum of 420 square metres required for detached dwellings within the Residential Character Policy Area 17. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Rear setbacks of the existing dwelling should be increased.	Rear setback increased from 1.358 and 2.2 metres to 1.958, 2.8 and 5.3 metres.
POS of the existing dwelling should comprise a minimum 20% of the site area.	POS increased from 15.7% to 22.1%.

A minimum dimension of 5 metres x 5 metres should be provided to the POS of the existing dwelling.	Minimum dimensions of POS provided.
Front setback of the proposed dwelling should be increased.	Front setback increased from 4.5 metres to 5 metres.
Amend the portico of the proposed dwelling to be sympathetic to the design elements sought within the Residential Character Policy Area 17.	Portico amended to incorporate a hipped roof form including a Dutch-Gable.

SUBJECT LAND & LOCALITY

The subject site is located at 53 Maxwell Avenue, Edwardstown. The land comprises a corner allotment, with a southern primary street frontage to Maxwell Avenue of 17.53 metres, a western secondary street frontage to Towers Terrace of 41.17 metres, and a total site area of 812 square metres.

The subject land accommodates a single-storey detached dwelling in average condition with a driveway sited alongside the eastern boundary providing access to a freestanding garage at the rear of the dwelling. An additional crossover to Towers Terrace is sited at the rear of the allotment. Several trees are located on the subject land, none of which are classified as regulated pursuant to the current legislation.

The locality consists of predominantly single storey detached dwellings at low densities, which are representative of the original dwelling stock. A number of redeveloped/sub-divided properties are also evident to the west of the subject land (within the Northern Policy Area 13), which typically take the form of single-storey detached, semi-detached and group dwellings.

The subject land is sited some 200 metres to the west of a public open space reserve including a children's playground. A bus stop (Stop 13) is sited adjacent the subject land on Towers Terrace providing services between Anzac Highway and Marion Interchange (Regional Centre Zone), while the Edwardstown Railway Station is located approximately 600 metres walking distance to the east of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a single-storey detached dwelling, located to the northern portion of the subject land. Works proposed to the existing dwelling include a carport to the eastern side of the dwelling with a continuous roof form providing a verandah to the front façade, as well as the demolition of a lean-to at the rear of the dwelling in order to provide additional private open space.

For the purposes of assessment, the proposed dwelling has been considered a detached dwelling, as it is indicated to be sited on its own allotment with direct and exclusive access to a public road.

The proposed dwelling features three bedrooms (main with WIR and ensuite), bathroom, separate WC, laundry and open plan kitchen and living areas. A double width garage is included under the main roof of the dwelling, gaining access from an existing vehicle crossover.

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

Objectives

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

Residential Character Policy Area 17

Objectives

- 1 Preservation of the existing development patterns and built form.*
- 2 Development which reflects the traditional character elements of the locality, particularly as presented to the streetscape.*
- 3 Development that minimises the impact of garaging of vehicles on the character of the locality.*
- 4 Development that reflects good residential design principles.*
- 5 Development that contributes to the desired character of the policy area.*

Desired Character

Edwardstown, Glandore and Glengowrie

New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore and Glengowrie will reinforce the attractive established character of predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings.

Replacement dwellings will be appropriately designed modern interpretations of the pre-1950's buildings remaining in the area in the locality of the development site. Buildings will be sited so as to complement the siting of adjoining buildings and in such a way that the landscape character is retained and enhanced. Dwellings will incorporate elements typical of homes in the area, including articulated roof forms comprising combinations of gable, Dutch-gable and hips, chimneys, projecting front verandas/portches/porticos, timber-framed windows and external walls constructed of a mixture of brick, painted brick, stone, and rendered masonry. Garages and carports will be discreetly located well behind the main face of the associated dwelling or to the rear of the dwelling, with design and materials to complement the dwelling.

Alterations and additions to dwellings will occur without significantly altering the dwelling's appearance from the street unless it involves the removal of unsympathetic additions/alterations to the front facade or will improve the appearance of a building as viewed from a street frontage. Alterations and additions will reinforce and complement the existing scale, elevation treatments, and use of materials of the associated dwelling, particularly with respect to the design of roof form, the use of front verandas and porticos, building materials, colours, proportions of windows, the use of window shading devices and elevation detailing.

Alterations and additions in the form of adding a second storey will only occur where the addition is within the roof space of the dwelling and the external appearance of the dwelling as viewed from surrounding streets takes the form of a single storey plus attic form. Similarly, new two storey dwellings will take the form of a single storey plus attic in order to reinforce the attractive, low-scale character of the policy area.

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

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

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	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Partially complies
PDC 3	<p>Except where located in the suburb of Marion, development should be limited to one storey unless a dwelling faces a public road (i.e. is not sited on a battle-axe allotment or at the rear of a development site) and any of the following is proposed:</p> <p>(a) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling</p> <p>(b) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality</p> <p>(c) dormer windows with a total length less than 30 per cent of the total roof length along each elevation.</p>	Complies
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
PDC 5	Where a new dwelling is constructed alongside or within a group of pre 1950 residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.	Complies
PDC 8	Land division should create allotments with an area of greater than 420 square metres.	Does Not Comply
PDC 9	Land division should not result in the creation of battle-axe or similar allotments.	Complies
PDC 6	Minimum Site Area: 420m ²	<p>Complies Existing Dwelling: 433.2m²</p> <p>Does Not Comply Proposed Dwelling: 378.9m²</p>
	Minimum Frontage: 15m	<p>Complies Existing Dwelling: 17.53m Proposed Dwelling: 19.89m</p>
	Minimum Depth:	<p>Complies Existing Dwelling: 22.8m</p> <p>Does Not Comply Proposed Dwelling: 19.05</p>

Assessment

Objectives & Desired Character

The application seeks for the retention of an existing single-storey detached dwelling, whilst providing an additional single-storey detached dwelling to the rear of the allotment. Detached dwellings are a form of development anticipated by PDC 1.

Whilst the proposed dwelling is an additional dwelling rather than a 'replacement' dwelling, the design of the dwelling attempts to reflect the traditional character elements of the area and incorporates elements typical of homes in the locality including an articulated roof form comprising Dutch-gables and hips, timber framed windows and external walls constructed of a mixture of brick, stone and rendered masonry.

The Desired Character requires garages associated with dwellings to be 'discreetly located well behind the main face'. While the proposal does not satisfy this requirement, the carport and garage incorporate design elements which nonetheless complement the associated dwelling, sufficiently minimising the impact of garaging of vehicles on the character of the locality, as sought by Objective 3.

The alterations and additions to the existing dwelling will not significantly alter its appearance from the street, and will nonetheless reinforce and complement the existing scale and use of materials, particularly with respect to the design of roof form.

The siting of the proposed dwelling will not erode the landscape character of the site or locality. Additional landscaping proposed, once established, will serve to enhance the appearance of the subject land, particularly when viewed from Towers Terrace.

On balance, the proposal is considered to reinforce the attractive established character of predominantly single-storey, detached houses, and adequately complies with the Objectives and Desired Character of the Residential Character Policy Area 17.

Site Areas

A minimum site area of 420 square metres is prescribed for detached dwellings in the Residential Character Policy Area 17. The proposed dwelling comprises a site area of 378.9 square metres, which equates to a shortfall of 41.1 square metres, or 9.8% less than the minimum sought.

While the individual site area of the proposed dwelling falls noticeably short of the prescribed minimum, it is important to consider whether the proposed residential density is fundamentally contradictory to that anticipated within the Policy Area. It is noted that the subject land comprises a total site area of 813 square metres, 3.2% (27 square metres) short of that required of two detached dwellings. Despite this disparity, the density of the proposed development nonetheless remains reflective of the low density envisaged for the Policy Area

It is further noted that the proposed allotment exceeds frontage width requirements, and therefore the undersized nature of the allotment should not be readily apparent when viewed from the streetscape.

It is my view that these considerations suggest that the shortfall in site area is not considered to represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. However, it is also important to consider whether the shortfall in site area has resulted in subsequent design shortfalls. The design and form of the dwellings is assessed in the following section 'Development Assessment'.

Site Depth

The proposed allotment comprises a site depth of 19.05 metres, where a minimum of 20 metres is prescribed. However, it is noted that the proposed allotment incorporates a frontage width in excess of the minimum requirement of 15 metres. Accordingly, the dwelling has been designed to take advantage of the width of the allotment, with the shortfall in site depth not readily apparent from the streetscape thus preserving the traditional character of detached dwellings on allotments of wide frontages, which predominates within the locality.

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.</i></p> <p><i>Residential Character Policy Area 17: PDC 7</i></p>		
<p>Complies Existing Dwelling: 35.2% (152.4m²) Does not Comply Proposed Dwelling: 43.7% (165.8m²)</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>Partially Complies</p> <p>a) The site coverage of the proposed dwelling is not contrary to the relevant private open space provisions, however, a shortfall in rear setback is noted, as discussed within the table discussion further below in this report.</p> <p>Complies</p> <p>b) c) The excess in building footprint of the proposed dwelling should not adversely affect the amenity of adjoining properties, and will not result in conflict of other relevant criteria of the Development Plan.</p>		
<p><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 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 Existing Dwelling: 43.9% (190m²) Proposed Dwelling: 35% (133m²)</p>		
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>
<p><i>Residential Zone: PDC 7</i></p>		
<p>Complies Existing Dwelling: 22.1% (95.7m²) Proposed Dwelling: 23.9% (90.6m²)</p> <p>Each dwelling provides POS directly accessible from living areas incorporating the minimum dimensions prescribed.</p>		

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level
- c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- g) The POS area of the existing dwelling maintains 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.

Partially complies

- f) The POS area of the proposed dwelling is located next to a bedroom of the dwelling on the adjacent property to the north. It is noted that this remains unchanged from the existing conditions, albeit this portion of the existing POS may not be utilized at the frequency of what may be expected of the proposed dwelling (being the main area of POS).
- g) The POS area of the proposed dwelling maintains an easterly aspect which should nonetheless receive some access to northern sunlight to provide for comfortable year round use

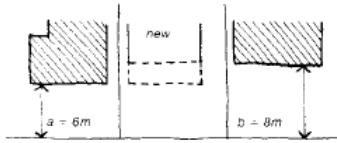
A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.

General Section: Residential Development: PDC 22

Complies

Building Setbacks from Road Boundaries

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

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

General Section: Design and Appearance: PDC 22

Does not comply

Proposed dwelling: 5 metres
The dwelling on the adjoining land to the north is set back approximately 8.5 metres, while the existing dwelling on the southern portion of the subject land does not incorporate a frontage to the same primary street.

However, it is considered that the proposed front setback of 5 metres provides a transition from the secondary street setback of the existing dwelling, to the more generous front setback of the dwellings to the north. As discussed within the table discussion further below in this report.

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Partially Complies</p> <p>The proposed front setback of 5 metres is similar to that of dwellings on the western side of Towers Terrace (acknowledging these dwellings are sited within the Northern Policy Area 13).</p> <p>The proposed front setback is nonetheless considered to contribute positively to the function, appearance and desired character of the locality.</p>
<p><i>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially complies</p> <p>Existing dwelling: 2.75m (unchanged)</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Existing dwelling Eastern side setback: 0.6m (carport)</p> <p>Proposed dwelling Northern side setback: 0.9m Southern side setback: 1m</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>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. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), and</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>Existing dwelling: 1.958m (23.1%), 2.8m (14.2%), 5.3m (27.3%), increasing thereafter. Proposed dwelling: 3.639m (66.4%) and 6.5m (33.6%)</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 setbacks do not comply with quantitative criteria, the separation from the respective rear boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. As discussed within the table discussion further below in this report.</p>

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 works to the existing dwelling do not result in an increase in building height.

The proposed dwelling incorporates a maximum building height of 5.5 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The proposed carport to the existing dwelling incorporates a form, pitch and materials the complements the existing roof form.

The garage of the proposed dwelling is incorporated under the main roof.

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

General Section: Residential Development: PDC 12

Parameter

Value

Maximum wall or post height

3 metres

Complies

Existing dwelling: Carport post height 2.7m
Proposed dwelling: Garage wall height 2.7m

Minimum setback from a primary road frontage

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

Partially Complies

Existing dwelling: 8.7m (0.413m forward of the main face of the dwelling).

Complies

Proposed dwelling: 5.5m (0.5m behind the main face of the dwelling).

Maximum frontage width of garage or carport with an opening facing the street

6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)

Complies

Existing dwelling: 3m (17.1%)
Proposed dwelling: 5.5m (26.2%)

Carports and garages should be setback from road and building frontages so as to:

- (a) not adversely impact on the safety of road users*
- (b) provide safe entry and exit.*

Complies

General Section: Residential Development: PDC 13

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

Existing dwelling: 2 spaces, 1 of which is covered within the carport.
Proposed dwelling: 3 spaces, 2 of which are covered within the garage.

*Detached
Semi-detached
Row*

2 per dwelling containing up to 3 bedrooms one of which is to be covered.

Table Mar/2 - Off-street Vehicle Parking Requirements.

<p><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 (e.g. 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>b) Public transport is located within reasonable walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) On street car parking is restricted on Towers Terrace due to a Bus Zone and bicycle lane, however, 1 on-street car parking space shall remain available adjacent the subject land on Maxwell Avenue.</p> <p>e) Both dwellings utilize existing crossovers, hence no loss of on street parking arises from the development.</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 is provided for the proposed allotments, which satisfies PDC 22.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers serving single dwellings 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>Existing dwelling: 3m (existing)</p> <p>Proposed dwelling: 4m (existing crossover widened)</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from existing street trees.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwelling reflects the desired character of the locality, as it presents an attractive facade to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> • Mixture of stonework (Santorini block work) and rendered plinths, window surrounds and moulds on the front facade • Protruding front portico/verandah • Timber-framed windows (Western Red Cedar) • 450mm eaves overhang and pitched roof form at 25-degree slope (Dune) • Articulated hipped roof form incorporating a Dutch gable above the portico. <p>On balance, the design and appearance of the dwelling 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><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The proposed 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 dwellings feature a mixture of materials, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</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) Some winter shadow may be cast within the rear yard of the existing dwelling south of the proposed dwelling. However, given the single-storey nature of the proposed dwelling, shadows cast will not be to an extent that causes unreasonable overshadowing of the private open space or north facing windows of the adjoining property.</p> <p>Shadow cast into the eastern adjoining property will be limited to afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The existing dwelling is oriented so that the private open space and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The main activity areas of the proposed dwelling are oriented east, which is not ideal, but is somewhat necessitated due to the west-east orientation of the proposed allotment. Nonetheless, the POS should receive some northern winter sunlight.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The existing and proposed dwellings each incorporate a hipped roof form set at a 30 and 25-degree pitch respectively, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The applicant has provided a landscaping plan which nominates a mixture of species to be planted throughout the front yard of the proposed allotment, and to the side and rear of the existing dwelling.

The proposed planting species and distribution should appropriately contribute to the landscape character of the locality, 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 (proposed dwelling)
- Front setback (proposed dwelling)
- Rear setbacks
- Garage and carport setbacks

Site coverage (proposed dwelling)

Site coverage exceeds criteria. The Development Plan seeks for maximum 40% site coverage of the site area, whereas the proposed dwelling comprises site coverage of 43.7%. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposal exceeds the minimum POS requirement of 20%, at 23.9%. Additionally, the proposed dwelling achieves sufficient setbacks from boundaries (as discussed below). Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- b) The proposal is considered to comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Front setback (proposed dwelling)

The main face of the proposed dwelling is set back at 5 metres from the front boundary, where PDC 22 (General Section: Design and Appearance) stipulates that setbacks should not be less than that of dwellings on adjoining allotments with the same primary street frontage. The dwelling on the adjoining allotment to the north of the subject land incorporates a front setback of approximately 8.5 metres, while the existing dwelling on the southern portion of the subject land does not incorporate a frontage to the same primary street. Accordingly, a front setback of 8.5 metres is required by PDC 22.

PDC 21 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality. The proposed front setback of 5 metres is similar to that of dwellings on the western side of Towers Terrace (acknowledging these dwellings are sited within the Northern Policy Area 13). Further, it is considered that the proposed front setback of 5 metres provides a transition from the secondary street setback of the existing dwelling, to the more generous front setback of the dwellings to the north.

I am of the opinion that the proposed front setback nonetheless contributes positively to the function, appearance and desired character of the locality, and is considered acceptable in this instance.

Rear setbacks

Dwellings within the Residential Character Policy Area 17 should maintain minimum rear setbacks of 6 metres. Both the existing and proposed dwellings fail to adhere to the minimum rear setback prescribed. The existing dwelling comprises rear setbacks of 1.958 metres (for 23.1%), increasing to 2.8 metres (for 14.2%) and increasing again to 5.3 metres or more for the remaining 62.7% of the allotment width. While the proposed dwelling incorporates a rear setback of 3.639 metres for 66.4%, and 6.5 metres or more for the remaining 33.6% of the allotment width.

The shortfall in rear setback of the existing dwelling may not result in any significant impacts upon the proposed dwelling, with the side path of the proposed dwelling adjacent the rear boundary of the existing dwelling. However, it is acknowledged that the portions of the existing dwelling which maintain limited separation from the rear boundary may be somewhat apparent from the secondary street.

The rear setbacks of the proposed dwelling are more akin to the minimum envisaged of other (Northern, Medium Density and Regeneration) Policy Areas, being 3 metres for 50% of the allotment width and 6 metres for the remainder. However, again the separation from the rear boundary will not be readily perceived from the adjoining land to the rear, with numerous outbuilding structures sited along this boundary for a length of approximately 17 metres.

Despite the shortfalls in rear setbacks, it is noted that each dwelling nonetheless exceeds POS requirements, including a minimum dimension of 5x5 metres directly accessible from the main living area of each dwelling. 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.

It is my view that the overall level of separation from the respective rear boundaries is considered adequate and will not significantly erode the prevailing character of low density dwellings incorporating generous setbacks from boundaries within the locality.

Garage and carport setbacks

The Desired Character of Policy Area 17 outlines that garages and carports should be discreetly located well behind the main face of the dwelling, or located to the rear to the dwelling, with design and materials to complement the dwelling. The carport proposed to the existing dwelling is located 0.4 metres forward of the main face, while the garage of the proposed dwelling is sited only 0.5 metres behind the main face.

It is considered that both the proposed carport of the existing dwelling, and garage of the proposed dwelling, should be set back further from the street in order to achieve compliance with the Desired Character statement for Policy Area 17. However, it is acknowledged that further setbacks may compromise available private open space.

It is worthy to note that each the proposed carport and garage nonetheless achieve a reasonable level of compliance with the design principles of PDC 10 (General Section: Residential Development) which seeks for garaging to incorporate a roof form and pitch, building materials and detailing which complements the associated dwelling.

While the non-compliance in garage/carport setback is noted and considered accordingly with the overall merit of the proposal, I am of the opinion that the complementary design elements sufficiently minimise the impact of garaging of vehicles on the character of the locality.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development satisfies the Desired Character and Objectives of the Residential Character Policy Area 17, as it will reinforce the attractive established character of predominantly single-storey, detached houses, which reflect the traditional character elements of the locality, particularly as presented to the streetscape.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site area, site coverage, front and rear setbacks, as well as garage and carport setbacks. These shortfalls have been assessed in relation to the extent of departure from Development Plan criteria and the respective consequences, taking into account the characteristics of the subject land and locality. This assessment has demonstrated that the shortfalls are not of such severity so as to jeopardise the functionality of the proposed development, nor to detract from the amenity of adjacent land or the character of the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/443 for a single-storey detached dwelling as well as alterations and additions to the existing dwelling 53 Maxwell Avenue, Edwardstown, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/443, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 4. 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 5 October 2016

Agenda Ref No:	DAP051016 – 2.5
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Cr Consultants
Development Description:	Single-storey detached dwelling and alterations to the existing dwelling
Site Location:	22 Moor Crescent, Hallett Cove
Zone:	Residential Zone
Policy Area:	Southern Policy Area 18
Application Type:	Category 1 / Consent
Lodgement Date:	13/03/2015
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2015/431
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 by virtue of the proposed new dwelling supporting an allotment area less than the minimum of 420 square metres required for detached dwellings within the Southern Policy Area 18. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The application was originally lodged as 'a semi-detached dwelling and garage to the existing dwelling'. The proposed garage was to be sited to the rear of the existing dwelling to provide a connection to the proposed dwelling. Council was not supportive of the application in this form due to the limited connection between the two buildings and that the dwellings did not present adequately to the street as a pair of semi-detached dwellings. During the assessment process, Council staff provided the applicant with the opportunity to amend the application to meet the requirements of Schedule 4-2B of the Development Regulations, in order for the application to be assessed as 'complying development'. However, following submission of numerous amendments, it was determined that the application consisted of too many shortfalls to be assessed and determined under the 'residential code'.

The application reverted to a merit assessment against the relevant provisions of the Development Plan, during which Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
20% POS should be provided to the side or rear of the existing dwelling.	Proposed connection between the existing and proposed dwelling removed to accommodate 20% POS to the side and rear.
The rear setback of the existing dwelling should be increased to more closely align with Council's policies.	No change.
The front setback of the proposed dwelling should be increased to meet the average of adjacent buildings.	No change.
The rear setback of the proposed dwelling should be increased to not less than 3 metres.	Rear setback of the proposed dwelling increased from 1.5 metres to 3.15 metres.

SUBJECT LAND & LOCALITY

The subject site is located at 22 Moor Crescent, Hallett Cove. The land comprises a somewhat irregular corner allotment, within the elbow of Moor Crescent, with a southern primary street frontage, an eastern 'secondary street' frontage, and a total site area of 814 square metres.

The subject land accommodates a two-storey detached dwelling in reasonable condition with a driveway sited alongside the western boundary providing access to a single-width garage under the main roof of the dwelling. Access is gained to a balcony/deck sited at the rear from both the upper level of the dwelling as well as stairs to the private open space, which takes advantage of coastal views to the north-west. Several trees are located on the subject land, none of which are classified as regulated pursuant to the current legislation.

The locality comprises a slope from the south-east to the north-west, and consists of predominantly single-storey and (to a lesser extent) two-storey, detached dwellings built since the 1970's at low densities.

Several areas of public open space are noted within the vicinity, the closest of which (Oakvale Way Reserve) is sited approximately 400 metres walking distance to the south of the site. While Hallett Cove Railway Station is sited some 1.75 kilometres walking distance to the west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a single-storey detached dwelling, located to the northern portion of the subject land. Works proposed to the existing dwelling include removal of the upper level balcony/deck to the rear of the dwelling, as well as providing a sliding door to the existing dining room and fencing to the secondary street boundary.

For the purposes of assessment, the proposed dwelling has been considered a detached dwelling, as it is indicated to be sited on its own allotment with direct and exclusive access to a public road.

The proposed dwelling features three bedrooms (main with ensuite), bathroom, open plan kitchen and living areas and a laundry. A single width garage is incorporated under the main roof of the dwelling, and is to be sited on the proposed southern boundary.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <ol style="list-style-type: none"> 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. 		
Southern Policy Area 18		
<p>Objectives</p> <ol style="list-style-type: none"> 1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development that contributes to the desired character of the policy area. 		
<p>Desired Character</p> <p>The desired character of the policy area is derived from predominantly single-storey, low density dwellings exhibiting a variety of architectural styles. Future development of vacant land within the area will contribute to a mix of housing densities and housing types to improve housing diversity.</p> <p>New buildings will maintain the existing pattern and scale of existing buildings and be designed to minimise alteration of the natural or existing landform. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.</p> <p>Buildings should not exceed two storeys and sloping sites should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.</p>		
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 dwelling . semi-detached dwelling . supported accommodation. 	Complies
PDC 3	Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.	Does not Comply
PDC 4	Minimum Site Area: 420m ²	Complies Existing Dwelling: 467m ² Does Not Comply Proposed Dwelling: 327m ²
	Minimum Frontage: 14m	Partially Complies Existing Dwelling: 13.5m increasing to 21.5m Complies Proposed Dwelling: 16.4m
	Minimum Depth: 20m	Partially Complies Existing Dwelling: 19.57m increasing to 22.7m Complies Proposed Dwelling: 16.4m

Assessment

Objectives & Desired Character

The application seeks for the retention of an existing two-storey detached dwelling, whilst providing an additional single-storey detached dwelling to the rear of the allotment. Detached dwellings are a form of development anticipated by PDC 1.

The proposed development complements the desired character of the Policy Area in that it contributes to a mix of housing densities. However, the Desired Character also seeks for new buildings to maintain the existing pattern of existing buildings, and for the built form, architectural and landscaping design to make a positive contribution to the streetscape. Furthermore, PDC 3 outlines that 'where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings'.

The proposed dwelling is set within an attractive streetscape which is characterised by dwellings at low densities incorporating generous front and rear setbacks. Shortfalls identified in both the front setback of the proposed dwelling, as well as the rear setback of the existing dwelling, do not complement the siting of existing development, or contribute positively to the streetscape.

While detached dwellings are an anticipated form of development, the siting of the proposed dwelling in relation to the existing dwelling, presents a density not necessarily envisaged for the Policy Area.

Site Areas

A minimum site area of 420 square metres is prescribed for detached dwellings in the Southern Policy Area 18. The proposed dwelling comprises a site area of 347 square metres, which equates to a shortfall of 73 square metres, or 17.4% less than the minimum sought. While the individual site area of the proposed dwelling falls significantly short of the prescribed minimum, it is important to consider whether the proposed residential density is fundamentally contradictory to that anticipated within the Policy Area. It is noted that the subject land comprises a total site area of 814 square metres, 3.1% (26 square metres) short of that required of two detached dwellings.

In considering the proposed density, it is noted that the existing site area of 814 square metres could accommodate a pair of semi-detached dwellings, requiring a minimum site area of 350 square metres each. It is further considered that pursuant to Schedule 4-2B of the Development Regulations 2008, detached dwellings are permitted site areas equal to that of semi-detached dwellings. As such, it may be concluded that the subject land could feasibly be developed to accommodate two dwellings, albeit, in varying formations, and pursuant to legislation that is not applicable in this instance.

When considering the proposed increase in density, it is also appropriate to have regard to the proximity of activity centres, public transport and public open space. While it is acknowledged that public open spaces are sited within reasonable walking distance of the site (the closest being some 500 metres to the south), the subject land is not in close proximity to activity centres or a railway station, which is commonly considered as the most frequented form of public transport in Transit-Oriented development principles.

It is my view that the proposed residential density may not be in conflict with that permitted in the Policy Area. However, the individual shortfall in site area of the proposed dwelling is nonetheless substantial, which is not assisted by the context of the subject land, being somewhat isolated from public transport opportunities. It is of further worth to note that the consideration of density covers not only the average site area per dwelling, but also other design aspects such as proximity of buildings to boundaries, and the height, bulk and scale of buildings. The siting and design of the dwellings are assessed in the following section 'Development Assessment'.

DEVELOPMENT ASSESSMENT

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

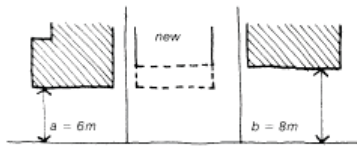
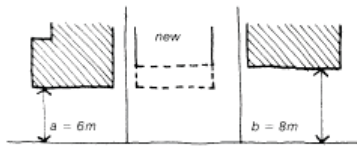
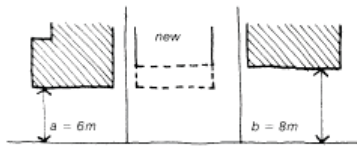
Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 35%</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p>	<p>Complies Existing Dwelling: 30.8% (143.7m²) Does Not Comply Proposed Dwelling: 37.8% (131.1m²)</p>
<p><i>Maximum floor area ratio: 0.5</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p>	<p>Complies Existing Dwelling: 0.41 (193m²)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies 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 Existing Dwelling: 21.4% (100m²) Proposed Dwelling: 22.5% (78m²)</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> <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 / habitable rooms 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) The POS area of the existing dwelling are not located next to bedrooms of dwellings on adjacent sites. g) The POS areas of the proposed dwelling 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>Partially Complies</p> <p>e) The POS of the proposed dwelling is located next to bedrooms of the dwelling on the adjacent site to the north, however the main area of POS maintains separation from the adjoining property.</p> <p>f) The POS areas maintain an easterly and westerly aspect for the existing and proposed dwellings respectively, which nonetheless provides some access to northern winter sunlight.</p> <p>g) The north-facing POS area of the existing dwelling may be shaded during winter by the proposed dwelling, while the main area of POS, being sited on the eastern side of the existing two-storey dwelling may experience overshadowing during afternoon hours.</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>Existing Dwelling: 21% (97.9m²)</p> <p>Proposed Dwelling: 25.4% (88.2m²)</p>

Street Setbacks

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Does Not Comply</p> <p>The proposed front setback is not considered to be compatible with and similar to the setbacks of buildings on adjoining land and other buildings in 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 $b - a \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the 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 $b - a \leq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Does Not Comply</p> <p>Proposed dwelling: 5.8- 6.5 metres</p> <p>The dwelling on the adjoining land to the north is set back approximately 11 metres, while the existing dwelling on the southern portion of the subject land incorporates a secondary street setback of 4.5 metres. Accordingly, the proposed dwelling should be setback at least the average (7.75 metres) of the adjacent buildings.</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 $b - a \leq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p><i>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Existing dwelling: 4.5m</p>						
<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>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						

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

Existing dwelling
Lower level: 2.6m (unchanged)
Upper level 5.7m (unchanged)

Proposed dwelling
Northern side: 0.9m
Southern side: 0m

The proposed setback from the northern side boundary 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.

Dwellings with walls located on the boundary should be designed in accordance with the following:

- (a) the walls should not abut more than one side allotment boundary
- (b) a wall from an adjacent dwelling already exists on the boundary:
 - (i) be located immediately abutting the adjacent wall
 - (ii) be constructed to the same or to a lesser length and height as the adjacent wall
 - (iii) be setback 2 or more metres behind the main face of the adjacent dwelling
- (c) no wall exists on the adjacent boundary:
 - (i) be setback 2 or more metres behind the main face of the adjacent dwelling
 - (ii) not exceed 6 metres in length
 - (iii) not exceed 3 metres in height
 - (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
- (d) adjoining communal open space or a public reserve, not to exceed
 - (i) 50 per cent of the length of the boundary
 - (ii) 4 metres in height.

General Section: Residential Development: PDC 38

Complies

The proposed dwelling incorporates a wall on the southern side boundary for a length of 6 metres, and height of 2.7 metres.

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

Partially Complies

The separation from the northern side boundary is considered sufficient to minimise the visual impact of the building from the adjacent property to the north.

The boundary wall on the southern side boundary may result in visual impacts on the existing dwelling on the southern portion of the subject land. Further, overshadowing of the north facing POS, and to some extent the north facing habitable room windows, of the existing dwelling may occur during winter months, as discussed in the Overshadowing section of this table.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

Existing dwelling: 2.2m- 3.1m
Proposed dwelling: 3.15m- 5.8m

<p>8 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Does Not Comply Existing dwelling: 3.1m</p>
<p>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:</p> <p>(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>(b) a minimum of 8 metres for two storey components of dwellings</p> <p>General Section: Residential Development: PDC 37</p>	<p>Does Not Comply Existing dwelling: Lower level- 2.2m (14.1%), 3.1m (54.5%), increasing thereafter. Upper level- 3.1m</p> <p>Partially Complies Proposed dwelling: 3.15m (35.1%), 5.8m (41.5%), and increasing thereafter.</p>
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Partially Complies The lack of separation from the rear boundary, particularly from the upper level of the dwelling, is considered to result in some visual impact upon the proposed dwelling as well as the streetscape. However, 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>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 7</p>	<p>Complies The proposed dwelling incorporates a maximum building height of 6.145 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<p>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</p> <p>Minimum setback from primary road frontage: 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>Residential Zone: PDC 8</p>	<p>Partially Complies Proposed dwelling: Garage is set back 6.5 metres from the primary road frontage, however is sited in line with the main face of the dwelling.</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 12</p>	<p>Complies</p>
<p>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p>General Section: Residential Development: PDC8</p>	<p>Complies Proposed dwelling: The proposed garage incorporates a roof form, materials and detailing which complement the associated dwelling.</p>
<p>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.</p> <p>Residential Zone: PDC 6</p>	<p>Complies Proposed dwelling: 20% (3m)</p>

Car Parking

Minimum number of on-site car parking spaces (one of which should be covered):

2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms. (Applicable for the proposed dwelling)

3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms. (Applicable for the existing dwelling)

Residential Zone: PDC 7

Complies

Proposed dwelling: 2 on-site car parking spaces, 1 of which is covered.

Existing dwelling: 3 on-site car parking spaces, 1 of which is covered.

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.

c) The likely occupants are anticipated to have standard mobility and transport requirements.

d) e) 3 on-street car parking spaces shall remain available adjacent the subject land.

Partially Complies

b) Centre facilities are not located within walking distance of the dwellings. The nearest bus stop is sited some 500 metres walking distance to the west of the subject land, providing services between Hallett Cove Beach Railway Station and Flinders University.

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

General Section: Land Division: PDC 22

Complies

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

Access

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

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

General Section: Residential Development: PDC 39

Partially Complies

Existing dwelling: 6m (unchanged)
Proposed dwelling: 3.3m

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

General Section: Residential Development: PDC 40

Complies

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

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

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a minimum distance of 6 metres.

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

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

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

The proposed dwelling is somewhat articulated through varied setbacks; however, a limited colour/material palette is noted. The dwelling façades incorporate the following elements;

- Sandstone coloured render to front façade, brickwork to remaining elevations.
- Eave overhang and pitched (tiled) roof form at 25-degree slope
- Fenestration

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

On balance, the design and appearance of the proposed dwelling is considered satisfactory, however could nonetheless incorporate a greater range of colours and materials to the front façade to enhance its design and appearance and provide visual interest.

Partially Complies

The proposed dwelling is designed so that the main facade faces the primary street frontage, presenting a portico and habitable windows to the street. However, the front door does not present 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

Partially Complies

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

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

b) The north-facing POS of the existing dwelling may experience some level of overshadowing from the boundary wall of the proposed dwelling. Further, the main area of POS of the existing dwelling may be in shadow for the majority of afternoon hours being sited on the eastern side of the two-storey dwelling. However, this area will receive access to sunlight in morning hours.

Consequently, the extent of shadow cast onto habitable windows and private open spaces of both existing and adjacent properties maintains adequate compliance 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

Partially Complies

The existing dwelling incorporates obscure film to 1.7 metres above floor level to the existing windows on the rear elevation. However, the existing sliding windows are not shown to be fixed.

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.

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

The existing dwelling is oriented so that the internal living areas face north for exposure to winter sun (albeit a portion of these windows are overshadowed by the boundary wall of the proposed dwelling for parts of the day in winter months). The main area of POS faces east which should nonetheless receive some northern winter sunlight.

The POS and main activity areas of the proposed dwelling are oriented west, which is not ideal, but is somewhat necessitated due to the west-east orientation of the proposed allotment. Nonetheless, the POS should 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

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Partially complies

A limited selection of landscaping is proposed to the front and rear of the proposed dwelling.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 1.045 metres. If a standard 1.8-metre-high fence is constructed atop these walls, this will result in a maximum structure height of 2.8 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

TABLE DISCUSSION

The proposal satisfies a 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 (proposed dwelling)
- Front setback (proposed dwelling)
- Rear setback (existing dwelling)
- Design and appearance/landscaping

Site coverage (proposed dwelling)

The Development Plan seeks for maximum 35% site coverage of the site area, whereas the proposed dwelling comprises site coverage of 37.8%. The excess in building footprint is considered to be of little to no impact upon the amenity of the proposed dwelling, given the POS exceeds the minimum requirement of 20%, at 25.4% and 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.

Front setback (proposed dwelling)

The main face of the proposed dwelling is set back at 6 metres from the front boundary (at its closest point), where PDC 22 (General Section: Design and Appearance) stipulates that setbacks should not be less than the average of buildings on adjoining allotments. The dwelling on the adjoining allotment to the north of the subject land incorporates a front setback of approximately 11 metres, while the existing dwelling on the southern portion of the subject land incorporates a secondary street setback of 4.5 metres to the north/south running portion of Moor Crescent. Accordingly, a front setback of 7.75 metres is required by PDC 22.

Other dwellings along the western side of Moor Crescent incorporate generous front setbacks ranging between 9 metres and 11 metres. It is acknowledged that the proposed front setback provides somewhat of a transition between the secondary street setback of the existing dwelling and the more generous setbacks to the north of the subject land. However, it is considered that the proposed dwelling being sited 5 metres forward of the directly adjacent dwelling to the north does not contribute positively to the function, appearance and desired character of the locality, particularly considering the streetscape is characterised by generous front setbacks.

The shortfall in front setback of the proposed dwelling is noted and considered accordingly with the overall merit of the proposal.

Rear setback (existing dwelling)

Single-storey dwellings should maintain a rear setback of 6 metres, with an incursion of up to 3 metres permitted for no more than 50% of the allotment width, while two-storey dwellings should be set back from the rear boundary by not less than 8 metres. The proposed dwelling incorporates a rear setback from the lower level of 2.2 metres for 14.1%, 3.1 metres for 54.5% and increasing thereafter for the remaining 31.4% of the allotment width. A rear setback of 3.1 metres is observed for the entirety of the upper level of the existing dwelling.

PDC 2 (General Section: Design and Appearance) prescribes that, where a building is sited close to a rear boundary, the dwelling should minimise the visual impact of the building as viewed from adjacent properties as well as overshadowing of adjacent properties to allow adequate sunlight access to neighbouring buildings.

It is acknowledged that the shortfall in upper level setback is unlikely to result in overshadowing of adjacent land given the northern orientation of the rear boundary. However, the visual impact resulting from the shortfall in rear setback may be perceptible from adjacent land and the locality. It may be argued that a new two storey dwelling on the southern portion of the subject land, and oriented towards the same frontage as the proposed dwelling, would be permitted to comprise an upper level side setback to this boundary of 2 metres. Accordingly, a similar upper level setback, and subsequent visual impact, may be anticipated whilst maintaining compliance with Development Plan requirements. However, such a dwelling should then achieve sufficient rear setbacks from the new rear boundary. As the existing dwelling does not achieve sufficient upper level setbacks from any boundary, the proposal presents a density not necessarily envisaged for the Policy Area.

It is further considered that the location of the proposed boundary results in limited separation between, and amenity impacts upon, the existing dwelling. The north (rear) facing windows of the existing dwelling will have an outlook upon a boundary wall within 2.2, or at best, 3.1 metres of the lower level habitable rooms. The north facing portion of the POS of the existing dwelling, being limited in dimension, will also experience overshadowing from the proposed dwelling.

The shortfall in rear setback of the existing dwelling is noted and considered accordingly with the overall merit of the proposal.

Design and appearance/ landscaping

The Desired Character of the Policy Area seeks for the built form, architectural and landscaping design to make a positive contribution to the streetscape. The design and appearance of the proposed dwelling lacks visual interest due to limited colours and materials, while limited landscaping does not contribute positively to the streetscape. However, these concerns could be easily resolved through the submission of an amended colour/material schedule and landscaping plan.

ANALYSIS/CONCLUSION

The proposed development fails to satisfy several key Objectives, Principles of Development Control and aspects of the Desired Character of the Southern Policy Area 18 which relate to minimum site areas for detached dwellings and the overall pattern of development.

Assessment of the proposal against applicable Development Plan criteria has demonstrated notable shortfalls in the individual site area and front setback of the proposed dwelling, and a substantial disparity in rear setback of the existing dwelling. When viewed in isolation, each shortfall may be viewed as tolerable or justifiable for one reason or another, and it is acknowledged that the proposed development is finely balanced in this regard. However, I am of the opinion that the cumulative impact of these shortfalls suggests that the proposal does not accord with the intent of the Southern Policy Area 18, and that an increase in density (whilst retaining the existing dwelling) may not be appropriate.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, however the proposal fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore warrants refusal.

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; but that**
- (c) That Development Plan Consent for Development Application No: 100/2015/431 for a single-storey detached dwelling and alterations to the existing dwelling at 22 Moor Crescent, Hallett Cove be REFUSED for the following reasons.**

REASONS FOR REFUSAL

- 1. The site areas of the proposed detached dwelling fails to satisfy the minimum of 420 square metres prescribed by Principle of Development Control 4 of the Southern Policy Area 18.**
- 2. The development results in a built form density that does not comply with that sought within the Southern Policy Area 18 and is at variance to Objective 2, Principles 2 and 3 and the Desired Character of the Southern Policy Area 18.**
- 3. The front setback of the proposed dwelling is not similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality and does not contribute positively to the appearance and desired character of the locality. Therefore, the proposed dwelling fails to satisfy Principle of Development Control 23 of the General Section: Design and Appearance. Further, the proposed dwelling does not comply with Principle of Development Control 25 of the General Section: Design and Appearance, and fails to satisfy the Desired Character and Principle 3 of the Southern Policy Area 18.**
- 4. The rear setback of the existing dwelling results in unreasonable visual impacts upon adjacent properties and the streetscape as thus fails to satisfy Principle 2(a) of the General Section: Design and Appearance, as well as Principle of Development Control 7 of the Residential Zone and Principle of Development Control 37 of the General Section: Residential Development.**

Attachments

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