

**DEVELOPMENT ASSESSMENT PANEL
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WEDNESDAY 7 SEPTEMBER 2016**

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 September 2016

Agenda Ref No: DAP070916 – 2.1

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: Reuben Paul Vanderzalm

Development Description: A change of use to the building for the purposes of three consulting rooms and a rehabilitation area, including associated alterations and additions, car parking, signage and landscaping

Site Location: 74 Daws Road, Edwardstown

Zone: Industry Zone

Policy Area: Industry/Commerce Edwardstown Policy Area 5

Application Type: Category 3 / Non-complying

Lodgement Date: 17/12/2015

Development Plan: Consolidated – 03 December 2015

Application No: 100/2015/2375

Recommendation: That Development Plan Consent be GRANTED subject to seeking concurrence from the Development Assessment Commission and conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Industry Zone, where consulting rooms (except where located within Precinct 4 Industry Interface) are listed as non-complying. Council has delegated authority to the Development Assessment Panel to determine applications for non-complying development.

BACKGROUND

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

Amendments/additional information Requested	Amendments Made
Amend the layout of, and access to, the car parking to the satisfaction of DPTI.	Access arrangement and car parking layout amended to satisfy DPTI.

Provide a traffic engineers report which analyses the proposed number of car parks provided for the proposed land use.	Additional information provided.
Provide a traffic survey of current premises on South Road.	Additional information provided.
Provide a landscaping plan.	Additional information provided.
Provide documentation regarding potential land use conflicts.	Additional information not provided.

SUBJECT LAND & LOCALITY

The subject site is located at 74 Daws Road, Edwardstown. The land comprises a corner allotment, with a southern primary street frontage to Daws Road of 17.37 metres, an eastern secondary street frontage to Tooronga Avenue of 45.72 metres, and a total site area of 991.2 square metres.

The site contains a building currently used for the purposes of a bulky goods outlet, 'Adelaide Canoe Works', as well as a large informal car parking area forward of the building. Access to the site is currently gained via existing crossovers to both Daws Road and Tooronga Avenue.

The locality comprises a mix of industrial and commercial land uses within the Industry Zone along and to the north of Daws Road and low to medium density residential development within the Residential Zone to the south of Daws Road. Neighbourhood and Local Centre Zones are sited some 100 metres and 500 metres, respectively, to the west of the subject land, while South Road (including numerous public transport bus routes) is approximately 350 metres to the east.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal seeks to change the use of the existing building, and the land, for the purposes of three consulting rooms and a rehabilitation area. The applicant seeks to operate an Exercise Physiology business from the premises, with the proposed consulting rooms utilized for consultations with either an exercise physiologist, a physiotherapist or a dietitian, while group exercise rehabilitation sessions are run within the rehabilitation area (up to a maximum of 12 participants per session), with up to three consultants staffing the business. The application seeks for the business to operate Monday and Wednesday from 8.00am to 5.00pm, Tuesday and Thursday from 8.30am to 7.00pm, and Friday from 8:00am to 4:00pm.

A new fit-out is to be provided to the existing building, with the front portion of the building to be demolished and a new portion to be constructed to match the existing footprint. The proposal includes signage to the front façade of the building, formalisation of the car parking area, as well as landscaping.

The internal fit-out of the building will incorporate three consulting rooms, a large rehabilitation area, a reception/waiting area, change rooms, a lab room, lunch room and other associated staff areas for operations. The proposal results in alterations to the external appearance of the building, including a new front façade presenting to Daws Road, as well as changes to the Tooronga Avenue façade with the inclusion of windows. The alterations and additions to the existing building do not result in additional building height.

Fifteen car parking spaces (including 1 disabled space) are to be located forward of the building and will be accessed via the existing double crossover to Tooronga Avenue, while the Daws Road crossover is to be closed and reinstated to match the existing kerb profile. The carpark will comprise a bitumen surface and landscaping adjacent the southern, eastern and western boundaries, as well as immediately forward of the building.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	22 properties were notified during the Category 3 public notification process, as well as the public generally, via notice in the Messenger newspaper.
Representations:	2 representations, one in favour, and the other in favour subject to certain provisions being met, were received by Council.
Persons wishing to be heard:	No representors have identified they wish to address the panel.
Summary of representations:	Traffic needs to be addressed. <i>Refer Attachment IV</i>

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport, and Infrastructure (DPTI):	<ul style="list-style-type: none"> It is DPTI Policy to minimise the number of access points on the arterial road network in the interests of road safety, therefore the retention of the existing access point to Tooronga Avenue is supported. Signage to the front elevation of the building should remain non-illuminated or limited to a low level of internal illumination. <i>Refer Attachment V</i>
Development Assessment Commission (DAC):	In the event the Panel support the application, concurrence will be sought from the Development Assessment Commission.

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Industry Zone and Industry/Commerce Edwardstown Policy Area 5 are listed in the following table and discussed in further detail below:

Industry		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	Does Not Comply
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> <i>▪ industry</i> <i>▪ transport distribution</i> <i>▪ warehouse.</i> 	Does Not Comply

<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate</i>	Does Not Comply The proposed use is listed as non-complying. Council staff have determined it appropriate to process the application further as there is considered to be merit in the proposed use as will be discussed throughout this report.
<i>PDC 5</i>	<i>Building facades facing land zoned for residential purposes should not contain openings or entrance ways that would result in the transmission of noise that would adversely affect the residential amenity.</i>	Complies
<i>PDC 7</i>	<i>Advertisements and advertising hoardings should not include any of the following: (a) flashing or animated signs (b) bunting, streamers, flags, or wind vanes (c) roof-mounted advertisements projected above the roofline (d) parapet-mounted advertisements projecting above the top of the parapet.</i>	Complies

Industry/Commerce Edwardstown Policy Area 5

<p>OBJECTIVES</p> <p><i>1 A policy area accommodating industry comprising a range of industrial, business, commercial, warehouse and storage activities.</i></p> <p><i>2 Development located and designed to have minimal adverse impact on surrounding uses, especially at the interface with residential zones, and to avoid potential environmental nuisance or harm.</i></p> <p><i>3 Development that enhances the visual qualities and amenity, especially that associated with neighbouring residential areas and the streetscapes adjacent arterial road corridors.</i></p> <p><i>4 Creation of attractive and visually cohesive entrances to the policy area on visually prominent sites along South Road and Daws Road.</i></p> <p><i>5 Development that contributes to the desired character of the policy area.</i></p>	Partially Complies
<p>DESIRED CHARACTER</p> <p><i>This policy area includes established industrial areas, some of which are in close proximity to housing, and predominantly commercial strip development along South Road. South Road in particular has an intensive commercial character, and is subject to increasingly high traffic volumes. The level of business activity in the policy area contributes to overflow parking, congestion, and traffic within side streets commonly affecting adjoining residential areas. This calls for minimisation of the number of access points onto arterial roads, a restriction on intensive retail uses in the policy area, and discouragement of excessive traffic movements on side roads connecting with residential areas. The use of residential streets to provide access for traffic, particularly heavy vehicles, servicing industrial or commercial development cannot be supported.</i></p> <p><i>There has been considerable conflict, in terms of external impacts of traffic, noise, air pollution and other factors, between industrial activities in the policy area and the use and enjoyment of nearby residential areas, with the latter areas afforded only minimal, if any, buffering in many instances. The policy area's extensive interface with residential areas calls for special attention to the avoidance of future land-use conflicts, and where opportunity exists, improvement of existing adverse environmental conditions. Where existing uses cause, or are liable to cause, adverse impacts on the amenity of localities, it is important that future development does not prolong or accentuate such impacts</i></p>	Partially Complies

<p><i>but, instead, incorporates measures to improve amenity, particularly the amenity of land in a residential zone.</i></p> <p><i>Assessment of the potential environmental impacts of a development is a necessary precursor to determination of a suitable location if one exists within the policy area. It is also integral to good environmental design which achieves containment of undesirable impacts.</i></p> <p><i>Some industrial, storage and other activities, due to their anticipated emission impacts, will need to be well removed from residential zone boundaries. Based on their greater recommended separation distances from housing, some will not be suitable anywhere in the policy area.</i></p> <p><i>At the same time, the policy area's economic function and vitality relies on fostering and developing a range of viable and efficient industrial and commercial activities. Fulfilment of this aim depends, in part, on preventing the encroachment on sites suitable for a wider range of industries (by virtue of greater separation from residential areas) by uses (eg certain offices) likely to be incompatible with, or require protection from, the impacts of such industries. Conversely, any commercial, light industrial or other activities likely to be adversely affected by general industries are appropriate at or near the periphery of the policy area (provided they are compatible with the use of adjoining zones).</i></p> <p><i>The policy area is an area catering for a wide range of environmentally-responsible industries and other businesses, and providing employment opportunities that are sustainable in the long term.</i></p> <p><i>Appropriate location and development of new activities and progressive improvement of site conditions will serve to buffer and protect the amenity of surrounding residential areas from adverse effects of industrial and other operations. In order to protect the amenity of land in a residential zone, development needs to be carefully designed and located.</i></p> <p><i>It is also important that streetscapes, particularly along arterial roads and involving landmark sites, form an attractive and impressive entry to the area.</i></p>		
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ commercial uses ▪ industry ▪ office ▪ storage ▪ warehouse. 	Partially Complies
PDC 2	<p><i>Development should be located, designed and accommodate activities of a scale and intensity to minimise undesirable impacts on the environment and the locality.</i></p>	Complies
PDC 5	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	Partially Complies
PDC 7	<p><i>Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre or 3 metres where the site abuts a road, a reserve or a residential zone.</i></p>	Partially Complies
PDC 8	<p><i>Advertisements and/or advertising hoardings should satisfy all of the following:</i></p> <p><i>(a) no more than one free-standing advertisement appurtenant to a building (including a multi-tenanted building) or no more than one advertisement attached to or displayed on the side or rear of a building.</i></p> <p><i>(b) advertisement area of a freestanding advertisement should not exceed:</i></p> <p><i>(i) 4 square metres per face</i></p> <p><i>(ii) 6 square metres per face if the free-standing advertisement contains more than one panel</i></p> <p><i>(iii) if the site abuts South Road:</i></p> <p><i>(A) an advertising area (per face) equivalent to (i) or (ii) above plus an</i></p>	Complies

	additional 0.25 square metres for every metre of South Road frontage of the subject land (inclusive of the corner cut-off) (B) 12 square metres total advertising area.	
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Assessment

The Procedural Matters section of the Industry Zone lists consulting rooms (except where located within Precinct 4 Industry Interface) as non-complying development. In this regard, it is of worth to note that the subject land is located one allotment south of the Precinct 4 Industry Interface, which envisages low-impact land uses, including consulting rooms in close proximity to the Residential Zone.

While the subject land is not located within the Precinct, it is located adjoining the Residential Zone. Furthermore, the proposed consulting rooms may in fact be considered a lower-impact land use than that which is envisaged for the subject land, which includes uses ranging from industrial, to motor repair stations, service trade premises and other commercial operations.

As such, in my view, the locational attributes of the land are similar to those in the Precinct 4 Industry Interface, where consulting rooms are expressly envisaged, whilst the proposal is likely to have a more amenable streetscape and audible and visual amenity outcome for the site and adjacent land, compared to land uses envisaged for the Policy Area.

The proposed development is consistent with a majority of Policy Area objectives in that the development is to be located and designed to have minimal adverse impacts on surrounding uses and will not result in environmental nuisance or harm, especially given the subject land is located directly adjacent the Residential Zone. The proposal is considered to enhance the visual qualities and amenity of the streetscape adjacent an arterial road corridor, and will contribute to creating an attractive entrance to the Policy Area.

The Desired Character of the Policy Area outlines that *'there has been considerable conflict, in terms of external impacts of traffic, noise, air pollution and other factors, between industrial activities in the Policy Area and the use and enjoyment of nearby residential areas, with the latter areas afforded only minimal, if any buffering in many instances'*, and that *'the Policy Area's extensive interface with residential areas calls for special attention to the avoidance of future land-use conflicts'*. The subject land is located adjacent to the Residential Zone, with residential properties sited on the opposite side of Daws Road. The proposed land use is considered to avoid future land-use conflict as it will not result in external impacts of traffic, noise or air pollution, but will instead incorporate measures to improve amenity, particularly the amenity of (in terms of visual impacts upon) adjacent residential properties. The proposed development is also considered to contribute to the Policy Area's economic functions and vitality in providing employment opportunities.

To this end, whilst the Industry Zone lists consulting rooms as non-complying, the proposed use is nonetheless consistent with the desired character, and a majority of objectives, of the Industry/Commerce Edwardstown Policy Area 5. Therefore, in my view the non-complying status of the application is not 'fatal', but rather the appropriateness of the proposal should be determined by the level of compliance with other applicable Development Plan criteria, and the anticipated impact on neighbouring properties with respect to noise, traffic, pollution and other operational matters.

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:

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>Complies</p> <p>While the front portion of the building is to be demolished and reconstructed, the alterations do not result in additional building height or mass, or changes to the roof form. The external appearance of the building incorporates a contemporary design while reflecting the desired character of the locality.</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p>
<p>Relationship to the Street and Public Realm</p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p>	<p>Complies</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>Landscaping is proposed forward of the building, and on the southern, eastern and western sides of the car park, enhancing the streetscape appearance of the property.</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>Complies</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>

Interface Between Land Uses

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
 (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
 (b) noise
 (c) vibration
 (d) electrical interference
 (e) light spill
 (f) glare
 (g) hours of operation
 (h) traffic impacts.

General Section: Interface Between Land Uses: PDC 1

Complies

Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.

General Section: Interface Between Land Uses: PDC 2

Complies

Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.

General Section: Interface Between Land Uses: PDC 3

Complies

Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.

General Section: Interface Between Land Uses: PDC 5

Partially Complies

The use of the site is considered to result in low impacts upon adjoining land, given the nature and operating hours of the business activities that will be conducted. The use itself is unlikely to result in impact from vibration, electrical interference, light spill and glare.

It is acknowledged that use of the car park will result in some exhaust fumes, headlight glare, and vehicle noise emanating from the site. However, given the relatively low-scale nature of the land use, hours of operation proposed and location of the property on a busy arterial road, these impacts are considered unlikely to be to such an extent as to detrimentally impact upon the amenity of residential land of the southern side of Daws Road. Furthermore, the car parking area will be finished in bitumen (currently gravel) reducing the noise of vehicles, and opportunity for dust nuisance, on site. Further, landscaping proposed forward of the building and to the car parking area will provide additional buffering between the site and adjoining properties.

It is noted that the subject land is located adjoining a motor repair station, while a Recycling Depot operates on the land to the eastern side of Tooronga Avenue. The proposed use is considered to be somewhat more sensitive than those existing in the immediate locality. It was sought that the applicant provide documentation regarding the potential impacts upon the proposed land use from those existing on adjoining and adjacent land, as well as details regarding protective treatments put in place to minimise possible impacts. Documentation regarding potential land use conflicts was not submitted to Council. However, it is considered that the applicant should have been aware of the existing use of adjoining and adjacent land upon purchasing the property (prior to lodgement of the subject application), and did not consider potential impacts from existing land use operations to be of such severity to not purchase the land for the purposes of the business.

In conclusion, it is considered that the proposal incorporates appropriate treatments that will reduce the impacts of the non-residential use upon adjacent residential development to an acceptable degree and provides an appropriate interface between land uses in accordance with the above provisions.

Transportation and Access

Movement Systems

Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.

General Section: Transportation and Access: PDC 2

Complies

Development should provide safe and convenient access for all anticipated modes of transport.

General Section: Transportation and Access: PDC 8

Complies

Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).

General Section: Transportation and Access: PDC 11

Complies

Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.

General Section: Transportation and Access: PDC 14

Complies

Cycling and Walking

Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:

- (a) showers, changing facilities and secure lockers*
- (b) signage indicating the location of bicycle facilities.*

General Section: Transportation and Access: PDC 19

Complies

Shower facilities and change rooms are provided within the building.

On-site secure bicycle parking facilities should be:

- (a) located in a prominent place*
- (b) located at ground floor level*
- (c) located undercover*
- (d) located where surveillance is possible*
- (e) well lit and well signed*
- (f) close to well used entrances*
- (g) accessible by cycling along a safe, well lit route.*

General Section: Transportation and Access: PDC 20

Partially Complies

While formal bicycle parking spaces are not proposed as part of the application, adequate area is available at the front of the building to provide such facilities. As such, it has been included as a recommended condition of consent that a bicycle rack, with the ability to accommodate no less than four bicycles shall be provided forward of the building.

Access

Development should have direct access from an all-weather public road.

General Section: Transportation and Access: PDC 22

Complies

Development should be provided with safe and convenient access which:

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads*
- (b) provides appropriate separation distances from existing roads or level crossings*
- (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision*
- (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

General Section: Transportation and Access: PDC 23

Complies

<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <p><i>(a) limited to local roads (including rear lane access)</i></p> <p><i>(b) shared between developments.</i></p> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p>Complies</p> <p>Existing crossover to arterial road to be closed and reinstated to match the kerb profile.</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>One access point, of an appropriate width to enable simultaneous two-way movement of vehicles is provided to Toorong Avenue.</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><i>(a) follow the natural contours of the land</i></p> <p><i>(b) minimise excavation and/or fill</i></p> <p><i>(c) minimise the potential for erosion from surface runoff</i></p> <p><i>(d) avoid the removal of existing vegetation</i></p> <p><i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p>Complies</p>
<p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p>Complies</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Does Not Comply</p> <p>See Table Discussion below</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p>Complies</p>

<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Partially Complies</p> <p>The application seeks to operate until 7.00pm on Tuesday and Thursday evenings – which during winter months may require staff and customers to navigate the car park in semi-darkness.</p> <p>However, it is noted that street lighting is present on both the primary and secondary streets which, in my view, provides an adequate level of light to navigate the car parking area.</p> <p>In the event that the Panel holds concern with regard to the use of the car parking area during non-daylight hours, the Panel may wish to include a condition of consent that bollard lighting be placed throughout the car parking area.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p>Complies</p> <p>The proposed car parking area will be appropriately sealed prior to the commencement of the use.</p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Complies</p> <p>The car parking area is bordered by landscaping of appropriate dimension.</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Complies</p> <p>Appropriate line-marking is to occur prior to the commencement of the use</p>

Advertisements

The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:
(a) consistent with the predominant character of the urban or rural landscape
(b) in harmony with any buildings or sites of historic significance or heritage value in the area
(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.

General Section: Advertisements: PDC 1

Complies

The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:
(a) clutter
(b) disorder
(c) untidiness of buildings and their surrounds
(d) driver distraction.

General Section: Advertisements: PDC 2

Complies

One advertisement, attached to the front façade of the building, is proposed.

The content of advertisements should be limited to information relating to the legitimate use of the associated land.

General Section: Advertisements: PDC 4

Complies

Advertisements and/or advertising hoardings should:
(a) be completely contained within the boundaries of the subject allotment
(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees
(c) not obscure views to vistas or objects of high amenity value.

General Section: Advertisements: PDC 5

Complies

Advertisements and/or advertising hoardings should not be erected on:
(a) a public footpath or veranda post
(b) a road, median strip or traffic island
(c) a vehicle adapted and exhibited primarily as an advertisement
(d) residential land.

General Section: Advertisements: PDC 6

Complies

Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.

General Section: Advertisements: PDC 7

Complies

Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.

General Section: Advertisements: PDC 9

Complies

Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.

General Section: Advertisements: PDC 11

Complies

<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>(a) The applicant has confirmed the sign will not be illuminated.</p> <p>(b) The design/text proposed, and location of the signage, is not liable to being interpreted as official traffic signs.</p> <p>(c) The sign is not illuminated and not located in close proximity to a signalised or pedestrian-actuated crossing.</p> <p>(d) The sign will not obscure a driver's view of any road/traffic features.</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p><i>General Section: Advertisements: PDC 17</i></p>	<p>Complies</p>
<p>Crime Prevention</p>	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies</p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p>Complies</p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p>Complies</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Partially Complies</p> <p>As previously noted, it is my view that the street lighting present on both the primary and secondary streets provides an adequate level of light to navigate the car parking area during non-daylight hours (limited to Tuesday and Thursday evenings in the proposed hours of operation). However, the Panel may wish to consider a condition of consent that bollard lighting be placed throughout the car park and driveway area.</p>
<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <p><i>(a) screen planting areas susceptible to vandalism</i></p> <p><i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i></p> <p><i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i></p> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p>Partially Complies</p> <p>It is acknowledged that the eastern façade of the building is easily accessible from the secondary street, providing opportunities for vandalism/graffiti. However, the inclusion of windows along this façade may provide the impression of 'eyes on the street'.</p>

<p><i>Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.</i></p> <p><i>General Section: Crime Prevention: PDC 7</i></p>	<p>Complies</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><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 amount of landscaped areas throughout the site will ensure an attractive street frontage and will soften the appearance of the building and car parking area.</p> <p>While the proposed landscaping along the Daws Road frontage does not comprise a width of 2 metres as required by Principle 3, given the total amount of landscaping included within the proposal, I am of the view that the 1 metre width proposed to the Daws Road boundary is sufficient.</p>

TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. However, a shortfall in on-site car parking is noted and discussed in further detail below:

Vehicle Parking Requirements

The Development Plan seeks for consulting rooms to provide a minimum of 10 car parking spaces per 100 square metres. The proposal comprises a total floor area within the building of 367 square metres. Accordingly, it may be concluded that 37 on-site car parking spaces are required, whereas the proposal provides 15 car parking spaces (1 of which is allocated as a disabled persons' park). This equates to a shortfall in on-site car parking of 59.5%.

While this represents a significant disparity against Development Plan requirements, it is noted that the change of use to the building is specifically for the purposes of three consulting rooms and a rehabilitation area. Legal advice was sought regarding the change of use element of the proposal specifying the two uses within the building. It was concluded that the specified use prevents the applicant, or future businesses operating at the premises, from increasing the number of consulting rooms within the building without the need for a further change of use application. Thus any further intensification of the consulting room element of the business, or future businesses, would be subject to further assessment.

Accordingly, regard must be had for on-site car parking based on the two proposed uses of the building. It is considered that the floor area required for the consulting room element of the business includes the three consulting rooms, the reception/waiting areas, the lab, the lunch

room and toilets etc. While the change rooms specifically service the rehabilitation element of the business, as well as the rehabilitation area itself. Based on this approach, the floor area servicing the consulting room element of the business equates to 160 square metres, with 16 car parking spaces required. As the Development Plan does not specify a car parking rate for 'rehabilitation areas', this requirement is assessed on needs basis, being 12 spaces to cater for the maximum participants of the Group Exercise Rehabilitation Sessions (a statutory requirement/maximum of delivering Exercise Physiology services). As such, a total of 30 on-site car parking spaces are required based on the shared use of the building, which results in a 50% shortfall, rather than the previously calculated 59.5%. However, this number may be further reduced when considering that the lab and lunch rooms are primarily used by staff, not customers, and that the floor area of the reception/waiting areas, toilets and showers, may be shared with users of the rehabilitation area.

Given the above, further consideration is required to be given to the proposed business operations and predicted clientele numbers, other methods of calculating car parking requirements, and factors such as public transport availability.

Proposed business operations and predicted clientele numbers:

The applicant has specified the anticipated number of staff and customers, based on current operations at their nearby clinic on South Road. Two days a week there are three staff members on-site (two working in consultation roles, while the other supervises the rehabilitation area), and on the remaining three days of the week, there are two staff members on-site (one undertaking consultation and the other within the rehabilitation area). The South Road clinic currently averages 18 30-minute consultations, and 4 60-minute consultations, per day. Group Exercise Rehabilitation Sessions in the Rehabilitation area are 60 minutes in length and limited to 12 participants. Rehabilitation sessions are spaced throughout the day with a minimum 30-minute break between each session.

Operating at full capacity, being two consultations occurring at the same time as a group exercise rehabilitation session, and allowing for clients waiting for their consultation whilst the previous is still occurring, results in a total car parking demand of 19 spaces. In this regard, the applicant has provided a traffic survey of the current premises at South Road (which also includes three consulting rooms and a rehabilitation area, and incidentally, 15 on-site car parking spaces). The data provided demonstrates that the business does not usually operate at full capacity, with the peak parking demand observed over the three days of data collection being 12 occupied spaces (including the vehicles of staff).

This may suggest that clients may choose to attend the business by means other than individual vehicles, such as a taxi, public transportation, bicycle or walking, and/or that the group exercise rehabilitation sessions do not always operate at full capacity. Based on the traffic survey data provided, and given that the services at the proposed premises will be the same (and service the same clientele) as the South Road premises, the proposed on-site car parking may be considered sufficient for the intended purpose.

Other methods of calculating car parking requirements:

A study conducted by Aurecon and assisted by the Local Government Research & Development Scheme, titled *'Parking Spaces for Urban Places: Car Park Study; Guideline for Greater Adelaide'* (dated 28 October 2013), found that consulting rooms should provide 4 car spaces per consulting room. As the proposal includes three consulting rooms, 12 car spaces would be required (this rate was also applicable to the Council's Development Plan prior to the BPD conversion in October 2010).

Although the document has not been formerly endorsed, nor adopted into any Development Plans, (and as such, limited regard can be had for this method of calculation), it nonetheless provides a basis to review the existing Development Plan parking rates.

Public transport:

The subject site is located approximately 120 east of Stop 20B on Daws Road which services bus routes operating between Marion Interchange and the City. Further, the land is located some 300 metres west of South Road, which services numerous public transport (bus) routes. It is considered that staff, and to a lesser extent, patients, may choose to utilize public transport in commuting to/from and visiting the site.

On street car parking:

On street car parking on Daws Road is limited due to no stopping zones, however remains unrestricted along the portion of Tooronga Avenue adjacent the subject land. While the availability of car parking on the nearby streets does not exonerate the applicant from providing adequate on-site car parking, practically, it is nonetheless available and may supplement any overflow in car parking requirements arising from the proposed or future occupants of the site.

Summary

The on-site car parking provided represents a significant shortfall against the Marion Council Development Plan. As previously outlined, this shortfall represents a 59.5% discrepancy against Development Plan requirements if the whole of the building was considered a 'consulting room', and a 50% shortfall when having regard to the shared use of the building). However, the following points are noted in favour of the application;

- The specific proposed use for three consulting rooms and a rehabilitation area prevents the applicant, or future businesses, increasing the number of consulting rooms within the building without the need for a further change of use application.
- A traffic survey of the current South Road premises has been undertaken, with the findings suggesting that the proposed on-site car parking is sufficient to meet the likely needs of the business.
- A traffic engineers report by Infraplan Pty. Ltd. has been provided in support of the proposed car parking spaces;
- Other methods of calculating on-site car parking requirements suggest that the 15 proposed car spaces will meet the likely demands of consulting rooms.
- Given the location of the subject site, public transport may be utilized by staff and (to a lesser extent) patients.
- On-street car parking is available within walking distance of the site.

Individually, the points above do not absolve the proposed shortfall in on-site car parking. However, when considered collectively, and in combination with the scale of the development, it is concluded that the shortfall in car spaces alone does not warrant refusal of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to traffic generated by the proposed use has been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

While the Industry Zone lists consulting rooms as non-complying development, such a use is envisaged in the Precinct 4 Industry Interface, as that Precinct abuts the Residential Zone. The subject land is separated from Precinct 4 by one allotment, however it does abut the Residential Zone, albeit, separated by Daws Road. As such, the subject land shared similar locational attributes to the Precinct 4 Industry Interface, where consulting rooms are sought. Furthermore, the proposed use may in fact be considered a lower-impact land use than that which is envisaged for the subject land (industrial, motor repair stations, service trade premises and other commercial operations), particularly given the close proximity of the land to the Residential Zone. For these reasons, I consider the non-complying nature of the proposal to be of little consequence to the overall merit of the application.

The proposed development demonstrates compliance with a majority applicable Development Plan criteria. Given the relatively low intensity of the activity taking place, and the operating hours proposed, I am satisfied that the proposed use will not have detrimental impacts upon the amenity of the adjacent Residential Zone.

While the application maintains a notable shortfall in on-site car parking, an analysis of the proposed business operations and predicted clientele numbers, as well as data from a traffic survey of the existing premises at South Road, has demonstrated that the on-site car parking provided is adequate to service the intended use. Further, the specific proposed use of the land for the purposes of three consulting rooms and a rehabilitation area, prevents the applicant, or future businesses operating at the premises, from increasing the number of consulting rooms within the building without the need for a further change of use application. Thus any further intensification of the consulting room element of the business would be subject to further assessment. Ultimately, I am of the opinion that the amount of on-site car parking is satisfactory for the proposed use.

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 seeking concurrence from the Development Assessment Commission, and 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: 100/2015/2375 for Change of use to consulting rooms including associated alterations and additions at 74 Daws Road, Edwardstown, be GRANTED subject to seeking concurrence from the Development Assessment Commission and 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. 100/2015/2375, except when varied by the following conditions of consent.
2. A bicycle rack, with the ability to accommodate no less than four bicycles shall be provided within a portion of the area specified for 'planting' immediately forward of the building. Details of which shall be provided to Council, for consideration and approval, prior to Development Approval being issued
3. The hours of operation of the premises shall be restricted to the following times:
 - a. Monday to Wednesday and Friday: 8:00am – 5:00pm; and
 - b. Tuesday and Thursday: 8:30am – 7:00pm.
4. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - c. Monday to Friday: 9:00am – 5:00pm.
5. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
6. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order 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 areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

9. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
10. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
11. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
12. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
13. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
14. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
15. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
16. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
17. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
18. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
19. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.

DPTI CONDITIONS

20. Vehicular access to serve the site shall be via a single two-way crossover located adjacent to the building. No vehicular access to/from Daws Road shall be permitted.
21. The obsolete Daws Road crossover shall be reinstated to Council standard kerb and gutter at the applicant's cost.
22. The car parking and internal manoeuvring areas shall be consistent with AS/NZS 2890. 1:2004 and 2890.6:2009
23. Signage associated with the subject development shall be located wholly within the subject land.

- 24. Signage on the site shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.**
- 25. Signage associated with the development shall not contain any element that flashes, scrolls, moves or changes.**
- 26. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Daws Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.**

NOTES

- 1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
- 2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
- 3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
- 4. 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.**
- 5. 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.**
- 6. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**

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>External Agency Referral Comments</i>

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 September 2016

Agenda Ref No:	DAP070916 – 2.2
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Goran Janjic
Development Description:	Single storey detached dwelling incorporating a wall on the northern boundary
Site Location:	73 South Terrace, Plympton Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 2 / Consent
Lodgement Date:	05/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/800
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3 metres as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

Development Application 100/345/2016 was submitted to Council seeking for residential land division (Torrens Title, 1 into 2 allotments) of 73 South Terrace, Plympton Park. Development Application 100/2362/2015 has received Development Approval for the construction of a two-storey detached dwelling, pursuant to Schedule 4 of the Development Regulations 2008, on the southern-most portion of the subject land. The subject application is to be considered for the construction of a detached dwelling to the balance of the subject land.

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

Amendments Requested	Amendments Made
POS dimensions be increased in order to provide improved functionality.	POS dimensions marginally increased from 5m x 5.035m to 6m x 5.035m
Incorporate stepping and articulation to the front façade.	Front façade stepped to improve articulation.

SUBJECT LAND & LOCALITY

The subject site is located at 73 South Terrace, Plympton Park. The land comprises a corner allotment, with a southern primary street frontage to South Terrace of 12.19 metres, a western secondary street frontage to Macklin Street of 42.67 metres, and a total site area of 692.1 square metres.

The subject land previously accommodated a single-storey detached dwelling in average condition with access to a freestanding garage at the rear of the allotment gained from Macklin Street. Several trees were also located on the subject land, none of which were classified as regulated pursuant to the current legislation. The dwelling and all associated structures have been demolished and the site cleared of all vegetation, as per approved demolition application 100/1925/2015. A two-storey detached dwelling with frontage to South Terrace (as approved in Development Application 100/2362/2015), has recently been constructed on southern-most portion of the land.

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

The site is adjacent to the Plympton Park Oval, a large public open space reserve with playing fields, cricket nets and a children's playground. The Plympton Park tram station (stop 11) is located approximately 100 metres walking distance to the north of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a single-storey detached dwelling, located to the northern portion of the subject land. For the purposes of assessment, the proposed dwelling has been considered a detached dwelling, as it is indicated to be sited on its own allotment with direct and exclusive access to a public road.

The proposed dwelling features three bedrooms (main with WIR and ensuite), bathroom, open plan kitchen and living areas and a laundry. A single width garage is proposed to be sited on the northern boundary, gaining access from an existing vehicle crossover.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	7 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council, 1 of which was against the application.
Persons wishing to be heard:	3 Macklin Street

Summary of representations:	3 Macklin Street <ul style="list-style-type: none"> • Objection to the construction of the garage wall on the boundary. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>Does not wish to relocate the boundary wall, due to possible interference with street trees if the dwelling is shifted or 'flipped'.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

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

- 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.

Medium Density Policy Area 12

Objectives

- 1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.
- 2 Development that minimises the potential impact of garaging of vehicles on the character of the area.
- 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.
- 4 Development that contributes to the desired character of the policy area.

Desired Character

This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).

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

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

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 6</i>	<i>Minimum Site Area: 300m²</i>	Complies 331m ²
	<i>Minimum Frontage: 10m</i>	Complies 21.72m
	<i>Minimum Depth: 20m</i>	Does not comply 15.24m

Assessment

Objectives & Desired Character

The application proposes to construct a single-storey detached dwelling (in addition to the recently constructed two-storey dwelling on the subject land), which is a form of development anticipated by PDC 1. The application is consistent with the Desired Character of the Medium Density Policy Area 12 in that it will allow for redevelopment of the site at a higher density compared to that typical of the original housing stock in the area.

The subject land is located adjacent to the Plympton Park Oval, and approximately 200 metres walking distance from the Plympton Park tram station, and some 600 metres from the nearest bus stop on Marion Road. Given that the subject land is located in close proximity to public open space, and within acceptable walking distance of public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

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

Site Depth

The proposed allotment comprised a site depth of 15.24 metres, where a minimum of 20 metres is prescribed. However, it is noted that the proposed allotment incorporates a frontage width in excess of the minimum requirement of 10 metres. Accordingly, the dwelling has been designed to take advantage of the width of the allotment, with the shortfall in site depth not readily apparent from adjoining land (as discussed further in this report).

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

Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:

Site area	Maximum Site Coverage	Maximum Floor Area Ratio
> 325 m²	building up to 2 storeys: 40%	0.6
	2 storey building with a 3rd storey within the roof space: 40%	0.8

Site coverage: 40%

FAR: n/a

Medium Density Policy Area 12: PDC 7

Site coverage:

Does Not Comply

44.5% (147.3m²)

Site coverage should ensure sufficient space is provided for:

(a) pedestrian and vehicle access and vehicle parking

(b) domestic storage

(c) outdoor clothes drying

(d) rainwater tanks

(e) private open space and landscaping

(f) convenient storage of household waste and recycling receptacles.

General Section: Residential Development: PDC 14

Complies

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

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

General Section: Residential Development: PDC 15

Complies

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	<div>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.</div> <div>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.</div> <div>The remainder of the space should have a minimum dimension of 2.5 metres.</div>

Residential Zone: PDC 7

Complies

23.4% (77.4m²)

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwelling/dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>g) The proposed POS areas maintain an easterly aspect which should nonetheless receive some access to northern sunlight to provide for comfortable year round use</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists:</i></p> <p>5 metres within Medium Density Policy Area 12</p> <p>8 metres from arterial roads shown on Overlay Map – Transport</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>4.5m</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>Partially Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.5 for a portion of the building (increasing thereafter to 5 metres), provides a transition from the secondary street setback of the adjoining dwelling to the south, and the more generous primary street setback of the dwelling to the north. The proposed 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>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Southern side setback: 0.9m</p>
<p><i>Maximum length and height when wall is located on side boundary:</i></p> <p><i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Wall Length: 6.72m</p> <p>Partially complies</p> <p>Wall Height: 3.45m (from natural ground level).</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The proposed boundary wall does not result in significant visual impacts or overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>6m (27.6%)</p> <p>3m (72.4%)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

Building Height

Maximum building height (from natural ground level):
 (i) 2 storeys of not more than 9 metres
 (ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than 10 metres

Residential Zone: PDC 7

Complies

The proposed dwelling incorporates a maximum building height of 4.2 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The proposed garage is incorporated under the main roof form. Materials and detailing complement the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter

Value

Minimum setback from a primary road frontage

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

Complies

The garage is set back 5.5 metres from the primary road frontage and 0.5-1 metre behind the main face of the associated dwelling.

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

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

Complies

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

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Detached
Semi-detached
Row

2 per dwelling containing up to 3 bedrooms one of which is to be covered.
 3 per dwelling containing 4 or more bedrooms one of which is to be covered.

Complies

The proposed dwelling incorporates three bedrooms and 2 on-site car parking spaces (one of which is covered).

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

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 34. b) Public transport routes are located in walking distance of the dwellings. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>2 on-street car parking spaces are provided for the proposed allotment, which satisfies PDC 22</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p>
<p><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 existing crossover is set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> • Mixture of cladding and render on the front façade • Stepping of front façade and protruding portico • Eave overhang and pitched roof form at 22.5-degree slope • Fenestration <p>The proposed materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) Some winter shadow may be cast within the rear yard of the property to the south. However, given the single-storey nature of the proposed development, shadows cast will not be to an extent that causes unreasonable overshadowing of the private open space or north facing windows of the adjoining property.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

2 Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

TABLE DISCUSSION

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

- Site coverage
- Front setback
- Rear setbacks
- Wall height on the boundary

Site coverage

Site coverage exceeds criteria. The Development Plan seeks for maximum 40% site coverage of the site area, whereas the proposal comprises site coverage of 44.5%. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposal exceeds the minimum POS requirement of 20%, at 23.4%. Additionally, the proposed dwelling achieves sufficient setbacks from boundaries (as discussed below). Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- b) The proposal is considered to comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Front setback

The main face of the proposed dwelling is set back at 4.5 metres from the front boundary, where PDC 7 of the Residential Zone stipulates a minimum setback of 5 metres. The two-storey dwelling south of the proposed dwelling, as well as the property on the opposite corner of the Macklin Street/South Terrace intersection, both incorporate secondary setbacks to Macklin Street of 1 metre and 2.8 metres, respectively. While the dwelling directly opposite the proposed dwelling, comprises a front setback of 5 metres

Given the limited length of Macklin Street, there are only four dwellings which incorporate a primary frontage to Macklin Street, most of which maintain generous front setbacks of 7 metres or more.

PDC 23 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Medium Density Policy Area 12 specifically encourages a new character of medium density housing, whilst encouraging replacement of original dwelling stock with higher densities. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate higher density housing.

Given the limited length, and subsequently the inconsistent streetscape, of Macklin Street, the proposed setback of 4.5 metres is considered acceptable, providing a transition from the secondary street setback of the dwelling to the south, to the more generous setbacks of the dwelling to the north. On balance, the proposed separation from the street boundary is considered to contribute positively to the function, appearance and desired character of the locality.

Rear setback

The proposed dwelling features a rear setback of 6 metres for 27.6%, and 3 metres for 72.4% of the allotment width. While the proposed rear setbacks do not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. This is supported by the fact that the proposal nonetheless exceeds POS requirements.

Furthermore, given that the dwelling is single storey, the proposed separation from the rear boundary is considered adequate to minimise unreasonable overshadowing of adjacent land.

Any shadow cast to the east will be limited to afternoon hours only, and therefore the extent of overshadowing complies with criteria specified in PDC 9 (General Section: Design and Appearance).

Wall height on the boundary

The proposed garage wall located on the northern side boundary incorporates height of 3.45 metres when measured from the natural ground level. I am of the opinion that the 0.45 metre excess in wall height will not result in significant visual impacts upon the adjoining property. In this regard, it is of worth to note that the previous dwelling sited on the subject land incorporated a shed on this boundary in a similar location. Furthermore, as the proposed boundary wall is sited on the northern boundary of the subject land, the additional wall height will not cause any significant level of overshadowing to the adjoining property.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the location of the boundary wall has 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 preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, as it achieves an increase in dwelling densities in close proximity to public open space and public transport routes.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site coverage, front and rear setback and boundary wall height. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/800 for Single storey detached dwelling incorporating a wall on the northern boundary at 73 South Terrace, Plympton Park, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/800, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 September 2016

Agenda Ref No:	DAP070916 – 2.3
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Scott James Robertson
Development Description:	An outbuilding, incorporating walls on the north-western (side) and north-eastern (rear) boundaries
Site Location:	144 Diagonal Road, Warradale
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	30/06/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1179
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3 metres as Category 2 development.

SUBJECT LAND & LOCALITY

The subject land is situated at 144 Diagonal Road, Warradale, incorporating a frontage width of 17.7 metres, and depth of 38.4 metres, providing a total site area of 679.7 square metres.

The land comprises an attractive single-storey detached dwelling, as well as a swimming pool and outbuildings to the rear of the site. A single width crossover is located adjacent the north-western boundary providing the only vehicular access to the property. The contour of the land is relatively flat. Whilst several trees are located on the subject land, none of these are classified as regulated or significant trees pursuant to the current legislation.

The locality consists of predominantly single-storey detached or semi-detached dwellings, most of which are representative of the original dwelling stock. Many dwellings within the locality include associated outbuildings.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application proposed to construct a freestanding shed, 6.1 metres in length, 3.534 metres in width, with a resulting floor area of 21.6 square metres, to the rear of the existing dwelling on the land. The proposed outbuilding incorporates walls on the north-western (side) and north-eastern (rear) boundaries, 3.048 metres in height.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	10 properties were notified during the Category 2 public notification process.
Representations: <i>Refer Attachment III</i>	1 representation against the application was received by Council.
Persons wishing to be heard:	No representors have identified they wish to address the Panel.
Summary of representations:	2 Spruce Avenue <ul style="list-style-type: none"> Concerns regarding overshadowing/loss of natural light from outbuilding sited on the boundary. <i>Refer Attachment IV</i>
Applicant's response:	Refer Attachment V <i>Refer Attachment V</i>

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p>Partially Complies</p> <p>The proposed shed is sited to the rear of the allotment and will not detract from the appearance of the existing 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>21.6m²</p>
Parameter	Value	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	<p>Does Not Comply</p> <p>3.048m 3.456m (gable end)</p>

<i>Maximum building height</i>	<i>5 metres</i>	Complies 3.456m
<i>Maximum height of finished floor level</i>	<i>0.3 metres</i>	Complies Minor works required.
<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 Proposed outbuilding sited to the rear of the allotment.
<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>	Does Not Comply Proposed outbuilding sited on both side and rear boundaries.
<i>Maximum length on the boundary</i>	<i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i>	Complies Sited on the north-eastern (rear) boundary for a length of 3.534 metres. Partially Complies Sited on the north- western (side) boundary for a length of 6.1 metres. An existing outbuilding is also sited on this boundary for a length of 9 metres. The resultant length of structures on the boundary of 15.1 metres exceeds criteria.

Site Coverage

<i>Dwellings should be designed to have a maximum site coverage of 40% per cent of the allotment area.</i> <i>Northern Policy Area 13: PDC 4</i>	Does not Comply 40.9%
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <i>General Section: Residential Development: PDC 14</i>	Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
<i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i> <i>General Section: Residential Development: PDC 15</i>	Complies 28%

Private Open Space

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

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

Complies
25%

Residential Zone: PDC 7

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

General Section: Residential Development: PDC 22

Complies

Design & Appearance

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

General Section: Design and Appearance: PDC 2

Complies

The proposed shed not considered to result in unreasonable impacts upon the amenity of adjoining properties. Further, the proposed boundary walls are sited to the south-west and south-east of the adjoining properties, accordingly, the proposed structure will not cause unreasonable loss of sunlight to dwellings on adjoining land.

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

General Section: Design & Appearance: PDC 3

Complies

The proposed outbuilding is to be clad in 'Colorbond' 'merino' (similar to beige).

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:

- Wall height
- Wall length
- Site coverage

Wall height

The Development Plan seeks for outbuildings to comprise a maximum wall height of 3 metres, whereas the proposal incorporates a wall height of 3.048 metres on the north-western (side) boundary, and up to 3.456 metres (gable end) on the north-eastern (rear) boundary.

The additional wall height of 0.048 metres along the north-western boundary is deemed to be of little to no impact upon the amenity of the adjoining property.

The gable roof end design results in up to a 0.456 metre excess in wall height along the north-eastern boundary. Given the subject land is sited to the south-west of the adjoining property, the additional wall height is not considered to result in any excessive overshadowing. Further, as the wall is limited to 3.534 metres in length (some 8% of the length of the boundary of the adjoining allotment), I am of the opinion that the proposal does not result in unreasonable visual impacts upon the adjoining land.

Wall length

The proposed outbuilding is sited on the north-western side boundary for a length of 6.1 metres. While this alone does not exceed criteria, when combined with the existing structure also sited on this boundary, a resulting length of 15.1 metres of continuous structure on the boundary is observed.

Given that the additional length proposed is sited to the rear of the adjoining property (behind an existing shed), and not readily visible from the existing dwelling or the main area of private open space, I am of the view that the length of structures along the side boundary is considered acceptable in this instance.

Site coverage

The site coverage as a result of the proposal, equates to 40.9%, increasing from existing site coverage of 39.5%. The proposal results in approximately 6 square metres of roof area above that sought by the Development Plan.

However, regard should be had to Schedules 1A and 4 of the Development Regulations, which permit the construction of outbuildings and verandahs to a maximum floor area of 40 and 60 square metres respectively, with a maximum site coverage of 60%. As such, it is unreasonable to enforce adherence to Council's Development Plan with such rigidity.

Nonetheless, there is ample private open space located to the side and rear of the dwelling (25% where a minimum of 20% is sought), with appropriate dimensions.

As such, the site coverage proposed will not result in any meaningful impacts upon adjoining land or the function of the subject property.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to overshadowing and loss of natural light 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 outbuilding complies with a majority of Council's design criteria.

Where the proposal fails to satisfy Council's Development Plan, the above assessment has demonstrated there will not be a detrimental impact upon the amenity of adjoining land, the appearance of the streetscape, or the function of the subject land.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1179 for an outbuilding, incorporating walls on the north-western (side) and north-eastern (rear) boundaries at 144 Diagonal Road, Warradale, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1179, except when varied by the following conditions of consent.
- 2. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 3. Stormwater must be disposed of in such a manner that does not flow or discharge into land of adjoining owners, lie against any building, or create insanitary conditions.
- 4. The 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.

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 7 September 2016

Agenda Ref No:	DAP070916 – 2.4
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	SKS Surveys Pty Ltd
Development Description:	Residential Community Title Land Division - 1 into 3 allotments and to construct a two storey dwelling and a single storey residential flat building to the rear of the site, comprising two dwellings, with associated car parking and landscaping
Site Location:	13 Riesling Avenue, Glengowrie
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	04/08/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1420 (DAC Ref: 100/C169/16)
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

Development Application 524/2016 for the construction of a two storey dwelling and single storey residential flat building comprising two dwellings has previously been lodged with Council, albeit did not include the division of the land. This application is currently on hold; however, during the assessment process, Council staff requested modifications (which are reflected in the subject application) to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Development Plan provisions.	Proposed allotment boundaries altered and floor area reduced; however, site coverage has increased from 44.6% to 45.3% (Lot 1). Site coverage of Lot 2 and Lot 3 has reduced from 68% to 57.2%.
Front setback of Lot 1 is not the average of buildings on adjoining land and should be increased.	Front setback increased from 5m to 5.8m.
Rear setback should be increased for Lot 2 and Lot 3.	Rear setbacks increased from 2.5m and 8m to 3.2m and 8.6m
The eastern side setback of Lot 1 should be increased to accord with the Development Plan provisions.	Two storey wall setback 500mm from the common driveway.
The carport post height of Lot 1 should be reduced to a maximum 3.0 metres.	Carport post height reduced from 3.3m to 3.0m.
The driveway servicing Lot 2 and Lot 3 should be increased to 4m (incorporating 500mm landscaping strips either side).	Driveway amended to feature an additional landscaping strip 485mm in width.
POS dimensions of Lot 2 and Lot 3 should be amended to achieve a 5 x 5 metre area.	POS dimensions amended from a 4.4m dimensions to 4.5m.
Greater articulation sought to the front façade of Lot 1 to reduce carport dominance to the street.	Additional habitable room windows provided and carport amended from parapet roof to hip-end roof.
Front entrance point of Lot 1 should be relocated to be easily identified from the street.	Common metres and letterboxes relocated.
Vehicle manoeuvrability spaces for Lot 2 and Lot 3 should be amended to allow for safe and convenient movement.	Vehicle turning spaces increased.
Proposed crossover/driveway should be relocated to maintain separation from the existing Telstra pit and stobie pole.	Crossover/driveway associated with Lot 1 relocated to achieve separation from the existing Telstra pit and stobie pole.
Full length windows should be provided to the upper level windows of Lot 1 fitted with obscure glazing to reduce the amount of bare wall presenting to adjoining land and the street.	No changes made.
Additional Information Requested	Information Provided
A fully engineered site works and drainage plan,	Provided.
Schedule of proposed colours and materials.	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 13 Riesling Avenue, Glengowrie. The allotment is rectangular in shape, achieving a frontage width of 18.3 metres, depth of 48.9 metres and a total site area of 895 square metres. The site previously accommodated a detached dwelling in relatively good condition. The dwelling is setback approximately 7m which steps to 8.5m. Vehicular access is currently available from Riesling Avenue, adjacent the eastern boundary of the allotment. The contour of the land is relatively flat.

Despite there being large trees on the subject land, they are located within 10.0 metres of an existing dwelling, and therefore, exempt from regulated tree status.

The pattern of development in the locality is typically defined by single storey detached and semi-detached dwellings at low to medium densities. Recent development in the locality displays a presence of detached, semi-detached and row dwellings, single storey in nature. It is also acknowledged that a pair of two storey semi-detached dwellings have recently been granted Development Plan Consent at 17 Riesling Avenue as a Complying form of Development.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the sub division of the land to create two additional allotments (three in total) and the construction of a two storey detached dwelling facing Riesling Avenue and a single storey residential flat building comprising two dwellings, to the rear of the site.

Lot 1 features a dwelling, two storeys in nature, incorporating three bedrooms and associated bathroom/ensuite on the upper level. The ground level incorporates a laundry, bathroom and open plan kitchen/living/meals area with direct access to the main area of private open space. A double width carport is situated along the western boundary, which seeks to gain access via a new crossover, setback 1.6m from the western boundary in order to avoid street infrastructure.

Lot 2 and Lot 3 are single storey in nature and incorporate three bedrooms, associated bathroom/ensuite, laundry room and open plan kitchen/living/meals area with direct access to the main area of private open space. The dwellings feature single width garages with stacked visitor parking space. Vehicular access is provided through a common driveway running the length of the eastern boundary of the allotment.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	Refer to <i>Attachment IV</i> for the standard SA Water land division comments.
DAC:	Refer to <i>Attachment IV</i> for the standard DAC land division comments.

Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Development Engineer:	Council's Development Engineer has advised the proposed vehicle turning areas satisfy the relevant Australian Standards and whilst the site is prone to flooding, the finished floor levels are appropriate.
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Arborist:	Council's Arborist has advised that removal and replacement of the western street tree is suitable provided a fee of \$300 + GST is paid to Council to undertake the works. Alternatively, a 2.0m tree protection zone is required to any proposed crossover.
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ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area:</i> <i>Lot 1: 375 square metres</i> <i>Lot 2/3: 300 Square metres</i>	Does Not Comply Lot 1: 276 square metres Lot 2: 224 square metres Lot 3: 224 square metres
	<i>Minimum Frontage:</i> <i>Lot 1: 12m</i> <i>Hammerhead allotments: 4m</i>	Complies Lot 1: 12.8m Lot 2/3: 4m
	<i>Minimum Depth:</i> <i>Lot 1: 20m</i> <i>Lot 2/3: 45m</i>	Complies Lot 1: 20m Lot 2/3: 48m

Assessment

The application proposes three dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). It is also acknowledged that the density of the site will be in keeping with other recent development in the locality (row dwellings situated at 20-24 Riesling Avenue and 1 Hazlemere Road), which is encouraged by Desired Character Statement, Objectives 1 and 3 and Principles of Development Control of the Northern Policy Area 13. The dwellings also contribute to the provision of a variety of dwelling types and accommodation needs in an area where there are limited hammer-head style developments.

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

The application requires the removal of a Council street tree as the minimum tree protection zone has not been met (2m). The tree is not considered to significantly contribute to the amenity of the local area and Council's Arborist has determined that removal and replacement of the tree is suitable at a cost of \$300 + GST.

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

Site Area

The site area of each proposed allotment fails to meet the minimum prescribed for detached and residential flat buildings within the Northern Policy Area 13. Detached dwellings require a minimum 375 square metres whereas residential flat buildings require an average site area of 300 square metres.

Lot 1 achieves a site area equal to 276 square metres, which equates to a shortfall of 99 square metres (26.4%). Lot 2 and Lot 3 incorporate an average site area equal to 241, which is equal to a shortfall of 59 square metres (19.6%). Despite the undersized nature of each allotment being quite significant, the design of the dwellings has demonstrated that the site dimensions will not result in adverse impacts to the amenity of adjoining properties or come at the expense of the other relevant provisions of the Development Plan (discussed throughout this report).

Furthermore, Lot 1 maintains a frontage width of 12.8 metres, 800mm greater than the required 12 metres for the Policy Area. As such, the undersized nature of the allotment will not be as apparent from the street as the predominant pattern of wider frontages for detached dwellings will be maintained.

In relation to the site area of Lot 2 and Lot 3, It is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the residential flat building (Lot 2 and Lot 3) would maintain an average site area of 309.2 square metres per dwelling.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The average site area is marginally less than the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13. As such, in my view, subject to achieving appropriate compliance with Council's Development Plan, the subject land could feasibly be developed to accommodate three dwellings.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

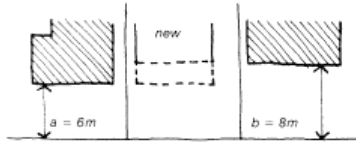
Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Site coverage: Does Not Comply Lot 1: 125.2 square metres (45.3%) Lot 2: 147 square metres (65.6%) Lot 3: 147 square metres (65.6%)</p> <p>Excluding alfresco Lot 1: 107.6 square metres (39%) Lot 2: 128.2 square metres (57.2%) Lot 3: 128.2 square metres (57.2%)</p> <p>Total site coverage (excluding alfresco) 364 square metres (40.7%)</p> <p>This non-compliance against the Development Plan will be discussed within the "Table Discussion" section of this report.</p>

<p><i>Dwellings should be designed to have a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>			<p>Complies</p> <p>Lot 1: 0.5</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>			<p>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>			<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p>Complies</p>
<p>Private Open Space</p>			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies</p> <p>Lot 1: 73.4 square metres (26.6%) 5 x 5 metre POS dimension achieved</p>
Site area of dwelling	Minimum area of POS	Provisions	<p>Partially Complies</p> <p>Lot 2: 54.5 square metres (24.3%) Lot 3: 54.5 square metres (24.3%) Maximum POS dimension of 4.5 x 8.6 metres</p> <p>Whilst Lot 2 and Lot 3 achieve an appropriate area of private open space, it is acknowledged that a 5 x 5 metre area is not provided. Despite the POS area failing to achieve the minimum dimensions sought, the main areas are directly accessible from internal living rooms. It is also acknowledged that this area is orientated to the south (with a partial eastern/western aspect) of the dwelling and is therefore likely to experience shading by the associated dwelling throughout the year. The secondary areas are of a reasonable size and can be used for the location of rubbish bin storage, rainwater tanks and other utilities.</p> <p>Despite the POS failing to achieve the minimum dimensions of the Development Plan, I am of the view that the areas provided are of sufficient size to meet the likely needs of future occupants. Morning and afternoon light will also be available for each dwelling which will be discussed further within the "Overshadowing" section of this report.</p>
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<p><i>Residential Zone: PDC 7</i></p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwellings.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>Does Not Comply</p> <p>g) The proposed POS areas maintain a southerly aspect as a result of the existing orientation of the land; however, the rear yards should nonetheless receive some morning/afternoon light throughout the day. This is further discussed in the "Overshadowing" section of this report.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p> <p>Lot 1: 76% of POS free from structures</p> <p>Lot 2: 67.4% of POS free from structures</p> <p>Lot 3: 67.4% of POS free from structures</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5.8m and 7.3m is considered to contribute positively to the function, appearance and desired character of the locality.</p>

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

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

General Section: Design and Appearance: PDC 22

Partially Complies

Lot 1: 5.8m and 7.3m

(Dwellings on adjoining land set back approximately 9 metres, which equals an average setback of 9 metres)

PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. Further, It is my view that the stepping to the garage and front entrance point assists in providing transition to buildings on adjacent land.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

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

Residential Zone: PDC 6

Complies

Lot 1: 6m (western side)
Lot 2: 1.2m
Lot 3: 1.2m

Does Not Comply

Lot 1: 0.5m (eastern side)

Despite Lot 1 achieving limited separation from the internal boundary (located adjacent the common driveway servicing Lot 2 and Lot 3), it is also acknowledged that the two storey wall will be setback 4.4m from the existing allotment boundary. As such, any overshadowing/visual impacts are considered to be contained within the subject land and adjacent an area used for vehicle movements. As such, I am of the view that the eastern side setback is acceptable.

Rear Setbacks

Minimum setback from rear boundary:

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

Residential Zone: PDC 6

Complies

Lot 2: 3.22m (50%) and 8.66m (35.6%)
Lot 3: 3.22m (50%) and 8.66m (35.6%)

Partially Complies

Lot 1:
Ground floor - 3m (27.4%) and 5.6m (26.4%)
First floor - 4.4m and 5.6m

Although the rear setback of the dwelling does not accord with Council's quantitative requirements, it is acknowledged that the above calculations are taken from an internal boundary and an additional 4.5m of separation is provided to Lot 2 and Lot 3. Given adequate POS will be available and that the reduced rear setback will not result in overshadowing impacts to the proposed dwellings to the rear of the site, I am of the view that the dwelling will be able to function appropriately without resulting in amenity impacts to the adjoining land.

<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 of Lot 1 do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties.</p>
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Building Height

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Lot 1: 7.9m</p> <p>Lot 2: 5.2m</p> <p>Lot 3: 5.2m</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>

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 carport associated with Lot 1 has been amended to incorporate a hip-end roof which is considered to complement the associated dwelling.</p> <p>Lot 2 and Lot 3 feature an under main roof garage.</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> <table border="1"> <thead> <tr> <th>Parameter</th><th>Value</th></tr> </thead> <tbody> <tr> <td>Maximum floor area</td><td>60 square metres</td></tr> <tr> <td>Maximum wall or post height</td><td>3 metres</td></tr> <tr> <td>Maximum building height</td><td>5 metres</td></tr> <tr> <td>Maximum height of finished floor level</td><td>0.3 metres</td></tr> <tr> <td>Minimum setback from a primary road frontage</td><td>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.</td></tr> </tbody> </table>	Parameter	Value	Maximum floor area	60 square metres	Maximum wall or post height	3 metres	Maximum building height	5 metres	Maximum height of finished floor level	0.3 metres	Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	<p>Complies</p> <p>Lot 1: 36 square metres</p> <p>Lot 2: 20 square metres</p> <p>Lot 3: 20 square metres</p> <p>Complies</p> <p>Lot 1: 3m</p> <p>Complies</p> <p>0.25m</p> <p>Complies</p> <p>Lot 1: 6.5m and 700mm behind the main face of the dwelling</p>
Parameter	Value												
Maximum floor area	60 square metres												
Maximum wall or post height	3 metres												
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Maximum height of finished floor level	0.3 metres												
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.												

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Lot 1 Carport – 6m
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Lot 1 – 6m (47%)
Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit. General Section: Residential Development: PDC 13		Complies
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. General Section: Transportation & Access: PDC 34		Complies Lot 1 (3 bedrooms): 3 parking spaces provided, 2 of which are covered. Lot 2 and Lot 3: Total of 4 parking spaces, 2 of which are covered.
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site visitor parking spaces should be sited and designed to: (a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times. General Section: Transportation & Access: PDC 42		Complies
On-site vehicle parking should be provided having regard to: (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers). General Section: Transportation & Access: PDC 43 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). General Section: Land Division: PDC 22		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities. c) The likely occupants are anticipated to have standard mobility and transport requirements. Partially Complies d) e) 1 on-street car parking space is provided for the proposed allotments; however, given Lot 1 exceeds the minimum on-site parking by one space, I am of the view that the increased density of the site will not result in impacts to the street.

<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>	<p>Complies</p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>																								
Access																									
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p> <p>Lot 1: 3m</p> <p>Lot 2 and Lot 3: 3m</p>																								
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure; however, Lot 1 requires the removal of a Council owned street tree.</p>																								
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p> <table><tr><th rowspan="3">Dwellings served</th><th colspan="2">Trafficable width (metres)</th><th rowspan="3">Width beyond first 6 metres</th><th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th></tr><tr><th colspan="2">Intersection with public road and first 6 metres</th></tr><tr><th>Arterial roads</th><th>Other roads</th></tr><tr><td>1 – 3</td><td>6</td><td>3</td><td>3</td><td>0.5</td></tr><tr><td>4 – 7</td><td>6</td><td>5</td><td>3</td><td>0.8</td></tr><tr><td>8 or more</td><td>6</td><td>6</td><td>5</td><td>1.0</td></tr></table> <p>General Section: Residential Development: PDC 41</p>	Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	1 – 3	6	3	3	0.5	4 – 7	6	5	3	0.8	8 or more	6	6	5	1.0	<p>Partially Complies</p> <p>Driveway width servicing Lot 2 and Lot 3 equates to 3m, which incorporates a 500mm landscaping strip adjacent the eastern side boundary and a 485mm landscaping strip adjacent the internal boundary.</p> <p>Despite the proposal failing to provide a 500mm landscaping strip adjacent the internal boundary, I am of the view that the landscaping throughout the site will provide a sufficient level of contribution to the street and assist in reducing the dominance of paving required for access arrangements.</p>
Dwellings served		Trafficable width (metres)				Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)																		
		Intersection with public road and first 6 metres																							
	Arterial roads	Other roads																							
1 – 3	6	3	3	0.5																					
4 – 7	6	5	3	0.8																					
8 or more	6	6	5	1.0																					
<p>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>																								
Design & Appearance																									
<p>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</p> <p>(a) building height, mass and proportion</p> <p>(b) external materials, patterns, colours and decorative elements</p> <p>(c) roof form and pitch</p> <p>(d) façade articulation and detailing</p> <p>(e) verandas, eaves, parapets and window screens.</p> <p>General Section: Design & Appearance: PDC 1</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 exposed brick and render on the front façade• Eave overhang and pitched roof form• Fenestration.																								

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

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

The rear dwellings incorporate rendered facades, panel lift doors and a Colorbond common roof.

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

Relationship to the Street and Public Realm

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

Complies

Lot 1

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.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

The dwelling proposed on Lot 1 incorporates window sill heights 1.7 metres above floor level on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) It is acknowledged that some shadow will be cast into the western adjoining property in morning hours. Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

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 located away from dwellings and screened from public view.*

General Section: Residential Development: PDC 31

Partially Complies

- a) Common letterboxes are featured at the entrance to the common driveway.
- b) Not applicable, as the development does not contain more than 6 dwellings.
- c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Partially Complies

The dwellings are oriented so that their POS and main activity areas are facing south. As such, these areas are likely to receive limited exposure to winter sun. However, the private open space to each dwelling will receive some morning and afternoon winter sun.

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form, 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 level of 12.7 (Lot 1) and 12.8 (Lot 2/Lot3) and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

Whilst it is acknowledged that there is opportunity to increase landscaping within the front yard of Lot 1, I am of the view that the proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

LAND DIVISION ASSESSMENT

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

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

<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p>	<p>Complies</p>
<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p>Partially Complies</p> <p>As a result of being situated on the southern side of a street running east-west, the layout of the land division provides good solar access to some habitable spaces in Lot 1 but only limited efficient solar access to habitable spaces of Lot 2 and Lot 3.</p> <p>Despite being situated to the south of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.</p>
<p>Roads and Access</p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p>	<p>Complies</p> <p>a) Adequate on-site parking available b) Public transport services are accessible in the wider locality c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</p>
<p><i>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</i></p>	<p>Complies</p>

TABLE DISCUSSION

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

Site Coverage

The Northern Policy Area 13 prescribes a maximum site coverage of 40%, whereas Lot 1 proposes a total floor area equal to 45.3% and Lot 2 and Lot 3 propose 65.6% coverage.

Despite the excess in dwelling footprint for Lot 1 (5.3%) it is acknowledged that when the associated alfresco is excluded from the calculation, the total site coverage equates to 39%. The dwelling has been provided with adequate setbacks from the side and rear boundary as well as a private open space area which is considered to function appropriately and meet the likely needs of future occupants. Given the private open space exceeds the minimum 20% sought and that the excess in site coverage is unlikely to adversely affect the amenity of adjoining, I am of the view that the proposed dwelling footprint is suitable for the future allotment.

Lot 2 and Lot 3 exceed the site coverage provision by 25.6% and when the associated alfresco is excluded from the calculation, it is acknowledged that the dwelling footprint remains significant, relative to the proposed allotment boundaries (57.2%). Whilst the excess in dwelling footprint is high, it is my view that it is important to consider the site as a whole in order to determine whether there has been an overdevelopment of the site. When the site is considered as a whole, the total site coverage equates to 46.8% which is comparable to other recent development in the locality. Notwithstanding the above, when the excess in dwelling footprint is assessed in relation to the impacts contained within the individual future allotments and adjoining land, I am of the opinion that the dwellings will be able to function appropriately and the amenity of adjoining properties will not be adversely affected. As identified within the above assessment table within this report, the dwellings maintain appropriate setbacks to all boundaries and provide appropriate private open space areas. Accordingly, although the total site coverage of the individual allotments are high, I am of the view that it has been demonstrated that the dwellings will be able to function appropriately and that this failing against the Development Plan does not warrant refusal.

ANALYSIS/CONCLUSION

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

The assessment discussion contained within this report has demonstrated that the proposal satisfies a majority of the applicable quantitative and qualitative provisions of Council's Development Plan. It is acknowledged however; the proposal maintains significant shortfalls which relate to site area and site coverage (Lot 2 and Lot 3) of the individual allotments. Whilst the allotments are undersized, the design and layout has demonstrated that the sites are able to accommodate a detached dwelling and residential flat building comprising two dwellings in the form proposed. When the dwelling footprints are considered in context of the site as a whole, it has been demonstrated that there has not been an overdevelopment of the site. Further, the excess in the dwelling footprints has not come at the expense of the amount of POS provided for each dwelling, nor the setbacks to boundaries.

The proposal also maintains several other quantitative shortfalls; however, these shortcomings have not resulted in a poor layout and design of the dwellings, nor do they adversely impact the amenity of adjacent properties, the streetscape or the locality. As such, when the identified discrepancies are considered against the overall merit of the proposal, I am of the view that the general layout and design of the dwellings are anticipated within the Zone and Policy Area.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2016/1420 for Residential Community Title Land Division - 1 into 3 allotments and to construct a two storey dwelling and a single storey residential flat building to the rear of the site, comprising two dwellings and associated landscaping at 13 Riesling Avenue, Glengowrie be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1420 (DAC Ref. 100/C169/16), being:
 - a) Plan of Proposed Division, Allotment 1 in D23121, prepared by SKS Surveys Pty. Ltd., received by Council on 3 August 2016;
 - b) Drawing No. 16-011.PL01.C, 16-011.PL02.C and 16-011.PL03.A, prepared by Alexander Brown Architects, received by Council on 18 August 2016;
 - c) Site Works and Drainage Plan of Job No. PG16084, prepared by P & G Structures Pty. Ltd., received by Council on 24 August 2016;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 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 with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
9. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

LAND DIVISION CONDITIONS

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

For SA Water to proceed with the assessment of this application, the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at: <http://www.sawater.com.au/developers-and-builders/building.-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information> . For any queries please contact SA Water Land Developments on 7424 1119. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. Payment of \$13352 into the Planning and Development Fund (2 lots @ \$66676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Ground Floor, 101 Grenfell Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

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

4. 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.
7. The applicant is reminded that Development Approval from the Council is required for any retaining wall over one metre in height, any masonry fence over one metre in height, any non-masonry fence (eg colorbond, wood paling, brush etc) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).
8. Demolition of the existing dwelling and/or other structures on the land cannot occur until a separate application has been lodged, assessed by and approved by the Council.
9. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.
10. The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 September 2016

Agenda Ref No: DAP070916 – 2.5

Originating Officer: Justin Clisby
Development Officer - Planning

Applicant: Mr Rodney Pratt

Development Description: Single storey dwelling alteration and attached carport forward of the dwelling

Site Location: 45 Oliphant Avenue, Marion

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 28/06/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1100

Recommendation: That Development Plan Consent be Refused

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns single storey alterations and additions to an existing dwelling and the construction of a carport that is ancillary to a dwelling as Category 1 development. The application is being presented to the Development Assessment Panel by virtue of administration not being in the position to support the application in its current form and having exhausted other opportunities to have the proposal amended by the applicant.

BACKGROUND

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

Amendments Requested	Amendments Made
Position the proposed carport a minimum of 0.5 metres behind the main face of the dwelling or in line with the main face of the dwelling.	None

SUBJECT LAND & LOCALITY

The subject site is located at 45 Oliphant Avenue, Marion. The land currently contains a single storey detached brick dwelling, typical of the locality and was likely constructed in the 1970's or 1980's. A double width driveway leads to a double garage located under the main roof on the western side of the dwelling. The topography of the land is relatively flat and whilst the site is substantially landscaped, there are no regulated or significant trees.

The immediate locality is characterised by single storey detached dwellings on medium to large allotments. Dwellings have large setbacks from the road boundary, some with attractively landscaped front yards. The majority of dwellings in the street have garages located underneath the main roof of the dwelling and not any further forward than the main face of the dwelling.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The applicant seeks approval to convert an existing double garage and porch to provide additional internal space under the main roof of the dwelling incorporating a reconfigured bedroom with newly constructed ensuite, walk-in wardrobe and a reconfigured entry hall. High level windows are proposed to the bedroom to prevent car headlight ingress.

A flat-roofed carport measuring 6.0 metres deep by 6.0 metres wide is proposed positioned forward of the main face of the dwelling and setback 2.02 metres from the primary street frontage. The overall height of the proposed carport is 2.4 metres. It is assumed the carport is to be constructed of painted steel posts and with Colorbond roof sheeting at a nominal 2 degree pitch with a Colorbond fascia and gutters. Proposed colours have not been provided.

Refer Attachment III

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Garages, Carports, Verandas and Outbuildings		
<i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i> <i>General Section: Residential Development: PDC 10</i>		Does Not Comply The proposed carport incorporates a flat Colorbond roof with a nominal slope of 2 degrees towards the primary street frontage. The existing dwelling incorporates a hipped roof with concrete or terracotta tiles.
<i>Garages, carports, verandas and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i> <i>General Section: Residential Development: PDC 12</i>		
Parameter	Value	
Maximum floor area	60 square metres	Complies 36m ²
Maximum wall or post height	3 metres	Complies 2.4m
Maximum building height	5 metres	Complies 2.6m
Maximum height of finished floor level	0.3 metres	Complies No change to existing finished floor level

<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>	Does Not Comply The proposed carport is setback 2.02m from the primary street frontage and is entirely forward of the existing dwelling to which it is ancillary.
<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 proposed carport is setback 2.72m from the western (side) 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 6.0 metres (50% of the width of the façade is 7.0 metres)
<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
Site Coverage		
<i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</i> <i>Northern Policy Area 13: PDC 4</i>		Does Not Comply 45%
<i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <i>Residential Zone: PDC 9</i>		Complies The proposed development will not have any negative impact on private open space provisions and is unlikely to negatively impact the amenity of adjoining properties.
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <i>General Section: Residential Development: PDC 14</i>		Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
<i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i> <i>General Section: Residential Development: PDC 15</i>		Complies The proposed development will not reduce the amount of pervious area on the site which is estimated to be approximately 43% of the total site area.

Private Open Space

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

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

Residential Zone: PDC 7

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

General Section: Residential Development: PDC 22

Complies

39% of the site area is currently available as private open space and the proposed development will not result in a reduction of private open space.

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

*Detached
Semi-detached
Row*

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

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

Complies

Two covered car parking spaces are provided underneath the proposed carport situated forward of the dwelling.

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

General Section: Land Division: PDC 22

Complies

One on-street car parking space exists in front of the dwelling.

TABLE DISCUSSION

Whilst the proposal satisfies a number of the applicable quantitative and qualitative criteria contained within the Marion Council Development Plan. The proposal fails to comply with the following provisions:

- Site coverage
- Minimum setback for garages and carports from primary street frontage

Site coverage

Council's Development Plan envisages a maximum site coverage of 40% in the Residential Zone Northern Policy Area 13.

Whilst the proposed development would increase the overall site coverage to 45% it is not considered fatal to the application given that a large amount of private open space at the rear of the dwelling is maintained, the majority of which is uncovered.

Minimum setback for garages and carports from primary street frontage

Council's Development Plan seeks garages and carports setback from the primary street frontage at a minimum distance of 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 projecting elements to ensure the residential portion of the dwelling is the most prominent and visible, and not dominated in appearance by car parking structures which should be subservient and ancillary to the main building.

The proposed carport is setback 2.02 metres from the primary street frontage which is likely to make it highly visible from the street and more dominant than the main façade of the dwelling. Incorporating a design with a flat Colorbond roof with a 2 degree nominal slope away from the dwelling and towards the street, the proposed carport is, in my opinion, unlikely to integrate well with the existing dwelling which incorporates a hipped roof with concrete or terracotta tiles.

Whilst the flat roof and open nature of the carport is likely to display less dominance than a similar structure with a gable or hip end roof (or enclosed on its sides or via a roller door), attention will nonetheless be drawn to the carport, rather than the habitable elements/function of the dwelling due to the structure being situated at such a close proximity to the primary street boundary.

Although it is acknowledged that structures do exist within the street which are located significantly forward of the building line, they are generally well integrated with the main building form, largely obscured from view by substantial vegetation or sufficiently setback from the primary street frontage.

Of particular note is the garage adjoining the subject land at 6 Morriss Avenue which has recently received Development Approval to replace an existing carport structure under development application number 100/857/2016. Although the application was initially lodged with Council as a consent-on-merit application to be assessed against the provisions of the Marion Development Plan, the applicant increased the setback from the secondary street frontage (Oliphant Avenue) from 0.6 metres to 0.9 metres at the suggestion of administration. Upon making this change the proposed development became a type of development not requiring Development Plan Consent under Schedule 1A of the Development Regulations.

Being setback 0.9 metres from the boundary to the secondary street it is acknowledged that the approved (and recently constructed) garage at 6 Morriss St (but presenting to Oliphant Avenue) will substantially screen the proposed carport at 45 Oliphant Avenue when viewed from the west of the site.

Other examples of dwellings in the locality that incorporate garages or carports forward of the building line are listed in the following table:

Address	Setback distance from primary street frontage	Date approved
35 Oliphant Ave, Marion	5.0 metres. Freestanding carport forward of dwelling. Largely shielded from view by substantial vegetation.	Existed prior to 2002. No Development Approval shown on Council records.
42A Oliphant Ave, Marion	0 metres to 1.2 meters (angled). Freestanding carport forward of dwelling. Substantially shielded from view by 1.8m high masonry fence.	Carport approved 1995 (DA 100/1582/1995) Brick fence approved 1996 (DA 100/286/1996)
47 Oliphant Ave, Marion	5.5 metres. Although forward of the dwelling the carport is well integrated with the dwelling with regards to form, pitch, materials and colours.	Existed prior to 1999. No Development Approval shown on Council records but likely approved as part of dwelling design.
3 Morriss Ave, Marion	3.0 metres. Free standing carport forward of garage.	Carport approved 2001. (DA 2001/802)
7 Morriss Ave, Marion	5.0 metres. Free standing carport forward of garage.	Existed prior to 1999. No Development Approval shown on Council records.
6 Morriss Ave, Marion	1.5 metres. Free standing carport forward of garage. Largely shielded from view by substantial vegetation.	Carport approved 1998 (DA 1998/1091)
57 Parsons St, Marion	2.0 metres. The carport incorporates a pitched roof that matches to pitch of the dwelling roof.	Existed prior to 1999. No Development Approval shown on Council records.
59 Parsons St, Marion	2.0 metres. The carport incorporates a painted timber frame to match the fascia board of the existing dwelling.	Existed prior to 1999. No Development Approval shown on Council records.

The 8 properties identified above as having garages or carports forward of dwellings of which they are ancillary to equate to approximately 19% of the dwellings in the locality. As such, these do not form the predominant form of development in the locality which is typified by generous front setbacks and well landscaped front yards. Furthermore, these examples do not serve as positive examples of development that should be replicated.

The existing carport structures outlined above do form part of the streetscape of the locality and regardless of whether they have approval, can remain there for the life of the building. Consideration needs to be given as to whether the appearance of the proposed development would have less streetscape impact and be acceptable within the context of its locality.

The fact that development which is in conflict with the Council's Development Plan exists within a locality is not a basis upon which further departures from the Plan should be justified. Rather, each application must be determined on its own merits in the context of the planning policies applicable at the time the application is made. See, for example, *Dal Pra v City of Happy Valley* [1995] ECLR 107; *Just v City of Mitcham* [2008] SAERDC 37.

Having said this, Commissioner Hamnet, in the cases of *Dal Pra* and *Just* states that *"If the character of a particular locality has been so altered by a succession of planning decisions as to bring into question the relevance of existing policies.....that may well prove to be a material consideration in the assessment of an application"*.

In having regard that the existing carport structures form part of the character in the street, would be to acknowledge there is an acceptance the remaining dwellings in the street could undertake similar development, and as such, consideration needs to be given to the appearance of a streetscape dominated by light-weight, poorly integrated structures forward of the dwelling.

The Applicants have suggested that the carport be withdrawn from the application given this element is of concern to staff. However, in doing so would eliminate any undercover car parking for the dwelling and any opportunity to site an undercover parking space that adequately complies with the Development Plan. In this regard, deleting the carport from the application would find conflict with *Table Mar/2 – Off-street Vehicle Parking Requirements* of the Development Plan which requires 2 car parking spaces for a detached dwelling containing up to 3 bedrooms, one of which is to be covered.

In conclusion, the placement of such a structure substantially forward of the building line is nonetheless discouraged by Council's current design criteria and in my opinion, will not result in an attractive streetscape and will further upset what is generally a consistent and attractive setting of existing buildings/structures within the street.

ANALYSIS/CONCLUSION

The proposed carport is to be situated entirely forward of the existing dwelling and will be setback from the primary street frontage at a distance of 2.02 metres.

Whilst it is acknowledged that the carport will be substantially screened from view by the recently constructed garage at 6 Morriss Avenue when viewed from the west and partially screened by existing landscaping either side of the driveway, the garage at 6 Morriss Avenue is a type of development not requiring Development Plan Consent and the maintenance and retention of the existing landscaping cannot be guaranteed.

Regarding the internal renovations proposed, it is my opinion that there is sufficient space available to the rear of the dwelling that could accommodate an increase in internal living area with limited impact on the substantial private open space currently provided, whilst maintaining the existing under-main-roof carparking.

In my opinion, the proposed structure fails to adequately integrate into the dwelling's façade and is likely to have a detrimental impact on the streetscape of the locality.

The proposed development is therefore considered to be at variance to the Marion Council Development Plan and warrants refusal in its current form.

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 seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2016/1100 for a Single Storey Dwelling Alteration and Attached Carport at 45 Oliphant Avenue, Marion be REFUSED for the following reasons:**

REASONS FOR REFUSAL

- (1) The carport does not have a roof form and pitch, building materials and detailing that complement the associated dwelling which does not accord with Principle of Development Control 10 of the General Section: Residential Development.**
- (2) The proposal fails to achieve a setback of 5.5m from the primary street frontage and be located 0.5m behind from the main face of the dwelling in accordance with Principle of Development Control 12 of the General Section: Residential Development.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 7 September 2016

Agenda Ref No:	DAP070916 – 2.6
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Format Homes
Development Description:	Single storey detached dwelling and garage
Site Location:	31 Travers Street Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	16/06/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1078
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 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 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The Panel should note that Land Division application 2016/1084 (100/D125/16) was initially lodged with Council. Due to the undersized nature of the allotments combined with the site dimensions, a land use application was requested. Subsequently, the subject application was lodged for the proposed northern allotment (Lot 51). The land division application remains on hold pending the outcome of the subject land use application and lodgement of an application for the proposed southern allotment (Lot 50).

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

Amendments Requested	Amendments Made
The walk-in-robe and ensuite should be setback an additional 500mm behind the main face of the dwelling to enhance the streetscape elevation.	Walk-in-robe and ensuite setback 360mm behind the main face of the dwelling and high level windows provided.
The finished paving levels should be set down 150mm below the finished floor levels.	Finished paving levels set down 200mm below finished floor levels.

SUBJECT LAND & LOCALITY

The subject land comprises 31 Travers Street, Sturt. The allotment is irregular in shape and incorporates a corner cut-off to the south-western corner of the allotment, resulting in a frontage width of 14.6 metres to Travers Street, average depth of 30 metres and total site area of 601 square metres. The site currently accommodates a detached dwelling in good condition, which is setback approximately 10 metres to the main façade.

Vehicular access is currently available via Travers Street as well as Parkmore Avenue. The contour of the land is relatively flat and there are no regulated or significant trees located on the subject land. Despite there being large trees on adjoining land, none achieve a trunk circumference greater than 2.0 metres and as such are exempt from regulated or significant tree status.

The original housing stock is typically defined by single storey detached dwellings and both single and double storey residential flat buildings, at low to low-medium densities. Recent infill development has occurred in the locality, displaying a variety of dwelling types including detached, semi-detached, group and row dwellings.

It is also acknowledged that the subject land is within walking distance of the Myer Road Reserve and in close proximity to the Neighbourhood Centre Zone situated at the Diagonal Road and Miller Street junction as well as Westfield Marion Shopping Centre, which is located within a Regional Centre Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development is for the construction of a single storey detached dwelling which incorporates a garage wall abutting the northern boundary.

The dwelling incorporates a single garage, open plan kitchen/living/dining, three bedrooms and associated wet areas/ensuite. The dwelling presents to Parkmore Avenue and incorporates a single garage to the front façade. The dwelling seeks to utilise the existing crossover that will maintain adequate clearance from the Council street tree.

The front façade of the dwelling features a mixture of colours and materials including exposed brick, sandstone veneer and Colorbond roofing which incorporates a Dutch-gable with clad infill.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Development Engineer:	Council's Development Engineer has advised they are satisfied with the finished floor levels; however, the external paving levels should be set down at least 150mm below FFL.
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ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area: 375 square metres</i>	Does Not Comply 300 square metres
	<i>Minimum Frontage: 12m</i>	Complies 15m
	<i>Minimum Depth: 20m</i>	Partially Complies 19.8m – 21.9m

Assessment

The application proposes a single storey detached dwelling on an allotment that previously accommodated a single storey detached dwelling. Council acknowledges a separate land division application has been lodged (as indicated by the indicative boundary shown on the plan). As such, the proposal inevitably seeks an increase in the number of dwellings on the land by one. It is acknowledged that the density proposed is in-keeping with recent development in the locality and that redevelopment of existing housing stock, at a higher density, is encouraged by the Objectives and Desired Character statement of the Northern Policy Area 13.

In addition to the above, it is acknowledged that the Residential Zone and Northern Policy Area 13 encourages an increase in densities adjacent to public transport and within close proximity to public open space and centre zones. The subject site is located within walking distance to public transport options along Diagonal Road. The subject land is also situated in close proximity to notable centre zones in the locality including the Neighbourhood Centre Zone on the Diagonal Road and Miller Street junction and Westfield Marion Shopping Centre which is located within the Regional Centre Zone.

It is acknowledged that the proposed depth of the allotment fails to meet the minimum 20 metres required and the site area falls 75 square metres short of the minimum 375 square metres for detached dwellings in the Northern Policy Area 13. Despite the site area and dimensions failing to meet the minimum sought, it is acknowledged that this non-compliance with Council's Development Plan will not come at the expense of the dwelling's ability to function appropriately. It has been demonstrated that dwelling can function on the undersized allotment in terms of (but not limited to) site coverage, setbacks to boundaries, POS, access arrangements and design and appearance. It is also of value to note that the proposed frontage width exceeds the minimum sought in the Northern Policy Area 13 which allows for additional landscaping.

The dwelling maintains a coherent streetscape as a result of an appropriate street setback and dwelling design, which will be modern in terms of providing a mixture of colours and materials, achieving positive contribution to the streetscape. The proposal is considered to complement the relevant Objectives, Desired Character statement and Principles of Development Control of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage

Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.
Northern Policy Area 13: PDC 4

Site coverage:

Does Not Comply

140 square metres (46.6%)

Despite site coverage exceeding Council's Development Plan requirements, it is acknowledged that adequate POS will remain available to the rear of the site and the excess in the dwelling footprint will not come at the expense of setbacks to boundaries.

Further, the proposed site coverage is considered comparable to other recent and similar development in the locality. Accordingly, it is my view that the excess in site coverage will not have a negative impact on the dwelling's ability to function appropriately or the adjoining land.

Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:
(a) would not be contrary to the relevant setback and private open space provisions
(b) would not adversely affect the amenity of adjoining properties
(c) would not conflict with other relevant criteria of this Development Plan.
Residential Zone: PDC 9

Complies

The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.

Site coverage should ensure sufficient space is provided for:
(a) pedestrian and vehicle access and vehicle parking
(b) domestic storage
(c) outdoor clothes drying
(d) rainwater tanks
(e) private open space and landscaping
(f) convenient storage of household waste and recycling receptacles.
General Section: Residential Development: PDC 14

Complies

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

Private Open Space

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

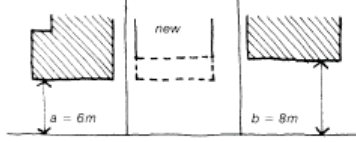
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.

Complies

64 square metres (21.3%)

		<p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
Residential Zone: PDC 7			
<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 area is 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 rear of the dwelling and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS area should not be directly overlooked by adjacent buildings.</p> <p>f) POS area is not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS area should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS area is 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 area is considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>g) The proposed POS area faces east; however, a portion of the area achieves a northerly aspect to provide for comfortable year round use. Adequate natural light is considered to be available for the POS to function appropriately.</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>			Complies
Building Setbacks from Road Boundaries			
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p>General Section: Design and Appearance: PDC 21</p>			<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.9 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>

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

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

General Section: Design and Appearance: PDC 22

Partially Complies

4.9 metres

It is acknowledged that Development Approval has been issued for the construction of a pair of semi-detached dwellings situated at 26B and 26C Travers Street. The dwellings are currently under construction and it is noted that the secondary street setback to Bradman Street is equal to 1.0 metre (approved as Complying Development).

(Therefore, the dwellings on adjoining land set back approximately 7.5 and 1 metres, which equals an average setback of 4.25 metres)

PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.

Further, given the bend in the road, it is my view that the reduced front setback will not result in negative impacts to the streetscape.

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

Residential Zone: PDC 6

Complies

0.9m at the closest point.

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

Residential Zone: PDC 6

Complies

Garage wall 6.7m in length and 2.95m in height (from NGL).

Rear Setbacks

Minimum setback from rear boundary:

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

Residential Zone: PDC 6

Partially Complies

2.8m – 3.5m (34.3%) and 5.4m – 6.2m (45.4m)

Given the angled nature of the rear boundary, the gradual increase in rear setback and stepping of the dwelling, it is my view that the bulk of the building and associated visual impacts will be of a minor nature. It is also acknowledged that adequate separation has been provided from the rear boundary to limit overshadowing.

Building Height

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

Residential Zone: PDC 6

Complies
5m

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

Garage located under the main roof

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres
Maximum height of finished floor level	0.3 metres
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)

Complies
23 square metres

Complies
2.95m (from NGL)

Complies

Complies
0.3 metres

Complies
5.8m and 0.9m behind the main face of the dwelling.

Complies
6.7m in length

Complies
3m

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

2 parking spaces provided (one of which is covered)

<p><i>Detached</i> <i>Semi-detached</i> <i>Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i> <i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p><i>On-site visitor parking spaces should be sited and designed to:</i> <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> <p><i>General Section: Transportation & Access: PDC 42</i></p>		Complies
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the proposed dwelling, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwelling c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 5 on-street car parking spaces shall remain available adjacent the subject land.</p>
Access		
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>		<p>Does Not Comply 4m</p> <p>Given the availability of land for landscaping opportunities, I am of the view that the increased driveway width will not dominate the streetscape.</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 Existing crossover</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>		Complies
Design & Appearance		
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i> <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>Complies</p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling incorporates a mixture of colours and materials to the front façade including sandstone veneer, exposed brick and Colorbond roofing.</p> <p>The above materials are considered to complement other dwellings in the locality and will not result in glare to neighbouring properties, drivers or cyclists. Further, habitable room windows and the front entrance point will present to the street. These design elements combined with the stepping of the front setback will assist in reducing the bulk of the building when viewed from the street.</p> <p>On balance, the design and appearance of the dwelling is considered appropriate for the locality and complements that sought by the relevant provisions of the Development Plan.</p>

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

The dwelling has been designed so that the main façade presents to the street, incorporating a front entrance point, porch and a habitable room window.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

The elevation of the dwelling features a mixture of sandstone veneer, exposed brick and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) Some shadow will be cast into the western adjoining property in morning hours.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The dwelling is oriented so that the open space and main activity area has a partial northern aspect for exposure to winter sun, and thereby provide for efficient solar access to open space.

Whilst the main activity area of the dwelling is oriented west, the POS should receive some northern winter sunlight.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

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 level of 100.4, finished paving level of 100.2 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

Complies

Although a landscaping plan has not been provided, it is acknowledged that there is ample front yard area, which allows for persons purchasing or choosing to reside in the dwelling to landscape to their satisfaction.

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

ANALYSIS/CONCLUSION

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

It is acknowledged that the proposal fails to achieve some of the quantitative provisions of Council's Development Plan; however, where shortfalls have been identified, it has been demonstrated that they have merit. The assessment discussion in the above table has considered the identified shortfalls with the proposal and in each case, the impact of these discrepancies has not been found to result in unreasonable impacts to the dwelling's ability to function appropriately or to the amenity of adjoining land. When these shortfalls are considered on balance with the overall compliance with Council's Development Plan, the merit of the application is considered to outweigh any discrepancies. Further, assessment against the qualitative provisions of Council's Development Plan has demonstrated that the general layout and design of the dwelling is compatible with that sought by the Residential Zone and Policy Area.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1078 for a single storey detached dwelling and garage at 31 Travers Street, Sturt be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1078, being drawing numbers 1-3 of Job No. F3661, Issue B (inclusive) prepared by Format Homes, received by Council on 12 August 2016 and the Drainage Plan of Job No.1604004, prepared by SAF Consulting Engineers, received by Council on 12 August 2016, except when varied by the following conditions of consent.
- 2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 4. 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 7 September 2016

Agenda Ref No: DAP070916 – 2.7

Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: D'Andrea & Associates

Development Description: Three single storey row dwellings and associated garages and landscaping

Site Location: 30 Tennyson Avenue, Plympton Park

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 18/03/2016

Development Plan: Consolidated – 3 December 2015

Application No: 100/2016/473

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)(iv)) of the Development Regulations 2008, which assigns the construction of single storey row dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Development plan provision of 40%.	No changes made.
The private open space of Dwelling 2 should achieve a 5 x 5 metre dimension.	Design of Dwelling 2 amended to provide 5 x 5 metre POS area.

The front entrance point of Dwelling 1 should be relocated to present to Swinburne Avenue.	Front entrance point of Dwelling 1 relocated to present to Swinburne Avenue.
Additional landscaping be provided to the front yard of each dwelling.	Additional landscaping provided.
The crossover associated with Dwelling 3 should be setback a minimum 1.0 metre from the existing stobie pole.	Crossover location amended to achieve 1 metre setback from stobie pole.
Information Requested	Information provided
A copy of the Certificate of Title.	Certificate of Title provided.
A fully engineered site works and drainage plan.	Engineered and Site works plan provided.
Sectional details of the proposed party wall system.	Sectional details of the party wall provided.

SUBJECT LAND & LOCALITY

The subject land comprises 30 Tennyson Avenue, Plympton Park. The allotment is rectangular in shape and incorporates a corner cut-off to the north-eastern corner of the allotment, resulting in a frontage width of 14.63 metres to Tennyson Avenue, depth of 39.62 metres and total site area of 695.8 square metres. The site currently accommodates a detached dwelling in good condition, which is setback approximately 10 metres to the main façade which steps to 14 metres.

Vehicular access is currently available via Tennyson Avenue, through the corner cut-off. The existing driveway leads to a garage which is located along the secondary street (Swinburne Avenue). The contour of the land is relatively flat and there are no regulated or significant trees located on the subject land nor adjoining land.

The original housing stock is typically defined by single storey detached dwellings at low to low-medium densities. Recent infill development has occurred in the locality, displaying a variety of dwelling types including detached, semi-detached, group and row dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of three single storey row dwellings and associated garages. Dwelling 3 incorporates a garage wall along the southern boundary, whereas Dwelling 1 maintains separation from the secondary street.

Each dwelling features three bedrooms, an open plan kitchen/meals/living and associated wet areas. The dwellings present to Swinburne Avenue, incorporating habitable room windows, front entrance points and associated garages to the street. Each dwelling proposes a new crossover on Swinburne Avenue, requiring the removal of one street tree.

The front façade of each dwelling features a mixture of colours and materials including render, panel lift doors and Colorbond roofing.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Arborist:	Council's Arborist has confirmed the street tree situated in place of the crossover servicing Dwelling 2 can be removed and replaced subject to the payment of \$300 by the owner/applicant.
Development Engineer	Council's Development Engineer has reviewed the application plans and advised that the driveway deviation of Dwelling 3 is appropriate and allows for vehicle storage.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Complies
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
<i>PDC 3</i>	<i>Minimum Site Area: 250 square metres</i>	Does Not Comply Dwelling 1: 236m ² Dwelling 2: 230m ² Dwelling 3: 230m ²
	<i>Minimum Frontage: 7 metres</i>	Complies Dwelling 1: 10.5m and corner cut-off Dwelling 2: 13m Dwelling 3: 13m
	<i>Minimum Depth: 20 metres</i>	Does Not Comply Dwelling 1: 17.68m and 14.6m Dwelling 2: 17.68m Dwelling 3: 17.68m

Assessment

The application proposes three single storey row dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. It is acknowledged that the site area and depth of each allotment falls short of the minimum sought in the Northern Policy Area 13; however, it has been demonstrated that the allotment dimensions will be able to accommodate three row dwellings. This will be discussed in greater detail throughout this report. It is also acknowledged that the Northern Policy Area 13 encourages the redevelopment of the existing housing stock at low to medium densities, which is demonstrated by the proposal.

Despite the shortfall in site area and depth of each allotment, it is acknowledged that when viewed from the primary street, there will be no design limitations. Further the dwellings will present similar to that of an allotment which would meet or exceed the minimum site dimensions for row dwellings. The design and layout of each dwelling has demonstrated that the shortfall in site dimensions will not come at the expense of setbacks to boundaries, site coverage or lack of private open space and landscaping. Each dwelling achieves a cohesive streetscape as a result of the front setbacks and front yard landscaping which will soften the appearance of the dwellings. The design of the dwellings will be modern in terms of design and the use of a mixture of colours and materials, which will assist in providing a development that positively contributes to the streetscape.

As such, the general layout and design of each dwelling is considered to satisfy the relevant Objectives, Desired Character statement and Principles of Development Control of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply Dwelling 1: 131.7m² (55.8%) Dwelling 2: 127.2m² (55.3%) Dwelling 3: 127.2m² (55.3%)</p> <p>Excluding alfresco Dwelling 1: 112.6m² (47.7%) Dwelling 2: 116.5m² (50.6%) Dwelling 3: 116.5m² (50.6%)</p> <p>Despite each allotment exceeding Council's site coverage provision of 40%, it is acknowledged that this failing against the Development Plan will not result in adverse impacts to the dwellings' ability to function appropriately or the amenity of adjoining land (discussed throughout this report).</p> <p>It is also acknowledged that when the associated alfresco of each dwelling is excluded from the calculation, site coverage of each allotment is comparable to other recent and similar developments in the locality.</p> <p>Lastly, each dwelling will have access to a generous private open space area which meets or exceeds 20% of the minimum site area required for row dwellings (250 square metres). Accordingly, it is my view that the dwellings will be able to function appropriately and meet the likely needs of occupants.</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

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

General Section: Residential Development: PDC 15

Complies

Dwelling 1: 21.3%
Dwelling 2: 28%
Dwelling 3: 28%

Private Open Space

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

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

Residential Zone: PDC 7

Complies

Dwelling 1: 52m² (22%)
Dwelling 2: 55m² (24%)
Dwelling 3: 55m² (24%)

The POS associated with each dwelling achieves a minimum 5 x 5 metre dimension, directly accessible from a living room. The remainder of the POS area achieves a minimum dimension of 2.5 metres.

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

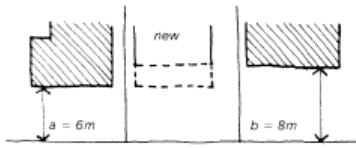
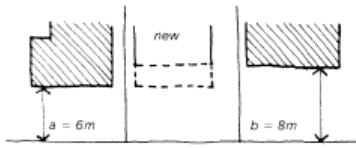
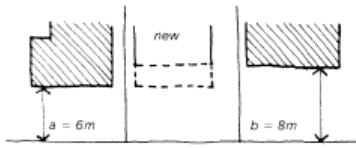
- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level.
- c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- f) Adequate separation has been provided from the main POS areas and habitable room windows on adjoining land.
- g) The proposed POS area of Dwelling 1 will maintain a northerly aspect to provide for comfortable year round use.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

Partially Complies

- g) The POS of Dwelling 2 and Dwelling 3 will maintain a westerly aspect as a result of the existing orientation of the site; however, it is acknowledged that afternoon sun will be available to the POS which will also receive some northern light.

	<p>Does Not Comply</p> <p>f) Despite the POS of Dwelling 2 and 3 being located adjacent bedroom windows of adjoining land, it is my view that this will not result in unreasonable amenity impacts to occupants of the adjacent dwelling. It is acknowledged that this failing against the Development Plan is a result of the existing orientation of the site; however, a standard good neighbour fence should assist in providing an appropriate level of privacy between the subject land and adjoining land.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>

Building Setbacks from Road Boundaries

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.4m is considered to contribute positively to the function, appearance and desired character of the locality.</p>						
<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 22</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</p> <p>Dwelling 1: 4.4m Dwelling 2: 4.4m Dwelling 3: 4.4m</p> <p>(Dwellings on adjoining land set back approximately 3 and 8.5 metres, which equals an average setback of 5.7 metres)</p> <p>PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.</p> <p>It is also acknowledged that the allotments which are located within the intersection of Tennyson Avenue and Swinburne Avenue each present a secondary street setback to Swinburne Avenue and as such, the reduced setback is not considered to result in unreasonable impacts to the streetscape elevation.</p> <p>Further, the garage of each dwelling will step to 5.6 metres which in my view will assist in providing transition to adjacent allotments. Lastly, the application has been amended to incorporate additional landscaping to the front yard of each dwelling which in my view, will soften the appearance of the dwellings and provide a positive contribution to the street.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						

<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 3: 2.5m and 5.6m</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 1: 0.9m from the internal boundary</p>
<p><i>Maximum length and height when wall is located on side boundary:</i></p> <p><i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i></p> <p><i>(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Dwelling 3: 7m in length and maximum wall height of 2.98m (from natural ground level).</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). As such, the setbacks proposed 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>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply</p> <p>Dwelling 1: 0.9m (36.2%), 2.5m (15.8%) and 6.5m (26.4%)</p> <p>Dwelling 2: 3m (31.4%), 4.2m (28.3%) and 5m (40.3%)</p> <p>Dwelling 3: 3m (31.4%), 4.2m (28.3%) and 5m (40.3%)</p> <p>The above non-compliances against Council's Development plan will be discussed further in the "Table Discussion" section of this report.</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>		<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height		
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 5 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p>Complies</p> <p>The garage associated with each dwelling will be located under the main roof.</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>Dwelling 1: 20 square metres Dwelling 2: 22 square metres Dwelling 3: 22 square metres</p>
Parameter	Value	
Maximum floor area	60 square metres	
Maximum wall or post height	3 metres	
Maximum building height	5 metres	
Maximum height of finished floor level	0.3 metres	
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	<p>Complies</p> <p>5.6m</p>

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Dwelling 1: 7m in length (40%)
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies Dwelling 1: 3m (28.5%) Dwelling 2: 3m (23%) Dwelling 3: 3m (23%)
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies The location of each garage is considered adequate to allow for safe and convenient entry and exit without adversely impacting on the safety of road users.
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		Complies Each dwelling contains three bedrooms and provides two (2) parking spaces, one of which will be undercover.
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		Complies 5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.
Access		
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>		Complies Each crossover achieves a width of 3.0 metres.
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>		Complies The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure and requires the removal of one street tree.
<p>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</p> <p>General Section: Transportation and Access: PDC 28</p>		Complies The vehicle access points of Dwelling 2 and Dwelling 3 are separated by a minimum distance of 6 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwellings feature render to the main façade, panel lift doors and Colorbond roofing with a 25 degree pitch.

The above materials are considered to complement others in the locality and will not result in glare to neighbouring properties, drivers or cyclists.

The secondary street elevation of Dwelling 1 presents habitable room windows and an alfresco to Tennyson Avenue, incorporating a variety in setbacks which will assist in reducing the bulk of the building to the street.

On balance, the design and appearance of the dwellings is considered appropriate for the locality and complements that sought by Council's Development Plan.

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

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

General Section: Residential Development: PDC 6

Complies

It is considered that the front yard landscaping combined with the protruding portico will positively contribute to the streetscape while maintaining adequate privacy for occupants. The location of the front entrance point is considered to be easily identified when viewed from the street.

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Complies

It is considered that the front entrance point of each dwelling will be clearly visible from the street. The protruding portico is considered to assist in identifying the front entrance point from the street.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

Complies

The dwellings are designed so that their main façade faces the primary street frontage, presenting an entrance door, porch and habitable windows to the street. The design of the dwellings will assist in identifying entrance points to each individual dwelling from the street.

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

It is acknowledged that the garage associated with Dwelling 3 will be located on the southern boundary; however, the dwelling on adjoining land is setback approximately 2.5 metres from the shared boundary. Notwithstanding the above, it is acknowledged the main private open space of the adjacent dwelling is located to the rear of the site and does not incorporate any habitable room windows along the northern side elevation.

Consequently, the extent of shadow cast onto habitable windows and private open space of adjacent properties complies with PDC 9 and 10.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The layout of Dwelling 1 has been designed so that the open space and main activity area faces north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The main activity areas of Dwelling 2 and Dwelling 3 are oriented west, which should nonetheless receive some northern winter sunlight.

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

<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <ul style="list-style-type: none"> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Complies</p> <p>The proposal incorporates landscaping to the front yard of each dwelling and to the secondary street of Dwelling 1. Further, landscaping will be provided either side of the proposed driveways, which will soften the appearance of paved surfaces to the street.</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>A 1.8 metre high rendered fence is proposed to the secondary street of Dwelling 1 and setback 6 metres from the tangent point. Given the fencing is not proposed to the full length of Tennyson Avenue, landscaping can be viewed along the side and front yard of Dwelling 3.</p>

TABLE DISCUSSION

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

- Rear setback of each dwelling.

It is acknowledged that Dwelling 2 and Dwelling 3 achieve a variety in rear setbacks equal to 3m, 4.2m and 5m. Dwelling 1 proposes a 0.9m rear setback which increases to 2.5m and 6.5m. Despite each dwelling falling short of the minimum 6 metres sought under the Development Plan, it is acknowledged that a significant portion of the dwelling will be located adjacent the side path and front yard landscaping of the dwelling situated at 32 Tennyson Avenue. The variety in rear setbacks is considered to soften the appearance and assist in reducing the bulk of the building when viewed from adjoining land. Further, as identified within the Overshadowing section of this report, any north facing habitable windows and the main private open space areas of adjoining land will receive adequate natural light throughout the day.

Lastly, it is acknowledged that if a dwelling was proposed presenting to Tennyson Avenue, the western boundary of the allotment could act as a side boundary where a minimum setback of 900mm is permitted. Accordingly, it is my view that the shortfall in rear setback for each dwelling will not result in unreasonable visual or overshadowing impacts to adjoining land and are compatible with other developments in the locality.

ANALYSIS/CONCLUSION

It is my opinion that the proposed development appropriately satisfies the Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of old housing stock at low-medium densities. Whilst increased densities are anticipated, it is acknowledged that the subject land fails to meet the minimum 750 square metres sought within the Policy Area. It is acknowledged however; that the site as a whole represents a 7.2% shortfall in site area required for row dwellings. The assessment discussion within this report has demonstrated that the undersized nature of the allotments will not result in any design limitations when viewed from the street, nor adversely affect the amenity of adjoining properties and the dwellings' ability to function appropriately.

It is acknowledged that the proposal fails to achieve some of the quantitative provisions, in particular rear setback. The assessment discussion in the above table and "Table Discussion" section of this report has considered the identified shortfalls with the proposal and in each case, the impact of these discrepancies has not been found to result in unreasonable impacts to the dwellings' ability to function appropriately or to the amenity of adjoining land. When these shortfalls are considered on balance with the overall compliance with Council's Development Plan, the merit of the application is considered to outweigh any discrepancies. Further, assessment against the qualitative provisions of Council's Development Plan has demonstrated that the general layout and design of the dwelling is compatible with that sought by the Residential Zone and Policy Area.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/473 for three single storey row dwellings and associated garages and landscaping and fence at 30 Tennyson 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. 100/2016/473, being sheet 1-9 of Drawing No. KCW-TRV-16004-001 prepared by TRV Homes, received by Council on 2 August 2016 and the Site and Drainage Plan, prepared by Structural Stability Consulting Pty. Ltd., received by Council on 12 August 2016, except when varied by the following conditions of consent.
- 2. A revised Site Plan shall be provided to Council prior to the issue of Development Approval, which ensures consistency with the approved Site and Drainage plan prepared by Structural Stability Consulting in relation to the layout of driveways.
- 3. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 September 2016

Agenda Ref No:	DAP070916 – 2.8
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Kate Pleban
Development Description:	Freestanding advertisement achieving a total height of 6.1 metres and replacement of existing fascia advertisement.
Site Location:	884 South Road, Edwardstown
Zone:	Commercial Zone
Policy Area:	South Road Policy Area 2
Application Type:	Category 1/Consent
Lodgement Date:	01/07/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1185
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 Consent form of development by virtue of Schedule 9 clause 2(g) of the Development Regulations 2008, as the proposed signage is considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. Council has formed this opinion as the proposed advertisement is replacing an existing pylon sign which achieves a similar height and is located in the same position.

The application cannot be considered a Complying form of development as the proposed 6.1 metre high freestanding advertisement does not have substantially the same layout and external appearance as the existing sign. The proposed advertisement is a fully enclosed structure whilst the existing structure comprises a rectangular sign face and supporting poles.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal comprises an outdoor advertising sign of a freestanding/pylon design where the face of the advertising structure exceeds 5m² in area (each side when double sided). The proposed advertising sign also exceeds the maximum height and display area/panel size requirements as prescribed within the relevant zone within the General Section: Advertisements in the Marion Council Development Plan, and therefore sub-delegation (e) of the DAP meeting held 5 November 2014 does not apply to the subject application.

BACKGROUND

During the assessment process, Council staff requested the following information:

Information Requested	Information Provided
Site plan nominating the location of all proposed signage and setbacks to boundaries.	Information provided.
Confirmation of illumination colour.	Information provided.
Scale elevations.	Information provided.

SUBJECT LAND & LOCALITY

The subject land is located on the western side of South Road at 884 South Road, Edwardstown. The land comprises a single allotment and is rectangular in shape. The allotment supports a frontage to South Road of 32.31 metres and a frontage to Delaine Avenue of 45.42 metres. The site has an approximate area of 1,804 square metres. The allotment is located within the South Road Policy Area 2 of the Commercial Zone.

The subject land is split into two separate tenancies, with a service trade premises (Mercedes-Benz vans) located to the northern portion, and a motor repair station (Mercedes-Benz F.Wann Motors) located to the southern portion.

The land also contains a number of ancillary signs that identify the site and its use. Whilst the existing fascia signage will be replaced as part of this application, the replacement of this signage would be a complying form of development if lodged as a separate application and as such, does not form part of this assessment.

The immediate locality is characterised by a range of commercial uses to the north and south of the subject site along the eastern and western side of South Road. A majority of these tenancies incorporate associated free-standing and fascia advertising signage.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application seeks to remove and replace the existing freestanding advertisement and fascia signage from the existing motor repair station (Mercedes-Benz F.Wann Motors) located to the southern portion of the allotment.

The existing 5.5m metre high freestanding advertisement will be removed and replaced by a new 6.1 metre high, 1.2 metre wide and 300mm deep internally illuminated advertisement. The advertisement will be set back from the South Road property boundary by approximately 500mm and 2.5 metres from the northern internal boundary. The proposed advertisement is located in the same position as the existing advertisement.

The proposed advertisement will be double sided and achieves a north to south orientation in order to gain maximum visual exposure to traffic travelling along both sides of South Road. The sign will incorporate the corporate Mercedes-Benz logo which will be internally illuminated with a white hue on a mid-night blue background (remainder of the advertisement). The total display area of the proposed sign equates to 7.32 square metres per sign face (14.64 square metres in total).

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Commercial and South Road Policy Area 2 are listed in the following table and discussed in further detail below:

Commercial Zone		
<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>	Complies The existing F. Wann Motors has been in operation for a significant period of time within the Commercial Zone and the continuation of this use is considered appropriate within the locality and Zone.
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Complies The proposed sign will not result in adverse impacts upon the locality as it is similar in height, design and appearance to the existing free-standing sign it is replacing.
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ consulting room ▪ motor vehicle related business other than wrecking yard ▪ office ▪ petrol filling station ▪ service trade premises ▪ shop with a gross leasable area of 250 square metres or less ▪ store ▪ warehouse. 	Complies Whilst the proposed use of the land does not form part of the assessment of this particular application, it is worthy to note that the proposed free-standing signage is associated with an existing motor repair station site which has been in operation on the subject land for a number of years.
South Road Policy Area 2		
Objectives <i>3 Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor.</i> <i>4 Development that contributes to the desired character of the policy area.</i>		Complies The proposed advertisement is modern in design and is considered to improve the visual appearance of the existing use.
Desired Character <i>Development along South Road is highly commercialised and provides an important servicing role to local, neighbourhood and significant district and metropolitan wide population. It contains a major concentration of motor vehicle related uses, service trade premises and bulky goods outlets. Due of the importance of South Road as a major arterial road, new development must be consistent with its arterial road function.</i> <i>The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.</i> <i>The architectural style and finishes of building development will be varied and display high aesthetic qualities to enhance the visual character of the locality.</i>		Complies
<i>3 Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>		Complies

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:

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p>(a) consistent with the predominant character of the urban or rural landscape</p> <p>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</p> <p>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p> <p>The siting, dimensions and design of the proposed freestanding advertisement are considered to be in keeping with the existing free-standing advertisement.</p> <p>Whilst the structure will be slightly taller and the sign face will be slightly larger than what presently exists as it consists of a single panel (compared to the existing sign face and supporting poles) the advertisement will not look out of place within the existing landscape.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p>(a) clutter</p> <p>(b) disorder</p> <p>(c) untidiness of buildings and their surrounds</p> <p>(d) driver distraction.</p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>It is noted the proposed free-standing advertisement will replace the existing freestanding advertising structure in the same location.</p> <p>The proposed advertisement will be the only freestanding advertisement located on the premises and is therefore considered to minimise clutter and potential diver distraction.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>Complies</p> <p>The proposed free-standing sign is limited to information relating to the legitimate use of the subject tenancy.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p>(a) be completely contained within the boundaries of the subject allotment</p> <p>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</p> <p>(c) not obscure views to vistas or objects of high amenity value.</p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p>(a) a public footpath or veranda post</p> <p>(b) a road, median strip or traffic island</p> <p>(c) a vehicle adapted and exhibited primarily as an advertisement</p> <p>(d) residential land.</p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p>Complies</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p>Complies</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p>Complies</p> <p>The proposed advertisement displays the relevant information in a simple and concise manner.</p>

<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>a) The level of illumination emitted by the proposed advertisement will be controlled by way of a condition of approval.</p> <p>b) The proposed advertisement is not located sufficient distance from traffic signals.</p> <p>c) The proposed sign should not result in unreasonable driver distraction as it does not involve any moving/flashing elements.</p> <p>d) The proposed advertisement is set back from the side boundary and is not considered to obscure a driver's view or other road features.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p>Complies</p> <p>There are no overhead power lines or stobie poles along this section of South Road with all electricity infrastructure having been placed under ground.</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p><i>General Section: Advertisements: PDC 17</i></p>	<p>Does Not Comply</p> <p>Although the proposed advertisement is located within 50 metres of a signalised pedestrian crossing, only the Mercedes-Benz logo portion of the structure will incorporate LED elements (white) and will be of a non-animated nature (i.e. static).</p> <p>The contrast of a white logo on a midnight blue background will assist in reducing the risk of conflict with the adjacent signals.</p>
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Complies</p> <p>a) Only one primary free-standing advertising sign is proposed.</p> <p>b) The proposed advertisement is essentially replacing an existing advertisement in the same location (with a minor increase in face area) and is therefore considered compatible with the character of the locality and the development on the site.</p>
<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p>Complies</p> <p>South Road achieves a maximum speed limit of 60km/h.</p>

TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan.

The proposed 6.1 metre high advertisement is a fully enclosed portrait orientated rectangular structure. The proposed freestanding advertisement is a maximum 6.1 metres in height, 1.2 metres in width and 300mm in depth. The structure achieves a total advertising display area of 14.64 square metres, which equates to 7.32 square metres per side.

The proposed advertisement is similar to the existing freestanding advertisement, with the only exceptions being a change in colour scheme to align with current Mercedes-Benz corporate branding, increase in height and increase in face area which has changed to incorporate the entire structure (i.e. rather than an advertisement being supported by poles).

The table below provides a comparison in dimensions for the existing and proposed advertisement, whilst *Attachment IV* provides members with an image of the existing advertisement.

Attributes	Existing	Proposed
Height	5.5m (approx)	6.1m
Width	1.9m	1.2m
Depth	400mm	300mm

Table 1. Freestanding advertisement: Existing and Proposed Dimensions

In my opinion, the proposed advertisement will be considerably smaller in terms of its height and scale in comparison to other free-standing advertisements within the immediate locality such as the multi tenancy pylon sign to the north. This notwithstanding, the proposal will be bulkier in appearance due to its solid rectangular structural form.

The allotment is located within a Zone and Policy Area where some form of advertising signage is anticipated and is sited within close proximity to other commercial uses. Furthermore, it is worthy to note a freestanding advertisement of similar dimensions, and proportion already exists on the subject site and in the same location.

Although the advertisement is located immediately adjacent an arterial road and minimal separation has been afforded, it is not anticipated to create a hazard to passing motorists. The advertisement will be confined within the subject land and is simple and uncomplicated in terms of its design and appearance. Whilst the LED elements is illuminated 24 hours a day, no animated or flashing elements are proposed and therefore it is unlikely to cause a distraction to passing motorists. As such, advertisement is not considered to result in a high level of risk to the safety of motorists travelling along Seacombe Road.

The freestanding advertisement and associated fascia signage will improve the visual appearance of the existing locality by providing the site with a modern and contemporary structure and refreshed appearance. In my opinion, the advertisement is considered to be in context with the immediate locality and is not considered to adversely impact on the amenity of the locality, nor affect or dominate the existing landscape character.

ANALYSIS/CONCLUSION

Assessment relating to the qualitative Principles of Development Control identifies the development satisfies a majority of the relevant and applicable Development Plan criteria.

The proposed advertisement is replacing an existing advertisement, and whilst slightly different in terms of the overall sign face and design (i.e. incorporating illumination), it is not anticipated the advertisement will visually dominate the landscape character, nor look out of place within the existing commercial landscape as a result of its overall size and dimensions.

Although minimal separation between the proposed 6.1 metre high advertisement and South Road has been afforded, the overall size and face area of the structure is unlikely to result in adverse visual amenity or bulk/scale impacts, especially when given it is replacing an existing advertisement.

Whilst the Mercedes-Benz logo will utilise LED technology, is not considered to create a hazard for passing motorists given the utilisation of white lighting on a midnight blue background.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1185 for Freestanding advertisement achieving a total height of 6.1 metres and replacement of existing fascia advertisement at 884 South Road, Edwardstown be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1185, being drawings 'East Elevation', 'North Elevation', 'External Plan' received on 16/08/2016 and 'Site Context Report' received on 15/07/2016, all prepared by Harkess-Ord, except when varied by the following conditions of consent.
2. The advertisement and supporting structure shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
3. The proposed non-illuminated signs shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety
4. The proposed signage shall not include any element that scrolls, flashes, moves or changes.
5. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of Council.
6. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.
7. The illumination of the sign shall be limited to a low level in order to minimise the impact of the sign on the safety and conspicuity of the adjacent traffic signals.

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>Image of existing freestanding advertisement</i>