

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 6 APRIL 2016**

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A second storey dwelling addition resulting in a building height exceeding 9.0 metres, pedestrian ramp, earthworks and retaining walls

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Thirteen, two storey group dwellings, with associated car parking and landscaping

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(Previously deferred item DAP020316)

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 April 2016

Agenda Ref No: DAP060416 – 2.1

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Mashid Vaezi & Dorothy Vaezi

Development Description: A second storey dwelling addition resulting in a building height exceeding 9.0 metres, pedestrian ramp, earthworks and retaining walls

Site Location: 7 Moore Street, Seacombe Heights

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 2 / Consent

Lodgement Date: 15/10/2015

Development Plan: Consolidated – 15 March 2015

Application No: 100/2015/1887

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 exceeds a building height of 9.0 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

During the assessment process, Council staff requested modifications to the proposal plans to address the following concerns and the following information to assist in the assessment of the application:

Amendments Requested	Amendments Made
Screening should be provided to the northern side of access ramp to prevent direct view into the windows of the adjacent dwelling	Opaque glass to a height of 1.7 metres provided to northern side of access ramp

Information Requested	Information Provided
Clarification as to the intended use of the building, given two kitchens would be contained within the building	The applicant has confirmed the building will be utilised for, and will function as one dwelling
A survey plan, detailing the maximum height of the proposed additions in relation to the adjacent dwellings	Survey streetscape plan provided

SUBJECT LAND & LOCALITY

The subject land is situated at 7 (Lot 99) Moore Street, Seacombe Heights.

The land incorporates a frontage width to Moore Street of 27.02 metres, an average depth of 38 metres and a total site area of approximately 983 square metres.

The land currently contains a split-level dwelling, in good condition, with double garage on the ground floor providing stair access to the (current) first floor. The garage gains access from Moore Street.

The land incorporates a steep grade, most of which has been augmented by earthworks that have occurred during or after the construction of the dwelling. An existing retaining wall, up to 2.0 metres in height, is located abutting the front property boundary, whilst a retaining wall of up to 1.5 metres in height is located approximately 5.0 metres from the rear boundary of the land.

The locality comprises a mix of single storey and two storey dwellings, of varying eras. Attractive and expansive views are available in a northerly and westerly direction. Many dwellings have been designed to take advantage of the views available.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a second storey addition above the existing first floor of the building.

The additions will result in minor internal works to the existing floor plan, via the removal of internal walls, the addition of a stairwell and cosmetic works to the existing verandah to the western facade

The proposed upper level will incorporate two bedrooms (both with ensuite and walk-in-robe), an open plan kitchen/living/dining area, a large balcony/alfresco to the west of the building and a portico and access ramp providing foot access to the rear of the site.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	15 properties were notified during the Category 2 public notification process.
Representations:	6 representations (3 against, 3 in favour) were received by Council.
Persons wishing to be heard:	No representors identified they wish to present to the Panel

Summary of representations:	Height and bulk of building and resultant impact upon views <i>Refer Attachment IV</i>
Applicant's response:	The applicant's representative has provided a response to the representations, which can be found in Attachment V.

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Hills Policy Area 11 are listed in the following table and discussed in further detail below:

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Hills Policy Area 11		
<p>Objectives</p> <p>1 A policy area primarily comprising of detached dwellings at low densities. 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</p> <p>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites. Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</p> <p>It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.</p> <p>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	Complies

<i>PDC 3</i>	<i>Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.</i>	Complies See comments below
<i>PDC 4</i>	<i>Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.</i>	Partially Complies Limited vegetation on the subject land to screen proposed building works.
<i>PDC 5</i>	<i>Development that would be prominently visible from the Adelaide plains should: (a) achieve a profile that blends with the topography of the land (b) avoid the use of bright and highly reflective external materials and finishes (c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</i>	Complies See comments below
<i>PDC 6</i>	<i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by: (a) incorporating stepping in the design in accordance with the slope of the land (b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</i>	Complies See comments below

Assessment

The subject proposal seeks to construct an addition to a detached dwelling on an existing allotment, and in this regard, the proposal is consistent with the density envisaged within the Policy Area. (It is acknowledged that density is also measured by site coverage, setbacks to boundaries and the height, bulk and scale of buildings – these are discussed throughout this report).

Earthworks

The Policy Area emphasises the importance of development to be “sensitive to the...topography of the area”, so that “the amount of cutting and filling...is minimised”, preferably via split-level dwellings. Further, important features of natural character, such as watercourses and steep gullies “warrant protection from inappropriate development and earthworks”.

The site incorporates a steep grade which has been augmented over time to provide a benched front yard, retained on the street boundary. The rear yard, benched over two areas, is separated by a 1.5 metre-high retaining wall.

The proposed additions to the dwelling do not result in additional earthworks around the building footprint, and in this regard, the proposal satisfies the Desired Character’s aims of minimising earthworks.

The proposal does seek to replace an existing 1.5 metre-high retaining wall, with a new wall set-in by an additional 500mm. This new retaining wall will incorporate a maximum height of 1.9 metres, and will retain the existing cut, and therefore will not be readily visible from adjoining land or the street.

In this regard, it is my view that the proposal appropriately satisfies the aim of the Policy Area for new development to minimise earthworks.

Amenity

The Policy Area seeks for dwellings of more than one storey to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the land”, be split level “to reduce visual bulk” and “[set] back the upper storey...from...the lower storey”. Buildings should “pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development”.

Due to the siting of the existing dwelling, the building additions will be located adjacent the side walls of neighbouring dwellings.

The upper storey addition is set-in from the existing first floor, which assists in reducing the bulk and extent of the building, and therefore the visual impact upon adjoining properties to the sides and adjacent properties to the south.

The neighbouring dwelling to the north-east does not incorporate any windows directly adjacent the proposed upper storey addition. Whilst the northern-most portion of the additions is likely to be visible from that property, it is clear the orientation of that dwelling is to the north and east; where largely uninterrupted views are available and which provides access to a substantial rear/side yard area.

The neighbouring property to the south-west does not incorporate any windows on the northern side wall, and as such, view of the additions from within that dwelling are unlikely. It is acknowledged however, the additions will be located forward of that dwelling and will be located adjacent the roofed private open space area. As such, view of the additions will be available from this space, and a (minimal) loss of view will result.

The wall length of the additions adjacent the south-western boundary of the subject land is limited, comprising a 4.8 metre-length wall set back 2.5 metres. The remainder of the dwelling is setback between 7.6 – 8.3 metres from the south-western boundary, and as such, I do not envisage an unreasonable impact upon the neighbouring property by way of visual impact/building bulk and/or loss of views.

In conclusion, I am satisfied that given the setbacks proposed from side boundaries, the placement of windows on adjacent dwellings and the orientation of those dwellings to the attractive views to the north and west, I do not consider the proposed additions will have an unreasonable impact upon the amenity of adjoining land by way of building bulk, height or setbacks from boundaries.

Building Height

Residential Zone Principle 7 identifies that dwellings within the Hills Policy Area should incorporate a “maximum building height (from natural ground level) of 2 storeys [and] of not more than 9 metres”.

The properties to the south-west (68 Braeside Avenue) and to the north-east (9 Moore Street) are the only residential properties that share boundaries with the subject allotment, whilst properties to the south, on Braeside Avenue, are also likely to experience some impact via view loss (discussed below).

In my opinion, Principle 7 does not require the same measurement as is required when determining ‘building height’ pursuant to Schedule 1 of the Development Regulations 2008.

In my view, to consider whether a proposal satisfies Principle 7, one must identify a point 9 metres above natural (or existing) ground level. This point should run parallel with ground level over the entire building footprint. The intent of the Principle is that the building would not protrude through the 9.0 metre line.

In my view, existing ground level should be taken as the relevant measure where it is apparent the earth has been manipulated over time (and therefore 'natural' ground level would be difficult or impossible to identify).

I appreciate this position is different to the approach taken for 'Building Height' as per Schedule 1, however, the 'Parameter' in Zone Principle 7 comprises different wording.

From my measurement, the proposed dwelling incorporates a maximum height above existing ground level of 8.9 metres – measured at the top of the roof ridge. If I am wrong in this regard, and Zone Principle 7 should be applied as per Schedule 1 of the Development Regulations 2008, the building height would not be 8.4 metres, but rather 11.0 metres (measured from the floor of the garage to roof ridge).

An alternative method to determine the height of the dwelling in relation to 'natural ground level' would be to find the highest and lowest points of the land at the rear and front boundaries, respectively, and draw a line between those points. A line, running 9.0 metres above and parallel would assist in identifying whether the building incorporates a height exceeding 9.0 metres above this point. (I acknowledge however that it is highly unlikely for natural ground level to grade consistently, but rather would undulate, and as such, this approach is somewhat flawed).

Based upon this approach, the whole of the dwelling incorporates a height of up to 9 metres above natural ground level directly below that point, and therefore does not exceed the maximum height permitted in the Policy Area.

It is also acknowledged that the dwelling incorporates three levels. On face value, this is at odds with that sought in the Policy Area, which seeks for a "maximum building height (from natural ground level) [of] 2 storeys of not more than 9 metres". In my view however, the proposed additions are acceptable for the following reasons.

The dwelling incorporates three levels directly above and below one another for a relatively small floor area (approximately 30 square metres); it is proposed Bedroom 2 (and associated ensuite and walk-in-robe) that results in three levels.

Furthermore, if one was to attempt to locate natural ground level (as per my description above), it is clear that a majority of the garage is sited below that line. As such, there is only a marginal amount of the dwelling that would incorporate more than two storeys above natural ground level.

Thirdly, as illustrated by the surveyed streetscape plan provided by the applicant (see Attachment III), the maximum height of the proposed additions are marginally (between 1.0 – 1.5 metres) above the roof ridges of the adjacent dwellings. In this regard, the proposed additions will not look out of place, nor result in a building with a height significantly exceeding that of others within the locality.

In conclusion, I am satisfied that the proposed height of the dwelling is acceptable for the above reasons.

Impact on landscape

The Desired Character statement of the Policy Area seeks that buildings do “not dominate the landscape” via bulk and scale.

When considering whether the dwelling ‘dominates the landscape’ via bulk and scale, the level of articulation afforded to the building is acknowledged. Further, the dwelling is substantially lower than the adjacent dwellings to the south, on the southern side of Braeside Avenue. As such, the dwelling will be ‘back-dropped’ by the hill and dwellings to the south, and will not protrude above the highest part of ground level in the locality.

The pitched roof form complements the slope of the land, softening the built form and reducing the prominence of the dwelling within the local landscape, as sought by Policy Area Objectives 2 and 3, the Desired Character statement and Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

As such, it is my view that the dwelling will not “dominate” the landscape for the reasons listed above.

Loss of view

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land if the proposed development is approved. In assessing the loss of views, I have not only had regard to the Marion Council Development Plan, but also relevant decisions of the Environment, Resources and Development (ERD) Court and Supreme Court.

In assessing the potential loss of views, it is my opinion, that the property most affected by the proposed development is that located at 107 Braeside Avenue, and to a lesser degree, 109, 111 and 113 Braeside Avenue.

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

Justice Debelle endorsed a four-part test for the assessment of a development which would result in the obstructing of views of existing developments. In the interests of brevity, these are;

- Step 1: Assess the views to be affected (i.e. water, land, coast etc);
- Step 2: Consider from which part of the property the views were being obtained;
- Step 3: Assess the extent of impact of the loss of views; and lastly
- Step 4: Assess the reasonableness of the development proposal.

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

Introduction

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

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

For anticipated view loss and building outline, please refer photos in Attachment VII.

107 Braeside Avenue

Views currently available from this dwelling span from the south-west to the north-west (in a clock-wise direction), and are available from the lounge and main bedroom. Both rooms have large west-facing windows to take advantage of the view.

Views available comprise the waters of Gulf St Vincent to the west, and to the north-west, the Adelaide metropolitan area including the airport and western suburbs.

Views can be gained in a sitting and standing position, albeit when one is standing, views are 'improved'. Further, the views available are more generous, the further west one is within the building.

The information provided by the applicant, assuming as I must that it is accurate to the best of their knowledge, provides a comprehensive understanding of the height of the additions in relation to the adjacent dwellings at 9 Moore Street and 68 Braeside Avenue, which provides context in respect to the extent of view loss likely to be experienced from properties to the south of the subject land.

This information identifies that the roof ridge will be located between 1.0 – 1.5 metres above the roofs of the adjacent dwellings.

From my calculations, when standing in the lounge room or bedroom of 107 Braeside Avenue, the proposed additions will remove a majority of the Gulf St Vincent (including the ocean horizon) from view when looking in a westerly direction, albeit view of the waters will remain unaffected either side of the additions.

In my opinion, there are no 'icons' that would be lost from view as a result of the proposed additions, although I acknowledge view of the ocean is valued more highly compared to views of the metropolitan area. Further, the view currently available is noticeably obstructed by existing structures and buildings.

In conclusion, it is my opinion that the impact of view loss from the dwelling at 107 Braeside Avenue will be moderate.

Following the Debelle decision, one must also consider the reasonableness of the proposal, having regard to the relevant planning controls.

Earlier in this report, I provided assessment upon the proposal's compliance with a number of applicable design criteria, relating to boundary setbacks, building height and number of stories and building bulk and scale. I concluded that whilst the number of stories exceeded that sought in the Policy Area (although this is somewhat arguable), the maximum height of the building did not exceed the maximum of 9.0 metres.

As such, it is my opinion therefore that the extent of view loss is considered acceptable, and will not have an unreasonable impact upon the amenity of the residents of 107 Braeside Avenue.

109 Braeside Avenue

Views currently available from this dwelling span from the south-west to the north-east (in a clock-wise direction), and are available from the middle level comprising a kitchen/living/dining area, deck and guest bedroom. All rooms have large windows to take advantage of the view. On the upper level, a rumpus, balcony and main bedroom all have a north-western orientation to again take advantage of the views.

Views available from the middle level are to the north-west, which comprise the waters of Gulf St Vincent and to the north-west, over the subject land, the Adelaide metropolitan area and Adelaide coastline. Of the available view, based upon the Debelle decision, view to the north-west comprises an 'icon', being the skyline of Glenelg.

Views can be gained in a sitting and standing position, albeit when one is standing, views are 'improved'. Further, the views available are more generous, the further west one is within the building.

Views available from the upper level of the dwelling are expansive, and range from the south-west to the north-east (in a clock-wise direction). Views are largely uninterrupted, and comprise the same features available from the middle level (although there are fewer obstructions from buildings and vegetation due to the elevated positioning of this level). Views can be gained in a sitting and standing position.

From my calculations, the proposed dwelling additions will remove a portion of the Adelaide metropolitan area from view when looking in a north-westerly direction, albeit view of the Gulf St Vincent, Glenelg and further north along the coastline will be unaffected.

In conclusion, it is my opinion that the impact of view loss from the middle level of 109 Braeside Avenue will be moderate.

The proposed additions will have a negligible impact upon the view from the upper (third) level of the dwelling at 109 Braeside Avenue.

As such, it is my opinion that the impact of view loss upon 109 Braeside Avenue, as a result of the proposed additions, is minor to moderate.

111 Braeside Avenue

The dwelling at 111 Braeside Avenue is sited south of the subject site. The dwelling maintains views to the Gulf St Vincent to the west and Adelaide coastline and metropolitan area to the north-west. These views are currently enjoyed from the front porch, main bedroom and living area. The proposed development will have an impact on the views that are currently experienced from the site in a north-westerly direction.

The proposed additions are likely to interrupt view of the south-western suburbs of (approximately) South Brighton and Dover Gardens. The roof ridge is unlikely to protrude the horizon, whilst a majority of the ocean view available will remain unaffected.

As such, in conclusion, given the minimal impact of views the proposed additions are likely to incur upon the dwelling at 111 Braeside Avenue, it is my opinion that the view loss likely to be experienced is negligible.

113 Braeside Avenue

The dwelling at 113 Braeside Avenue is sited south of the subject site. The dwelling maintains views to the Gulf St Vincent to the west and Adelaide coastline and metropolitan area to the north-west. These views are currently enjoyed from the front porch, main bedroom and living

area. The proposed development will have an impact on the views that are currently experienced from the site in a north-westerly direction.

The proposed additions are likely to interrupt view of the south-western suburb of (approximately) Warradale. The roof ridge is unlikely to protrude the horizon, whilst a majority of the ocean view available will remain unaffected.

As such, in conclusion, given the minimal impact of views the proposed additions are likely to incur upon the dwelling at 113 Braeside Avenue, it is my opinion that the view loss likely to be experienced is negligible.

Conclusion

In conclusion, it is apparent the proposed additions will have an impact upon the views currently enjoyed by adjacent properties; in particular, 107 Braeside Avenue. However, the additions will not result in the loss of 'icons', whilst the view currently available is noticeably obstructed by existing structures and buildings.

The amenity of adjacent properties, whilst affected, will not be so eroded as to have a devastating impact upon the liveability and enjoyment of those properties.

To this end, it is my opinion that the extent of view loss is not of a magnitude as to warrant amendments to the proposal or refusal of the application.

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>Site coverage should ensure sufficient space is provided for:</i></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><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> (a) to be accessed directly from a habitable rooms of the dwelling (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy 	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from habitable rooms of the associated dwelling b) The existing POS remains at ground level to the side/rear of the dwelling, whilst the proposed upper level balcony will provide additional area with an attractive view and northern orientation

<p>(c) to take advantage of, but not adversely affect, natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjacent sites (f) to have a northerly aspect to provide for comfortable year round use (g) not to be significantly shaded during winter by the associated dwelling or adjacent development (h) to be partly shaded in summer (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 15</p>	<p>c) The subject land does not maintain natural features which warrant preservation d) The POS areas should not be directly overlooked by adjacent buildings e) POS areas are not located next to bedrooms of dwellings on adjacent sites f) The proposed POS area maintains a northerly aspect to provide for comfortable year round use 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> <p>Partially Complies g) The ground level POS area is likely to experience substantial shadowing in winter months by the associated dwelling from midday. However, the proposed balcony/alfresco will provide an alternative POS area, free from shadow and with an attractive outlook to the north.</p>
<p>Site Area 250 m² or greater: Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies POS equates to 330 square metres (33.4%)</p>
<h2>Street Setbacks</h2>	
<p>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 36</p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<h2>Side Setbacks</h2>	
<p>Where the wall height is not greater than 3 metres: 2 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 7</p>	<p>Does Not Comply The proposed upper storey addition results in side walls exceeding a height of 6.0 metres above ground level.</p> <p>North side (wall height 6.0m – 6.3m): setback 2.2 metres (2.0 - 2.3 metres sought).</p> <p>South side (wall height 5.4m – 6.3m): 2.5 metres (3.0 - 3.3 metres sought).</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Rear Setbacks	
<p><i>8 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>12.5 metres</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>12.5 metres</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from adjacent properties.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwelling incorporates a maximum building height of 9.0 metres, which does not exceed the maximum permitted in the Policy Area.</p>
Car Parking	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>A minimum of four on-site parking spaces will remain.</p>

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

The proposed additions reflect the desired character of the locality, as the building incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance the design and appearance:

- 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 verandahs
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration

The additions incorporate a 25 degree roof clad with orange terra cotta roof tiles with rendered facades. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balcony is integrated into the dwelling design, with clear glass balustrade that enables line of sight to the street.

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

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) A majority of winter shadow will be cast within the rear yard of the subject land. However, some shadow will be cast into the south-western adjoining property in morning hours, and to the north-eastern adjoining property in late afternoon hours.

Shadow cast into the south-western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by approximately 1.00pm. Likewise, shadow cast into the north-eastern adjoining property commences in late afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

The additions do not incorporate windows on the side elevations, and as such, do not provide clear view into adjoining properties. Some rear windows are provided, whilst the proposed rear access ramp has the ability to provide some view into adjoining properties.

During the assessment of the application, the access ramp was altered to provide 1.7m-high opaque glass to minimise direct overlooking into the adjacent dwelling's bedroom windows. View to the adjoining property to the south-west from the access ramp is gained over a distance of some 23 metres, and will not provide any greater vantage point into that property greater than the existing upper level rear yard area.

The rear windows relate to bathrooms, stairwell, pantry and bedroom. Given the location and level of adjacent dwellings and their associated rear yards, as well as the extent of overlooking apparent within the locality, I do not anticipate an unreasonable loss of privacy experienced by adjoining land as a result of the proposed rear windows.

Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in overlooking of habitable areas.

	<p>The balcony on the front façade is oriented to obtain views of the streetscape.</p> <p>The dwelling has therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, while still providing outlook and passive surveillance to the public realm.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Partially Complies</p> <p>As a result of the proposed additions, the rear yard will experience a reasonable amount of overshadowing during winter months.</p> <p>The additions have been designed to provide the primary area of POS with a northerly orientation for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The additions incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Partially Complies</p> <p>The proposal does not include a planting schedule, however, ample area remains outside the building's footprint to provide landscape plantings that can appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes a new retaining wall, replacing the existing structure sited approximately 5.0 metres from the rear boundary.</p> <p>The new retaining wall will be located 5.5 metres from the rear boundary and will incorporate a height of approximately 1.9 metres.</p> <p>The retaining wall will not result in damage to neighbouring trees and will not unreasonably impact upon the privacy of adjoining properties.</p>
<h2>Sloping Land</h2>	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) incorporate roof lines which complement the natural slope of the land</i> <i>(d) minimises the extent of cut and/or fill</i> <i>(e) provide a stable and readily accessible building site</i> <i>(f) minimises the need for, and the height of, retaining walls</i> <i>(g) does not cause or contribute to instability of any embankment or cutting</i> <i>(h) avoids the silting of watercourses</i> <i>(i) protects development and its surrounds from erosion caused by water run-off.</i> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p>Complies</p> <p>The proposal seeks to replace the existing retaining wall, with another set further west by approximately 500mm.</p> <p>The proposal does not necessitate substantial earthworks to accommodate the dwelling additions, nor the proposed retaining wall, and as such, is considered to satisfy Sloping Land Principle 2.</p>
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i> <i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i> <i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i> <i>(d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p>Partially Complies</p> <p>The proposed additions to the dwelling do not result in changes to existing ground level.</p> <p>The proposed retaining wall will incorporate a height of 1.9 metres, some 300 – 500mm higher than the existing structure.</p> <p>The form of the land will not substantially alter as a result of the proposal, and will not result in the removal of native vegetation.</p>
<p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <i>(a) not exceed 1 metre in height</i> <i>(b) be stepped in a series of low walls</i> <i>(c) be landscaped to enhance their appearance.</i> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Does Not Comply</p> <p>Maximum height of 1.9 metres.</p>

Siting and Visibility

Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:
(a) the profile of buildings should be low and the rooflines should complement the natural form of the land
(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land
(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

General Section: Siting and Visibility: PDC 4

Complies

(a) The hipped roof of the dwelling, incorporating orange terra cotta tiles complements the slope of the land and assists in reducing the prominence of the building within the landscape.
(b) The facades of the additions are well articulated, assisting in reducing the bulk of the building.
(c) The additions (as well as the existing first floor of the dwelling), incorporates generous eaves overhangs and verandahs to create shadowed areas that assist in reducing the bulk of the building.

The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

General Section: Siting and Visibility: PDC 5

Complies

The render and roof material will not result in excessive glare/reflection and will be complementary to the character and amenity of the landscape.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to building height, number of stories and loss of view have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The proposed additions are considered to satisfy a majority of the applicable design criteria. Setbacks to side boundaries will not have an unreasonable impact upon adjoining land by way of building bulk or overshadowing, whilst the materials proposed, articulation and verandah and eave overhangs further assist in reducing the bulk of the building when viewed from adjoining land.

It is acknowledged that the dwelling will result in three levels above and below one another, exceeding the 2 storey height limit sought in the Policy Area. However, there is a small (approximately 30 square metres) of floor area where this occurs (proposed additions above lower floor garage). The remainder of the additions will result in a two storey dwelling, which when considered in relation to existing or (presumed) natural ground level does not exceed the maximum 9.0 metres permitted in the Policy Area.

The proposal will disrupt views currently enjoyed from the dwellings at 107, 109, 111 and 113 Braeside Avenue. The preceding assessment has identified that whilst view of a majority of the Gulf St Vincent will be lost from 107 Braeside Avenue, this loss is not of such a severity as to request amendments to the proposal.

View loss likely to be experienced by nearby land is not as substantial, and is considered minimal or moderate.

In conclusion, having regard to the nature of the impacts associated with the development, and the compliance of the proposal with a number of design criteria, I am of the view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2015/1887 for a second storey dwelling addition resulting in a building height exceeding 9.0 metres, pedestrian ramp, earthworks and retaining walls at 7 Moore Street, Seacombe Heights be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1887, except when varied by the following conditions of consent.**
- 2. 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.**
- 3. 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.**
- 4. 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.**
- 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.**

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. 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.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 April 2016

Agenda Ref No: DAP060416 – 2.2

Originating Officer: Emily Nankivell
Senior Development Officer - Planning

Applicant: Jonson Business Consulting Services

Development Description: Thirteen, two storey group dwellings, with associated car parking and landscaping

Site Location: 313 - 315 Morphett Road & 37-39 Milton Street
Oaklands Park

Zone: Residential Zone

Policy Area: Medium Density Policy Area 12

Application Type: Category 2 / Consent

Lodgement Date: 29/10/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/2007

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

CATEGORISATION & DELEGATION

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

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

Amendments Requested	Amendments Made
Layout, design and POS area and car parking for Dwellings 6, 7 & 8 facing Morphett Road to be improved.	The applicant amended the design of these dwellings to improve presentation to Morphett Road, achieve car parking requirements and improve the privacy of the POS areas.

Increase to roof pitch and articulation of all 13 Dwellings	The roof pitch was increased and additional features were added to the dwelling design, particularly facing into the common driveway to improve the articulation in the built form
Better presentation of Dwellings 1 and 13, facing Milton Street	Dwellings 1 and 13 face directly to Milton Street with identifiable front doors and windows facing the street.
Passing area provided along the common driveway.	Passing area has been incorporated into the common driveway between Dwelling 3 and 11 by pushing the driveway areas back and increasing the common driveway width at this point.
The setback of the garages from the common driveway to Dwellings 1, 2, 3, 4, 5, 9, 10, 11, 12 and 13 must be increased to a minimum 5.5 metres allow a vehicle to park in front of the garage and achieve onsite parking requirements.	Setback of garages to all dwellings increased to ensure a minimum 5.5 metre setback provided from the common driveway.

SUBJECT LAND & LOCALITY

The subject land is a large area comprising four existing allotments identified as:

1. 313 Morphett Road, Oaklands Park Allotment 20 in Certificate of Title Volume 5601 Folio 151;
2. 315 Morphett Road, Oaklands Park Allotment 19 in Certificate of Title Volume 5601 Folio 152;
3. 37 Milton Street, Oaklands Park Allotment 22 in Certificate of Title Volume 5601 Folio 149; and
4. 39 Milton Street, Oaklands Park Allotment 21 in Certificate of Title Volume 5601 Folio 150.

These four allotments combined result in a total frontage to Morphett Road of 36.57 metres, a frontage to Milton Street of 37 metres, a total depth of 93 metres and a total combined area of 3374.5 square metres.

The subject land runs in an east to west direction. All four allotments are currently vacant and contain minimal vegetation. The land is generally flat with a gentle gradient in an east to west direction falling towards Morphett Road.

There are four existing access points onto the land, two from Morphett Road and two from Milton Street.

To the north of the subject land are the existing army barracks. This is a large parcel of land located on the corner of Morphett Road and Oaklands Road and contains multiple buildings/structures and large trees. On the army barracks adjacent and closest to the subject land is a large shed like building and a large tree. The tree will be adjacent Dwellings 11 and 12. The tree appears to be regulated/significant due to its size and species.

To the east, south and west, the subject land is surrounded by residential development. The built form is predominantly residential comprising detached, semi-detached, row and group dwellings. The property adjoining the subject land to the south contains a single storey residential flat building containing nine dwelling units, which are provided with vehicle access from both Milton Street and Morphett Road. Carports in association with these dwellings are located in front of the building on both the Morphett and Milton Street frontages.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of thirteen, two storey group dwellings that will be accessed through a single common driveway from Milton Street.

The proposal plan identifies dwelling types 'A', 'B', 'C' and 'D'. Although there are some slight difference in layout and external appearance/presentation, each dwelling contains three bedrooms (main with ensuite) and bathroom to the upper level and kitchen/living/dining area, laundry and single garage on the lower level.

The dwellings proposed on lots 6, 7 and 8 have been designed to have presentation to Morphett Road from their upper level. Dwellings on lots 1 and 13 have been designed to have frontage to Milton Street.

All thirteen dwellings will access the site through a new vehicle access point from Milton Street located in the centre of the subject land. All access from Morphett Road will be closed off. Landscaping is provided within the common property and on the Morphett Road and Milton Street frontages. The front fence proposed to the Morphett Road frontage is to provide privacy to the private open space of the dwellings on Lots 6, 7 and 8. The front fence has been setback from the Morphett Road boundary in accordance with DPTI road widening requirements.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	19 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council: <ul style="list-style-type: none">• 1 in favour of the application;• 3 primarily against the proposal, but objection would be lessened subject to amendment; and• 1 against the application.
Persons wishing to be heard:	The representor from 34 Milton Street, Oaklands Park has requested to be heard.
Summary of representations:	<ul style="list-style-type: none">• Already parking issues with existing units in the street.• May be issues with emergency service vehicles as only driveway is in Milton Street.• Query regarding the connection of services.• Too many units on the plan and there should be more visitor parking spaces as street will be full of visitor cars.• Against high density housing in the area.• Increased traffic, potentially 10-30 more cars in the immediate area.• Already limited parking and heavy traffic in the area.• Milton Street is a dead end, congestion will be inevitable.• Concerns in relation to traffic congestion and safety (especially for children) due to increased traffic.• Request the development be amended to include an entry/exit to Morphett Road to reduce impact in Milton Street.

	<ul style="list-style-type: none"> Fantastic that new modern buildings will be built. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> The proposal is consistent with the car parking requirements of the Development Plan with each dwelling provided with one undercover space and one visitor space. The site is also a short walk from a variety of shopping centre and public transport options. DPTI requested that the common driveway access be via Milton Street only to reduce traffic movements on the arterial road. Emergency vehicles can readily access Milton Street and the 6.0 metre wide access to the subject land will be able to enter and exit the site in a forward direction. Service connection will be worked through with the relevant authorities. SA Water and Sewer are provided through the northern side of Lot 8 through the common driveway to all lots in the subdivision. The proposal provides for an orderly and economic form of medium density residential development within the medium density policy area close to goods and services and public transport. The proposed development is designed with regard to adjoining development and streetscape in terms of separation and appropriate landscape/fence buffering. The development is suitably catered for by infrastructure, car parking and access arrangements. The proposal exhibits sufficient merit to warrant planning consent. <p style="text-align: right;"><i>Refer Attachment V</i></p>

GOVERNMENT AGENCY REFERRAL

Department of Transport, Energy and Infrastructure:	<p>DPTI reviewed the plan and is supportive of the development as it gains all access from Milton Street.</p> <p>The land is subject to road widening and shows a possible strip for future road purposes of up to 2.13 metres along the Morphett Road frontage. All works within 6 metres of this requirement requires consent. As the proposed development is within 6 metres it will require consent.</p> <p>In principle no objection is raised to the development.</p>
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Council's Development Engineer has reviewed the plans and is satisfied with the layout of the driveway and access. A 6 metre by 6 metre passing areas has been provided between Dwellings on Lots 3 and 11 in accordance with the Development Engineers' previous advice.</p> <p>Each dwelling will be provided with the required on site rainwater retention and detention tanks.</p> <p>No other issues were raised with the proposal.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	
Objectives	<p>1 A 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 transport routes and public open spaces.</p>
Medium Density Policy Area 12	
Objectives	<p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</p> <p>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</p> <p>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p>
Desired Character	<p>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</p> <p>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> <p>Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.</p>

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies</p> <p>The proposed development will result in 13 group dwellings, an envisaged development in the Policy Area.</p>
PDC 6	<p>In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.</p>	<p>Complies</p> <p>All 13 dwellings proposed to share one common driveway for vehicle access from Milton Street.</p>
PDC 7	<p>Minimum Site Area: 250m² Group Dwellings</p>	<p>Complies</p> <p><u>Average site area (including driveway):</u> 261.2m²</p> <p><u>Individual Site Areas</u> Dwelling 6: 295m² Dwelling 8: 299m²</p> <p>Does Not Comply</p> <p><u>Average site area (excluding driveway):</u> 231m²</p> <p><u>Individual Site Areas</u> Dwelling 1: 219m² Dwelling 2: 219m² Dwelling 3: 215m² Dwelling 4: 218m² Dwelling 5: 216m² Dwelling 7: 233m² Dwelling 9: 218m² Dwelling 10: 219m² Dwelling 11: 215m² Dwelling 12: 219m² Dwelling 13: 218m²</p>
	<p>Minimum Frontage: 18m</p>	<p>Complies</p> <p>36.51m</p>
	<p>Minimum Depth: 45m</p>	<p>Complies</p> <p>93.01m</p>

Assessment

The application proposes the construction of thirteen, two storey group dwellings. The subject allotment is unique in that it provides for the amalgamation of four allotments to create a larger and coordinated development on the land. The dimensions of the allotment well exceed the standard frontage and depth requirements for this type of development, indicating that the allotment is of a size and shape suitable for the intended form of development.

The dwellings, although all two storey in nature, do provide some variation in appearance that is considered to provide a variety in the built form. The dwellings are considered “*to meet a variety of accommodation needs*” in the locality, as called for in the Desired Character. The siting of the built form on the site sees it maintain generous setbacks from the side boundaries, which will

also limit the impact of the two storey development on adjacent residential development. This is particularly critical given that the site essentially creates a hammerhead shaped allotment that also proposes two storey development (further discussion on this is contained in the following table).

The proposal also satisfies the Desired Character because it results in amalgamation of properties to facilitate appropriately designed medium-density development. The proposal will not require the removal of mature vegetation or street trees.

The primary shortfall demonstrated by the proposal in relation to the Policy Area criteria is the shortfall in site area. Each dwelling site is provided with an average allotment size of 261.2m² over the entire allotment, which achieves the minimum site area. However, if the common driveway is excluded from the calculation the average allotment size is reduced to 231m². This results in an allotment size shortfall of 19 square metres or 7.6%. In reality, each dwelling site varies in size, with each dwelling being provided with its own individual site (demonstrated by the land division that has been lodged for the site). The individual site areas proposed range from 215m² up to 299m². Although the development fails to achieve the density requirements specified by the Policy Area, each dwelling demonstrates appropriate setbacks from front, side and rear boundaries, adequate private open space areas, vehicle access, car parking and landscaping throughout the site, such that the shortfall in site density is not considered fatal in this instance.

In conclusion, I am satisfied the shortfall in site areas is not fatal to the application and more so, the proposal represents a built form and density encouraged by the Development Plan.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage																																																																			
<p>Maximum site coverage: <i>Site area between 270 and 375 m²: 130 m² or 40% (whichever is the greater)</i> <i>Site area less than 270 m²: 100 m² or 40% (whichever is the greater)</i></p> <p>Due to the Site Areas demonstrated by the proposal the square metre calculation is the relevant standard for this development</p> <p><i>Medium Density Policy Area 12: PDC 8</i></p>		<p>Partially Complies</p> <table border="1"> <thead> <tr> <th></th><th>Area m²</th><th>% per individual site</th><th>% per average site area</th></tr> </thead> <tbody> <tr> <td colspan="4">Site Areas Between 270-375m² - 130m²</td></tr> <tr> <td>Dwelling 6:</td><td>93.9m²</td><td>31.8%</td><td>35.9%</td></tr> <tr> <td>Dwelling 8:</td><td>93.9m²</td><td>31.4%</td><td>35.9%</td></tr> <tr> <td colspan="4">Site Areas Less than 270m² - 100m²</td></tr> <tr> <td>Dwelling 1:</td><td>87.4m²</td><td>39.9%</td><td>33.4%</td></tr> <tr> <td>Dwelling 2:</td><td>103.9m²</td><td>47.4%</td><td>39.7%</td></tr> <tr> <td>Dwelling 3:</td><td>103.9m²</td><td>48.3%</td><td>39.7%</td></tr> <tr> <td>Dwelling 4:</td><td>103.9m²</td><td>47.6%</td><td>39.7%</td></tr> <tr> <td>Dwelling 5:</td><td>103.9m²</td><td>48.1%</td><td>39.7%</td></tr> <tr> <td>Dwelling 7:</td><td>97.6m²</td><td>41.8%</td><td>37.3%</td></tr> <tr> <td>Dwelling 9:</td><td>103.9m²</td><td>47.6%</td><td>39.7%</td></tr> <tr> <td>Dwelling 10:</td><td>103.9m²</td><td>47.4%</td><td>39.7%</td></tr> <tr> <td>Dwelling 11:</td><td>103.9m²</td><td>48.3%</td><td>39.7%</td></tr> <tr> <td>Dwelling 12:</td><td>103.9m²</td><td>47.4%</td><td>39.7%</td></tr> <tr> <td>Dwelling 13:</td><td>87.4m²</td><td>40%</td><td>33.4%</td></tr> </tbody> </table> <p>Site coverage calculated as a % over the entire allotment (including the driveway): 38.2%</p> <p>Site coverage calculated as a % over the entire allotment (excluding the driveway): 42.9%</p>			Area m ²	% per individual site	% per average site area	Site Areas Between 270-375m² - 130m²				Dwelling 6:	93.9m ²	31.8%	35.9%	Dwelling 8:	93.9m ²	31.4%	35.9%	Site Areas Less than 270m² - 100m²				Dwelling 1:	87.4m ²	39.9%	33.4%	Dwelling 2:	103.9m ²	47.4%	39.7%	Dwelling 3:	103.9m ²	48.3%	39.7%	Dwelling 4:	103.9m ²	47.6%	39.7%	Dwelling 5:	103.9m ²	48.1%	39.7%	Dwelling 7:	97.6m ²	41.8%	37.3%	Dwelling 9:	103.9m ²	47.6%	39.7%	Dwelling 10:	103.9m ²	47.4%	39.7%	Dwelling 11:	103.9m ²	48.3%	39.7%	Dwelling 12:	103.9m ²	47.4%	39.7%	Dwelling 13:	87.4m ²	40%	33.4%
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Maximum floor area ratio:Site area between 270 and 375 m²: 0.6Site area less than 270 m²: 0.7

Medium Density Policy Area 12: PDC 8

Complies

	FAR per individual allotment	FAR per average allotment area
Dwelling 1:	0.42	0.36
Dwelling 2:	0.56	0.39
Dwelling 3:	0.57	0.39
Dwelling 4:	0.56	0.39
Dwelling 5:	0.57	0.39
Dwelling 6:	0.32	0.36
Dwelling 7:	0.47	0.42
Dwelling 8:	0.31	0.36
Dwelling 9:	0.56	0.39
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Dwelling 11:	0.57	0.39
Dwelling 12:	0.56	0.39
Dwelling 13:	0.42	0.36

Site coverage should ensure sufficient space is provided for:

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

General Section: Residential Development: PDC 13

Complies

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

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.

General Section: Residential Development: PDC 14

Complies

28% of the area shall comprise landscaped areas and will remain pervious and undeveloped.

Private Open Space

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

- (a) to be accessed directly from a habitable rooms of the dwelling
- (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy
- (c) to take advantage of, but not adversely affect, natural features of the site
- (d) to minimise overlooking from adjacent buildings
- (e) to achieve separation from bedroom windows on adjacent sites
- (f) to have a northerly aspect to provide for comfortable year round use
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development
- (h) to be partly shaded in summer
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality
- (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.

General Section: Residential Development: PDC 15

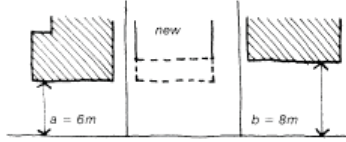
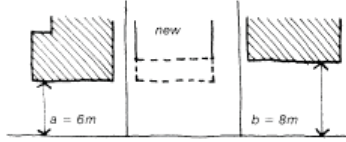
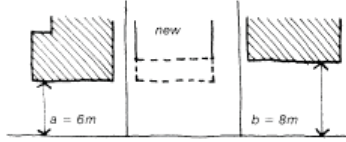
Complies

- a) All POS areas are directly accessible from the habitable rooms of the associated dwelling
- c) The subject land does not maintain natural features which warrant preservation
- d) The POS areas should not be directly overlooked by adjacent buildings
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites
- h) POS areas are capable of being shaded during summer
- i) Traffic, industry or other business activities should not affect the subject land
- j) The POS areas are considered to have sufficient shape and area to be functional.

Partially Complies

- b) The POS areas for Dwellings 1, 2, 3, 4, 5, 9, 10, 11, 12 and 13 are located at ground level to the side/rear of the dwellings and capable of being screened for privacy. The POS areas for Dwellings 6, 7 and 8 are at ground level but located towards Morphett Road. The areas will be screened from the road by the proposed front fence.
- f) The proposed POS areas to Dwellings 6, 7, 8, 9, 10, 11, 12 and 13 will maintain a northerly aspect to provide for comfortable year round use. The POS areas to Dwellings 1, 2, 3, 4 and

	<p>5 are located to the South of the associated dwelling and as such do not maintain a northerly aspect due to the orientation of these allotments. g) The POS areas to Dwellings 6, 7, 8, 9, 10, 11, 12 and 13 should not be significantly shaded during winter by the associated dwelling or adjacent development. Due to the orientation of the POS areas to Dwellings 1, 2, 3, 4 and 5 there is likely to be some shading of the POS areas during winter.</p>																																																																																																																
<p>Site Area 250 m² or greater: Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>Site area less than 250 m²: 20%of the site area or 35 m², whichever is the greater Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies / Does Not Comply (refer to bolding for non-compliance)</p> <table><tr><th></th><th>POS Area m²</th><th>% per individual site</th><th>% per average site area</th></tr><tr><td>Dwelling 1:</td><td>49m²</td><td>22.3%</td><td>18.7%</td></tr><tr><td>Dwelling 2:</td><td>69m²</td><td>31.5%</td><td>26.4%</td></tr><tr><td>Dwelling 3:</td><td>70m²</td><td>32.5%</td><td>26.7%</td></tr><tr><td>Dwelling 4:</td><td>70m²</td><td>32.1%</td><td>26.7%</td></tr><tr><td>Dwelling 5:</td><td>70m²</td><td>32.4%</td><td>26.7%</td></tr><tr><td>Dwelling 6:</td><td>76.4m²</td><td>25.8%</td><td>29.2%</td></tr><tr><td>Dwelling 7:</td><td>40.3m²</td><td>17.2%</td><td>15.4%</td></tr><tr><td>Dwelling 8:</td><td>68.8m²</td><td>23%</td><td>35.9%</td></tr><tr><td>Dwelling 9:</td><td>70m²</td><td>32.1%</td><td>26.7%</td></tr><tr><td>Dwelling 10:</td><td>70m²</td><td>31.9%</td><td>26.7%</td></tr><tr><td>Dwelling 11:</td><td>70m²</td><td>32.5%</td><td>26.7%</td></tr><tr><td>Dwelling 12:</td><td>70m²</td><td>31.9%</td><td>26.7%</td></tr><tr><td>Dwelling 13:</td><td>49m²</td><td>22.4%</td><td>18.7%</td></tr></table> <table><tr><th></th><th>Accessible from living areas</th><th>5m x 5m</th><th>Gradient of less than 1-in-10</th></tr><tr><td>Dwelling 1:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 2:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 3:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 4:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 5:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 6:</td><td>✓</td><td>✗</td><td>✓</td></tr><tr><td>Dwelling 7:</td><td>✓</td><td>✗</td><td>✓</td></tr><tr><td>Dwelling 8:</td><td>✓</td><td>✗</td><td>✓</td></tr><tr><td>Dwelling 9:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 10:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 11:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 12:</td><td>✓</td><td>✓</td><td>✓</td></tr><tr><td>Dwelling 13:</td><td>✓</td><td>✓</td><td>✓</td></tr></table> <p>NOTE: The POS dimensions nominated on the site plan for Dwellings 6, 7 and 8 includes the 2.31 metre wide area of land in front of the proposed fence. The calculations in the above table have excluded this area from the POS calculation.</p>		POS Area m ²	% per individual site	% per average site area	Dwelling 1:	49m ²	22.3%	18.7%	Dwelling 2:	69m ²	31.5%	26.4%	Dwelling 3:	70m ²	32.5%	26.7%	Dwelling 4:	70m ²	32.1%	26.7%	Dwelling 5:	70m ²	32.4%	26.7%	Dwelling 6:	76.4m ²	25.8%	29.2%	Dwelling 7:	40.3m²	17.2%	15.4%	Dwelling 8:	68.8m ²	23%	35.9%	Dwelling 9:	70m ²	32.1%	26.7%	Dwelling 10:	70m ²	31.9%	26.7%	Dwelling 11:	70m ²	32.5%	26.7%	Dwelling 12:	70m ²	31.9%	26.7%	Dwelling 13:	49m ²	22.4%	18.7%		Accessible from living areas	5m x 5m	Gradient of less than 1-in-10	Dwelling 1:	✓	✓	✓	Dwelling 2:	✓	✓	✓	Dwelling 3:	✓	✓	✓	Dwelling 4:	✓	✓	✓	Dwelling 5:	✓	✓	✓	Dwelling 6:	✓	✗	✓	Dwelling 7:	✓	✗	✓	Dwelling 8:	✓	✗	✓	Dwelling 9:	✓	✓	✓	Dwelling 10:	✓	✓	✓	Dwelling 11:	✓	✓	✓	Dwelling 12:	✓	✓	✓	Dwelling 13:	✓	✓	✓
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<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 23</p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.0 metres from Morphett Road and 4 metres from Milton Street is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the</p>																																																																																																																

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<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, 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> </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>Partially Complies Dwellings 1 and 13: 4.09 metres Dwellings 6, 7 and 8: 6.0m</p> <p><i>(The dwellings on adjoining land to the south on Morphett Road are set back approximately 16 metres with no setback to the carport and from Milton Street are 15 metres with a 3.5 metre setback to the carport. The land to the north of the site contains the army barracks and as such does not contain residential development applicable to this site)</i></p> <p>However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Medium Density Policy Area 12 encourages redevelopment of existing dwelling stock at higher densities, PDC 25 has limited weight.</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>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 Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
Side Setbacks							
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (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 7</i></p>	<p>Complies Dwelling 1: Garage on the western boundary, dwelling setback 3.0 metres from the western boundary. Dwelling 2, 3, 4 and 5: Dwellings are setback 1.0 metre from the eastern boundary, 3.8 metres from the western boundary with the garage wall sited on the western boundary of each allotment. Dwellings 9, 10, 11 and 12: Dwellings are setback 1.0 metre from the eastern boundary, 3.8 metres from the western boundary with the garage wall sited on the western boundary of each allotment. Dwelling 13: Garage on the western boundary, dwelling setback 3.0 metres from the western boundary.</p> <p>Does Not Comply Dwelling 6: Setback 2.5 metres from the southern boundary and 3.0 metres from the northern boundary. Dwelling 7: Setback 1.06 metres from the southern boundary and 3.0 metres from the northern boundary. Dwelling 8: 3.02 metres from the southern boundary and 1.5 metres from the northern boundary.</p>						

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Complies</p> <p>(a) The garage walls of the dwellings proposed on the boundary are only abutting one side boundary with each dwelling maintaining a setback of 1.0 metre from the other side boundary.</p> <p>(b) Not applicable</p> <p>(c) The garage walls are setback over 3.5 metres being the main face of the adjacent dwelling and do not exceed 6 metres in length.</p> <p>Partially Complies</p> <p>(c)(iv) The garage walls of the dwellings will be sited within 2.5 metres of an adjacent habitable room window, however, this window is not north facing and one of the three windows will be adjacent the wall.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the upper level side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Rear Setbacks</h2>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>All thirteen dwellings achieve a setback from the rear boundary of 6 metres for the single storey component of the dwellings.</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>All thirteen dwellings achieve a setback from the rear boundary of 6 metres for the upper storey component of the dwellings.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>The garages of Dwellings 1, 2, 3, 4, 5, 9, 10, 11, 12 and 13 are the only sections of the dwellings that extend closer to the rear setback, all maintaining a setback of at least 3 metres for approximately 23% of each allotment width.</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 6.9 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>All of the garages will be accessed from the common driveway, as such they all achieve the required setback from the public streets. Within the site the garages are setback behind the main face of the dwelling and will be setback 5.5 metres from the private road.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p> <p>The proposed garages are setback a sufficient distance to not adversely impact on the streetscape.</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Complies</p> <p>(assessed in relation to the garage walls that will be sited on the new internal boundaries within the subject site)</p> <p>i) The garages on the boundaries are not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) The garage wall has a length of 5.9 metres on the boundary</p> <p>Does Not Comply</p> <p>iii) Wall height of 3.1 metres. Although the wall height exceeds the maximum of 2.4 metres, given the relationship of the walls to the adjacent dwellings, the wall height is not considered unreasonable.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed garages incorporate a roof form, materials and detailing which complement the associated dwelling.</p>

Car Parking

*Minimum number of on site car parking spaces (one of which should be covered):
1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.*

Residential Zone: PDC 7

Partially Complies

The proposal, being for 13 group dwellings, technically requires a total of 19.5 car parks for the dwellings and 4.3 visitor spaces. The proposal provides two allocated spaces for each dwelling, one of which is undercover, providing a total of 26 car parking spaces on the site. Where the application fails to achieve this provision is that it does not provide any car parking specifically for visitors. However, given that each dwelling is provided with two spaces it is considered that the proposal sufficiently accords with this requirement of the Development Plan.

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
b) Public transport are located in walking distance of the dwellings.
c) The likely occupants are anticipated to have standard mobility and transport requirements.
d) e) 4 on-street car parking spaces on Milton Street shall remain available adjacent the subject land. Additionally, the proposal will delete two existing vehicle access points on Morphett Road, which will facilitate availability for 6 on-street car parks along Morphett Road. However, it is acknowledged that a Clearway operates on this section of Morphett Road between 4:30 and 6:00pm Monday to Friday.

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

Partially Complies

4 on-street car parking spaces are provided for the proposed allotments, where 6-7 spaces are technically required. Although not achieving the required number of on-street parking, the proposal exceeds its on-site car parking requirements with an additional two spaces. Therefore, when combined with the additional spaces provided on site, the proposal is provided with sufficient car parking spaces in accordance with the Development Plan.

Moreover, it is noted that the on-street parking on Milton Street may be supplemented by additional on-street parking on Morphett Road adjacent the subject land (but only outside of the hours of 4:30 to 6:00pm Monday to Friday).

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

The proposed vehicle crossover is 6 metres wide to accord with PDC 41 (below) and as such cannot comply with this provision.

<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>										
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Only one vehicle access point is proposed onto the subject land to service all 13 dwellings.</p>										
<p><i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</i></p> <table><tr><th>No. of dwellings served by driveway</th><th>Width at front property boundary & for first 6 metres</th><th>Width beyond first 6 metres</th><th>Widening required for passing</th><th>Minimum landscaped strip either side of driveway (metres)</th></tr><tr><td>8+</td><td>6</td><td>5</td><td>-</td><td>1.0</td></tr></table> <p><i>General Section: Residential Development: PDC 41</i></p>	No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	8+	6	5	-	1.0	<p>Partially Complies</p> <p>The proposed driveway complies with the width requirements outlined in the adjacent table. Although not technically specified, a passing area (6m x 6m) has been provided between Dwellings 3 and 11 in accordance with the Development Engineers' requirements. Where the proposal fails to achieve the Development Plan is in relation to the 1 metre wide landscaping strip on either side of the driveway. In lieu of landscaping strips on either side of the driveway the application proposes landscaping to the front yard areas of Dwellings 1, 2, 3, 4, 5, 9, 10, 11, 12 and 13 which will frame the driveway. Landscaping is also proposed to the rear of Dwellings 6, 7 and 8. The landscaping is considered to provide an adequate alternative to landscaping strips on either side of the driveway.</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)							
8+	6	5	-	1.0							

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><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of horizontal cladding and render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico • Pitched roof form at 25 degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof in Surfmist, with rendered façades. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side and rear elevations of the dwellings feature render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view. The render colour will be different between the upper and lower level walls to provide further articulation and visual interest.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
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Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Partially Complies

The Dwellings 1 and 13 are designed so that their main facade faces the Milton street frontage, presenting an entrance door, portico and habitable windows to the street. Dwellings 6, 7 and 8 have frontage to Morphett Road and while they have not been designed with their front façades facing the street, primarily due to the access arrangements for the site, there has been regard to the rear elevations of these dwellings and their presentation to Morphett Road. All three dwellings have upper level windows that will provide some level of passive surveillance over the street. The entry doors to these dwellings are all clearly visible from the common property. Dwellings 2, 3, 4, 5, 9, 10, 11 and 12 have all been designed to face into the common driveway with front doors clearly delineated.

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

Due to the layout of the site and relationship to adjacent properties shadow diagrams have not been requested. However, in considering the likely shadowing from the property the following has been determined:

- a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.
- b) A majority of winter shadow will be cast over the common driveway and the rear yards of Dwellings 1, 2, 3, 4 and 5. However, some shadow will be cast into the front yard of the southern neighbouring dwellings in the afternoon.

Shadow cast into the southern adjoining property will be mostly limited to the front yard of the property where Dwelling 6 is setback 2.5 metres from the boundary. This shadow will begin from midday and gradually increase into the afternoon. All areas of private open space and habitable windows will be free from shadow in the morning hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

- (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*
- (b) building setbacks from boundaries (including building*

Partially Complies

Dwellings 1, 2, 3, 4, 5, 6, 7 and 8 incorporate fixed obscure glazing and/or window sill heights to 1.5 metres above floor level for windows on the side and rear elevations, with the exception of the windows in the rear elevation of Dwellings 6, 7 and 8 which primarily overlook Morphett Road. Dwellings 9, 10, 11, 12 and 13

<p><i>boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>incorporate fixed obscure glazing and/or window sill heights to 1.5 metres above floor level for windows on the side elevations but have left the rear elevations unobscured as they overlook the army barracks. Upper storey windows on the front elevations of Dwellings 1, 2, 3, 4, 5, 9, 10, 11, 12, 13 generally remain unobscured to provide surveillance to the street/common driveway, and therefore should not result in overlooking of habitable areas.</p> <p>To incorporate privacy treatments consistent with that sought by staff and the Panel, it has been included as a recommended condition of consent that the obscure glazing of upper level windows of Dwellings 1-7 be increased to 1700mm above floor level where the windows have the potential to overlook private areas of adjacent dwellings to the south.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Does Not Comply</p> <p>The proposed dwellings are all two storeys in height and will result in a battle-axe configuration. The dwellings have been designed to maintain the privacy of adjoining residential properties.</p>
<h2>Noise</h2>	
<p><i>Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 26</i></p> <p><i>Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade.</i></p> <p>2</p> <p><i>General Section: Residential Development: PDC 27</i></p>	<p>Partially Complies</p> <p>Dwellings 6, 7 and 8 have all been designed to have their POS areas and rear facades facing Morphett Road. To address the noise impacts from Morphett Road the development incorporates a 1.8 metre high acoustic fence setback 2.13 metres from Morphett Road with a landscape buffer proposed in front of the fencing. Although it is anticipated that there will be some impact from vehicle noise on these dwellings, the setback, fencing and landscape buffer will assist in providing some relief to the dwellings from the traffic noise.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>Dwelling 7 features bedroom windows sited adjacent the common driveway. These windows are on the upper level of the dwellings, are separated from the common driveway by a distance of 3.67 metres and incorporate landscaping between the driveway and dwelling. This combination of setback and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>

Site Facilities and Storage

Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:
(a) mail box facilities sited close to the major pedestrian entrance to the site
(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)
(c) household waste and recyclable material storage areas away from dwellings.

General Section: Residential Development: PDC 30

Partially Complies

a) A common letterbox will be featured at the entrance to the northern side of the common driveway on Milton Street. It will comprise a brick rendered wall that will complement the associated dwellings with 13 letterboxes inserted.

b) The proposal does not provide allocated visitor bicycle parking, however, each dwelling is provided with additional space alongside the car parking areas where bicycles could be stored. Side access is also maintained for each dwelling and as such bicycles could also be stored to the rear of each dwelling. As such allocated visitor bicycle parking is not considered necessary in this instance.

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

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

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

The main activity areas of Dwellings 7, 9, 10, 11, 12 and 13 are oriented north. The living areas of Dwellings 1, 2, 3, 4, 5 and 6 are provided with a north facing kitchen window but are primarily oriented east/west, which should nonetheless receive some northern winter sunlight.

It is acknowledged that the POS areas of Dwellings 1-5 are located on the southern side of the associated dwelling, and therefore will be affected by overshadowing in winter months. This is discussed in further detail in the Table Discussion below.

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

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

General Section: Energy Efficiency: PDC 4

Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:
(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event
(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

General Section: Hazards: PDC 5

Complies

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

Landscaping, Fences and Walls

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:
(a) include the planting of locally indigenous species where appropriate
(b) be oriented towards the street frontage

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

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 is likely to require retaining walls varying in height to a maximum 300 millimetres. Standard 1.8 metre high good neighbour colorbond fencing is proposed for the internal and external boundaries of the site. If retaining walls do result from the development and 1.8m high fencing is constructed atop these walls, this will result in a maximum structure height of 2.1 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.

It is also important to note that non masonry fencing up to 2.1 metres in height does not require approval in its own right.

The front boundary of the site facing Milton Avenue will remain unfenced which is consistent with a number of other dwellings within the Milton Street streetscape.

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:

- The application proposes two storey dwellings being proposed on a battle-axe shaped allotment.
- The upper level side setbacks of Dwellings 6, 7 and 8 do not achieve the required setbacks in the Development Plan.
- The private open space areas to Dwellings 6, 7 and 8 are adjacent Morphett Road, the POS areas to Dwellings 1, 2, 3, 4 and 5 are south facing and the POS areas to Dwellings 1, 7 and 13 do not achieve the minimum requirement.
- The site coverage for the allotments exceeds the maximum area of 130 square metres and 100 square metres and/or 40% specified by the Development Plan.

Two Storey Dwellings on a Battle-axe Shaped Allotment

The proposal involves the development of two storey dwellings on a battle-axe allotment. In many instances this would not be appropriate given the clear direction of the Development Plan to restrict this type of development. In considering the appropriateness of two storey dwellings on this site, the location, dimensions and layout of the development as a whole were taken into account. The design of the dwellings and separation of the built form from the boundaries reduces the visual dominance of the development on the adjacent residential development. The setback of the two-storey dwellings was also taken into consideration, with the rear setbacks achieving the requirement for two storey dwellings. Achieving the rear setback requirements was also aided by the dimensions of each dwelling site and two storey scale of the dwellings reducing the footprint on each site, allowing considerable separation of the built form from the rear boundaries.

The dwellings have been designed with upper level windows with obscure glazing to 1500mm above finished floor level. In order to ensure that the dwellings will not result in overlooking of adjoining properties, this is sought to be increased to 1700mm on Dwellings 1-7 where upper level windows have the potential to overlook private areas of adjacent dwellings to the south, as per the recommended condition of consent.

The adjoining army barracks to the north of the subject land were also taken into consideration. Given that this site does not contain residential development, the proposed dwellings will have little to no visual or overlooking impact on this neighbouring property.

It is considered that given the unique opportunity provided by the subject land, design of the development providing generous rear boundary setbacks, separation in the built form and the privacy treatments incorporated into the dwelling design, two storey dwellings on a battle-axe shaped allotment are acceptable in this instance, and will not have an unreasonable impact upon the privacy and amenity of adjoining land.

Side Boundary Setbacks

In terms of the non-compliance with side setbacks, particularly in relation to the upper level setbacks of Dwellings 6, 7 and 8 the following has been considered. Although Dwelling 6 only maintains a setback from the southern boundary of 2.5 metres, where it should achieve 3 metres, the impact from overshadowing from this dwelling is not considered unreasonable (refer overshadowing section of table for more discussion). Furthermore, the wall of Dwelling 6 is adjacent the driveway and parking areas of the neighbouring dwelling to the south and as such the bulk and scale of the dwelling is considered to have a reduced impact. The setback of 2.5

metres is also considered sufficient to provide appropriate separation and not result in unreasonable impact on adjoining properties by way of visual bulk or overshadowing.

Dwelling 7 demonstrates a setback from its southern boundary of 1.06 metres. While it is acknowledged that this will result in some shading to Dwelling 6, the design of the two dwellings will result in a majority of the shading falling over the visitor parking space, a covered verandah and garage wall of Dwelling 6. Dwelling 6 will still maintain northern aspect to part of the POS area and unshaded east and west facing windows to the living area. It is considered that the setback of Dwelling 7 from the southern boundary is appropriate in this instance.

The northern side setback of Dwelling 8 is 1.5 metres. Although this setback falls short of the required setback for two storey walls, it is adjacent the army barracks and as such will not result in unreasonable impact on any residential development. Furthermore, being located on the northern side of the site the dwelling will result in minimal overshadowing on the neighbouring land. As such the setback is considered acceptable in this instance.

Private Open Space

Generally the proposal achieves the required POS for each dwelling with a shortfall in POS area or dimension demonstrated by Dwellings 1, 6, 7, 8 and 13. Dwelling 7 is provided with 40.3 square metres of area which is equivalent to 17.2% of the site area and 15.4% of the average area (this does not include the area of the allotment located towards the east of the dwelling). The area provided for Dwelling 7 also fails to achieve the 5 metre by 5 metre minimum dimension. Dwellings 1 and 13 are provided with 49 square metres of POS which is equivalent to 22.3% of the nominated site area, but only 18.7% of the average site area. Dwelling 6 and 8 are provided with a POS area that meets the minimum area requirement, but the area fails to provide the minimum dimension of 5 metre by 5 metres.

The POS areas to Dwellings 1, 2, 3, 4 and 5 will be south facing. This is due primarily to the orientation of the site and the associated layout of development on the land. Although south facing it is considered that the POS areas will receive access to sunlight, particularly where the single storey garages relate to the POS area.

Although the proposal demonstrates some non-compliance, the POS areas provided to each dwelling are considered to provide a functional area with decent dimension and access to natural light that will serve the needs of the residents of each property. It is considered that the POS areas for each dwelling is satisfactory in this instance.

Site Coverage

Due to the varying site area calculations for the site, the site coverage has been calculated in two ways to provide alternative assessments on the development (refer to table for specific details). Depending on the different site coverage calculations, the non-compliance with this provision varies. For example, if the site coverage for the development includes the common driveway, site coverage equates to 38.2%. When the common driveway is removed, the site coverage increases to 42.9%. Although the site coverage numbers vary when calculated against the different site area standards, the site coverage calculation taken over the entire allotment is not at odds with the Development Plan standard of 40%. When considered per individual allotment, the relevant standard is a square metre amount (refer to table for details). The greatest level of non-compliance demonstrated by the dwellings when assessed against this standard is an exceeding of the square metre maximum by 3.9 square metres. This is not considered a significant departure from the Development Plan.

The site coverage demonstrated over the development is generally consistent with site coverage demonstrated by similar new development throughout the locality. The site coverage also includes alfresco areas to Dwellings 6, 7 and 8. Furthermore, each dwelling is provided

with adequate POS and appropriate setbacks from side, front and rear boundaries, such that the excess in site coverage is not considered detrimental to the application in this instance.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking, increased traffic movements, site density have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over connection of services and issues with emergency vehicles. 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 proposal will result in a residential development on the site that is an envisaged form of development within the policy area that will see the amalgamation of four allotments. The overall built form will maintain good separation from boundaries and articulation to reduced visual bulk and scale. The proposed setbacks and layout of the development is not considered to result in an unreasonable impact on the amenity of the locality. Notwithstanding the slightly higher density being sought by the proposal, two storey built form on a battle-axe allotment and more minor non-compliances in relation to side setbacks, site coverage and private open space, the proposal is considered to result in a functional and coordinated development on the land and demonstrates sufficient merit to warrant approval.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2007 for Thirteen, two storey group dwellings, with associated car parking and landscaping at 313 - 315 Morphett Road & 37-39 Milton 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. 100/2015/2007, being drawing number(s) 15-830-A01, 15-830-A02, 15-830-A03, 15-830-A04, 15-830-A05, 15-830-A06, 15-830-A07, 15-830-A08, 15-830-A09, 15-830-A10, 15-830-A11, 15-830-A12, 15-830-A13, 15-830-A14, 15-830-A15, 15-830-A16, 15-830-A17, 15-830-A18, 15-830-A19, 15-830-A20, 15-830-A21, 15-830-A22, 15-830-A23, 15-830-A24 and 160339 C1, 160339 C2, 160339 C3 (inclusive) prepared by Looka and Lelio Bibbo Consulting Engineers Pty Ltd, except when varied by the following conditions of consent.
2. An amended engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued, which details the following:
 - a. the FFL of all dwellings set at 17.3, except Dwellings 1 and 13 at 17.4; and
 - b. the pave level shall be set down 300mm below the FFL of each dwelling.
3. The portion of the upper floor windows to the:
 - a. southern elevations of Dwellings 1-7 (inclusive)
 - b. the eastern elevation of Dwellings 3-7 (inclusive); and
 - c. the western elevation of Dwellings 1-5 (inclusive)that are less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building and maintained in a manner that permanently restricts views of adjoining property's yards and/or indoor areas being obtained by a person within the room, to the reasonable satisfaction of the Council.
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 and maintained for the life of the building.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
11. The windows on the western elevation of Dwellings 6, 7, and 8 shall be double glazed for sound attenuation purposes.

NOTES

1. This approval does not relate to the removal of, or to any tree-damaging activity to, any regulated tree (as defined under the Development Act 1993) that may be located on the subject site or adjacent land. If any tree-damaging activity is anticipated, a separate Development Application is required to be lodged with Council for assessment prior to any such damage occurring.

For your information, a regulated tree is any tree that has a trunk circumference of 2.0m or more - or, in the case of trees with multiple trunks, that have trunks with a total trunk circumference of 2.0m or more and have an average circumference of 625mm or more - measured at a point 1m above natural ground level. Tree-damaging activity means the killing, destruction or removal of a tree, the severing of branches, limbs, stems or trunk of a tree, ringbarking, topping or lopping of a tree or other substantial damage (including damage to root systems of trees).

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

2. 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.
3. 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).

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 April 2016

Agenda Ref No:	DAP060416 – 2.3
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Mr Peter Stavros Elia
Development Description:	Freestanding building for the purpose of storage
Site Location:	7 Beachfront Court, Hallett Cove
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 3 / Non-Complying
Lodgement Date:	04/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2050
Recommendation:	That Development Plan Consent be GRANTED, subject to conditions and concurrence from the Development Assessment Commission (DAC)

CATEGORISATION & DELEGATION

The proposed building falls within the definition of a “store” pursuant to Schedule 1 of the Development Regulations 2008 (being a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on). The proposed structure cannot be classified as an “outbuilding” because it is located on a vacant allotment, and therefore is not ancillary to an associated dwelling.

A “store” is listed as a Non-Complying form of development in the Residential Zone.

The application is a Category 3 form of development pursuant to Schedule 9 of the Development Regulations 2008.

Given that the development is a non-complying form of development, Council has delegated authority to the Development Assessment Panel (DAP).

BACKGROUND

The application was presented to the DAP to note on 16 December 2015, given that administration had resolved to proceed with assessment of the Non-Complying application.

At the time of lodgement, the subject land was located in the Hills Policy Area 11 of the Residential Zone. It is noted that the Development Plan was amended on 3 December 2015, which changed the policy area of the subject land to the Coastal Policy Area 21 of the Residential Zone. However, for assessment purposes of the subject application, the policy area within the Development Plan current at the time of lodgement must be adopted (i.e. Hills Policy Area 11).

Given that the new zoning would trigger referral to the Coast Protection Board, the application has been informally referred to this agency. Agency comments are outlined further in this report under "External Agency Comments".

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

Amendments Requested	Applicant response
Specify the timeframe within which the two unlawful shipping containers will be removed from lots 15 and 17.	The shipping containers located on allotment 17 and 15 are temporary structures used to store equipment and the applicants belongings during house section 1-14 renovations development approval 100/701/2014 and amendments 100/2013/559. The temporary containers will be removed 4 weeks after the completion of the construction of the freestanding garage if the application is granted approval.
The building should be finished in a colour which blends in with the surrounding natural environment, such as green/grey.	The proposed freestanding garage will be constructed using external colour – Colorbond "Gully" BCA classification dark.
Clarify if the garage will be removed from the land if/when the subject allotment is sold.	The applicant intends to seek council development approval in the future to construct a residential dwelling on No 7 allotment 17 Beachfront Ct consistent with the desired character for the policy area. The applicant will in the future remove the freestanding garage from site to make way for the construction of a residential dwelling if the applicant is successful in obtaining the councils consent. The applicant does not intend to sell allotment 17.

SUBJECT LAND & LOCALITY

The subject land is located at 7 (lot 17) Beachfront Court, Hallett Cove. The allotment is 577 square metres in area, with a frontage width of 15.92 metres and depth of 34.4 to 38.7 metres.

The allotment was created by a land division in 2003, and has remained vacant since this time. The other allotments in Beachfront Court were created by a land division in 1993.

Although the allotment is vacant, it has been observed that a shipping container has been unlawfully placed on the land, and vehicles are commonly parked on the subject land.

The coast is located immediately north of the subject land.

The locality maintains a coastal character, with large allotments at low densities.

The immediate locality consists of allotments within Beachfront Court, which is a small cul-de-sac containing 15 allotments. Given that 14 of these allotments are vacant, the nature of the locality is dominated by the large dwelling situated on 6 (lot 6) Beachfront Court.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application proposes to construct a “store”, which takes the appearance of a garage structure typically constructed on residential allotments.

The structure will be 12.0 meters x 6.2 meters, with a gutter height of 3.0 metres and roof pitch of 13 degrees to produce a maximum building height of 4.0 metres.

The walls and roof of the structure will consist of corrugated Colorbond steel colour “Gully”, with intermittent frosted Suntuff sheeting on the roof.

All stormwater will be discharged from the rainwater tank along the Eastern side of the garage through a 90mm stormwater pipe to the street water table.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 3 public notification process.
Representations:	1 representation was received by Council, in favour of the application. <i>Refer Attachment IV</i>
Persons wishing to be heard:	Nil

EXTERNAL AGENCY COMMENTS

Coast Protection Board:	** INFORMAL COMMENTS ** Our recommended minimum site and floor levels here are 4.00 and 4.25 metres AHD respectively (which address sea level rise to 2050 and so there also needs to be reasonably practical means of addressing sea level rise of 0.7 metres to 2100). However our understanding from information provided with the recent DPA here is that the land is already above those levels so that may be of no significance. In addition some relief may be given from those requirements where the development is considered ‘minor’ and expendable. We do believe that there is a longer term erosion risk here which would eventually require a protection strategy and that strategy may require protection works to occur on the adjoining public land. However in this case the setback of the shed from the coastal boundary would still allow works to occur on the subject land. I would suggest the applicant simply be advised by way of note on any approval advising of the erosion risk.
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Hills Policy Area 11 are listed in the following table and discussed in further detail below:

Residential Zone	
<p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling ▪ dwelling addition ▪ small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - health and welfare services - open space - primary and secondary schools - recreation areas - shops, offices or consulting rooms ▪ supported accommodation. 	<p>Partially Complies</p> <p>The applicant has confirmed that <i>“the applicant owns and resides on allotment 1 – 15 of Beachfront Ct DP 35452 as their principle place of residence and seeks the approval for the freestanding garage to facilitate the storage of equipment such as vehicles, boats, trailers, gardening and other equipment used to maintain the properties.”</i> As such, while the structure cannot be technically ancillary to a dwelling because it is located on a separate allotment, the structure will nonetheless be used for domestic storage purposes, and therefore can be seen to comprise a “domestic structure” as envisaged by PDC 1.</p>
<p>2 Development listed as non-complying is generally inappropriate.</p>	<p>Does Not Comply</p> <p>The proposed structure is classified as a “store”, which is listed as non-complying.</p>
<p>5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.</p>	<p>Partially Complies</p> <p>Although the structure is not technically classified as an “outbuilding”, it will be used in a manner which is ancillary to the dwelling on Lot 6.</p>
<p>6 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>Does Not Comply</p> <p>The structure maintains a width of 6.2 metres.</p>
<p>8 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.</p> <p>Maximum floor area: 40 square metres for a site between 400 and 600 square metres.</p> <p>Maximum building height (from natural ground level): 4.5 metres.</p> <p>Maximum wall height (from natural ground level) 2.4 metres if sited on the boundary. 3 metres in all other circumstances.</p> <p>Maximum height of finished floor level (from natural ground level) 300 millimetres.</p>	<p>Complies</p> <p>Minimum setback from primary road frontage: 12.5 metres</p> <p>Does Not Comply</p> <p>Floor area: 74.5 m²</p> <p>Complies</p> <p>Maximum building height: 4.0 metres</p> <p>Complies</p> <p>Maximum wall height: 3.0 metres</p> <p>Complies</p> <p>Finished floor level: 0.2 metres above ground level</p>

<p><i>Minimum setback from side and rear boundaries 1 metre for a solid or enclosed wall.</i></p>	<p>Complies Minimum setback from western side boundary: 3.0 metres Minimum setback from rear boundary: 11.2 metres</p>
<p>Hills Policy Area 11</p>	
<p>Objectives</p> <p><i>1 A policy area primarily comprising of detached dwellings at low densities. 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts. 3 Development that contributes to the desired character of the policy area.</i></p>	<p>Generally Complies The proposed structure is adequately compatible with the topography of the area, as the subject land maintains a negligible gradient.</p>
<p>Desired Character</p> <p><i>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</i></p> <p><i>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites.</i></p> <p><i>Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</i></p>	<p>Generally Complies</p> <p>The proposed structure will not necessitate the removal of existing mature vegetation, and therefore should not detract from the desired landscape character.</p> <p>The proposed garage will not require substantial alteration of the existing landform.</p> <p>The garage is proposed to be finished in Colorbond "Gully", which is a grey shade. This colour is considered to be compatible with the surrounding environment, and should not be highly reflective or bright.</p>
<p>Principles of Development Control</p> <p><i>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Generally Complies Discussed above</p>
<p><i>3 Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.</i></p>	<p>Complies</p> <p>a) The structure maintains a height of between 3.0 to 4.0 metres, which is relatively modest and typical of standard residential outbuildings. As such, the height and profile of the structure should not dominate landscape.</p> <p>b) The structure will not require cutting or filling of land.</p>
<p><i>4 Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.</i></p>	<p>Complies Existing vegetation along the western side of the allotment will assist in screening the structure.</p>

DEVELOPMENT ASSESSMENT

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

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies</p> <p>Although the structure does not feature any articulation or design elements, its height accords with maximum criteria for residential outbuildings, and therefore should not result in excessive building height, mass or proportion.</p> <p>The southern elevation of the structure will be primarily visible to public view from Beachfront Court. This elevation features a rolla-door, which somewhat articulates the walling.</p> <p>The eastern elevation will not be readily visible from public land, given that:</p> <ul style="list-style-type: none"> a) mature vegetation exists along the eastern side of the Beachfront Court subdivision; and b) the structure will be located approximately 110 metres from the closest residential properties to the east.
Garages, Carports and Outbuildings	
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <ul style="list-style-type: none"> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p> <p>The structure is set back a sufficient distance (12.5 metres) from the primary road frontage.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Partially Complies</p> <p>The structure does not have an “associated dwelling” on the same allotment, but nonetheless features a roof form, pitch and building materials that are typical of residential outbuildings/garages.</p>

ANALYSIS/CONCLUSION

The proposal's compliance with the Development Plan is finely balanced.

In terms of the proposal's discord, the underlying shortfall is the concept of a "store" that is not ancillary to a dwelling. A store is clearly not envisaged in the Residential Zone. However, this concept is arguable, given that the applicant has asserted that the structure will be used by the owners of the dwelling on adjoining land, and therefore although not technically "ancillary" because situated on a separate land title, the structure will be used in an ancillary manner. Other provisions of the Development Plan seek for "*domestic structures*" and "*the use and placement of outbuildings ... ancillary to and in association with a dwelling*". Given that the structure will be used to house domestic vehicles and gardening equipment, the structure will essentially be utilised in the same manner as an outbuilding.

In addition to the technical shortfall in definition, the structure exceeds quantitative standards for residential outbuildings, with a floor area of 74.5 square metres where a maximum of 40 square metres applies. The excess in floor area is substantial, however it is noted that Schedule 4 of the Development Regulations 2008 defines complying standards for residential outbuildings to allow a maximum of 60 square metres. Accordingly, 60 square metres is considered a more suitable standard for typical residential outbuildings. Acknowledging this, the excess in floor area equates to 14.5 square metres.

In terms of the proposal's compliance, the height of the structure satisfies that of a standard residential outbuilding, while the proposed setbacks substantially exceed that prescribed for outbuildings. For these reasons, the structure is unlikely to adversely impact on the amenity of adjacent land or locality. The structure does not require the undertaking of earthworks or removal of mature vegetation, and will not result in unreasonable visual dominance in the landscape, and therefore generally accords with the Desired Character of the Hills Policy Area 11.

Given the structure's siting and visibility, the excess in floor area is unlikely to adversely impact on the amenity of adjacent land or the locality.

It is also noted that the construction of the proposed building is likely to improve the appearance of the subject land and surrounding allotments, as building materials and vehicles which are currently stored/parked on various vacant allotments in Beachfront Court will instead be concealed within the proposed structure. As such, the locality should appear more orderly as a result of the proposed development.

For these reasons, the merits of the proposal are considered sound. However, in terms of the definition of the structure, it is considered appropriate to grant consent subject to conditions which ensure that the assertions of the applicant are upheld. These conditions include:

- a) That the structure shall be used by the owners of Lot 6 for domestic storage purposes only;
- b) That the shipping containers unlawfully placed on Lots 7 and 15 shall be removed within 4 weeks of substantial completion of the proposed building;
- c) That the structure shall be removed/demolished if the registered proprietors of Lots 6 or 7 change, or if the construction of a lawfully approved dwelling commences on Lot 7.

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 concurrence from the Development Assessment Commission.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2050 for a freestanding building for the purpose of storage at 7 Beachfront Court, Hallett Cove, be GRANTED subject to concurrence from the Development Assessment Commission, and subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2050, except when varied by the following conditions of consent.
- 2. The structure shall be used by the owner/occupier of the dwelling on Lot 6 (CT 5242/591) for domestic storage purposes only.
- 3. The shipping containers unlawfully placed on Lots 17 and 15 Beachfront Court, Hallett Cove, shall be removed within 4 weeks of substantial completion of the proposed structure.
- 4. The structure shall be removed/demolished if the registered proprietors of Lots 6 or 7 change, or if the construction of a lawfully approved dwelling commences on Lot 7.
- 5. The structure 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.
- 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. 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.

NOTE:

- 1. The subject site may be subject to coastal erosion and this risk will increase with sea level rise due to climate change. Protection strategies addressing the erosion risk are required.
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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 6 April 2016

Agenda Ref No: DAP060416 – 2.4

Originating Officer: Emily Nankivell
Senior Development Officer - Planning

Applicant: Spectra Building Designers

Development Description: Two single storey dwellings with associated carports and a single storey residential flat building comprising three dwellings all with associated garages, landscaping and visitor parking.

Site Location: 53-55 Hawker Avenue Plympton Park

Zone: Residential Zone

Policy Area: Regeneration Policy Area 16

Application Type: Category 1 / Consent

Lodgement Date: 30/12/2015

Development Plan: Consolidated – 3 December 2015

Application No: 100/2015/2439

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 250 square metres required for detached and group dwellings and within the Regeneration Policy Area 16. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

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

Amendments Requested	Amendments Made
Increased on site car parking to ensure adequate visitor spaces were provided for the three group dwellings.	Layout of the three rear dwellings altered to provide 4 visitor spaces.

Walls of Dwellings 1 & 2 to be removed from the internal/common driveway boundaries.	The design of Dwellings 1 & 2 have been amended with the dwelling walls setback 600mm from the internal boundaries adjacent the common driveway.
Increase to landscaping on the site, particularly along the internal common driveway.	Landscaping increased throughout the site with a 0.5 metre wide landscaping strip provided along either side of the common driveway.

SUBJECT LAND & LOCALITY

The subject land is a large rectangular allotment located on the northern side of Hawker Avenue and identified as allotment 517 in Certificate of Title Volume 6159 Folio 47. The subject land has a frontage to Hawker Avenue of 26.65 metres, a depth of 43.85 metres and total area of 1168 square metres.

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

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

The locality has undergone considerable redevelopment in the past few years with a number of the original dwellings throughout the area having been demolished and the allotment pattern re-established to create allotments that correspond to the current Policy Area provisions (example detached dwellings on allotments of 250 square metres). This has occurred generally throughout this area of Plympton Park with some examples of this new allotment pattern located to the rear of the subject site facing Shakespeare Avenue and on the southern side of Hawker Avenue.

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

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of five dwellings in a hammerhead shaped pattern on the existing allotment at 53-55 Hawker Avenue, Plympton Park. There are two dwellings located at the front of the site which, upon deposit of the titles with the Lands Titles Office, will become detached dwellings, identified as Dwellings 1 and 2. To the rear of these dwellings is a single storey residential flat building comprising three dwellings, identified as Dwellings 3, 4, and 5.

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

Dwellings 3, 4 and 5 are provided with two bedrooms, bathroom, kitchen/living area and garage with laundry.

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

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

Landscaping is provided throughout the site. Four visitor parks are provided on the common property in front of Dwellings 3, 4 and 5.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	The application has been referred to Council's Development Engineer who is supportive of the proposal and has confirmed that site works plan, including driveway gradients, finished floor levels and stormwater management, are acceptable.
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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

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.*

Regeneration Policy Area 16

Objectives

- 1 Integrated re-development of poor quality housing stock and underutilised land.*
- 2 Improved quality of living environments.*
- 3 Improved quality of housing.*
- 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.*
- 5 Improved environmental outcomes.*
- 6 Increased dwelling densities and population.*
- 7 More efficient use of land.*
- 8 Improved community services and infrastructure.*
- 9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.*
- 10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.*
- 11 Development that contributes to the desired character of the policy area.*

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.

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ <i>affordable housing</i>▪ <i>dwelling including a residential flat building</i>▪ <i>student housing</i>▪ <i>supported accommodation.</i>	Complies The application proposes five residential dwellings in a form envisaged by the Policy Area.
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies The proposal results in a residential development demonstrating densities higher than what was originally on the site. The application is considered to result in an attractive residential development that will complement and enhance the streetscape. For these reasons the application is considered to be consistent with the Desired Character of the Policy Area.
PDC 3	<i>Minimum Site Area:</i> <i>Detached dwellings 250m²</i> <i>Residential Flat Building (single storey) 250m² per dwelling</i>	Does Not Comply <u>Detached Dwellings</u> Dwelling 1: 228m ² Dwelling 2: 228m ²

		<u>Residential Flat Building</u> Average Site Area Including Driveway: 237.3m ² Average Site Area Excluding Driveway: 161.3m ² Individual Site Area Dwelling 3: 167m ² Dwelling 4: 150m ² Dwelling 5: 167m ² <u>Average Allotment Area Taken Over the Entire Site:</u> 233.6m ²
	<i>Minimum Frontage:</i> <i>Detached Dwellings 9m</i> <i>Residential Flat Building 18m</i>	Complies Dwelling 1: 10.73m Dwelling 2: 10.72m Overall Site Frontage: 26.65m
	<i>Minimum Depth:</i> <i>Detached Dwellings 20m</i> <i>Residential Flat Building 45m</i>	Complies Dwelling 1: 20.5m Dwelling 2: 20.5m Does Not Comply Overall Site Depth: 43.85m

Assessment

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

In terms of the site density, the development will result in detached dwellings sites that represent a shortfall of 22 square metres (8.8%) and the residential flat dwellings with an average site area demonstrating a shortfall of 88.7 square metres (35.4%) (calculated at 161.3 square metres excluding the driveway) or 12.7 square metres (5%) (calculated at 237.3 square metres including the driveway). Although seeking a higher density on the subject land than the Policy Area specifies, the proposed dwellings are not excessive in size and each demonstrates good function and is provided with reasonable private open space areas, good car parking provision and will not result in excessive site coverage. Where the development demonstrates the greatest non-compliance, being the residential flat building site areas, these dwellings have been designed to respond to the smaller site areas and are limited to two-bedrooms with a smaller footprint.

Consideration has also been given to average site area calculated over the entire allotment which is 233.6 square metres per dwelling. This is a shortfall of 17 square metres or 6.8% per each allotment. When considered as an average over the site the site areas accord more closely with the minimum requirement of 250 square metres.

This indicates that the proposed site density is not inappropriate, particularly when considered in the context of the Regeneration Policy Area 16 which seeks higher density development and an increase in the number of dwellings.

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

The overall site depth of the subject land does not achieve the minimum requirement, demonstrating a shortfall of 1.15 metres. It is considered that the proposal adequately overcomes this shortfall by demonstrating a built form that generally achieves the requirements of the Development Plan and only demonstrates minor shortfalls in relation to other Development Plan criteria. The depths of the individual allotments for each dwelling, being 20.5 metres for Dwellings 1 and 2 and 17.35 metres for Dwellings 3, 4 and 5 are considered adequate to allow for appropriate setbacks and private open space areas. It is considered that the depth shortfall does not hinder the function of each dwelling site and as such is considered acceptable in this instance.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage							
<p><i>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table border="1"> <thead> <tr> <th>Site area</th><th>Maximum Site Coverage</th></tr> </thead> <tbody> <tr> <td>200 - 249 m²</td><td>100 m²</td></tr> <tr> <td>< 200 m²</td><td>80 m²</td></tr> </tbody> </table> <p>Regeneration Policy Area 16: PDC 4</p>	Site area	Maximum Site Coverage	200 - 249 m ²	100 m ²	< 200 m ²	80 m ²	<p><u>Site coverage:</u></p> <p>Does Not Comply</p> <p><u>Site Coverage for Individual Allotments</u> Site Areas 200 - 249 m² Dwelling 1: 115.49m² (50.65%) Dwelling 2: 115.49m² (50.65%) Site Areas < 200 m² Dwelling 3: 88.22m² (52.8%) Dwelling 4: 87.58m² (58.3%) Dwelling 5: 88.95m² (53.2%)</p> <p><u>Site Coverage % for Average Site Areas (including driveway):</u> Dwelling 3: 37.1% Dwelling 4: 36.9% Dwelling 5: 37.4%</p> <p><u>Site Coverage for Average Site Areas (excluding the driveway)</u> Dwelling 3: 54.6% Dwelling 4: 54.2% Dwelling 5: 55.1%</p> <p><u>Site Coverage Over Subject Site (all dwellings):</u> 495.73m² / 42.4%</p> <p><u>Site Coverage % for the Residential Flat Building (including driveway):</u> 37.1%</p> <p><u>Site Coverage % for the Residential Flat Building (excluding driveway):</u> 54.7%</p>
Site area	Maximum Site Coverage						
200 - 249 m ²	100 m ²						
< 200 m ²	80 m ²						

<p>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</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 demonstrates appropriate setbacks, private open space areas and good function to each dwelling without detrimentally impacting the amenity of the locality.</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p>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>Partially Complies</p> <p>The landscape areas nominated throughout the site equates to approximately 17.5% of the site. Although these areas are clearly delineated as pervious surfaces. It is anticipated that some, if not all of the driveways and external pathways will comprise paving which will have some level of permeability.</p>
Private Open Space			
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			<p>Complies</p> <p><u>Less than 175 square metres – 35m²</u></p> <p>Dwelling 3: 40.9m²</p> <p>Dwelling 4: 36.55m²</p> <p>Dwelling 5: 41m²</p>
<p>Site area of dwelling</p>	<p>Minimum area of POS</p>	<p>Provisions</p>	<p>The area of POS for Dwellings 3, 4 and 5 are directly accessible from the living areas of the dwellings with an area greater than 16 square metres. All of the dwellings are provided with an area having a minimum dimension of 4m by 4m. The POS areas are generally flat with a gradient of less than 1-in-10.</p> <p>Partially Complies</p> <p><u>175 square metres or greater - 20%</u></p> <p>Dwellings 1 & 2 are provided with 19.2% (44m²) of POS. The POS area is directly accessible from the living areas of the dwellings. The space is provided with an area that has a minimum dimension of 5m by 6.6m. The area is flat and has a gradient of less than 1-in-10.</p>
<p>Less than 175 square metres</p>	<p>35 square metres</p>	<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>175 square metres or greater</p>	<p>20 per cent of site area</p>	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should</p>	

		have a minimum dimension of 2.5 metres.	
Residential Zone: PDC 7			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p>General Section: Residential Development: PDC 16</p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p>General Section: Residential Development: PDC 17</p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p>General Section: Residential Development: PDC 22</p>			<p>Complies</p> <p>The application does not propose any covering of the POS areas.</p>
Building Setbacks from Road Boundaries			
<p><i>Minimum setback from primary road frontage where no established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p><i>5 metres in all other circumstances.</i></p> <p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p><i>5 metres within Regeneration Policy Area 16</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p>Residential Zone: PDC 6</p>			<p>Complies</p> <p>Dwelling 1 & 2: 5m</p>

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</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: 0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p>Dwelling 1 & 2: Setback 950mm from the external side boundary. Setback 600mm from the internal (common driveway) boundary.</p> <p>Dwelling 3: 900mm from the western boundary and 1.145m from the eastern boundary.</p> <p>Dwelling 4: 1.145m from the western boundary and abutting the eastern boundary.</p> <p>Dwelling 5: 1.04m from the western boundary and 900mm from the eastern boundary.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight. As such, the shortfall in side setbacks should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>Dwellings 1 & 2: Are setback 5 metres for the majority of the dwelling, reducing to 2.8 metres for approximately 29% of the allotment width and at its closest point to the corner cut off the dwelling has a rear setback 1.2 metres.</p> <p>Dwelling 3: Is setback 4.86 metres for 42% of the site with reducing to 4 metres for 34.8% of the site width.</p> <p>Dwelling 4: Dwelling is set back 4.86 metres for 47% of the site width, reducing to 4 metres for 38.6% of the site width.</p> <p>Dwelling 5: Dwelling is setback 4.86 metres for 43.5% of the site width, reducing to 4 metres for 34.8% of the site width.</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>		<p>Complies</p> <p>Although the rear setbacks do not comply with quantitative criteria, the separation from the rear boundaries of each dwelling site is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties as well as providing a useable area of POS. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight. 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): 3 storeys of not more than 12 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>		<p>Complies</p> <p>The proposed dwellings are all single storey and incorporate a maximum building height of 4.8 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>		<p>Complies</p> <p>All the dwellings are single storey and will not impact on the privacy or amenity of adjoining properties by way of overlooking or excessive built form scale.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p>Complies</p> <p>The proposed garaging has been incorporated into the design of each dwelling and as such incorporate a roof form, pitch and materials that complements the associated dwelling.</p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		<p>Complies</p> <p>Each garage has an internal floor area of 17.1m²</p> <p>Complies</p> <p>The wall height of each garage is 2.7 metres.</p> <p>Complies</p> <p>The garage element of each dwelling is under the main roof of the associated dwelling. Notwithstanding this no portion of the garage area of the dwellings exceed 5 metres in height.</p> <p>Complies</p> <p>The finished floor levels of the garages for Dwellings 1 and 2 are 200mm above natural ground level.</p> <p>Partially Complies</p> <p>The finished floor levels of the garages to Dwellings 3, 4 & 5 are raised 400mm above the natural ground level. Although exceeding the height above</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	

		natural ground level provision, the levels of the garages are consistent with the finished floor levels of the dwellings and are not considered to result in unreasonable impact on neighbouring properties.
<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	Complies The garages associated with Dwellings 1 and 2 are setback 5.5 metres from Hawker Avenue and 0.5 metres behind the main face of the associated dwelling. The garages to Dwellings 3, 4 & 5 are setback 1.6 metres behind the main face of the associated dwelling.
<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 The garages to Dwellings 3, 4 and 5 are all setback from the external boundaries, where they are located on an internal boundary they are adjoining either another garage or boundary wall.
<i>Maximum length on the boundary</i>	<i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i>	Partially Complies Dwellings 1 & 2 have the garage wall sited on the boundary of their respective allotments. The wall length is 6.35 metres and is equivalent to 30.9% of the allotment boundary.
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	Complies Dwellings 1 & 2 garages are single width and equivalent to 31.3% of the dwelling widths.
<i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i> <i>General Section: Residential Development: PDC 13</i>		Complies The garages to Dwellings 1 and 2 are the only garages that will have a visual impact on the streetscape. The garages to these dwellings are single width, are setback behind the main face of the associated dwelling and are equivalent to a third of the dwelling façade such that they do not dominate the appearance of the dwellings or cause a detrimental impact on the streetscape.

Vehicle Parking

<i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		Complies <u>Detached Dwellings</u> Dwellings 1 & 2 are provided with two onsite car parks, one of which is covered. <u>Residential Flat Building</u> A total of 7 spaces are provided for Dwellings 3, 4 and 5, where 6 would be the required standard under the Development Plan. Dwellings 3, 4 & 5 are provided with one designated undercover car parking space each. There are an additional 4 visitor car parking spaces that can be used by these vehicles located on front of Dwellings 3 and 5 on the common area.
<i>General Section: Transportation & Access: PDC 34</i>		
<i>Detached Semi-detached Row</i>	<i>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.</i>	
<i>Group Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		

<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Complies</p> <p>The visitor spaces are located on the common property behind Dwellings 1 and 2 such that they will not be easily viewed from the street. The visitor spaces, being located within the common property, will be available for use to visitors to the site at all times.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <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> <ul style="list-style-type: none"> 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. <p>Partially Complies</p> <ul style="list-style-type: none"> d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <ul style="list-style-type: none"> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <ul style="list-style-type: none"> (a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.
<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <ul style="list-style-type: none"> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Complies</p> <p>The parking areas for Dwellings 3, 4 and 5 are located to the rear of the site with access from a shared internal driveway, and therefore do not directly face the primary street frontage.</p> <p>The garages for Dwellings 1 and 2 are accessed and will present to the street but are setback 0.5 metres behind the main face of the associated dwelling.</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>Partially Complies</p> <p>2 on-street car parking spaces will be provided in front of the subject site, which satisfies PDC 22 when combined with the 4 shared visitor car parking spaces on the site.</p>
<p>Access</p>	
<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>Dwellings 1 & 2: Driveway width of 2.8 metres</p> <p>Dwellings 3, 4 & 5: Driveway width of 4 metres</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 the existing street tree.</p>

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:					Complies The common driveway will service 3 dwellings and demonstrates a width of 3 metres with a 0.5 metre landscaping strip on either side of the driveway.
Dwellings served	Trafficable width (metres)		Minimum landscape strips on both sides of driveway (metres)		
	Intersection with public road and first 6 metres				
	Arterial roads	Other roads			
1 – 3	6	3	3	0.5	
General Section: Residential Development: PDC 41					
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.					Complies The proposed and existing vehicle access points for the development are separated by a minimum distance of 7.9 metres.
General Section: Transportation and Access: PDC 28					
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.					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: <ul style="list-style-type: none">• Mixture of brick and render on the front façade• Protruding portico• Eave overhang and pitched roof form at 20 degree slope• Fenestration The dwellings incorporate a 20 degree Colorbond roof, with rendered and brick façades. The garage of each dwelling features Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
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					
Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following: (a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants (b) individual entries for ground floor accommodation (c) opportunities to overlook adjacent public space.					Complies Dwellings 1 and 2 have been designed to have the front door and bedroom 1 windows facing onto the street. The front yards of these dwellings are landscaped. The proposal is considered to contribute favourably to the streetscape.
General Section: Residential Development: PDC 6					

<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p> <p>All five dwellings have been designed with entryways that address/face the street and common driveway. The entries to each of the dwellings are clearly identifiable. The front doors and bedroom window of Dwellings 1 and 2 face Hawker Street. The proposal is considered to achieve Principles 8 and 9.</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 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 render and brick cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>
Noise	
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Complies</p> <p>Dwellings 3, 4 and 5 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient “separating or shielding” to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas</i></p>	<p>Partially Complies</p> <p>a) The proposal does not specifically nominate a common letterbox area. However, there is space available on the common driveway area to provide for this.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p>

<p><i>located away from dwellings and screened from public view.</i></p> <p><i>General Section: Residential Development: PDC 31</i></p>	<p>c) Although common waste storage areas are not provided, this is not considered necessary given that Dwellings 1, 2, 3, & 5 maintain side gate access to its rear garden and Dwelling 4 will have some space either to the side of the dwelling or within the garage for storage of bins. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The main activity areas of the dwellings are oriented north, which should nonetheless receive some northern winter sunlight.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 200 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.0 metres. This fencing/retaining height is considered necessary to achieve a level development site, stormwater management and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
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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 exceeds the maximum for each allotment as specified by the Development Plan.
- The private open space areas provided for Dwellings 1 and 2 do not achieve 20% of the associated site area.
- The rear setback of all dwellings fails to achieve the rear setback requirements of the Development Plan.

Site Coverage

As demonstrated by the table above the site coverage calculations for the site have been considered on an individual allotment basis and also as a percentage over the whole site. Considering first the site coverage for each individual allotment, the Development Plan provides a total square metre maximum for site coverage on allotments that are between 200-249 square metres and less than 200 square metres, being 100 square metres and 80 square metres respectively. Dwellings 1 and 2 represent a total built area of 115.49 square metres, this is 15.49 square metres greater than the allowable maximum under the Development Plan or equivalent to 6.7% of the proposed allotment area. Dwellings 3, 4 and 5 represent a total built area of between 87.58 and 88.95 square metres (the smaller dwelling being proposed on the smaller of the three allotments. This equates to an additional 7.58 to 8.95 square metres of coverage for each allotment or 5% to 5.3% additional built area on the land. The total site coverage proposed by the development as a percentage over the entire allotment is 42.4%, only exceeding the maximum 40% allowable site coverage by 2.4% or 28 square metres.

When considered as individual allotments and as a whole, the site coverage, although exceeding the maximum allowable area is not considered unreasonable. The development demonstrates reasonable setbacks from the side and rear boundaries, provides good areas of private open space to each dwelling and generally demonstrate good function. In this instance the site coverage is considered acceptable.

Private Open Space Areas

Dwellings 1 and 2 are provided with an area of private open space (POS) equivalent to 19.2% of the dwellings associated allotment or a total of 44 square metres. This represents a shortfall

in POS of 1.6 square metres. This shortfall is not considered a significant departure from the Development Plan. Furthermore, the POS areas provided to these dwellings is an area that meets the minimum dimension requirement of 5 metres by 5 metres, is north facing and will be directly accessible from the living areas of the dwelling. The POS area is considered to be a functional space that will serve the likely needs of future occupants of the dwelling.

Rear Setback

To varying degrees each of the proposed dwellings fail to achieve the rear setback requirements of the Development Plan. Dwellings 1 and 2 fail to meet the requirement in so far as the dwellings are setback 5 metres from the rear setback, instead of 6 metres, and where applicable, extend closer to the rear boundary than 3 metres. This shortfall is somewhat exacerbated by the corner cut-offs required to the rear corners of the Dwelling 1 and 2 allotments. Dwellings 3, 4 and 5 provide a further reduced rear setback with one section of the dwellings setback 4.86 metres reducing to 4 metres at it closest point.

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

ANALYSIS/CONCLUSION

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2439 for two single storey dwellings with associated carports and a single storey residential flat building comprising three dwellings all with associated garages, landscaping and visitor parking at 53-55 Hawker Avenue, Plympton Park, be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2439, being drawing number(s) DT160105 and 121.2015 Sheets PA 01 to 06 (inclusive) prepared by Structural Systems Consulting Engineers and Spectra Building Designs, except when varied by the following conditions of consent.
2. 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

3. 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.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 April 2016

Agenda Ref No:	DAP060416 – 2.5 <i>(Previously deferred item DAP020316)</i>
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Oakford Homes
Development Description:	Two, two-storey residential flat buildings each comprising six dwellings (12 dwellings in total), with associated freestanding garages, common driveway, earthworks and retaining walls.
Site Location:	3 Casey Street, Hallett Cove
Zone:	Residential
Policy Area:	Worthing Mine Policy Area 20
Application Type:	Consent / Category 3
Lodgement Date:	16/07/2015
Development Plan:	Consolidated – 15 March 2015
Application No:	100/2015/1261
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

BACKGROUND

As members will recall, the subject application was considered by the Panel at its meeting of 2 March 2016, whereby a decision upon the application was deferred for the following reasons;

1. To increase the amount of landscaping throughout the common driveway area; and
2. To improve the compliance of the proposal with the Development Plan's Crime Prevention criteria, including, but not necessarily limited to; increased surveillance over the common driveway and ensuring the entries to properties (from the common driveway) are visible from the public street.

The applicant has revisited the design of the proposal in light of the Panel's position, and amended the proposal where practicable.

For the previous plans for this proposal, please refer to the Agenda of 2 March 2016, or contact the author of this report.

DISCUSSION

To address the reasons for deferral, the applicant has amended the proposal via the following;

1. To increase the amount of landscaping throughout the common driveway area

- The garages of every alternate dwelling has been 'flipped' to abut the other, providing a small landscape bed adjacent the abutting walls.

2. To improve the compliance of the proposal with the Development Plan's Crime Prevention criteria, including, but not necessarily limited to; increased surveillance over the common driveway and ensuring the entries to properties (from the common driveway) are visible from the public street

- Clear glazing is provided to all upper level windows that face into the common driveway area to improve passive surveillance;
- A fixed external screen has been provided to the rear upper level windows of Dwellings 6 and 7 to prevent direct view into the rear yards of adjoining properties 85, 87 and 89 Brooklyn Drive;
- The ground floor ceiling height of all dwellings has been increased from 2400mm to 2700mm, thereby raising the upper floor level by 300mm to enable greater view into the common driveway area (and over the roofs of the garages and entry porticos);
- All garage roofs slope downwards to the common driveway, to provide the lowest point of the building adjacent the common driveway to increase opportunities for passive surveillance;
- The garages of every alternate dwelling has been 'flipped' to abut the other, providing greater separation and enabling increased view into the common driveway;
- Rear entry gate (accessed from common driveway) to be constructed of tubular steel to improve sight into the common driveway from ground level;
- The landscape plantings within the common driveway have been amended to edible Rosemary and Lemon plants, to provide benefit to the residents, assist in 'ownership' of the space (and therefore care for the plants) and increased activity of persons within this space; and
- House numbers to be affixed to the garage wall adjacent the rear entry gate.

In addition to the above, Dwellings 3, 4, 9 and 10 incorporate a deck roof with parapet to the front façade to assist the built form to step down with the slope of the land and avoid the previously proposed 'butterfly' skillion roof design which added unnecessary bulk to the development.

ANALYSIS/CONCLUSION

It is acknowledged the amendments to the proposal do not substantially increase the amount of landscaped areas available within the common driveway. This is partly a result of the need for the driveway to provide vehicular access to garages on both sides. In this regard, the proposal has marginally addressed reason for deferral 1 and the Panel's desire for increased landscaping throughout the common driveway area.

Substantial amendments have been made to the proposal to address reason for deferral 2. As can be seen from the list above, the proposal now provides increased opportunities for overlooking into the common driveway from both ground level and the upper floor.

Changes to the building design will provide privacy to adjoining properties whilst ensuring view into the common driveway is available from the upper level. It is acknowledged the amendments will allow view into the rear yards of the proposed dwellings, and in this regard, fails to satisfy

Design and Appearance Principle 12 (overlooking). However, as a development site that will be constructed as a whole, purchasers will be aware of the clear glazing provided and therefore the reduced privacy of the rear yards. The Panel may consider increased surveillance of the common driveway a superior outcome than privacy of the rear yards, and as such, may preference the proposal in order to assist in satisfying reason for deferral 2.

The proposal now incorporates 2700mm-high ceilings on the ground floor, which raises the upper floor level by 300mm. This, combined with altering the garage roof pitch to slope down towards the common driveway will further improve the level of view available.

It is acknowledged the rear access gates and canopies above have not been brought forward to make these visible from the street. No clarification from the applicant has been provided as to why this has not been undertaken, although it is acknowledged that if the entry canopies were to protrude further into the common driveway, the line-of-sight from the upper level windows to the common driveway would be reduced. Furthermore, there may be an increased risk a vehicle may impact the structure, due to their low height and limited width of the driveway. The applicants have sought to provide house numbers adjacent the rear access gates to improve visitor's identification of properties.

The inclusion of edible plants within the driveway should, in staff's view, assist in 'ownership' of the space (and therefore care for the plants) and increase the activity of persons within the driveway. Over time, residents may choose to plant a greater variety of edible plants within the landscape bays, further increasing the level of activity and sense of ownership.

In conclusion, it is my view that the proposed development is not seriously at variance to the Development Plan pursuant to Section 35(2) of the Development Act 1993. Further, the proposed development sufficiently addresses the Panel's reasons for deferral and adequately accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1261 for two, two-storey residential flat buildings each comprising six dwellings (12 dwellings in total), with associated freestanding garages, common driveway, earthworks and retaining walls at 3 Casey Street, Hallett Cove be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1261, being drawing numbers 1 of 36 to 36 of 36 (inclusive) prepared by MCA Design (SA) Pty Ltd dated as received by Council on 21 March 2016, and Siteworks and Drainage Plan prepared by Herriot Consulting, except when varied by the following conditions of consent.
2. A revised site works and drainage plan, detailing top of kerb, existing ground levels throughout the site, proposed bench and finished floor levels, driveway levels and grades, cut/fill and retaining walls proposed, shall be provided to Council for consideration and approval, prior to Development Approval being issued.
3. 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.
4. All areas nominated as landscaping or garden areas on the approved plans shall be planted prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. 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 paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

NOTES

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

Attachments

Attachment I: Aerial Photograph

Attachment II: Proposal Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL

Wednesday 6 April 2016

Agenda Ref No:	DAP060416 – 2.6
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	WC Projects Pty Ltd
Development Description:	Three, two storey residential flat buildings, comprising a total of 8 dwellings for the purpose of student accommodation, with associated car parking and landscaping
Site Location:	215 Sturt Road, Seacombe Gardens
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 2 / Consent
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/959
Recommendation:	Advise the Environment, Resources and Development Court that Council does not support the compromise plans

BACKGROUND

The subject proposal was previously presented to the Development Assessment Panel (DAP) at the meeting held on 20 January 2016 and was refused for the following reasons:

1. The proposal fails to accord with Objective 2 of the Regeneration Policy Area 16, as it shall not improve the quality of living environments.
2. The proposal shall not contribute toward improved living conditions, and is therefore at variance with Objective 11, Principle 3 and the Desired Character of the Regeneration Policy Area 16.
3. The proposal does not create a convenient and pleasant environment in which to live, and therefore fails to fulfil Orderly and Sustainable Development Objective 1.
4. The number of dwellings result in an average land area substantially less than that sought for two storey residential flat dwellings, and is therefore at variance to Principle 4 of the Regeneration Policy Area 16.
5. The proposed development does not accord with Orderly and Sustainable Development Objective 4, as the proposal prejudices the achievement of the provisions of the Development Plan.
6. The proposal does not contribute to the provision of convenient, pleasant and healthy living environments that meet the needs and preferences of the community, and is therefore at variance to Residential Development Objective 1.

7. **Site coverage exceeds that sought in the Regeneration Policy Area 16, and therefore fails to satisfy Policy Area Principle 5.**
8. **The building is likely to have an unreasonable visual impact upon adjoining properties via a lack of articulation and proximity to the side and rear boundaries; failing to satisfy Design and Appearance Principle 2(a).**
9. **The proposal fails to satisfy Residential Development Principle 29, as the private open space does not comprise 35 square metres (excluding Dwelling 7), and does not maintain a minimum dimension of 4 metres.**
10. **The proposal does not comply with Residential Development Principle 28, as the proposed private open space is not of sufficient area and shape to be functional for likely occupant needs.**

Refer Attachment I

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court. An application for joinder (where Mr Graham Kalisch and Mrs Mary Schumaker were joined to the appeal) followed by a preliminary conference was held on Monday 21 March 2016.

A directions hearing is scheduled to be held on Thursday 21 April 2016. The applicant has provided amended plans for consideration as a compromise prior to the hearing. The original report, plans and attachments can be found in the Member's agenda from the 20 January 2016 meeting, or by contacting the author of this report.

DEVELOPMENT ASSESSMENT

The compromise proposal submitted incorporates a number of amendments listed in the applicant's representative's correspondence.

For brevity, it is respectfully suggested that Members review this correspondence to gain an understanding of those amendments, which includes a legal opinion regarding the DAP's decision, having regard to the Development Plan and other student accommodation proposals.

In staff's view, the fundamental concerns of staff and the Panel, that being; the density of the proposal, the built form and impact upon adjoining land, the streetscape outcome and lack of private open space and amenity of residents have not been meaningfully addressed by the amendments.

As such, it is recommended that the Development Assessment Panel advise the Environment, Resources and Development Court that it does not support the compromise plans.

RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan; and**
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council does not support the compromise proposal submitted by WC Projects Pty Ltd for Development Application No: 100/2014/959.**

Attachments

Attachment I: Decision Notification Form

Attachment II: Compromise Proposal Plans and Supporting Documentation