

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 16 NOVEMBER 2016**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
 - 2.1 8 RAGLESS AVENUE, PARK HOLME**
A two-storey building comprising four dwellings and
incorporating a wall on the eastern boundary
DAP161116 – 2.1.....1
 - 2.2 15 BEAUMONT STREET, CLOVELLY PARK**
To construct four, two storey row dwellings, one of which
incorporates a garage wall on the western side boundary
DAP161116 – 2.2.....32
 - 2.3 1262-1266 SOUTH ROAD, CLOVELLY PARK**
Change of use to a display homes centre including the
construction of five transportable buildings, associated office
building and car parking, signage and landscaping
DAP161116 – 2.3.....72
 - 2.4 54 JERVOIS STREET, SOUTH PLYMPTON**
A two storey building, comprising three dwellings
DAP161116 – 2.4.....119
 - 2.5 123 THE COVE ROAD, HALLETT COVE**
Single storey split-level detached dwelling, incorporating a garage
wall on the southern side boundary
DAP161116 – 2.5.....148
 - 2.6 378 MORPHETT ROAD, WARRADALE**
A two-storey residential flat building comprising five dwellings
and including associated car parking, landscaping and front fence
DAP161116 – 2.6.....182

2.7	33 - 35 ALBANY CRESCENT, OAKLANDS PARK To construct two (2) single storey residential flat buildings, each comprising three (3) dwellings with associated car parking and landscaping DAP161116 – 2.7.....	225
2.8	55 DE LAINE AVENUE, EDWARDSTOWN A single storey residential flat building comprising four dwellings with associated car parking and landscaping DAP161116 – 2.8.....	261
3.	OTHER BUSINESS:	
3.1	CONFIDENTIAL ITEM DAP161116 – 3.1.....	295
3.2	APPEALS UPDATE	
3.3	POLICY OBSERVATIONS	
4.	CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 16 NOVEMBER 2016	
5.	CLOSURE	

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 November 2016

Agenda Ref No:	DAP161116 – 2.1
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	D'Andrea & Associates
Development Description:	A two-storey building comprising four dwellings and incorporating a wall on the eastern boundary
Site Location:	8 Ragless Avenue, Park Holme.
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	05/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/805
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a building of two storeys comprising dwellings as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

In addition, the subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum of 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 policies.	Site coverage reduced from 52%, 63.5%, 62.6% and 60.6% to 50.8%, 56.8%, 58.2% and 54.8% for Dwellings 1 to 4 respectively.
The floor area ratio of Dwellings 2, 3 and 4 should be reduced.	FAR's reduced from 0.66 (Dwellings 2 and 4) and 0.65 (Dwelling 3), to 0.61 for each dwelling.
The wall on the eastern boundary should be reduced in height.	Boundary wall height reduced from 3.4 metres to 2.7 metres.

SUBJECT LAND & LOCALITY

The subject site is located at 8 Ragless Avenue, Park Holme. The land comprises a corner allotment, of irregular shape, with a western primary street frontage to Ragless Avenue of 19.81 metres, a southern secondary street frontage to Sandison Avenue of 30.48 metres, and a total site area of 918 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached carport from Ragless Avenue, as well as secondary access to a freestanding garage from Sandison Avenue. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality consists of a mix of redeveloped/sub-divided properties, (which typically take the form of single-storey and two-storey semi-detached and row dwellings), and single-storey detached dwellings at low densities, which are representative of the original dwelling stock.

The subject land is located adjacent a public open space reserve which include tennis courts and club room and a children's playground. The Marion outdoor swimming centre and associated open space is sited approximately 350 metres walking distance to the west of the site. Whilst a Neighbourhood Centre Zone is situated some 300 metres walking distance to the south-east of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct four, two-storey row dwellings with associated car parking and landscaping; all incorporating a primary frontage to Sandison Avenue.

The ground floor proposal for each dwelling includes a double garage, laundry, separate WC and open-plan kitchen, living and dining areas, while the second floor of each dwelling comprises three bedrooms (main with ensuite and WIR) and a bathroom.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include face brickwork, matrix cladding and a range of rendered finishes. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 22-degree pitch. Landscaping is also proposed and is to be provided within side and rear yards and to the front of each dwelling.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council.
Persons wishing to be heard:	6a Ragless Avenue 9 Ragless Avenue
Summary of representations:	<p>6a Ragless Avenue</p> <ul style="list-style-type: none"> Concerns regarding proposed density. Concerns regarding overlooking from upper level windows. <p>9 Ragless Avenue</p> <ul style="list-style-type: none"> Concerns regarding proposed density, the site is only suitable for three dwellings. Two storey development is not in-keeping with the existing character of the streetscape. The proposal results in garage dominance from 4 double garages exceeding width requirements. Concerns regarding excessive site coverage. <p><i>Refer Attachment IV</i></p>
Applicant's response:	See attached. <i>Refer Attachment V</i>

INTERNAL DEPARTMENT COMMENTS

Civil Services:	The street sign sited within the nominated driveway crossover servicing Dwelling 1 may be relocated subject to payment of \$100 + GST.
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ZONE & POLICY AREA ASSESSMENT

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

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	<i>Minimum Site Area: 250m²</i>	Does Not Comply Dwelling 1: 228.2m ² Dwelling 2: 223.4m ² Dwelling 3: 230.6m ² Dwelling 4: 235.8m ²
	<i>Minimum Frontage: 7m</i>	Does Not Comply Dwelling 1: 6.8m Dwelling 4: 6m Complies Dwelling 2: 8.9m Dwelling 3: 8.7m
	<i>Minimum Depth: 20m</i>	Partially Complies Dwelling 1: 19.7m- 24.4m Complies Dwelling 2: 24.4m- 25.8m Dwelling 3: 25.8m- 27.3m Dwelling 4: 27.3m- 29.5m

Assessment

Objectives & Desired Character

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

The subject land is located adjacent to a public open space reserve and approximately 350 metres walking distance from the Marion outdoor swimming centre and associated open space. A Neighbourhood Centre Zone and public transport opportunities are also within a reasonable walking distance of the site. As such, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

Objective 3 of the Northern Policy Area 13 seeks for development to minimise the impact of garaging of vehicles on the character of the locality. Each of the proposed dwellings comprise a double garage resulting in some degree of garage dominance. However, and as discussed further below within this report, the dwellings have been designed to minimise the visual dominance of the garaging.

Site Areas

A minimum site area of 250 square metres is prescribed for row dwellings in the Northern Policy Area 13, which equates to a shortfall of 21.8 square metres (8.7%) for Dwelling 1, 26.6 square metres (10.6%) for Dwelling 2, 19.4 square metres (7.8%) for Dwelling 3 and 14.2 square metres (5.7%) for Dwelling 4. This results in a 8.2% discrepancy for the total site area. In my view, the shortfall in site areas is not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the ability of the application to maintain a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from Development Plan requirements (as discussed further in the Table Discussion of this report).

Frontage width

The frontage width of Dwellings 1 and 4, at 6.8 metres and 6 metres respectively, does not meet the prescribed minimum of 7 metres. It is noted that these measurements are reflective specifically of the front boundaries of the proposed allotments (and does not include the corner cut off for Dwelling 1), with the width of each allotment increasing to exceed the minimum requirement at the main face of the dwellings. Accordingly, the shortfall in frontage width should not be readily apparent within the streetscape.

Assessment summary

On balance, the proposed development is considered to adequately comply with the Objectives, Principles and Desired Character of the Northern Policy Area 13. Fundamentally, the ability of the dwellings to accord with a majority of Development Plan criteria demonstrates that the shortfall in site areas and minor shortfalls in frontage width, do not jeopardise the underlying merit of the proposal.

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: 50.8% (115.9m²) Dwelling 2: 56.8% (126.8m²) Dwelling 3: 58.2% (134.2m²) Dwelling 4: 54.8% (129.3m²)</p> <p><u>Floor area ratio:</u></p> <p>Does Not Comply Dwelling 1: 0.61 (138.2m²) Dwelling 2: 0.61 (137.7m²) Dwelling 3: 0.61 (140.8m²) Dwelling 4: 0.61 (144.4m²)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> (a) <i>would not be contrary to the relevant setback and private open space provisions</i> (b) <i>would not adversely affect the amenity of adjoining properties</i> (c) <i>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><i>Site coverage should ensure sufficient space is provided for:</i> (a) <i>pedestrian and vehicle access and vehicle parking</i> (b) <i>domestic storage</i> (c) <i>outdoor clothes drying</i> (d) <i>rainwater tanks</i> (e) <i>private open space and landscaping</i> (f) <i>convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Approximately 24.5% (225m²)</p>

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: 25.6% (58.5m²)
Dwelling 2: 23.2% (51.8m²)
Dwelling 3: 23.4% (53.9m²)
Dwelling 4: 67.5% (67.5m²)

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) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

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

General Section: Residential Development: PDC 22

Complies

Building Setbacks from Road Boundaries

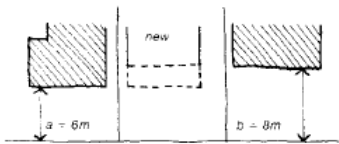
Except in areas where a new character is desired, the setback of buildings from public roads should:
 (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
 (b) contribute positively to the function, appearance and/or desired character of the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

General Section: Design and Appearance: PDC 21

Complies

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 5.5 metres is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 22

Partially Complies

Dwelling 1: 5.5 metres
 Dwelling 2: 5.5 metres
 Dwelling 3: 5.5 metres
 Dwelling 4: 5.5 metres

(The dwelling on the adjoining allotment to the east is set back approximately 7 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.

Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

Complies

Dwelling 1: 2.5m- 3m

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 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

Partially Complies

Wall height between 3 metres and 6 metres

Dwelling 4:

The lower level (wall height of 3.4 metres where not sited on the boundary) is setback at 1.763 metres from the eastern boundary at its closest point, increasing to 2.5m

The upper level (wall height of 5.7 metres) is setback at 1.4 metres from the eastern boundary at its closest point, increasing to over 2 metres. The portion of the wall setback at less than 2 metres is limited to a length of 4 metres.

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

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

Residential Zone: PDC 6

Complies

Dwelling 4: Length: 6.2m, Height 2.79m (from natural ground level)

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setbacks of Dwelling 4 do not exactly comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 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><u>Single storey parts of the dwellings</u></p> <p>Complies</p> <p>Dwelling 1: 4.3m increasing to 5.5m Dwelling 2: 4.7m increasing to 6.7m Dwelling 3: 5.5m increasing to 6.8m Dwelling 4: 5.9m increasing to 7.1m</p> <p><u>Upper storey parts of the dwellings</u></p> <p>Does not Comply</p> <p>Dwelling 1: 5.5m increasing to 6.7m</p> <p>Complies</p> <p>Dwelling 2: 10.5m increasing to 11.7m Dwelling 3: 11.7m increasing to 12.9m Dwelling 4: 8m increasing to 9m</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 upper level rear setback of Dwelling 1 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.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.7 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports, Verandas and Outbuildings</h2>	
<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>Each proposed garage is incorporated under the main roof of the associated dwelling.</p>

<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
Parameter	Value	
Maximum wall or post height	3 metres	Complies 2.7m
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies Dwelling 1: 5.5m (in line with main face) Dwelling 2: 6m (0.5m behind main face) Dwelling 3: 6m (0.5m behind main face) Dwelling 4: 6m (0.5m behind main face) Dwelling 1 incorporates minor projecting elements to provide articulation to the building as it presents to the street.
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies Dwelling 4: 6.2m
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)	Does Not Comply Dwelling 1: 64% (4.8m) Dwelling 2: 53.9% (4.8m) Dwelling 3: 55.2% (4.8m) Dwelling 4: 80% (4.8m)
<p><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></p> <p><i>General Section: Residential Development: PDC 13</i></p>		Complies
Vehicle Parking		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		Complies Each dwelling features three bedrooms and at least three on-site car parking spaces (two of which are covered).
Detached Semi-detached Row	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</p> <p>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<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>		Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in reasonable walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 4 on-street car parking spaces 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>4 on-street car parking spaces are provided for the proposed allotments, which exceeds the requirements of PDC 22.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p style="margin-left: 40px;">(a) 3 metres wide for a single driveway</p> <p style="margin-left: 40px;">(b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Each dwelling provides a 3.5m wide crossover to a double width garage.</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, tram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from an existing stobie pole. A street sign is required to be relocated at the developers/owners cost.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Partially Complies</p> <p>While vehicle access points are not all separated by a minimum distance of 6 metres, the proposal maintains adequate on-street car parking as demonstrated by compliance with PDC 22.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p style="margin-left: 40px;">(a) building height, mass and proportion</p> <p style="margin-left: 40px;">(b) external materials, patterns, colours and decorative elements</p> <p style="margin-left: 40px;">(c) roof form and pitch</p> <p style="margin-left: 40px;">(d) façade articulation and detailing</p> <p style="margin-left: 40px;">(e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick, cladding and render on the front and secondary street façades. • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico, cantilevered upper levels and fenestration • Eave overhang and pitched roof form at 22-degree slope <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>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p>

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

Dwellings 2, 3 and 4 are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

Dwelling 1 is designed with the entry door presenting to the secondary street, while still providing habitable room windows to the primary street frontage.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

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

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

Visual Privacy

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

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

Complies

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

<p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The alfresco/verandah of each dwelling has been provided with a skillion roof design to maximise northern solar access to the living area during winter months.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 22 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

TABLE DISCUSSION

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

- Site coverage
- Floor area ratios
- Upper level rear setback (Dwelling 1)
- Percentage of garage to dwelling frontage

Site coverage

Site coverage considerably exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 50.8%, 56.8%, 58.2% and 54.8% for Dwellings 1, 2, 3 and 4 respectively. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposed dwellings each include an undercover terrace/verandah area. Were these to be deleted from the proposal, site coverage would reduce to 40.9%, 50%, 50.4% and 47.2% for Dwellings 1 to 4 respectively, or an average of 47.1% of the total site area. While this level of site coverage more closely aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

Furthermore, verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to the proposed terraces; such structures are likely to comply with Schedule 1A of the Development Regulations 2008 (which allows for site coverage of up to 70% for row dwellings) and therefore would not require Development Plan Consent. Accordingly, whilst removal of the proposed terraces would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

- b) The proposal substantially exceeds the minimum POS requirement of 20%, at 25.6%, 23.2%, 23.4% and 28.6% for Dwellings 1 to 4 respectively. Additionally, the proposed dwellings achieve sufficient setbacks from boundaries (as discussed further 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.
- c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Floor area ratios

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13. Each proposed dwelling surpasses this limit, with FAR's equating to 0.61 for each dwelling. These excesses do not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

Upper level rear setback (Dwellings 1 and 4)

The upper level rear setback requirement of 8 metres is not met by Dwelling 1, with a rear setback of between 5.5 metres and 6.7 metres observed. Dwelling 1 is sited adjacent to the front yard and carport of the adjoining property to the north. Accordingly, the shortfall in upper level rear setback will not result in overshadowing, overlooking or significant visual impacts upon the locality or upon that of the adjoining property and is therefore considered acceptable.

Percentage of garage to dwelling frontage

The proposed dwellings each feature a double garage on the ground floor, which equates to approximately 63.3% of the building frontage width. Whereas, PDC 6 of the Residential Zone prescribes that garaging should comprise a maximum 50% of the width of the front façade of the dwelling to which the garage or carport is associated. As a result of this shortfall, the applicant has designed the buildings to minimise the visual dominance of the garaging through the following treatments:

- Hipped roofs and eaves overhang on the upper floor to assist in reducing bulk and improving articulation;
- Substantial and attractively-proportioned upper level windows that present to the street;
- A mix of colours and materials on the front façade, including brick on the ground floor, render on the upper floor and Scyon matrix cladding;
- The upper level incorporates a cantilevered overhang forward of the garaging on the ground floor;
- Side walls of the upper level are stepped-in from the ground floor;
- Portico elements which extend forward of the garaging;
- Attractive panel-lift garage doors;
- Reduced driveway width to minimise paving and increase landscaping opportunities; and
- Landscape plantings, as opposed to only lawn/turf, to assist in reducing visibility of driveway.

These features are considered to sufficiently address the excess in garage width to ensure that the garages should not dominate the streetscape.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density, overlooking, garage dominance, site coverage and the two-storey nature of the development 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 preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

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

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/805 for a two-storey building comprising four dwellings and incorporating a wall on the eastern boundary at 8 Ragless Avenue, Park Holme, 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. 100/2016/805, except when varied by the following conditions of consent.
- 2. The boundary wall is to be finished in a professional manner, similar to other rendered facades 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 portion of the upper floor windows (except the windows presenting to the primary and secondary streets) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
- 5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

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

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 street sign shall be relocated by Council at a cost of \$100 + GST to be borne by the applicant/owner.
5. 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.).
6. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 November 2016

Agenda Ref No:	DAP161116 – 2.2
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Raja Salha
Development Description:	To construct four, two storey row dwellings, one of which incorporates a garage wall on the western side boundary.
Site Location:	15 Beaumont Street, Clovelly Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	30/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2243
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

In addition to the above, the subject application is also required to be determined by the Development Assessment Panel as Dwellings (2), (3) and (4) all support allotment areas that are less than the prescribed minimum of 250 square metres required for row dwellings within Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

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

BACKGROUND

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

Information Requested	Information Received
Applicant is to provide a landscape plan showing the location of vegetation to be planted within the front yards of each dwelling and between the driveways of Dwgs (1) & (2).	The applicant has provided a landscaping plan as requested. (Refer to Attachment III).
Applicant is to provide shadow diagrams to help determine the extent of shadow to be cast by the proposed development over the properties located to the west and south.	The applicant has provided shadow diagrams as requested. (Refer to Attachment III).
Applicant is to provide additional information confirming the provision of private open space to be allocated each dwelling.	Information confirming the provision of private open space per dwelling has been provided on the attached plans. (Refer to Attachment III).
Applicant is to provide an Engineered Site Works and Drainage Plan for assessment purposes.	The applicant has provided an Engineered Site Works Plan as requested. (Refer to Attachment III)
Requested Amendments	Amendments Made
The site coverage and floor area ratios achieved in respect to Dwellings (2), (3) and (4) are considered high and should be reduced closer to 40% and 0.60 in accordance with the Development Plan.	The plans remain unchanged with no reductions made in respect to the site coverage and floor area ratios achieved by Dwellings (2), (3) and (4).

SUBJECT LAND & LOCALITY

The subject land is situated on the south-western corner of Beaumont Street and Thirza Avenue at 15 Beaumont Street, Clovelly Park. The subject land comprises a large regular shaped allotment which has a 16.1 metre frontage (excluding the 4 x 4 metre corner cut-off) to Beaumont Street and a secondary frontage of 45.1 metres to Thirza Avenue to provide a total site area of approximately 920 square metres.

The subject land slopes gently downwards to the rear of the allotment and is developed with an existing single storey detached dwelling (circa 1950) fronting Beaumont Street. An inspection to the subject land reveals that the site is devoid of any regulated trees, whilst the certificate of title confirms that the land is clear of any encumbrances or easements.

The locality is characterised by a mix of older housing stock comprising mainly single storey detached dwellings on large regular shaped allotments together with single storey row dwellings and medium density dwelling units (circa 1980).

Many new dwellings also exist within the locality and comprise single storey semi-detached dwellings as exhibited on the east of the subject land on the opposite side of Beaumont Street as well as single and two storey detached and residential flat dwellings on mainly "battle-axe" shaped allotments as exhibited immediately to the south of the subject land.

In addition, it is worthy to note that Development Plan Consent has been granted in respect to the land located immediately to the west of the subject land at 15 Percy Street for exactly the same development as that proposed in this application. Should this application be approved, a total of eight, two storey row dwellings will present to Thirza Avenue projecting the same design and street appearance.

The only notable landmark within the immediate locality includes the Sacred Heart Middle School which is located to the west/south-west of the subject land on the corner of Thirza Avenue and Percy Avenue. This land is developed with various buildings and contains vast areas of open space and sporting fields which are clearly visible from the site of the development.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to construct four, two storey row dwellings with all dwellings presenting to Thirza Avenue. The dwellings will each provide three bedrooms (master bedroom at ground level with en-suite) with open plan kitchen/dining/living areas all directly linked to areas of useable private open space to the rear of each dwelling.

The dwellings will have a modern appearance with second storey components displaying an adequate degree of articulation to help reduce the bulk and scale of the dwellings when viewed from adjacent land. Materials and finishes of construction will include a mix of face brick, rendered foam panels and weatherboard sheeting to external walls.

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

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	25 properties were notified during the Category 2 public notification process.
Representations:	4 representations were received by Council all objecting to the proposed development.
Persons wishing to be heard:	2 representors have indicated a desire to be heard by the Panel.
Summary of representations:	<ul style="list-style-type: none">• Loss of privacy to occur as a result of overlooking from the upper level windows and balconies of the two storey dwellings facing Thirza Avenue.• The character of the locality will change with the introduction of an additional four two storey row dwellings in the area.• The proposed dwellings look cheap by comparison with existing older housing stock within the locality and will therefore look out of place.• The development will increase the amount of traffic and congestion in the street and reduce on-road parking potential.• The plans do not show whether the proposed development has adequate on-site car parking provision for each dwelling.• The additional traffic in the street will pose a potential safety risk to pedestrians and motorists travelling along Beaumont Street.

Refer Attachment IV

Applicant's response:	<ul style="list-style-type: none"> • The application has been prepared to comply with the Marion Council Zone and planning requirements. • The car parking provides for 2 off-street car parking spaces per dwelling which complies with planning regulations. • As sufficient off-street parking has been provided per dwelling there should be no impact in respect to street parking and public safety. • The privacy of neighbours is not affected by the upper floor as the windows are a minimum of 1.7 metres above the internal floor. • The overshadowing of adjacent land is limited to less than 4 hours per day as shown on the shadow diagrams. • The aesthetics of the building facades is in keeping with a "modern" 2016 style similar to many other new developments within the Council area. <p style="text-align: right;"><i>Refer Attachment V</i></p>
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INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The application was referred to the Council's Engineer who raised no concerns following his assessment of the proposed development.</p> <p>The finished floor levels of the individual dwellings and the drainage of stormwater from the subject land has all been deemed to be acceptable.</p>
Arborist	<p>Two existing Council street trees located along Thirza Avenue are to be removed as they are located in close proximity to the proposed new driveway access points for Dwellings (1) and (2).</p> <p>The Council's Arborist has raised no objection to the removal of the two trees as they are considered to be in poor condition and do not provide a positive contribution to the streetscape.</p> <p>Removal of the subject trees is subject to the payment of \$1,225.92 to be paid by the applicant/developer to cover the costs of removing and replacing the existing trees. The applicant has agreed to pay these costs.</p>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwellings ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies</p> <p>As listed opposite, row dwellings are an envisaged form of housing type within Northern Policy Area 13.</p>
PDC 3	<p>Minimum Site Area:</p> <p>Row Dwellings: 250 m²</p>	<p>Complies</p> <p>Dwelling (1) = 278 m²</p> <p>Does Not Comply</p> <p>Dwelling (2) = 213 m² Dwelling (3) = 213 m² Dwelling (4) = 216 m²</p>
	<p>Minimum Frontage:</p> <p>Row Dwellings: 7 metres</p>	<p>Complies</p> <p>Dwelling (1) = 11.2 metres Dwelling (2) = 11.1 metres Dwelling (3) = 11.1 metres Dwelling (4) = 11.2 metres</p> <p>Note: (In respect to Dwg (1), the frontage width has been calculated excluding the 4m</p>

		x 4m corner cut-off. If this was to be included the frontage width of Dwg (1) would measure 14.7 metres)
	<i>Minimum Depth:</i> <i>Row Dwellings: 20 metres</i>	Does Not Comply Dwelling (A) = 19.2 metres Dwelling (B) = 19.2 metres Dwelling (C) = 19.2 metres Dwelling (D) = 16.1 metres Note: (In respect to Dwg (1), the average depth has been calculated excluding the 4m x 4m corner cut-off).

Assessment

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

Whilst a minimum site area of 250 square metres is prescribed for row dwellings within Northern Policy Area 13, it is noted that Dwellings (2), (3) and (4) each provide lesser site areas ranging between 213 to 216 square metres in area. This equates to a shortfall ranging between 34 to 37 square metres in respect to these three dwellings (ranging between 13.6% to 14.8%). Only Dwelling (1) accords with the above minimum requirement, providing a total site area of 278 square metres.

Having regard to the overall development of the subject land, the shortfall in site area collectively results in an 9.2% discrepancy for the total site area. In my view, the shortfall in the site areas of Dwellings (2), (3) and (4) is not necessarily fundamental to the overall merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the ability of the application to maintain a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from the Development Plan (as discussed further in the Table Discussion of this report).

In addition to the above, it is also noted that the depth of the proposed allotments is to be slightly less than the prescribed distance of 20 metres being 19.2 metres, a shortfall of 800 millimetres. This shortfall in depth is considered to be relatively minor and should not adversely impact upon the amenity of adjoining land nor prevent the subject land from being appropriately developed in accordance with the requirements set out within the Development Plan. This is further reinforced by the fact that each dwelling achieves appropriate front, side and rear setbacks from adjacent property boundaries.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies Dwelling (1) = 34.5%</p> <p>Does Not Comply Dwelling (2) = 45.0% Dwelling (3) = 45.0% Dwelling (4) = 44.4%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies Dwelling (1) = 0.52</p> <p>Does Not Comply Dwelling (2) = 0.68 Dwelling (3) = 0.68 Dwelling (4) = 0.67</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and</i> 	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from a habitable room of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. e) The POS areas of all four dwellings will not be directly located next to bedrooms of dwellings situated on adjacent sites. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.

<p><i>gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Does Not Comply</p> <p>f) The proposed POS areas of all four dwellings will have a southerly aspect.</p> <p>g) The proposed POS areas will be mostly shaded during the winter months by the associated dwelling to provide a low level of comfort and amenity for the future residents.</p>
<p>Site Area 250 m² or greater:</p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p>Site area less than 250 m²:</p> <p><i>20% of the site area or 35 m², whichever is the greater</i></p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Dwelling (1) = 35.9% (100m²)</p> <p>(Flat useable areas of private open space with minimum dimensions greater than 5.5 metres x 5.5 metres provided for Dwelling (1)).</p> <p>Complies</p> <p>Dwelling (2) = 26.7% (57m²)</p> <p>Dwelling (3) = 26.7% (57m²)</p> <p>Dwelling (4) = 26.8% (58m²)</p> <p>(Flat useable areas of private open space with minimum dimensions greater than 5.5 metres x 5.5 metres provided for Dwellings (2, 3 & 4))</p>
<p>Street Setbacks</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 23</i></p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality.</p> <p>Nonetheless, the proposed front setback of 5.0 metres is exactly the same as the four, two storey row dwellings approved on the land to the west of the subject land at 15 Avenue. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p> <p>In addition, it should be noted that the proposed dwellings will provide a greater building setback from Thirza Avenue than the existing dwelling on the land which currently presents as a side elevation to the street which is fully fenced along the entire length of the boundary.</p> <p>As such, it is unlikely to expect that the proposed dwellings will have a detrimental visual impact on the existing streetscape.</p>
<p><i>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The eastern side elevation of proposed Dwelling (1) provides a 3.4 metre setback from Beaumont Street.</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>

Side Setbacks

Where the wall height is not greater than 3 metres: 1 metre

Where the wall height is between 3 metres and 6 metres:

(a) 3 metres if adjacent southern boundary

(b) 2 metres in all other circumstances.

Residential Zone: PDC 7

Complies

Complies

The upper storey sections of the proposed dwellings are all setback further than 2 metres from adjacent side boundaries.

(Note: The wall height of the dwellings measures 5.3 metres).

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

(a) the visual impact of the building as viewed from adjacent properties

(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Complies

The separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties.

The garage wall of Dwelling (4) along the western side boundary is to directly abut the east facing garage wall of the adjacent dwelling approved in DA 100/660/2015.

Given this, the location of the garage wall of Dwelling (4) is considered acceptable in that it is unlikely to have a detrimental impact on the amenity of the future residents of the dwelling approved directly opposite at 15 Percy Avenue.

(Note: In the event that the development approved in DA 100/660/2015) does not occur, the impact of the proposed boundary wall is nonetheless considered minor.

Furthermore, the shortfall in the setback of the wall of Dwelling (4) should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Partially Complies

The single storey components of all four dwellings achieve a maximum rear setback of 6.0 metres from the rear boundary which reduces down to 3.7 metres for 50% of the width of the allotment.

8 metres for a 2 or more storey dwelling

Residential Zone: PDC 7

Complies

The second storey components of all four dwellings achieve a maximum rear setback of 8.0 metres from the rear boundary

Note: (except where the linen cupboard of each dwelling protrudes it then reduces to 7.8 metres for the width of the cupboard).

Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:

(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary

(b) a minimum of 8 metres for two storey components of dwellings

General Section: Residential Development: PDC 37

Complies

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed row dwellings incorporate a maximum building height of 6.2 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>The garages of all four row dwelling are to be set back at least 5.5 metres from the primary road frontage and 0.5 metres behind the main face of the dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Partially Complies</p> <p>The proposed garage of Dwelling (4) incorporates a flat roof which does not complement the roof design of this dwelling but does incorporate materials and detailing which complement the dwelling.</p> <p>The garages of Dwellings (1), (2) and (3) are all to be incorporated under the main roof of their associated dwellings and therefore comply with PDC 8.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The garages of all four dwellings will be of single width measuring 2.5 metres across the front to comply with PDC 6.</p>

Car Parking

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

Residential Zone: PDC 7

Complies

All four row dwellings provide a maximum of three bedrooms each and two on-site car parking spaces (one of which is covered).

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
b) The subject land is located some 300 to 350 metres from two existing Local Centre Zones situated on Daws Road to the north of the subject land, whilst the nearest bus stop is located on Beaumont Street both of which are located within easy walking distance from the site of the proposed development.
c) The likely occupants are anticipated to have standard mobility and transport requirements.
d) e) 6 on-street car parking spaces shall remain available adjacent the subject land along both Thirza Avenue and Beaumont Street.

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

In addition to the 8 on-site car parking spaces provided for the four dwellings, 6 on-street car parking spaces are to be provided for the proposed three additional allotments, which satisfies PDC 22.

Access

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

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

General Section: Residential Development: PDC 39

Complies

The proposed development provides a new 3.2 metre wide single driveway for Dwelling (3) with a single 5.8 metre wide double driveway to be shared by Dwellings (1) and (2).

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

General Section: Residential Development: PDC 40

Complies

The proposed crossovers are to be set back a minimum of 1 metre from existing stobie poles and street infrastructure, and 2 metres from the remaining street tree to be retained along Thirza Avenue.

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

General Section: Transportation and Access: PDC 28

Complies

All proposed vehicle access points are to be separated by a minimum distance of more than 6 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

In terms of design and appearance, the proposed dwellings will look exactly the same as the four two storey row dwellings approved in DA 100/660/2015. It is considered that the proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of brick, horizontal cladding and render on the front façade
- Incorporation of staggered front setback of both upper and lower storey elements to help minimise building mass and proportion.
- Protruding balconies and cantilevered window awnings
- Eave overhang of 600mm and pitched roof form to be set at a 15 degree roof pitch
- Fenestration

The dwellings incorporate a common roofline with a 15 degree Colorbond roof (Ironstone in colour), with rendered facades. The garage of each dwelling features a single width Colorbond Panel lift door (Charcoal in colour). These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwellings feature a mixture of face brick, rendered panelling and horizontal cladding, fenestration and some degree of stepping to avoid extensive areas of uninterrupted walling exposed to public view.

Whilst the upper level south facing rear elevations of the dwellings are well stepped, in my opinion they fail to achieve a desired level of visual interest when compared to the front and side elevations of the dwellings which provide a satisfactory level of articulation and streetscape presentation.

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balconies are well integrated into the design of the dwellings to provide a dominant feature of the front facade with open balustrades that enable a line of sight directly down into the street below.

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.

Partially Complies

The dwellings are designed so that their main facade faces the primary street frontage however, the front entrance doors of each dwelling are not obviously visible from the

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

street.

That having been said, each dwelling is provided with a separate landscaped pathway leading from the front of the property directly to the porch and entrance door of each dwelling to provide guidance to visitors.

All four dwellings present numerous habitable room windows to the street.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

- a) The north-facing windows of the habitable rooms of the existing dwelling located to the south of the subject land at 17 Beaumont Street (detached dwelling located to the front of the site) shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21st of June.

It is noted that the north-facing windows of the habitable rooms of the existing dwelling at 17A Beaumont Avenue (to the rear of the site) will also be free of shadow until approximately 2.00 pm on the 21st of June. Nonetheless, it has been estimated that the north facing windows along the eastern half of this dwelling will experience some degree of shadow after this time. Given this, it is considered that the amount of shadow to be cast by the proposed development over the dwellings to the south to be acceptable.

Notwithstanding the above, it is worthy to mention that the proposed dwellings have been appropriately designed to minimise any overshadowing of adjacent properties by incorporating a low profile roof design and by having the upper storey sections of all four dwellings setback the required distance of 8 metres from the rear property boundary.

- b) Given that north forms the street boundary, a majority of winter shadow will be cast over the rear yards of the proposed dwellings. Being located on a corner allotment facing two streets, some shadow will be cast over Beaumont Street between midday and 3.00pm, with some portion of the rear yard of the adjoining property to the west to be covered by shadow during the early part of the day before 9.00am.

	<p>Notwithstanding the above, it is noted that the associated private yard areas of the adjacent properties located to the west and east of the subject land will not be adversely affected by shadow to be cast by the proposed development.</p> <p>Consequently, on balance, it is considered that the extent of shadow cast onto habitable windows and private open spaces of adjacent properties to be acceptable when assessed against PDC 10 and 11.</p>
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Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

Dwellings (1) and (4) incorporate obscure glazing to 1.7 metres above floor level for windows proposed along their side elevations. The upper level windows along the rear elevations of all four dwellings comprise awning windows with limited opening potential restricted to a maximum 150mm.

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 balconies on the front façade are oriented to obtain views of the existing streetscape along Thirza Avenue.

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

Noise

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

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

General Section: Residential Development: PDC 29

Complies

All dwellings feature bedroom windows at ground level facing the street. These windows are well separated from individual driveways and incorporate landscaping between the driveway and bedroom window of the adjoining dwelling. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Partially Complies

The dwellings are oriented so that their open spaces and main activity areas face south thereby leaving these areas without sufficient exposure to adequate amounts of natural light during the winter months.

That having been said, it is noted that some portion of the rear yards of Dwellings (1) and (4) open out to face in a western and eastern direction, respectively, which should nonetheless allow the rear yards of these dwellings to receive some northern winter sunlight.

In addition to the above, the upper level balconies including the internal ground and first floor living areas associated with each dwelling are notably positioned such that they will gain some exposure to northern sun during the winter months.

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

The row dwellings will incorporate a common roof line in a hipped roof form set at a 15 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

It is considered that the proposed planting species and distribution of additional vegetation to the front of each dwelling should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>As the subject land is relatively flat in nature, it is not anticipated that there will be any need to construct retaining walls along the existing boundaries of the subject land.</p> <p>The proposed development is to incorporate new rear and side fencing along existing property boundaries and within the internal boundaries separating the proposed dwellings.</p> <p>The plans confirm that the height of the proposed new fencing will measure 1.8 metres in height and is designed to provide privacy for the future residents of the dwellings.</p> <p>As no fencing of any type is proposed along the street boundary to the front of the dwellings, this should provide clear lines of sight for residents backing vehicles out on to Thirza Avenue from their individual driveways.</p>
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TABLE DISCUSSION

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

- Site Coverage Dwellings (2), (3) & (4)
- Floor Area Ratio Dwellings (2), (3) & (4)

Site Coverage/Floor Area Ratio

As identified above, the site coverage achieved in relation to proposed Dwellings (2), (3) and (4) all exceed the required maximum provision of 40% within Northern Policy Area 13 with Dwellings (2) and (3) achieving a site coverage of 45% and Dwelling (4) providing a site coverage of 44.4%. In addition to this, Dwellings (2), (3) and (4) also provide floor area ratios of 0.68 and 0.67 respectively, thereby exceeding the maximum measure of 0.6 prescribed for two storey dwellings proposed within Policy Area 13. That having been said, it is not uncommon for row dwellings to exceed this measure, especially row dwellings which are “hemmed” in by outer row dwellings located either side. As a result, middle placed row dwellings generally provide a high floor area ratio as these dwellings are not provided side yards or any degree of separation from adjacent land and boundaries. Given this, the floor area ratio of 0.67 to 0.68 achieved by Dwellings (2), (3) and (4) is not considered to be detrimental in this instance.

Whilst Dwellings (2), (3) and (4) all exceed the 40% maximum site coverage prescribed within Policy Area 13, it is not considered that the proposed development represents an over-development of the total site area where the application might warrant refusal. As previously mentioned, it has been determined that the proposed dwellings each achieve a high level of compliance with the quantitative criteria identified above. Whilst marginally exceeding the requirements set out within the Council’s Development Plan, it is considered that the site coverage achieved in respect to Dwellings (2), (3) and (4) should not adversely impact upon the amenity of adjoining land, nor impair the design and function of these dwellings.

Further to this point, it is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60%. This signifies that a new

detached or semi-detached dwelling(s) could be constructed on the land “as of right” (i.e. without an assessment against Development Plan criteria) with site coverage of 60%.

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

REPRESENTOR’S CONCERNS

The numerous concerns raised in the representations regarding the density of the development, the design and appearance of the dwellings, the loss of on-road parking spaces, the increase in noise and loss of privacy and other related amenity impacts have all 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 proposed development reflects the low-to-medium level of density that is envisaged within Northern Policy Area 13. The proposed development is also suitably located within walking distance to a nearby Local Centre Zone, public transport links and a large secondary school. As such, the subject land is considered to be an appropriate site for medium density development satisfying some of the locational attributes prescribed within Objective 2 of the Residential Zone.

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

Where shortfalls have been identified with the proposed development, especially in respect to site coverage and the overshadowing of adjoining land to the south, it has been determined that these non-compliances with the Development Plan to be acceptable, in that they are unlikely to have a long term detrimental or significant impact on the amenity of the owners and occupiers of adjacent land or in relation to the function of the proposed dwellings.

In terms of design and appearance, the proposed development is to look entirely the same as a previously approved application for four two storey row dwellings which are to be constructed directly to the west of the subject land at 15 Percy Avenue. Should this application be approved, a total of eight two storey row dwellings will face Thirza Avenue to provide an integrated medium density housing development stretching the entire length of the road from Percy Avenue to the west through to Beaumont Street to the east.

The proposed dwellings provide a staggered front setback from Thirza Avenue to help break up the bulk and scale of the dwellings and to ensure some level of articulation is achieved when viewed from the street. The proposed dwellings also incorporate a varied mix of materials and finishes along the front and side elevations to provide a satisfactory level of articulation and streetscape presentation. As such, it is considered that the design and appearance of the proposed development to be acceptable.

Whilst the representations received from adjacent owners of land expressed concerns regarding the changing character of the locality and the height and density of the proposed dwellings, it is considered that the proposed development comprising the construction of two storey row

dwelling generally accords with the desired character of the policy area and is considered to be in keeping with the design and density of development that is envisaged within Policy Area 13.

Notwithstanding the concerns raised within the representations received during the Category 2 public notification process, I am of the opinion that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2243 to construct four, two storey row dwellings, one of which incorporates a garage wall on the western side boundary at 15 Beaumont Street Clovelly Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the amended plans and details prepared by ALIGN Design and Drafting dated 13 May 2016 and the Engineered Site Works and Drainage Plan prepared by ANZAS & Associates dated 1/04/2016 all submitted with and forming part of Development Application No. 100/2015/2243, except where varied by the following conditions of consent.
- 2. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 4. 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.
- 8. 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.

9. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 November 2016

Agenda Ref No:	DAP161116 – 2.3
Originating Officer:	Kristen Sheffield (Development Officer – Planning)
Applicant:	Longridge Group Pty Ltd
Development Description:	Change of use to a display homes centre including the construction of five transportable buildings, associated office building and car parking, signage and landscaping.
Site Location:	1262-1266 South Road, Clovelly Park
Zone:	Commercial Zone
Policy Area:	South Road Policy Area 2
Application Type:	Category 3 / Consent
Lodgement Date:	18/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/892
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development pursuant to Section 38, (2)(c) of *the Development Act 1993*, in that any development that not assigned as Category 1 or 2, shall be taken to be a Category 3 development.

In accordance with Section 37 of the *Development Act 1993* and Schedule 8 of the *Development Regulations 2008*, the application was referred to the Department of Planning, Transport and Infrastructure (DPTI) as the proposed development involves development adjacent to a main road. Given DPTI's referral response has recommended refusal, the subject application is to be determined by the Development Assessment Panel at the request of the Team Leader- Planning.

BACKGROUND

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

Amendments Requested	Amendments Made
The proposal should incorporate landscaping adjacent the western boundary in order to soften the visual impact of the existing boundary wall to be retained.	Feature screening and landscaping provided adjacent the western boundary.
The proposed development should gain access via the secondary street of York Avenue as sought by DPTI.	Access location amended from a two-way access point on South Road (utilising the existing crossover adjacent the northern boundary) to utilising both existing South Road crossovers restricted to left in/out movements. Traffic engineers report provided.

SUBJECT LAND & LOCALITY

The subject land is located at 1262-1266 South Road, Clovelly Park, and consists of three separate allotments. The land comprises a combined primary frontage to South Road of 45.72 metres, a secondary frontage to York Avenue of 40.54 metres, and a total site area of 2120.8 square metres.

The subject land has previously been used as a retail showroom for the display and sale of furniture. The land currently contains the original building that was used in association with the previous use of the land. Vehicular access is provided from two crossovers on South Road to the primary on-site car parking area as well as a driveway alongside the northern boundary providing access to the rear of the building, presumably for the loading and unloading of goods. Two additional crossovers are located on York Avenue, providing access to a smaller secondary on-site car parking area, as well as direct access into the rear of the building. The majority of the land is covered by trafficable surfaces or the existing building. A small lawned area, including a large palm tree, is sited along South Road within the south-eastern corner of the land.

The locality is characterised by a combination of commercial type land uses within existing commercial premises located on the western side of South Road. Residential development generally abuts these commercial properties fronting South Road and comprises a predominance of single-storey detached dwellings on regular shaped allotments. The eastern side of South Road is sited within the City of Mitcham and is largely comprised by commercial uses within a Commercial Zone, with the exception of an education establishment within a Special Uses Zone directly opposite the subject land. South Road itself forms part of the North-South Corridor, with the Darlington Upgrade Project currently in progress 850 metres south of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal seeks to change the use of the land for the purposes of a display homes centre, as well as the construction of five transportable buildings, an associated office building and car parking, signage and landscaping. The premises is to be staffed by up to two persons, with an anticipated visitor rate of approximately four groups per day, and no more than three groups at a single time. The application seeks for the business to operate seven days a week from 11.00am to 5.00pm.

The 'Sales Office' building comprises an open floor plan for administrative/sales uses, while each of the five transportable buildings incorporate various dwelling layouts for display. All six buildings are single-storey in nature and include a mixture of cladding and render to the external elevations.

Eight car parking spaces (including 1 disabled space) are to be located forward of the building and will be accessed/egressed via existing crossovers on South Road, altered to accommodate left-in and left-out only movements. The York Avenue crossovers are to be closed and reinstated to match the existing kerb profile. The carpark will comprise a bitumen surface, with landscaping proposed adjacent the northern, southern and western property boundaries, as well as around the car parking area. The existing palm tree adjacent South Road is to be retained.

The application seeks to retain (or replace if necessary) the existing western boundary wall, with four freestanding screens included adjacent the western boundary. Two freestanding pylon signs, 6 metres in height and 2 metres in width, are located alongside the eastern (South Road) boundary, within the north-eastern and south-eastern corners, of the land.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	14 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 were received by Council, both in favour of the application subject to certain provisions being met.
Persons to be heard:	No representors identified they wish to address the panel.
Summary of representations:	In agreeance of the western boundary wall being retained-concerns regarding the structural integrity of this wall once the remainder of the building has been demolished. <i>Refer Attachment IV</i>

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI): dated 30 August 2016 (original proposal)	<ul style="list-style-type: none"> DPTI does not support the retention of the existing access points on South Road given these locations do not comply with AS/NZS 2890.1:2004- Figure 3.1 Prohibited Location of Access Driveways. Refusal is recommended. In line with DPTI's policy to minimise access points onto arterial roads, particularly where alternatives are available for access to/from sites (in this case, via an existing crossover to York Avenue), and in the interest of road safety, DPTI strongly recommends that all access is gained via the adjacent side road. The site abuts Main South Road, which forms part of the South Australian and Australian Government's commitment to develop a non-stop North-South Corridor for Adelaide. DPTI has noted that the nature and timing of potential improvements to the section of South Road, in the vicinity of the subject land, are yet to be determined, and any potential future land requirements are unknown.
Department of Planning, Transport & Infrastructure (DPTI): dated 24 October 2016 (amended proposal)	<ul style="list-style-type: none"> DPTI remains concerned that the access locations are positioned within the restricted zone as per AS/NZS 2890.1:2004- Figure 3.1 Prohibited Location of Access Driveways.

	<ul style="list-style-type: none"> • DPTI does not support the proposed alterations. • Given the site has convenient turn in/out access via York Avenue, maximising vehicular accessibility to/from this side road access should be pursued. • Alternative options include ingress (left in) only via South Road and two-way access via York Avenue or; two-way access on South Road located between York Avenue and Walsh Avenue and in accordance with Figure 3.1.
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Refer Attachment V

INTERNAL DEPARTMENT COMMENTS

Engineering:	The proposal improves the existing access arrangements and safety overall, however a different access configuration that retained/modified York Avenue access rather than South Road access would be preferable.
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Commercial Zone 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
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Complies
<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ <i>bulky goods outlet</i> ▪ <i>consulting room</i> ▪ <i>motor vehicle related business other than wrecking yard</i> ▪ <i>office</i> ▪ <i>petrol filling station</i> ▪ <i>service trade premises</i> ▪ <i>shop with a gross leasable area of 250 square metres or less</i> ▪ <i>store</i> ▪ <i>warehouse.</i> 	Does not comply
South Road Policy Area 2		
Objectives		Partially Complies
<i>1</i>	<i>Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road.</i>	
<i>2</i>	<i>Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential zones.</i>	
<i>3</i>	<i>Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor.</i>	
<i>4</i>	<i>Development that contributes to the desired character of the policy area.</i>	

<p>Desired Character</p> <p><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></p> <p><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></p> <p><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></p>		Complies
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ indoor recreation and leisure facilities ▪ light industry ▪ motor vehicle related activities ▪ service industry ▪ service trade premises ▪ small-scale office ▪ storage uses ▪ transport related activities ▪ wholesale uses. 	Does Not Comply
PDC 4	<p><i>Buildings should not exceed 2 storeys or 10 metres in height above natural ground surface level, except where located within 20 metres of a residential zone in which case the building height should not exceed one storey or 6 metres.</i></p>	Complies
PDC 5	<p><i>Development adjacent residential zones should incorporate all of the following:</i></p> <ul style="list-style-type: none"> (a) a minimum 6 metre setback for buildings from the zone boundary (b) visual and acoustic buffer features (c) landscaped areas having a minimum width of 2 metres (d) 2-metre-high fencing (e) screened or obscured building openings. 	<p>Does Not Comply (a)</p> <p>Complies (b)(c)(d)(e)</p>
PDC 6	<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.</i></p>	Complies

Assessment

In respect to the proposed use of the land, it is considered that a 'display homes centre' is not specifically envisaged by Principle of Development Control 1 of the Commercial Zone and South Road Policy Area 2. Moreover, 'Display Homes' are not specifically envisaged in any Zone or Policy Area within the Development Plan.

The proposed development nonetheless contributes to the Objectives and Desired Character of the Policy Area in that the proposed buildings and their use represent a low scale intensity in close proximity to the Residential Zone. The proposal is considered to enhance the visual qualities and amenity of the streetscape adjacent an arterial road corridor, and will improve the visual character of the locality.

Referring to the 'Procedural Matters' section of the Development Plan, the proposed land use is not listed as a non-complying form of Development within the Commercial Zone. Accordingly, the proposed land use, whilst not specifically encouraged, on face value is not deemed inappropriate, but rather is to be considered on-merit and 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 (PDC):

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> <p>(a) <i>building height, mass and proportion</i> (b) <i>external materials, patterns, colours and decorative elements</i> (c) <i>roof form and pitch</i> (d) <i>façade articulation and detailing</i> (e) <i>verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies</p> <p>The proposal reflects the desired character of the Policy Area as the buildings incorporate low building height and mass in near proximity to residential zones. The buildings' façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • A mixture of cladding types and render to the facades. • A variety of roof forms to the display homes, including pitched, skillion and parapet. • Portico and verandah elements. • Fenestration
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p>(a) <i>maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> (b) <i>minimise the impact of bulk and scale of development on adjoining properties</i> (c) <i>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>(a) The amenity of adjoining properties is maintained through the retention (or replacement if necessary) of the western boundary wall, and enhanced by screening and landscaping. (b) The bulk and scale of the site is reduced from the existing conditions. (c) Setbacks from the side and rear boundaries are increased and provide additional landscaping opportunities.</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>Overshadowing</p> <p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p>(a) <i>windows of habitable rooms</i> (b) <i>upper-level private balconies that provide the primary open space area for a dwelling</i> (c) <i>solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p>	<p>Complies</p>

<p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p>General Section: Design & Appearance: PDC 10</p>	<p>Complies</p> <p>(a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>(b) Shadow cast by the existing western boundary wall to be retained, into the western adjoining properties will subside throughout the morning, such that all areas of private open space will be free from shadow by midday.</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>General Section: Design & Appearance: PDC 13</p>	<p>Complies</p> <p>The main façade of the sales office faces the primary street frontage of South Road.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design & Appearance: PDC 14</p>	<p>Complies</p> <p>The proposed buildings have a co-ordinated appearance. Landscaping is proposed throughout the site, 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>General Section: Design & Appearance: PDC 15</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>General Section: Design & Appearance: PDC 16</p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p> <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>Setbacks of commercial premises in the locality vary between 0 metres and 9 metres. The proposed front setback of 3.57 metres for transportable building Eco 65, increasing to 18 metres for transportable building Mod 110, and 20.6 metres for the sales office, in my opinion, contributes positively to the function, appearance and desired character of the locality.</p>
<p><i>Except where otherwise specified by another provision in this Development Plan or where specified in a particular zone, policy area or precinct buildings and structures should be set back at least 8 metres from road boundaries.</i></p> <p>General Section: Design and Appearance: PDC 23</p> <p><i>All setbacks from the road frontage should be additional to the road widening setback established under the Metropolitan Adelaide Road Widening Plan Act 1972.</i></p> <p>General Section: Design and Appearance: PDC 24</p>	<p>Does not comply</p> <p>Whilst the front setback of 3.57 metres does not meet the minimum requirement of 8 metres, this setback is greater than that of the existing building on the subject land (approximately 2 metres) and is nonetheless limited to a length of 6.8 metres before increasing substantially to 18 metres- 20.6 metres.</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

(a)(b)(c)(d)(f)(g)

(e) A recommended condition of consent seeks to ensure 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.

(h) See table discussion.

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

Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

General Section: Interface Between Land Uses: PDC 6

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.

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

Partially Complies
See table discussion.

Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.

General Section: Transportation and Access: PDC 9

Complies

<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p>Complies</p> <p>Existing crossovers on South Road to be utilized. Existing crossovers on York Avenue closed and reinstated to Council Kerb, increasing opportunities for on-street visitor car parking on the secondary Street. However, it is noted that a loading zone is currently present on the secondary street (Mon-Fri 9am-5pm).</p>
<p>Cycling and Walking</p> <p><i>On-site secure bicycle parking facilities should be:</i></p> <ul style="list-style-type: none"> <i>(a) located in a prominent place</i> <i>(b) located at ground floor level</i> <i>(c) located undercover</i> <i>(d) located where surveillance is possible</i> <i>(e) well lit and well signed</i> <i>(f) close to well used entrances</i> <i>(g) accessible by cycling along a safe, well lit route.</i> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Partially Complies</p> <p>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 two bicycles shall be provided forward of the building.</p>
<p>Access</p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Complies</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i> <i>(b) provides appropriate separation distances from existing roads or level crossings</i> <i>(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</i> <i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Partially Complies</p> <p>See table discussion below.</p>
<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> <ul style="list-style-type: none"> <i>(a) limited to local roads (including rear lane access)</i> <i>(b) shared between developments.</i> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p>Does Not Comply</p> <p>See table discussion below.</p>
<p><i>Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 27</i></p>	<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p>

<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <ul style="list-style-type: none"> <i>(a) follow the natural contours of the land</i> <i>(b) minimise excavation and/or fill</i> <i>(c) minimise the potential for erosion from surface runoff</i> <i>(d) avoid the removal of existing vegetation</i> <i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i> <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>Complies Off-street vehicle parking requirements assessed on a needs basis.</p> <p><i>See discussion below.</i></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(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>Partially Complies <i>See table discussion.</i></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><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><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>The Development Plan seeks for on-site car parking to be assessed on a needs basis. The applicant has provided that the premises is to be staffed by a maximum of 2 persons at any one time. Based on other 'display home villages' operated by the applicant, it is anticipated that approximately 4 groups of visitors may visit the site during the day, with no-more than 3 groups at any one time. It is considered that a 'group of people' viewing a display home would, in most cases, arrive in one vehicle. Based on the information supplied by the applicant, the anticipated visitor and staff numbers should not exceed 5 vehicles at any one time.</p> <p>The subject site currently provides 8 on-site car parking spaces (5 within the car parking area accessed from South Road and 3 within a car parking area accessed from York Avenue) and has a land use of retail showroom/ bulky goods outlet. The Development Plan requires 4 car spaces per 100 square metres of the floor area for the existing land use; given the floor area of the existing building equals some 1600 square metres, the provision of some 64 on-site car parking spaces is required by the Development Plan. This equates to a shortfall of some 87.5%.</p> <p>It is acknowledged that the 'on as needs basis' approach for calculating on-site car parking of the proposed use is largely based on information submitted by the applicant, and may not result in an entirely accurate representation of the on-site car parking requirements. Nonetheless, the scale and intensity of the proposed use is deemed to be significantly reduced than that of which is expected of a retail showroom., and as such, would have a commensurately lower demand for on-site car parking.</p> <p>Furthermore, on-street car parking is available on York 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.</p> <p>In summary, the provision of 8 on-site car parking spaces is, in my view, considered acceptable when considering the proposed use and likely visitor rates.</p>	
<p>Advertisements</p>	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>The proposal includes two freestanding advertisements separated by approximately 43 metres.</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><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></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 (b) a road, median strip or traffic island (c) a vehicle adapted and exhibited primarily as an advertisement (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>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p>(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 (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 (c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high (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).</p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>(a) The applicant has confirmed the signs will not be illuminated. (b) The design/text proposed, and location of the signage, is not liable to being interpreted as official traffic signs. (c) Whilst the signage (specifically that within the north-eastern corner of the subject land) is located in close proximity to a signalised/pedestrian-actuated crossing, the signage is not illuminated and should not serve to distract drivers. (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>The applicant has confirmed the signage will not incorporate internal illumination.</p>
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p>(a) limited to only one primary advertisement per site or complex (b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Partially Complies</p> <p>Whilst the proposal incorporates two freestanding advertisements, it is noted that the subject land is comprised of three allotments. Were each of these allotments to be developed individually for commercial purposes, up to three freestanding advertisements could achieve compliance with PDC 18. The scale and size of the freestanding signage, in my opinion, in keeping with that of the locality and compatible with the development.</p>
<p>Flags, Bunting and Streamers</p> <p><i>Advertisements and/or advertising hoardings should not comprise bunting, streamers or attached floating objects.</i></p> <p><i>General Section: Advertisements: PDC 23</i></p>	<p>Does Not Comply</p> <p>The proposal incorporates 4 flagpoles (4.8 metres in height) and each incorporating a 0.75m x 2.1m flag pole graphic. However, it is noted that the flag pole graphic is secured at both the top and bottom of the advertisement, restricting movement.</p>
Crime Prevention	
<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>	Complies
<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>	Complies
<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <ul style="list-style-type: none"> <i>(a) screen planting areas susceptible to vandalism</i> <i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i> <i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i> <p><i>General Section: Crime Prevention: PDC 6</i></p>	Complies
<p><i>Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings.</i></p> <p><i>General Section: Crime Prevention: PDC 8</i></p>	Complies
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	Complies
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <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><i>Landscaping should not:</i></p> <ul style="list-style-type: none"> <i>(a) unreasonably restrict solar access to adjoining development</i> <i>(b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding</i> <i>(c) introduce pest plants</i> <i>(d) increase the risk of bushfire</i> <i>(e) remove opportunities for passive surveillance</i> <i>(f) increase autumnal leave fall in waterways</i> <i>(g) increase the risk of weed invasion.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 4</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 South Road frontage does not comprise a width of 2 metres for its entirety as required by Principle 3, given the total amount of landscaping included within the proposal, I am of the view that the landscaping proposed is sufficient.</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>Tubular 'pool' fencing to the primary and secondary street frontages provides visibility from and to the street to enhance safety and allow casual surveillance.</p>
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TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. Nonetheless, DPTI does not support the retention of the existing access points on South Road given these locations do not comply with AS/NZS 2890.1:2004- Figure 3.1 Prohibited Location of Access Driveways, and has subsequently recommended refusal of the application. The following considerations are noted with regard to the proposed access;

Vehicle Access

The subject land currently accommodates two, two-way crossovers to South Road, one adjacent the northern boundary of the site, and another 10 metres to the south of the northern crossover. The car parking area forward of the existing building provides 5 on-site car parking spaces, none of which conform to the relevant Australian Standards. The front setback of the building (of some 8 metres) which accommodates the car parking spaces, requires for cars to reverse either onto South Road, or at best, onto the Council verge, in order to exit the site. Further the existing site incorporates a driveway alongside the northern boundary, presumably for the loading and unloading of bulky goods associated with the current land use. Commercial vehicles currently utilising this loading area may be required to reverse onto South Road.

The application proposes to utilise the existing South Road crossovers, and for these to be altered to restrict vehicles to left-in and left-out only movements. The Department of Transport, Planning and Infrastructure has recommended refusal of the application as the location of the crossovers do not comply with the requirements of AS/NZS 2890.1:2004- Figure 3.1 Prohibited Location of Access Driveways. DPTI has on several occasions requested for all access to/from the subject land to be gained via the secondary street of York Avenue. Alternatively, DPTI has provided options of ingress (left in) only via South Road and two-way access via York Avenue or; two-way access on South Road located between York Avenue and Walsh Avenue and in accordance with Figure 3.1.

Despite the numerous options available to meet the requirements of DPTI, and to comply with Figure 3.1 (AS/NZS 2890.1:2004), the applicant has chosen to pursue access via the existing crossovers to South Road. A traffic engineers report submitted in support of the proposal has outlined that the angled (70 degree) ingress and egress reduces the likelihood of vehicles travelling between the site and Walsh Avenue (opposite the subject land), as well as right turn movements from the proposed egress. The report also provides that the angled egress improves sight distances to the nearby Pedestrian Actuated Crossing, therefore reducing the likelihood of pedestrian/vehicular conflict, and that the proposal will remove the existing hazard of vehicles reversing onto South Road, as the proposed layout allows for forward ingress/egress of all vehicles accessing the site.

It is considered that were the existing building/land use to continue to be utilised, the existing crossovers and car parking layout may continue to result in potentially hazardous traffic movements associated with the land. It is further acknowledged that the subject land is comprised of three allotments, and were these to be developed separately, it would be unreasonable to deny access to the two allotments which are not afforded access via a secondary street. In this instance, the two northern allotments would likely continue to utilise the existing crossovers which do not comply with relevant standards.

In summary, whilst opportunities exist to satisfy DPTI's requirements and to comply with Figure 3.1 (AS/NZS 2890.1:2004), in numerous instances, the existing crossovers in their current form may remain in perpetuity. Given the car parking layout nonetheless improves traffic conditions, accommodating forward ingress/egress for vehicles accessing the site, in my view, the locations of the existing access driveways within a prohibited location does not warrant refusal of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representor(s) in relation to retention of the western boundary wall 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

Whilst the proposed land use is not specifically envisaged within the Commercial Zone, nor is it necessarily deemed inappropriate. Accordingly, the appropriateness of the proposal should be determined by the level of compliance with other applicable Development Plan criteria.

In my view, 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 adjoining Residential Zone.

DPTI does not support the retention of the existing access points on South Road given these locations do not comply with AS/NZS 2890.1:2004- Figure 3.1 Prohibited Location of Access Driveways, and has subsequently recommended refusal of the application. Whilst regard is had to DPTI's concerns, it must be acknowledged that the proposed access locations exist and that in numerous instances, the existing crossovers in their current form may continue to remain. The proposed car parking layout nonetheless improves traffic conditions, accommodating forward ingress/egress for vehicles accessing the site. In my view, the locations of the existing access driveways within a prohibited location does not warrant refusal of the application.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/892 for a change of use to a display homes centre including the construction of five transportable buildings, associated office building and car parking, signage and landscaping at 1262-1266 South Road, Clovelly Park, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/892, 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. 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, and be designed to limit the rate of stormwater runoff from the subject land so that the following runoff coefficients are not exceeded, details of which shall be provided to Council for consideration and approval prior to Development Approval being issued:
 - a. 5-year average return interval flood event (runoff coefficient 0.65)
 - b. 10-year average return interval flood event (runoff coefficient 0.85)
- 4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. 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.
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

7. A bicycle rack, with the ability to accommodate no less than two bicycles shall be provided immediately forward of the 'sales office' building. Details of which shall be provided to Council, for consideration and approval, prior to Development Approval being issued
8. The hours of operation of the premises shall be restricted to the following times:
 - a. Monday to Sunday: 11:00am – 5:00pm
9. All deliveries to and from the site, including waste collection (other than from Council issued waste receptacles) shall be restricted to the following times:
 - a. Monday to Friday: 9:00am – 5:00pm.
10. 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.
11. 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.
12. 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).
13. 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.
14. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
15. 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.
16. 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.
17. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
18. 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.
19. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
20. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
21. All car parking spaces shall be line marked 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.

22. Directional signage and/or line marking shall be provided to reinforce the desired one-way operation of the 'left only' access crossovers and maintained in a clear and legible condition at all times.
23. 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.
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 be internally or externally illuminated or contain any element that flashes, scrolls, moves or changes.
26. The advertisements and supporting structures 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.
27. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.
28. The sign shall incorporate the street number of the premises.

NOTES

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

7. 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 16 November 2016

Agenda Ref No:	DAP161116 – 2.4
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Mr Lambros Kourlas
Development Description:	A two storey building, comprising three dwellings
Site Location:	54 Jervois Street, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	16/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/863
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a building of two storeys, comprising dwellings 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

Prior to the lodgement of the application, Council staff provided pre-lodgement advice, suggesting amendments to the proposal, including increased side setbacks and a suggestion to include a north-facing balcony, both of which have been adopted in the proposal plans before the Panel.

SUBJECT LAND & LOCALITY

The subject land is situated at 54 (Lot 66) Jervois Street, South Plympton, and incorporates a frontage width of 20.11 metres, a depth of 40.23; providing a total site area of 809 square metres.

A single storey detached dwelling, in good condition, and several outbuildings, are situated on the land.

Various vegetation, none of which is classified as Regulated pursuant to the Development Act, is located on the land.

The locality contains a mix of the original 1950s – 60s single storey detached dwelling, and more recently-constructed dwellings (typically single storey), in the form of detached, semi-detached and residential flat dwellings.

Marion Road is situated approximately 160 metres to the west, whilst the recently-developed 'Jervois Street Reserve' is located 320 metres to the east.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to demolish the existing dwelling and to construct a two storey building, comprising three dwellings.

In staff's view, given it has been identified that each dwelling incorporates independent vehicular access and curtilage, and party-wall details have been provided confirming the attachment between each dwelling, it is appropriate to assess the dwellings against the applicable 'row dwelling' criteria.

Each dwelling will incorporate a single-width garage, entry hall, wet areas and open plan kitchen/living/dining area on the ground floor, and three bedrooms (main with ensuite and associated balcony) on the upper floor.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	18 properties were notified during the Category 2 public notification process.
Representations:	3 valid representations (and 1 late – in favour) were received by Council.
Persons wishing to be heard:	No representors have identified they wish to address the Panel.
Summary of representations:	<ul style="list-style-type: none">• Two storey nature of dwellings;• Number of dwellings proposed; and• Increased traffic/car parking. <i>Refer Attachment IV</i>
Applicant's response:	Please refer Attachment V

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p><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>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies

<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>	Complies Dwg 1: 269.8 sq metres Dwg 2: 269.8 sq metres Dwg 3: 269.8 sq metres
	<i>Minimum Frontage:</i>	Does Not Comply Dwg 1: 6.706 metres Dwg 2: 6.706 metres Dwg 3: 6.706 metres
	<i>Minimum Depth:</i>	Complies Dwg 1: 40.234 metres Dwg 2: 40.234 metres Dwg 3: 40.234 metres

Assessment

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

The subject land is located within convenient reach of a large, recently-developed public open space reserve, and approximately 160 metres walking distance from Marion Road, comprising public transport opportunities and some shopping/commerce activities. As such, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

Frontage width

The frontage width of each Dwellings 1 and 4, at 6.7 metres, does not meet the prescribed minimum of 7 metres. The applicant has sought to overcome the shortfall in frontage width, by proposing two storey dwellings, which enable appropriate streetscape presentation via the upper level habitable windows and balcony protrusion and 'reading' as one building, whereby the narrow frontages of each dwelling is diluted by the building as a whole.

Furthermore, the dwellings are separated from both (existing) side boundaries of the property, reducing impact upon adjoining land.

To this end, the shortfall in frontage width has not resulted in any detrimental impacts to the streetscape, adjoining land or the function of the subject dwellings.

Assessment summary

On balance, the proposed development is considered to adequately comply with the Objectives, Principles and Desired Character of the Northern Policy Area 13. Fundamentally, the ability of the dwellings to accord with a majority of Development Plan criteria demonstrates that the shortfall frontage width, does not jeopardise the underlying merit of the proposal.

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 Dwg 1: 46.4% Dwg 2: 47.0% Dwg 3: 46.4%</p> <p><u>Floor area ratio:</u></p> <p>Does Not Comply Dwg 1: 0.63 Dwg 2: 0.68 Dwg 3: 0.63</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><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>Approx 30% of site will remain pervious</p>	
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		<p>Complies</p> <p>Dwg 1: 36.5% Dwg 2: 39.2% Dwg 3: 36.5%</p>	
Site area of dwelling	Minimum area of POS		Provisions
175 square metres or greater	20 per cent of site area		Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.

		<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 areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>g) The POS areas are located to the south of the two storey dwellings, and as such, will experience shadow throughout the day.</p> <p>However, given the depth of the POS areas, the rear portion will receive direct sunlight throughout the day in winter months (improving as the sun's height above the horizon increases).</p> <p>h) The POS areas will be shaded during winter by the associated dwelling, however, some (rear) portion will be free from shadow throughout the day.</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 proposed front setback of 7.15 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 adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
 <p>When $b \leq 2$, setback of new dwelling = a or b</p>	
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

Complies

Dwellings 1-3: 7.15 metres

(Dwellings on adjoining land set back approximately 6 metres, which permits a minimum setback of 6 metres)

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

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

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

Residential Zone: PDC 6

Complies

Dwg 1 and 3: Min 1.0m

Complies

Dwg 1: Min 2.0m
Dwg 3: Min 2.0m

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

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

Dwg 1: Min 14.7m
Dwg 2: Min 15.8m
Dwg 3: Min 14.6m

Complies

Dwg 1: Min 14.7m
Dwg 2: Min 15.8m
Dwg 3: Min 14.6m

<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>	Complies
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Building Height

<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.6 metres, which is less than the maximum permitted in the Policy Area.</p>
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Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	Complies			
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	Complies			
<table> <tr> <th>Parameter</th><th>Value</th></tr> <tr> <td>Maximum floor area</td><td>60 square metres</td></tr> </table>		Parameter	Value	Maximum floor area
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.			
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall			
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)			

<p><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></p> <p><i>General Section: Residential Development: PDC 13</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 & Access: PDC 34</i></p>		<p>Complies All dwellings incorporate one undercover car parking space, and one open visitor's space</p>
<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></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply d) e) One on-street car parking spaces shall remain available adjacent the subject land, where two ought to be provided.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>		<p>Does Not Comply One on-street car parking space is provided for the proposed allotments, which is one less than sought by PDC 22.</p>
<p>Access</p>		
<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></p> <p><i>General Section: Residential Development: PDC 39</i></p>		<p>Complies</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>		<p>Complies The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
<p><i>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>Partially Complies The vehicle access points of Dwellings 1 and 2 are not separated by a minimum distance of</p>

<p>General Section: Transportation and Access: PDC 28</p>	<p>6 metres, however, the driveways of Dwellings 2 and 3 are separated by 6 metres to enable one on-street parking space.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Render on the front façade • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding portico and balcony • Eave overhang and pitched roof form at 18 degree slope • Fenestration <p>The dwellings incorporate an 18 degree Colorbond roof in Shale Grey, with White rendered facades. The garage of each dwelling features Shale Grey Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i></p> <ul style="list-style-type: none"> <i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i> <p>General Section: Design & Appearance: PDC 5</p>	<p>Complies</p> <p>The proposed balconies are integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <ul style="list-style-type: none"> <i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i> <p>General Section: Residential Development: PDC 6</p>	<p>Complies</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 dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

An assessment of the anticipated extent of shadow cast by the proposed dwellings identifies that:

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

b) A majority of winter shadow will be cast within the rear yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

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

The balcony on the front façade is oriented to obtain views of the streetscape.

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Does Not Comply

The main activity areas of the dwellings are oriented south, which precludes access to direct winter sunlight.

However, as the depth of the private open space is generous, some areas of the rear yard will receive direct winter sunlight.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form set at an 18 degree pitch, with a small north-facing section upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

The variety of the proposed plantings should appropriately complement the built form and enhance the appearance of the road frontage.

TABLE DISCUSSION

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

- Site coverage
- Floor area ratios
- On-street parking

Site coverage

Site coverage considerably exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 46 – 47%. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposed dwellings each include an undercover terrace/verandah area. Were these to be deleted from the proposal, site coverage would reduce to 40% for all three dwellings. While this level of site coverage aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of private open space (POS).

Furthermore, verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to the proposed terraces; such structures are likely to comply with Schedule 1A of the Development Regulations 2008 (which allows for

site coverage of up to 70% for row dwellings) and therefore would not require Development Plan Consent. Accordingly, whilst removal of the proposed terraces would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

- b) The proposal substantially exceeds the minimum POS requirement of 20%, at 36 – 39%. Additionally, the proposed dwellings achieve sufficient setbacks from boundaries (as discussed further 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.
- c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Floor area ratios

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13. Each proposed dwelling surpasses this limit, with FAR's equating to 0.63 – 0.68. These excesses do not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

On-street parking

The proposal provides only one on-street parking space, where Council's Development Plan seeks for two.

Whilst not ideal, this failing of the proposal is typical of row dwellings of a similar frontage width (acknowledging the subject proposal fails to satisfy the minimum frontage width).

The shortfall in on-street parking is acknowledged and considered in the merits of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to density, car parking and the two-storey nature of the development have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A representor has also raised traffic as a concern. Council's most recent traffic study of the (eastern portion of the) street found an average daily volume of 677 in September 2016. This figure is substantially less than the design capacity of the road and an additional two dwellings is unlikely to increase the amount of vehicles reliant upon the local road network as to create unsafe traffic conditions.

ANALYSIS/CONCLUSION

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

Assessment of the proposal against quantitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains a number of quantitative excesses in site coverage and floor area ratio and a shortfall in frontage width, consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/863 for a two storey building, comprising three dwellings at 54 Jervois Street, South Plympton 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. 100/2016/863, 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. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

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 16 November 2016

Agenda Ref No: DAP161116 – 2.5

Originating Officer: Alex Wright
Development Officer - Planning

Applicant: Format Homes

Development Description: Single storey split-level detached dwelling, incorporating a garage wall on the southern side boundary

Site Location: 123 The Cove Road, Hallett Cove

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 2 / Consent

Lodgement Date: 16/03/2016

Development Plan: Consolidated – 28th April 2016

Application No: 100/2016/459

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 (above natural ground level) 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

A previous land use application for a single storey detached dwelling (100/1406/2016) and a Community Title land division application (100/C054/13) were assessed and granted Development Plan Consent and Development Approval, respectfully, by Council's Development Assessment Panel on 2 October 2013. Land use application 100/1406/2016 lapsed in October 2014.

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

Amendments Requested	Amendments Made
Reduce overall finished floor levels and	Finished floor level to the rear of the dwelling

extent of earthworks to better relate to the existing topography.	lowered and rear retaining walls reduced in height by approximately 500mm.
Driveway gradients must meet Council's Development Engineer requirements.	Amendments made to ensure the driveway gradients meet Council's Development Plan requirements.
Primary area of POS should be provided to the northern side of the dwelling to improve orientation and reduce shading.	Dwelling design 'flipped' to provide POS with a partial northern aspect (primarily west facing due to east-west orientation of the allotment).
Rear setback should be increased to a minimum 3 metres.	Minimum 3 metre setback provided.
Change roller doors to panel lift doors to improve visual presentation to the street.	No change to original design.
Information Requested	Information Provided
Fencing details	Provided
Landscape details	Provided

SUBJECT LAND & LOCALITY

The subject land is located at 123 The Cove Road, Hallett Cove. The allotment is rectangular in shape with a frontage width of 15.25 metres, an average depth of 29.06 metres, and a total site area of 440 square metres.

The subject land maintains a east to west fall of approximately 3 metres from the front boundary to the rear boundary which equates to a gradient of 10.71%. The subject land is currently void of all structures and vegetation of note.

The locality primarily consists of detached dwellings at low to very low residential densities. This being said, there are examples of redevelopment at higher densities throughout the immediate locality that achieves allotment areas well less than the minimum 700 square metres required within the Hills Policy Area 11.

The Adelaide to Seaford train line is located east of the subject land, which runs along the eastern side of The Cove Road.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of a single storey split-level detached dwelling incorporating a garage wall on the southern boundary. The dwelling incorporates three bedrooms, study, home theatre, walk-in-robe, en-suite, bathroom, water closet, laundry and an open plan kitchen/family/meals area with direct access to the associated area of private open space. Internally the dwelling incorporates a 1.204 metre high split between the front and rear portion of the building. The dwelling also incorporates a double width under main roof garage which has access to The Cove Road.

A crossover is proposed to be located to the southern end of the allotment and will provide access to the double garage and associated driveway area.

Retaining walls varying in height (maximum height of 1 metre) are proposed along the northern, southern and western properties boundaries.

Refer Attachment III

INTERNAL REFERRALS

Development Engineer	Proposed driveway grades are considered acceptable.
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PUBLIC NOTIFICATION

Properties notified:	9 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council.
Persons wishing to be heard:	<ul style="list-style-type: none"> • S Seymour • J Penn
Summary of representations:	<ul style="list-style-type: none"> • Height of proposed finished floor levels, extent of fill and associated retaining wall heights proposed is inappropriate and will result in loss of privacy and natural light. • Height of proposed retaining walls along the boundary are inappropriate. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<p>A copy of the response to the representations raised has been attached to this report.</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 Hills Policy Area 11 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>
Hills Policy Area 11
<p>Objectives</p> <p>1 A policy area primarily comprising detached dwellings at low densities.</p> <p>2 Residential development which is sensitive to the particular topography of the locality.</p> <p>3 Residential development which has minimal visual and environmental impacts.</p> <p>4 Development that contributes to the desired character of the policy area.</p>
<p>Desired Character</p> <p>The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.</p> <p>The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural</p>

watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.

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.

Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Appropriate designs will continue to include split-level buildings to reduce visual bulk and reduce the need to cut and fill sloping sites.

Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.

It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.

Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except in areas where land has been subdivided into smaller allotments than now desired in this policy area, any new land division and development will be at a lower density and intensity than existing. In addition, larger-than-minimum allotments may be preferable due to the natural topography.

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ detached dwelling▪ group dwelling	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>Development should be designed and sited to relate to the slope of the land, so that:</i> <ul style="list-style-type: none">(a) <i>the bulk and scale of the buildings do not dominate the landscape</i>(b) <i>the amount of cutting and filling of the natural ground profile is minimised.</i>	Partially Complies

Assessment

The proposed development maintains the existing low density character of the Hills Policy Area 11 by proposing the construction of a detached dwelling on an existing allotment. It is also acknowledged however, that “low density” character not only relates to site areas, but also the design and appearance of land and buildings.

The visual and environmental impact of the proposed dwelling is deemed to be minor in nature in accordance with Objective 2. Given that the building is single storey and the finished floor level is lower than the street level of The Cove Road, the dwelling should not appear visually prominent within the streetscape or locality.

The dwelling, through the proposed finished floor levels and inclusion of a 1.204 metre split internally, has been designed and sited to relate to the existing slope of the land, reduce alteration of the natural landform and lessen the visible amount of cutting and filling of natural ground. The split level nature of the dwelling results in a considerable amount of concealed cut and fill beneath the dwelling which is not visible from the streetscape or adjoining nearby land, and up to a maximum 1 metre of fill to the side and rear of the allotment adjacent the respective side boundaries.

As a result, the extent of earthworks required to accommodate the proposed dwelling is considered acceptable, and will aid in reducing the visual bulk of the structure.

The proposed dwelling design is considered to contribute to the variety of architectural styles within the locality. The external façade incorporates colours and materials which are not reflective or bright, whilst the single storey nature of the building is considered to complement the scale of adjacent buildings in terms of its overall bulk and scale.

The applicant has provided a landscape plan to demonstrate that the front of the allotment will be appropriately landscaped to maintain and enhance the attractive landscape character of the locality.

The proposed development reflects the existing pattern and scale of nearby development. It is acknowledged that nearby development has been subdivided into smaller allotments than the original dwelling stock, and that replication of these densities in terms of setbacks to boundaries is not necessarily in accordance with the Desired Character. However, given that the proposed development generally complies with relevant design criteria of the Development Plan, the essential nature of the development is nonetheless considered appropriate.

In my opinion, the proposed development is considered to adequately comply with the applicable Objectives, Principles and Desired Character of the Residential Zone and the Hills Policy Area 11.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.</i> <i>Hills Policy Area 11: PDC 7</i>	Does Not Comply 226.76m ² / 51.18%
<i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <i>Residential Zone: PDC 9</i>	Complies

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

Site coverage for the proposed development is high, with the dwelling attaining site coverage of approximately 51.18%, which exceeds the Council's desired 35% maximum. Given the proposal is considered to achieve appropriate setbacks to boundaries and area/dimensions of private open space, the excess in site coverage is considered to be acceptable and does not comprise the functionality of the dwelling or amenity of future occupants. Furthermore, regard should be had to footprint of dwellings within the immediate locality which are much higher than that typically found or desired within the Hills Policy Area 11.

Private Open Space

<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies</p> <p>113m² / 25.68%</p>
Site area of dwelling	Minimum area of POS	Provisions	<p>Minimum dimensions and a flat gradient have been achieved.</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>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p>			<p>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 and 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 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</p>

<p>(i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i> (a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres</p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies g) A majority of the POS maintains a westerly aspect, whilst the secondary area of POS maintains a northern aspect.</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: 8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply 4.7 metres (closest point)</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 Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>

Due to the angled nature of the front boundary, the dwelling achieves a minimum setback of 4.7 metres – which increases comparatively with the angled front boundary. Given the level of articulation afforded to the front façade and provision of landscaping, the proposed front setback is not considered unreasonable and will provide appropriate stepping from the adjacent dwelling to the north, to the adjacent dwelling to the south.

In my opinion, given the proposed front setback is similar to that of new and existing dwellings throughout the immediate locality, and particularly along the western side of The Cove Road, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality. Furthermore, the applicant has confirmed landscaping will be incorporated to the front yard to improve improve visual presentation to the street and will aid in softening and reducing the visual impact cause by the lesser setback.

In my opinion, it would be would be unreasonable to require a setback of 8 metres given the existing area and depth of the allotment and the current design and sitting of dwellings within the immediate locality.

Side Setbacks

Minimum setback from side boundaries:

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

Where the wall height is between 3 metres and 6 metres:

- (a) 3 metres if adjacent southern boundary*
- (b) 2 metres in all other circumstances.*

Residential Zone: PDC 6

Complies

Northern: 3.2m
(Wall height of 3.4m decreasing to a maximum height of 2.7 metres)

Noes Not Comply

Southern: 1.8m
(Wall height of 3.8m decreasing to a maximum height of 2.74m)

The proposed dwelling is setback 1.8 metres from the southern side boundary and 3.4 metres from the northern side boundary, where a minimum side setback of 2 metres is required for dwellings within the Hills Policy Area 11. Furthermore, where the wall height of the dwelling increases to 3.8 metres (at the centre of the dwelling, where the split-level is located), a southern setback of 3 metres is recommended.

Whilst the lack of appropriate setback is considerable for a small portion of the dwelling (a lack of 200mm is apparent for a majority of the southern setback) the proposed side setback remains compatible with dwellings within the immediate locality, which are typically setback 1 metre from side boundaries.

The adjacent dwelling to the south achieves a northern setback of 2.5 metres and incorporates several windows along the northern façade and a garden shed within the side yard area towards the front end of this area. A visual site inspection affirms this area is not the primary area of POS and is primarily used as a service yard area/secondary area of POS.

As such, whilst the rear setbacks fall short of the quantitative criteria, the extent of separation and proposed setbacks are not considered to result in unreasonable overshadowing onto habitable room windows and POS areas, or result in adverse visual bulk/scale impacts, on the adjacent dwelling to the south.

Not applicable in Hills Policy Area 11, that part of Residential Character Policy Area 17 within the suburb of Marion, and Watercourse Policy Area 19, as walls on boundaries are generally not appropriate in these policy areas.

In all other policy areas of the Residential Zone –

- (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

Does Not Comply

The dwelling proposes a garage wall abutting the southern side boundary for a length of 6.47 metres and a maximum height of 3.75 metres (height incorporates a 2.7 metre wall height and a maximum fill/retaining height of 1 metre). Whilst the Development Plan suggests walls on boundaries are generally not appropriate in the Hills Policy Area, regard should be given to the existing allotment dimensions which are not typical of the minimum requirements within the Hills Policy Area, and the placement of dwellings within the existing locality that incorporate significantly lesser setbacks than ordinarily required.

As already discussed, the adjacent single storey detached dwelling to the south of the subject site is setback approximately 2.5 metres from the proposed boundary wall and is separated by a secondary private open space area (a small garden shed is located within this space). It is anticipated the shed structure will aid in minimising potential bulk/scale and visual impacts.

Although the combined fill/retaining and wall height is considerable at 3.8 metres (maximum height), limited, if any, shadow onto the rear area of private open space of the adjacent dwelling to the south will occur as a result of the proposed wall. In my opinion, the location and height of the wall is considered acceptable.

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Complies</p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The southern side setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight. As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Rear Setbacks</h2>	
<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)</i></p> <p>Residential Zone: PDC 6</p>	<p>Does Not Comply</p> <p>3m (35% of allotment), increasing to 5.2m (31.35% of allotment).</p> <p>The proposed dwelling achieves a rear boundary setback of 3 metres increasing to 5.2 metres, where the Hills Policy Area 11 prescribes a minimum rear setback of 8 metres. Whilst falling short of quantitative guidelines, the rear setback remains compatible with that of other similar dwellings located immediately south of the subject land with a primary street frontage to The Cove Road.</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>General Section: Design and Appearance: PDC 2</p>	<p>Complies</p> <p>Although the rear setbacks 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 such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>The proposed dwelling incorporates a maximum building height of 5.1 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

Complies

Maximum floor area

60 square metres

35.68m²

Maximum wall or post height

3 metres

Does Not Comply

3.75m (maximum height above natural ground level).

Discussion of the proposed garage wall height is discussed within the Side Setbacks discussion of this report.

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

Proposed garage is located 1.8 metres behind the main face of the dwelling and a minimum 5.5 metres from the front boundary.

Maximum length on the boundary

8 metres or 45 per cent of the length on that boundary (whichever is the lesser)

Complies

6.47m

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

5.2 metres/ 43.6% of frontage width

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

Four spaces have been provided, two of which are 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.

Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Multiple dwelling	0.7 per bedroom	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		Complies
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling as demonstrated by compliance with PDC 7.</p> <p>b) The Hallett Cove train station, which has access to the Seaford Line, is located within walking distance of the dwelling.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 1 on-street car parking space shall remain available adjacent the subject land.</p>
Access		
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>		<p>Does Not Comply</p> <p>A proposed 4.5 metre driveway crossover has been proposed. Given on-street parking is available, the proposed crossover width is not considered unreasonable.</p>
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>		<p>Complies</p> <p>The proposed crossover is set back a minimum of 1 metre from existing street infrastructure.</p>
<p>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</p> <p>General Section: Transportation and Access: PDC 28</p>		<p>Complies</p> <p>Vehicle access points are separated by 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>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</p> <p>General Section: Design & Appearance: PDC 3</p>		<p>Complies</p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates reasonable presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Articulation, including the stepping back of the garage from the main façade. • Protruding portico, eave overhang and pitched roof form at 25 degree slope • Fenestration

	<p>The dwellings incorporate a 25 degree Colorbond roof in Charcoal Grey (Basalt), with rendered facades. The garage features a Shale Grey Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>The proposed dwelling is of single storey with a maximum height of 5.1 metres. Shadow diagrams have not been requested, however it is considered that given the height and orientation of the dwelling it will not result in unreasonable overshadowing of neighbouring properties. In any event the adjoining properties will maintain access to natural light.</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.</p> <p>b) South forms the side boundary, the proposed dwelling is single storey, and predominantly setback 1.8 metres from the boundary. It is noted that a majority of habitable room windows on the adjacent dwelling's northern façade are located away from the proposed boundary wall and are therefore offered further separation. The potential extent of shadow cast is not considered to be unreasonable.</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space will be free from shadow by midday.</p>

	Consequently, the extent of shadow cast onto private open spaces of adjacent properties complies with PDC 9 and 10.
Noise	
<p><i>Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, and protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 27</i></p>	<p>Complies</p> <p>The subject land is adjacent the Adelaide-Seaford railway line. Although close to this noise source the line generally accommodates electric trains, vastly reducing the amount of noise generated from the rail line. Furthermore, the dwelling is separated from this noise source by The Cove Road and the vegetation buffer that has been established on the eastern side of The Cove Road.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Partially Complies</p> <p>The main activity areas of the dwellings are oriented west, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwelling is afforded sufficient separation to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwelling incorporates a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

<p><i>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><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>

The application proposes retaining walls varying in height to a maximum 1 metre. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.8 metres.

As previously discussed within this report, the adjacent dwelling to the south achieves an approximate setback of 2.5 metres and the area between boundary and dwelling is primarily used as a secondary area of POS/service yard. Given the use of this area, and the inclusion of minimal north facing windows (which also incorporate roller shutters), limited visual and amenity impacts are anticipated.

It is noted the adjacent dwelling to the west achieves an approximate setback of 8 metres from the rear boundary and the closest east facing wall incorporates no windows; the extent of separation afforded is considered to adequately minimise potential visual impacts and will enable appropriate access to natural light.

Council acknowledges the combined fencing and retaining wall height of 2.8 metres is considerable, however, this height is considered necessary to achieve an appropriate level development site and, more importantly, maintain privacy, without unreasonably affecting the visual amenity or access to sunlight of adjoining land. Whilst a lower fence would reduce visual impacts on adjacent allotments, it would significantly increase the potential for adverse overlooking and result in a significant loss of privacy.

Sloping Land

Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:

- (a) minimises their visual impact*
- (b) reduces the bulk of the buildings and structures*
- (c) minimises the extent of cut and/or fill*
- (d) minimises the need for, and the height of, retaining walls*
- (e) does not cause or contribute to instability of any embankment or cutting*
- (f) avoids the silting of watercourses*
- (g) protects development and its surrounds from erosion caused by water runoff.*

General Section: Sloping Land: PDC 2

Complies

(a)(b)(c)(d)(f)The proposed dwelling has incorporated a split level design to relate to the natural slope of the land and reduce the need for excessive cut and fill.

Approximately 900-950mm of fill will occur adjacent the western boundary due to the east to west downwards slope. The need for filling at this location of the site has been largely dictated by the required driveway gradient, the current split and achievement of flat, usable areas of private open space to the rear of the dwelling.

The need for greater fill and associated retaining has been reduced through the split level design, which sees the rear third of the dwelling set-down approximately 1.2 metres from the front portion of the dwelling (including garage). The living areas of the dwelling relate closely to the natural slope of the land. Overall it is considered that the proposed dwelling incorporates a design that appropriately relates to the natural slope of the land reducing the need and height of retaining walls.

(e)(g)(h)(i)The proposed site works will provide a stable and accessible building site and will not impact on site stability of the land, silting of water courses and will protect surrounding development.

The cutting and/or filling of land should:

- (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation*
- (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment*
- (c) only be undertaken if the resultant slope can be stabilised to prevent erosion*
- (d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.*

General Section: Sloping Land: PDC 7

Complies

The proposed cut and fill on the site will not exceed 1 metre. The fill, especially to the rear of the allotment, will be stabilised by the use of retaining walls, battering and landscaping to prevent erosion. The proposal achieves PDC 7.

Retaining walls should:

- (a) not exceed 1.5 metres in height*
- (b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total*
- (c) be constructed to a high standard from high amenity materials*
- (d) be landscaped to enhance their appearance.*

General Section: Sloping Land: PDC 8

Complies

The proposal will result in retaining walls, retaining fill, that will achieve a maximum height of 1 metre.

Siting and Visibility

Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:

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

General Section: Siting and Visibility: PDC 4

Complies

The proposed dwelling is of a single storey and incorporates a split level design and roof pitch that both relates to the natural slope of the land and reduces the dwelling's visual dominance within the street. The dwelling will also be located below the road level. The front façade has been stepped and portico and eaves incorporated into the design to provide articulation and interest in the front façade and minimising the bulk of the building. It is considered that the design of the dwelling achieves PDC 4.

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

General Section: Siting and Visibility: PDC 5

Complies

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to loss of privacy and the potential visual bulk/scale impacts caused by the proposed boundary retaining and fencing have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over temporary fencing, and whilst these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed development results in the construction of a single storey split-level detached dwelling with associated landscaping and retaining. The proposed dwelling is considered to reflect the general pattern development within the immediate locality and will positively contribute to The Cove Road streetscape.

The proposed dwelling is designed and sited to minimise potential impacts to adjoining land, whilst representing the low density character desired within the Hills Policy Area 11. This notwithstanding, the proposal does maintain shortfalls in relation to front, southern side, and rear setbacks, the positioning and height of the garage wall on the southern boundary, and site coverage.

It is noted that the proposed development replicates a similar form of development undertaken on the allotments immediately south of the subject land. As a result, the proposed development remains compatible with the prevailing character and pattern of development in the locality.

Although the side and rear setbacks of the proposed dwelling fall short of criteria, these shortfalls should not result in an unreasonable impact to adjoining land. This is reinforced by the fact that nearby dwellings with a primary frontage to The Cove Road incorporate similar setbacks.

Whilst retaining walls achieving a maximum height of up to 1 metre, retaining fill, are proposed along the side and rear boundaries, the overall extent of cut/fill and retaining is considered

appropriate given the existing topography and achievement of acceptable setbacks to boundaries.

Whilst a combined retaining wall and fence height will result in some visual impacts on adjacent properties, this is considered necessary to maintain privacy without unreasonably affecting the visual amenity or access to sunlight of adjoining land. The dwellings on adjacent allotments maintain appropriate setbacks and separation to the side boundaries to adequately minimise visual bulk/scale and overshadowing impacts.

The proposal is not regarded to be out of character with the existing locality in relation to setbacks, site coverage and extent of fill and retaining proposed. When assessed against the relevant provisions of the Development Plan, and having regard to the context of the locality and the nature of the proposed development, it is considered the proposal on balance satisfies the relevant provisions of the Development Plan.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/459 for a single storey split-level detached dwelling, incorporating a garage wall on the southern side boundary at 123 The Cove Road, Hallett Cove be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/459, being drawings;
 - Sheet, 2 of 3, 3 of 3 received by Council 30/08/2016 and Sheet 1 of 3 received by Council on 14/09/2016, all prepared by Format Homes,
 - Drainage Plan, prepared by SAF Consulting Engineers, received 30/08/2016 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. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
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 16 November 2016

Agenda Ref No: DAP161116 – 2.6

Originating Officer: Kristen Sheffield
Development Officer - Planning

Applicant: Scope Development Solutions

Development Description: A two-storey residential flat building comprising five dwellings and including associated car parking, landscaping and front fence

Site Location: 378 Morphet Road, Warradale

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 08/06/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1032

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a building of 2 storeys comprising dwellings as Category 2 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum average of 300 square metres required for residential flat 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
Wall height should be reduced.	Wall height of the building reduced from 6.85m to 6.55m.
Upper level southern side setback should be increased to more closely align with Council's policies.	Upper level side setbacks increased from 2.3m from both the northern and southern boundaries to 2.55m and 3.55m respectively.

Increased articulation/visual interest should be provided to the northern and southern elevations through the introduction of a greater range of colours/materials and an increase in fenestration where appropriate.	Fenestration provided to the northern and southern elevations. Material/colours unchanged (Scyon Matrix panel cladding in off white with black expressed joints), however changes noted in cladding design.
Upper level windows not facing the primary street frontage should be obscured to a level of 1.7 metres above the upper floor level.	Side and rear facing windows amended to include 1.8 metre sill heights.
Landscaping should be provided forward of the front boundary fencing in order to soften the appearance of the built form.	Limited landscaping provided forward of the front fencing.
The nominated household waste and recyclable material storage areas should be screened from public view.	Bin enclosure provided.
The site plan should illustrate access/egress to/from all designated car parking spaces to demonstrate that vehicles are able to enter and exit the site in a safe and convenient manner, maintaining a forward direction.	Traffic engineers report provided.

SUBJECT LAND & LOCALITY

The subject land is located at 378 Morphett Road, Warradale. The land comprises a rectangular allotment, with an eastern primary street frontage of 28.6 metres, a depth of 43.89 metres, and a total site area of 1256 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with a driveway sited alongside both the northern and southern side boundaries providing access to a freestanding garage and attached carport, respectively. The subject site does not maintain any discernible slope, nor does it accommodate any trees classified as Regulated pursuant to the current legislation.

The locality comprises a mix of single storey detached dwellings on large allotments and group dwellings in the form of hammerhead allotments. A number of redeveloped/sub-divided properties are also evident within the locality, which typically take the form of single and two-storey detached, semi-detached and group dwellings.

A Neighbourhood Centre Zone is located at the intersection of Morphett and Diagonal Roads, approximately 200 metres walking distance from the subject land, while the Oaklands Railway Station and the Regional Centre Zone are sited some 400 metres and 800 metres, respectively, to the south of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of a two-storey building comprising five dwellings including associated car parking, landscaping and a front fence.

Dwellings 1 and 5 each incorporate a bedroom (with ensuite) an open plan kitchen/living area, laundry and separate WC on the ground floor; and two bedrooms, a study area and bathroom on the upper levels. While Dwellings 2, 3 and 4 each incorporate an open plan kitchen/living area, laundry and separate WC on the ground floor, and three bedrooms and a bathroom to the upper levels.

A 1.8m high masonry fence is proposed on the front boundary with landscaping to be placed in front of and behind the fence, as well as on either side of the common land area, in front of and to the rear of the proposed dwellings.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 2 public notification process.
Representations:	No valid representations were received by Council.

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	<ul style="list-style-type: none"> • No objection is raised to the proposed development subject to conditions. • DPTI are satisfied that two-way vehicular movements can be achieved via the 6.5-metre-wide access located adjacent the southern boundary. • It is recommended that the layout of Lot 4 be 'mirrored' to achieved vehicular manoeuvrability. The applicant has provided a traffic report to address this matter and to demonstrate that the driveway width is sufficient to achieve forward access/egress for all vehicles on-site.
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Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Open Space:	Council's Arborist has advised that the existing street tree forward of the subject land is suitable for retention and that a minimum tree protection zone of 2 metres 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>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 3	Minimum Site Area: 300m ²	Does Not Comply Average excluding common land area: 210.7m ² Average including common land area: 251.2m ²
	Minimum Frontage: 20m	Complies 28.6m
	Minimum Depth: 45m	Does Not Comply 43.89m

Assessment

Objectives & Desired Character

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

The subject land is located approximately 800 metres from the Regional Centre Zone which accommodates a number of centre facilities including Westfield Marion, Marion Cultural Centre, Domain Medical Centre and the SA Aquatic Centre. While Oaklands Railway Station is located 400 metres walking distance to the south of the site. Given that the subject land is located in close proximity to public transport routes and within an acceptable walking distance of the Regional Centre Zone, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

It is noted that the proposed development represents the first incursion of two-storey dwellings within the immediate locality, and are therefore different to the prevailing character of the area. However, as previously noted, a majority of dwellings within the locality are original housing stock, while the Desired Character encourages low-medium density dwellings of a variety housing forms and styles, such as buildings of up to two storeys.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Northern Policy Area 13.

Site Areas

A minimum site area of 300 square metres is prescribed for residential flat dwellings in the Northern Policy Area 13, which equates to an average shortfall of 89.3 square metres (29.8%) per dwelling when excluding the common land area, or an average shortfall of 48.8 square metres (16.3%) per dwelling when including the common land area.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings (of which the proposal shares a similar layout) require a minimum site area of 250 square metres within the Northern Policy Area 13, whereby a site of 1250 square metres could theoretically accommodate 4 dwellings. The subject land maintains an overall site area of 1256 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

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

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage		
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p>Northern Policy Area 13: PDC 4</p>		
<p>Site coverage: Does Not Comply 63.8% (excluding common land area) 53.5% (including common land area)</p> <p>Floor area ratio: Does Not Comply 0.74 (excluding common land area) 0.62 (including common land area)</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>Residential Zone: PDC 9</p>		
<p>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.</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>General Section: Residential Development: PDC 14</p>		
<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>		
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p>General Section: Residential Development: PDC 15</p>		
<p>Complies Approximately 23% (290m²)</p>		
Private Open Space		
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		
Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>
<p>Residential Zone: PDC 7</p>		
<p>Complies Dwelling 1: 22.2% (46.8m²) Dwelling 2: 27.4% (57.8m²) Dwelling 3: 27.4% (57.8m²) Dwelling 4: 27.4% (57.8m²) Dwelling 5: 26.2% (55.1m²)</p> <p>5 x 5 metre POS dimension achieved by each dwelling.</p>		

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the 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>Partially Complies</p> <p>g) The proposed POS areas maintain a westerly 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 no established streetscape exists:</i></p> <p><i>8 metres from arterial roads shown on Overlay Map – Transport</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>10.5m</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

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

Partially Complies

Lower level (wall height of 3.15m)

Northern side: 0.9m

Southern side: 1.88m

Complies

Upper level (wall height of 6.55m)

Northern side: 2.55m

Southern side: 3.55m

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

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

General Section: Design and Appearance: PDC 2

Complies

Although the lower level side setbacks do not strictly comply with quantitative criteria due to a 0.15 metre excess in wall height, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Rear Setbacks

Minimum setback from rear boundary:

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

Residential Zone: PDC 6

Partially Complies

Lower level (wall height of 3.15m)

Dwelling 1: 7.568m

Dwelling 5: 7.568m

Complies

Lower level (wall height of 3.15m)

Dwelling 2: 11.56m

Dwelling 3: 11.56m

Dwelling 4: 11.56m

Upper level (wall height of 6.55m)

Dwelling 1: 17.8m

Dwelling 2: 14.1m

Dwelling 3: 14.1m

Dwelling 4: 14.1m

Dwelling 5: 17.8m

<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 lower level rear setbacks of Dwellings 1 and 5 do not strictly comply with quantitative criteria due to a 0.15 metre excess in wall height, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>				
<h2>Building Height</h2>					
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>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 6.55 metres, which is less than the maximum permitted in the Policy Area.</p>				
<h2>Garages, Carports, Verandas and Outbuildings</h2>					
<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>Each proposed garage is incorporated under the main roof of the associated dwelling.</p>				
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>					
<table border="1"> <thead> <tr> <th>Parameter</th><th>Value</th></tr> </thead> <tbody> <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	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>All garaging is sited 2 metres behind the main face of the building.</p>
Parameter	Value				
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Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)				
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p>				

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

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.

Partially Complies

Each dwelling provides one garage space and one open visitor space, which equals a total of 10 on-site parking spaces. However, no independently accessible visitor parks are available.

*Note: 1.5 resident spaces x 5 dwellings = 7.5
Plus 1.6 visitor spaces required for 5 dwellings = 9.1 on-site spaces required*

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by general compliance with PDC 7.
b) Centre facilities and public transport are located in walking distance of the dwellings
c) The likely occupants are anticipated to have standard mobility and transport requirements.
d) e) On street car parking spaces are increased from 2 spaces to 3, due to the northern crossover being reinstated to kerb. However, it is noted that on-street car parking forward of the subject land is restricted by a clearway between the hours of 7am to 9am, Monday to Friday.

Vehicle parking areas servicing more than one dwelling should be of a size and location to:
(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely
(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area
(c) reinforce or contribute to attractive streetscapes.

General Section: Transportation & Access: PDC 44

Complies

(a) (b) The applicant has provided a traffic report to demonstrate that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.

Does Not Comply

(c) The proposed vehicle parking/manoeuvring areas are located forward of the building, resulting in excessive paving/hard surfaces forward of the building line.

The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:
(a) not face the primary street frontage
(b) be located to the rear of buildings with access from a shared internal laneway
(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.

General Section: Transportation & Access: PDC 45

Does Not Comply

(a) (b) A portion of the visitor parking spaces, as well as the vehicular manoeuvring area, are located forward of the building.

Complies

(c) All garaging is sited 2 metres behind the main face of the building.

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

General Section: Land Division: PDC 22

Complies

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

Access

The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:
 (a) 3 metres wide for a single driveway
 (b) 5 metres wide for a double driveway.

General Section: Residential Development: PDC 39

Partially Complies

While the driveway crossover width of 6.5 metres exceeds the maximum sought by the Development Plan, this is the minimum width sought by DPTI.

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

General Section: Residential Development: PDC 40

Complies

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

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

General Section: Transportation and Access: PDC 28

Complies

Crossovers servicing the subject land reduced from 2 to 1.

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

- Mixture of cladding types and timber batten screens to the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Cantilevered/protruding balcony
- Fenestration

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

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Partially Complies

The proposed balconies are integrated into the design. Whilst solid balustrading is proposed, adequate passive surveillance of the street is nonetheless provided whilst maintaining privacy for future occupants.

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

Partially Complies

Whilst the entries of the dwellings present towards the primary street frontage, these are sited behind the main face, and the garages, of the dwellings, and not readily visible 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

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

Partially Complies

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

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

Pedestrian entry points are not emphasised, but nonetheless provide direct access from the vehicle parking area.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

An assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that a majority of winter shadow will be cast within the driveway/carport area of the adjacent dwellings to the south.

Nonetheless, 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, with the areas of POS not overshadowed by the proposed development.

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

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

The balconies on the front façade are oriented to obtain views of the streetscape.

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

Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.

General Section: Design & Appearance: PDC 12

Complies

Timber batten screening to the front façade is considered to complement the external materials and finishes of the building.

Noise

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

General Section: Residential Development: PDC 27

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

General Section: Residential Development: PDC 28

Partially Complies

The majority of bedrooms, as well as the living areas and private open spaces areas of the dwellings, are located to the rear of the building, oriented away from the noise source of Morphett Road. However, the Bedroom 1 of each dwelling is oriented towards Morphett Road. To address potential impacts from noise, it has been included as a recommended condition of consent that these windows be treated with double glazing.

Impacts from traffic noise may be somewhat reduced by the fencing and landscaping proposed along the front boundary of the site.

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

Complies

- a) Common letterboxes are featured at the entrance to the common driveway area.
- b) Not applicable, as the development does not contain more than 6 dwellings.
- c) Common waste storage areas are provided forward of the proposed building within the common land area and are screened from public view.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The main activity areas of the dwellings are oriented west. While this is not an optimum orientation for energy efficiency of the dwellings, adequate sunlight will nonetheless be available to the areas of POS, with the windows of each internal living area adequately shaded by the proposed alfresco provided to each dwelling.

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

Partially Complies

The dwellings incorporate a parapet roof form. Whilst this does not provide the most efficient pitch for the siting of solar collectors, such collectors may nonetheless benefit from an adequate degree of solar access.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Partially Complies

The proposed planting species and distribution within the site complements the built form and enhances the appearance of the dwellings.

However, limited/low-level landscaping is proposed forward of and behind the front fence. Accordingly, it has been included as a recommended condition of consent that a revised front fence plan and elevation, incorporating taller/broader landscaping, to enhance the appearance of the road frontage and parking areas, be submitted to Council for consideration prior to issuing Development Approval.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Partially Complies

The proposed front fence is somewhat articulated through vertical landscaping sections. However, an opportunity exists for the front fence to incorporate greater articulation, as well as materials which complement the design of the building.

As such, it has been included as a recommended condition of consent that a revised front fence plan incorporating greater stepping and timber elements, be submitted to Council for consideration prior to issuing Development Approval.

Heritage Places

The division of land adjacent to or containing a State or local heritage place should occur only where it will:

- (a) create an allotment pattern that maintains or reinforces the integrity of the heritage place and the character of the surrounding area*
- (b) create an allotment or allotments of a size and dimension that can accommodate new development that will reinforce and complement the heritage place and the zone or policy area generally*
- (c) be of a size and dimension that will enable the siting and setback of new buildings from allotment boundaries so that they do not overshadow, dominate, encroach on or otherwise impact on the setting of the heritage place*
- (d) provide an area for landscaping of a size and dimension that complements the landscape setting of the heritage place and the landscape character of the locality*
- (e) enable the State or local heritage place to have a curtilage of a size sufficient to protect its setting.*

General Section: Heritage Places: PDC 8

Complies

The subject land is sited adjacent a Local Heritage Item at 376 Morphett Road.

The layout of the proposal, including the common land area forward of the building, allows for a generous front setback, ensuring the Local Heritage Item is not dominated by the proposal.

Landscaping alongside the northern boundary, forward of the proposed building, complements the landscape setting of the heritage place.

TABLE DISCUSSION

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

- Site coverage
- Floor area ratio
- Percentage of garage to dwelling frontage
- Vehicle Parking (design and appearance)

Site coverage

Site coverage considerably exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposed building comprises site coverage of 63.8%. However, this figure is based upon the curtilage of the building only, and does not include the common land area. When including the common area, overall site coverage for the whole of the land equates to 53.5%. Evidently, the total proportion of roofed area over the site still considerably exceeds that anticipated by the Development Plan. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposed dwellings each include an undercover alfresco/verandah area. Were these to be deleted from the proposal, site coverage would reduce to 56.2% of the curtilage of the proposed building, or 47.1% of the total site area (including the common land area). While this level of site coverage more closely aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

Furthermore, verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to those proposed within the subject application; such structures are likely to comply with Schedule 1A of the Development Regulations 2008 (which allows for site coverage of up to 70% for residential flat dwellings) and therefore would not require Development Plan Consent. Accordingly, whilst removal of the proposed alfresco areas would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

- b) The proposal exceeds the minimum POS requirement of 20%, at 22.2% for Dwelling 1, 27.4% for each Dwellings 2, 3 and 4, and 26.2% for Dwelling 5. In addition, the proposed dwellings generally achieve sufficient setbacks from boundaries. Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

Floor area ratios

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13. The proposal surpasses this limit, with FAR's equating to an average of 0.74. Again the FAR of the building is significantly reduced when considering the whole of the subject land, reducing to 0.62. Nonetheless, these excesses do not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

Percentage of garage to building frontage

The proposed dwellings' garaging equates to approximately 64.2% of the building frontage width. Whereas, PDC 6 of the Residential Zone prescribes that garaging should comprise a maximum 50% of the width of the front façade of the dwelling to which the garage or carport is associated. Despite this excess, the visual dominance of the garaging is minimised by being set back 2 metres behind the cantilevered upper level main face of the building, ensuring the garages should not dominate the streetscape.

Streetscape presentation (vehicular manoeuvring/common land area)

PDC 44 (Transportation and Access) seeks for vehicle parking areas servicing more than one dwelling to reinforce or contribute to attractive streetscapes. Further, PDC 45 (Transportation and Access) outlines that vehicle parking areas should not face the primary street frontage and should instead be located to the rear of buildings with access from a shared internal laneway. The intent of these principles reinforces Objective 3 of the Northern Policy Area 13, which seeks for development to minimise the impact of garaging of vehicles on the character of the locality.

The design of the proposal, including a common land area forward of the building for the purposes of vehicular manoeuvrability, results in excessive paving/hard surfaces, exacerbating the impact of garaging of vehicles on the character of the locality. Ordinarily, such an outcome would not be considered acceptable. However, given the location of the subject land on an arterial road (where it is common for new dwellings to incorporate a high percentage of front yard areas to be taken up by vehicle manoeuvring parking areas), and that the Development Plan nonetheless seeks for residential development on sites abutting established collector or higher order roads to include front fences and walls that will supplement the noise control provided by the building façade, the extent of paving/hard surfaces forward of the building line will not be readily apparent from the streetscape.

During the assessment process it was sought that the front fence be stepped, to provide for taller/broader landscaping forward and behind of the fence to soften the appearance of the built form within the streetscape and improve the outlook from the proposed dwellings. Low-level landscaping subsequently provided is deemed inadequate. Furthermore, an opportunity exists for the front fence to incorporate greater articulation, as well as materials which complement the design of the building.

As such, it has been included as a recommended condition of consent that a revised front fence plan and elevation, incorporating taller/broader landscaping both forward of and behind the front fence, be submitted to Council for consideration prior to issuing Development Approval.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities in close proximity to public transport routes, as well as providing further diversity in architectural styles.

Assessment of the proposal against quantitative 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 excesses including site coverage, floor area ratios and percentage of garaging to building frontage. Further assessment of these areas of non-compliance 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.

The most significant numerical shortfall maintained by the proposal involves site areas. It is acknowledged that the proposal is finely balanced in this regard, with a 29.8% (or at best, 16.3%) discrepancy for the total site area noted. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1032 for a two-storey residential flat building comprising five dwellings and including associated car parking, landscaping and front fence at 378 Morphett 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. 100/2016/1032, 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. A revised front fence plan and elevation, incorporating greater stepping as well as timber elements, shall be submitted to Council for consideration and approval, prior to issuing Development Approval.
- 4. A revised landscaping plan, incorporating taller/broader plantings (with a growth height of at least 5 metres) both forward of and behind of the front fence, shall be submitted to Council for consideration and approval, prior to issuing Development Approval.
- 5. The windows on the front (eastern) facades of the building shall be double glazed for sound attenuation purposes.
- 6. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 7. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

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

DPTI CONDITIONS

13. The site shall be served by a single shared access point direct to/from Morphett Road. No additional access shall be permitted.
14. All obsolete crossovers or obsolete portions of crossover on Morphett Road shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to habitation of the dwellings.
15. The shared access shall be a minimum of 6.5 metres in width at the property boundary and extend at that width for a minimum of 6.0 metres into the site.
16. A minimum 1.0 metre separation shall be provided between the proposed access and existing stobie pole.
17. All vehicles shall enter and exit the site in a forward direction
18. The shared driveway and on-site manoeuvring areas shall remain clear of any impediments to vehicle movements (such as meters, garden beds and parked vehicles).
19. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Morphett Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.

NOTES

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

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

3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 November 2016

Agenda Ref No:	DAP161116 – 2.7
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Riviera Homes
Development Description:	To construct two (2) single storey residential flat buildings, each comprising three (3) dwellings with associated car parking and landscaping
Site Location:	33 - 35 Albany Crescent, Oaklands Park
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 1 / Consent
Lodgement Date:	16/09/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1692
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 single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for residential flat buildings within the Regeneration Policy Area 16. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The Panel should note, the initial proposal was for the construction of six (6) residential flat dwellings, including two (2), two storey dwellings at the front of the site and four (4) single storey dwellings to the rear of the site. During the assessment process, Council staff requested modifications to the proposal plans to address the concerns listed below. As part of the amendments made to the proposal, Res. 1 and Res. 6 were amended to single storey residential flat dwellings.

Amendments Requested	Amendments Made
Res. 2 – 5 are sited on undersized allotments and as such, should provide a minimum 50 square metres of private open space which equals 20% of the minimum site area for single storey residential flat dwellings. This is considered most important for Res 3 and 4 given they are 3-bedroom dwellings.	POS of Res. 2 and Res. 5 increased from 36 square metres to 41.6 square metres. Res. 3 and Res. 4 amended from 3-bedroom dwellings to 2-bedroom dwellings and the associated POS increased from 38.7 square metres to 93.7 square metres.
Res. 3 and Res. 4 should achieve a minimum 4 x 4 metre area of private open space.	POS dimensions of Res. 3 and Res. 4 increased from 3 x 12.8 metres to achieve a minimum dimension of 5 x 6.4 metres.
Res. 3 and Res. 4 should be setback a minimum 3.0 metres from the northern rear boundary.	Rear setback increased from 2 metres (64%) to 3 metres (59%) and 6.4 metres (10.4%)
Res. 3 and Res. 4 should be sited and designed so that the open spaces and windows associated with the main activity areas face north for exposure to winter sun.	Separation provided from northern boundary to achieve north facing POS areas.
The main face of Res 1 and 6 should be set back a minimum 5.0 metres from the front boundary.	Front setback of Res. 1 and Res. 6 increased from 4.5 – 5.1m to 4.8 – 5.1 metres.
Res 1 and 6 should provide a minimum 20% of private open space which is located to the side/rear of the dwelling.	POS of Res. 1 and Res. 6 reduced from 40.9 square metres (17.3%) to 40.54 square metres (16.7%).
The front fencing associated with Res. 1 and Res. 6 should: a) Contain a mixture of colours and materials; b) The portion of the fencing adjacent the POS should be solid; c) The portion of fencing adjacent the Family room should incorporate an open design in order to enhance passive surveillance and so that the residential portion of the dwellings remain in view from the street.	Front fencing of Res. 1 and Res. 6 amended as per Council's request.
The front façade of Res. 1 and Res. 6 should be enhanced through the provision of full length windows.	Bedroom 2 window of Res. 1 and Res. 6 amended from a high level wrap-around to a full length window to the front façade.
The allotment boundaries of Res. 2 and Res. 5 should be straightened.	Allotment boundaries amended as per Council's request.
Length of on-site vehicle parking spaces should be increased to satisfy Council's Development Plan provisions.	Visitor parking spaces increased to achieve a minimum length of 5.5m.
Additional Information Requested	Information Provided
A schedule of proposed colours and materials.	Submitted to Council.
Correspondence from SA Power Networks which confirms the existing stobie pole can be removed/relocated.	Submitted to Council and correspondence confirmed by Mr. Wayne Parker – Network Project Officer of SA Power Networks.
Confirmation from the applicant, confirming the stobie pole removal/relocation will occur prior to the occupation of the dwellings.	Confirmation submitted to Council.
An engineered site works and drainage plan.	Not provided.
A traffic engineer's report detailing the vehicle turning areas for all nominated car parking spaces, and which assessed the proposed in-out access arrangement.	Not provided.

SUBJECT LAND & LOCALITY

The subject land comprises 33-35 Albany Crescent, Oaklands Park. Each allotment is rectangular in shape, achieving a frontage width of 18.28 metres, depth of 39.6 metres and a total site area of 724.6 square metres. When the two allotments are considered as a whole, the frontage width is equal to 36.5 metres, resulting in a total site area of 1449.3 square metres. The land previously accommodated two single storey detached dwellings in relatively good condition.

The dwelling at 33 Albany Crescent is setback approximately 7.5m which steps to 13.5m. The dwelling at 35 Albany Crescent is setback approximately 11m, which steps to 12m. Vehicular access is currently available from Albany Crescent, adjacent the western boundary of each allotment. The contour of the land is generally flat and there are no regulated trees on the subject land.

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, group and row dwellings, both single and double storey in nature.

It is also acknowledged that the subject land is situated in close proximity to the SA Aquatic and Leisure Centre, Marion Cultural Centre and Library and Westfield Marion Shopping Centre, which are located within the Regional Centre Zone. Further, the Oaklands Train Station is located a short distance, north-west of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of two single storey residential flat buildings, each comprising 3 dwellings. Each residential flat building presents a dwelling to Albany Crescent and two additional residential flat dwellings are situated to the rear of the site.

Each dwelling incorporates two bedrooms, associated bathroom/laundry and open plan kitchen/living/meals area with direct access to the main area of private open space. Vehicular access to each dwelling is to be gained via a centrally located common driveway, which requires the removal/relocation of an existing stobie pole.

Fencing is proposed to the front of the site, incorporating a design which is both solid and open with a mixture of materials.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Development Engineer	<p>Council's Development Engineer has reviewed the proposal and is satisfied that vehicle manoeuvrability satisfies to the relevant Australian standards.</p> <p>Further assessment against Council's vehicle turning templates for safe and convenient movements has confirmed the above.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Regeneration Policy Area 16		
<p>Objectives</p> <p>1 Integrated re-development of poor quality housing stock and under utilised land. 2 Improved quality of living environments. 3 Improved quality of housing. 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation. 5 Improved environmental outcomes. 6 Increased dwelling densities and population. 7 More efficient use of land. 8 Improved community services and infrastructure. 9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces. 10 A smooth transition in the character and scale of development between this and adjoining residential policy areas. 11 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>...The desired character of the policy area is derived from high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock in the area. It will be characterised by integrated development at low-medium and medium densities, with a wide range of dwelling types to meet a variety of accommodation needs for public housing tenants and the private housing sector.</p> <p>Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity.</p> <p>Medium density development should predominate adjacent to public open space reserves, major transport routes, shops and community facilities, but can be dispersed throughout the area as part of major comprehensive redevelopment projects. Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger areas, a comprehensive scheme for the development of a range of dwelling types is desirable.</p> <p>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality. Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ student accommodation ▪ supported accommodation. 	Complies

<i>PDC 2</i>	<i>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</i> <i>(a) within 400 metres walking distance of a neighbourhood, district or local centre</i> <i>(b) within 800 metres walking distance of a regional centre</i> <i>(c) close to public transport or major employment nodes</i> <i>(d) adjacent to public open space.</i>	Complies The subject land is situated within 800m of the Regional Centre Zone along Diagonal Road and public transport opportunities along Diagonal Road and the Oaklands Railway Station.
<i>PDC 4</i>	<i>Minimum Site Area: 250 square metres average</i>	Does Not Comply Res. 1: 242.5sqm Res. 2: 173.2sqm Res. 3: 222.0sqm Res. 4: 222.0sqm Res. 5: 173.2sqm Res. 6: 242.5sqm Excluding common driveway Average site area = 212.5sqm Including common driveway Average site area = 241.55sqm
	<i>Minimum Frontage: 18m</i>	Complies Total frontage width: 36.58
	<i>Minimum Depth: 45m</i>	Does Not Comply 39.62m

Assessment

The application proposes six dwellings on an allotment which currently accommodates two single storey detached dwellings, increasing the density of the land by four. It is acknowledged that the Residential Zone and Regeneration Policy Area 16 encourages an increase in densities within close proximity to centre zones and public transport opportunities. The subject site is located within walking distance to public transport options along Diagonal Road and the Oaklands Railway Station. Further, the Westfield Marion Shopping Centre, SA Aquatic and Leisure Centre and Marion Cultural Centre and Library are located within walking distance from the subject land, each of which are located within the Regional Centre Zone.

The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and design to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and will provide a positive contribution to the existing streetscape. It is also of value to note that the proposed frontage width exceeds the minimum sought in the Regeneration Policy Area 16 which allows for additional landscaping opportunities.

The dwellings shall contribute to the provision of a variety of dwelling types and accommodation needs in an area which encourages the redevelopment of the existing housing stock at low to medium and medium densities. The proposal is therefore considered to complement the applicable Objectives, Principles of Development Control and Desired Character statement of the Residential Zone and Regeneration Policy Area 16.

Site Area

The average site area of the residential flat dwellings equals 212.56 square metres. Given that a minimum site area of 250 square metres applies, this equates to a shortfall of 37.44 square metres (14.9%). 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 dwellings would maintain an average site area of 241.5 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 subject land maintains an overall site area of 1449.3 square metres; resulting in an average site area of 241.5 square metres per dwelling. The average site area is marginally less than the minimum 250 square metres required for group and residential flat buildings in the Regeneration Policy Area 16. As such, in my view, subject to achieving appropriate compliance with Council's Development Plan, the subject land could feasibly be developed to accommodate six dwellings.

Further, it is acknowledged that each dwelling features two bedrooms, thereby increasing the range of housing stock within the locality. Despite the average site area of the residential flat buildings failing to meet the minimum sought, I am of the opinion that the dwellings' will assist in catering for changing demographics and particularly smaller household sizes.

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).

Depth

It is acknowledged that the depth of the subject land fails to meet the minimum 45 metres required for residential flat buildings in the Regeneration Policy Area 16. Despite the site depth 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 dwellings' ability to function appropriately or result in impacts to adjacent land. Further, adequate access arrangements and vehicle turning areas have been provided and therefore, the depth of the site is considered appropriate.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

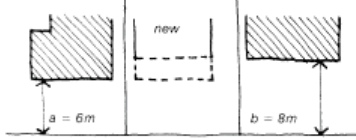
Assessment:

Site Coverage	
<p>Maximum site coverage:</p> <p>Site area between 220 and 269 m²: 100 m² (applies to Res. 1, 3, 4 & 6) or 40% (whichever is the greater)</p> <p>Site area less than 220 m²: 80 m² (applies to Res. 2 & 5) or 45% (whichever is the greater)</p> <p>Regeneration Policy Area 16: PDC 5</p>	<p>Does Not Comply</p> <p>Res. 1: 116.1sqm (47.8%) Res. 2: 120sqm (69.2%) Res. 3: 116.4sqm (52.4%) Res. 4: 116.4sqm (52.4%) Res. 5: 120sqm (69.2%) Res. 6: 116.1sqm (47.8%)</p> <p>Excluding alfresco</p> <p>Res. 1: 101.9sqm (42%) Res. 2: 105sqm (60.6%) Res. 3: 102.2sqm (46%) Res. 4: 102.2sqm (46%) Res. 5: 105sqm (60.6%) Res. 6: 101.9sqm (42%)</p> <p>Total site coverage: 705sqm (48.6%)</p>

	<p>Despite the excess in dwelling footprint for each allotment, it is acknowledged that when the associated alfresco/porch is excluded from the calculation, the total site coverage more closely aligns to the Development Plan provision of 100m² and 80m² respectively and is comparable to other recent development in the locality.</p> <p>The dwellings have been provided with adequate setbacks from the side and rear boundaries as well as a private open space area which is considered to function appropriately and meet the likely needs of future occupants. Given appropriate POS areas have been provided and that the excess in site coverage is unlikely to adversely affect the amenity of adjoining land, I am of the view that the proposed dwelling footprints are suitable for the subject land.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>23.7%</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from habitable rooms of the associated dwelling. b) POS of Res. 2, 3, 4 & 5 is located at ground level to the side/rear of the dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. e) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy. f) The proposed POS areas of Res. 3 and Res. 4 maintain a northerly aspect to provide for comfortable year round use. g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.

	<p>Partially Complies f) Res. 1, 2, 5 & 6 maintain a northerly aspect for a portion of the associated POS areas. The remaining POS areas are oriented east/west (respectively), which will receive morning/afternoon light.</p> <p>Does Not Comply b) A portion of the POS of Res. 1 and 6 will be located forward of the main face of the dwellings; however, will be screened for privacy through an articulated front fence.</p>
<p>Site area less than 250 m²: 20% of the site area or 35 m², whichever is the greater Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>20% POS applicable for Res 1, 3, 4 & 6 35m² POS applicable for Res. 2 and Res. 5</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies Res. 2: 41.6m² (24%) Res. 3: 93.7 m² (42.2%) Res. 4: 93.7m² (42.2%) Res. 5: 41.6m² (24%)</p> <p>Each dwelling is provided with a 4 x 4 metre area directly accessible from a living room.</p> <p>Does Not Comply Excluding POS forward of the dwelling Res. 1: 40.54m² (16.7%) Res. 6: 40.54m² (16.7%)</p> <p>Including POS forward of the dwelling Res. 1: 60m² (24.7%) Res. 6: 60m² (24.7%)</p> <p>As identified above in the <i>Zone and Policy Area assessment</i>, the proposal assists in increasing densities in close proximity to public transport opportunities and Centre Zones, which is encouraged by the Residential Zone and Regeneration Policy Area 16.</p> <p>Notwithstanding the above, it is likely that the POS area will encompass a portion of the front yard area. Whilst not ideal, it is acknowledged that the front fence will provide some acoustic treatment and reduce noise impacts from Albany Crescent. Further, the dwellings' feature two bedrooms and in my opinion, despite the proposal's inability to provide POS areas to the side and rear of the dwellings as sought by Council's Development Plan, the area and dimensions as provided are considered to be adequate for the likely needs of future occupants.</p>
Street Setbacks	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 23</p>	<p>Complies The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.8 and 5.1 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>

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

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

General Section: Design and Appearance: PDC 25

Partially Complies

Res. 1 & Res. 6: 4.8m and 5.1m

(Dwellings on adjoining land set back approximately 8.6 and 12.5 metres, which equals an average setback of 10.55 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Regeneration Policy Area 16 encourages regeneration of the existing dwelling stock, PDC 25 has limited weight in this instance.

It is also of note that Council's current Development Plan permits a minimum front setback of 5m in the Regeneration Policy Area 16, regardless of the setback of adjacent dwellings.

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Where the wall height is not greater than 3 metres: 1 metre

Where the wall height is between 3 metres and 6 metres:

- (a) 3 metres if adjacent southern boundary
- (b) 2 metres in all other circumstances.

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 7

Complies

Each dwelling is setback a minimum 3.1m from the existing side boundaries of the site.

Rear Setbacks

Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:

- (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary

General Section: Residential Development: PDC 37

Partially Complies

Res. 3 and Res. 4: 3m (59%) and 6.6m (10.4%).

I am of the opinion that the reduced rear setback will not result in amenity impacts to adjacent land as any shadow cast from the dwellings will be contained within the site. Further, the dwellings are single storey in nature and the level of separation provided between the two dwellings is considered to assist in reducing any bulk presenting to the adjacent land.

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 4.7 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p>Residential Zone: PDC 8</p>	<p>Complies</p> <p>All garaging does not present to the street.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p>General Section: Residential Development: PDC 12</p>	<p>Complies</p> <p>Council's Development Engineer and updated vehicle tracking information has confirmed that safe and convenient access is available for future occupants.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p>General Section: Residential Development: PDC 8</p>	<p>Complies</p> <p>The proposed garages incorporate a roof form, materials and detailing which complement the associated dwellings.</p>
Car Parking	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered):</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>The proposal requires a minimum 11 parking spaces and 12 are proposed.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p>General Section: Transportation & Access: PDC 43</p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 4 on-street car parking spaces shall remain available adjacent the subject land.</p>

<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>										
<p>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>										
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>4 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22</p>										
Access											
<p>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossover requires the removal/relocation of an existing stobie pole. Mr. Wayne Parker – Network Project Officer of SA Power Networks has confirmed this can occur. Adequate separation will be maintained to other street infrastructure.</p>										
<p>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</p>											
<table><tr><th>No. of dwellings served by driveway</th><th>Width at front property boundary & for first 6 metres</th><th>Width beyond first 6 metres</th><th>Widening required for passing</th><th>Minimum landscaped strip either side of driveway (metres)</th></tr><tr><td>4-7</td><td>4.5</td><td>3</td><td>Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter</td><td>0.8</td></tr></table>	No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8	<p>Complies</p> <p>4.5m driveway width maintained for the entire common driveway.</p> <p>25 metres into the subject land (adjacent the visitor parking space of Res. 2, 3, 4 and 5), a 5m width is provided.</p> <p>1m landscaping is provided adjacent the common driveway where appropriate.</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)							
4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8							
<p>General Section: Residential Development: PDC 41</p>											

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

Res. 1 and Res. 6 present to the primary street and are considered to reflect the desired character of the locality, as they incorporate an attractive front facade. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of brick and render on the front façade;
- Eave overhang and pitched roof form at 25 degree slope;
- Fenestration.

The dwellings incorporate a 25 degree Colorbond roof, with rendered facades. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

The associated garage of each dwelling presents to the common driveway, featuring panel lift doors and as such, will not result impacts the streetscape.

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

Res. 1 and Res. 6 have been designed so that their main facade faces the primary street frontage, presenting an entrance door, porch and habitable windows to the street.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

<p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of proposed Dwellings 1 and 6. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>
<h2>Visual Privacy</h2>	
<p><i>Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>The dwellings located on a battleaxe allotment are single storey and designed to maintain the privacy of adjoining residential properties.</p>
<h2>Noise</h2>	
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>Each dwelling features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
<h2>Site Facilities and Storage</h2>	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Partially Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden (via garage). As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

Res. 3 and Res. 4 are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The main activity areas of Res. 1, 2, 4 & 6 are oriented east/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.

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

Landscaping has been incorporated adjacent the common driveway, within the front yard area of Res. 1 and Res. 6 and in the POS of each dwelling.

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

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The application proposes a front fence which incorporates a solid/open design, enabling passive surveillance of the street. The fencing includes a mixture of materials, including rendered piers and Colorbond/tubular infills.</p> <p>a) Proposed fencing will not result in damage to neighbouring trees.</p> <p>b) The fencing design is considered compatible with the associated dwellings and locality.</p> <p>c) The front entrance point and habitable room windows maintain presentation to the street, which shall enhance passive surveillance.</p> <p>d) Adequate articulation has been provided, presenting to the street.</p> <p>e) The front entrance point of Res. 1 and Res. 6 will remain in view from the primary street.</p> <p>f) The design of the fencing “wraps-around” adjacent the front entrance point and therefore should not impact vehicle sight lines for vehicles utilising the common driveway.</p> <p>g) Proposed adjacent the front boundary.</p> <p>h) Proposed materials are non-flammable.</p>
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ANALYSIS/CONCLUSION

It is my view that the proposed development satisfies the relevant Objectives, Desired Character and Principles of Development Control of the Regeneration Policy Area 16, being an area which encourages the redevelopment of the existing housing stock at low to medium and medium densities. It has also been identified that the subject land is located within close proximity to a Regional Centre Zone within the locality which is welcomed by the Residential Zone and Regeneration Policy Area 16.

Whilst the allotments are undersized, the proposed development satisfies a majority of the provisions of Council’s Development Plan, demonstrating that the site is able to accommodate two residential flat buildings, comprising six dwellings in the form proposed. The provision of six, two bedroom dwellings is also a positive outcome of the proposal, increasing the variety of dwelling types within the locality and catering for changing demographics. It is acknowledged that the proposal fails to achieve certain aspects of the quantitative provisions of Council’s Development Plan; however, these shortfalls are not considered to impact the dwellings’ ability to function appropriately. These shortfalls have been considered on balance with the overall compliance with the Development Plan and the merit of the proposal is considered to outweigh any discrepancies. Furthermore, assessment of the qualitative criteria has demonstrated that the proposal achieves the anticipated design, layout and features sought for new residential development. Accordingly, the proposed development achieves a number of positive outcomes for future residents as well as the amenity and character of the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1692 to construct two (2) single storey residential flat buildings, each comprising three (3) dwellings with associated car parking and landscaping at 33 - 35 Albany Crescent, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1692, being:
 - a) Sheet 1 – 9, Rev. PDI A (inclusive) prepared by MCA Design (SA) Pty. Ltd. and received by Council on 24 October 2016;
 - b) Correspondence prepared by Terry Casey, dated and received by Council on 26 October 2016;

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. The existing stobie pole situated within the Council road reserve shall be removed/relocated prior to the occupation of the dwellings.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 November 2016

Agenda Ref No: DAP161116 – 2.8

Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: Oakfield Developments Australia Pty Ltd

Development Description: A single storey residential flat building comprising four dwellings with associated car parking and landscaping

Site Location: 55 De Laine Avenue, Edwardstown

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 24/05/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/919

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

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development.

BACKGROUND

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

Amendments Requested	Amendments Made
Council's Arborist has advised that retention of both street trees is required and a minimum tree protection zone of 2.5 metres from the trees trunk is required to any proposed driveway/crossover.	Design of lot 1 amended to use the common driveway; however, has resulted in a reduced front setback, from 6.5m to 5.0 metres.

The front façade of Lot 1 lacks articulation and is sited significantly forward of the dwellings on adjacent land and is therefore not considered to reflect the desired character of the Northern Policy Area 13. Greater separation is sought from the front boundary to ensure a cohesive streetscape is achieved and to demonstrate positive contribution to the streetscape character of the locality.	No changes made to the front setback of Lot 1; however, the walk in robe of Bedroom 1 has been deleted and the Ensuite has been setback 1 metre behind the main façade.
Lot 1 should be amended to achieve separation from at least one side boundary of the proposed allotment.	2.95m setback achieved from the eastern side setback as a result of the amendments required for access arrangements of Lot 1.
The garage/parking spaces of each dwelling should abut (i.e. carport/garage of Lot 1 and Lot 2 abut & garages of Lot 3 and Lot 4 abut). This is considered to result in greater amenity for occupants of the dwellings as parking areas will be separated from habitable rooms.	No changes made.
Administration is willing to accept a 3.0 metre driveway width for the entire length of the common driveway which will increase landscaping opportunities.	No changes made; however, landscaping increased to the full length of the common driveway.
The path leading to the porch of Lot 1 should be deleted to increase the available landscaping area.	Amendments made as per Council's request.
On-site vehicle parking spaces should be increased to satisfy Council's Development Plan provisions.	Visitor parking spaces increased to achieve a minimum dimension of 5.5m in length.

SUBJECT LAND & LOCALITY

The subject land comprises 55 De Laine Avenue, Edwardstown. The allotment is rectangular in shape, achieving a frontage width of 18.3 metres, depth of 66.3 metres and a total site area of 1212.4 square metres. The site currently accommodates a detached dwelling in relatively good condition. The dwelling is setback approximately 10m which steps to 10.5m and 13.5. Vehicular access is currently available from De Laine Avenue, adjacent the western boundary of the allotment. The contour of the land is generally flat and there are no regulated trees on the subject land.

The pattern of development in the locality is typically defined by single storey detached dwellings on large allotments, group and residential flat buildings at low to medium densities. There has been limited recent development in the locality; however, there is a presence of newly built semi-detached and detached dwellings along Towers Terrace.

Within the locality, the northern side of De Laine Avenue maintains an established streetscape, where the existing dwellings, presenting to the street, achieve generous setbacks. It is also acknowledged that the southern side of De Laine Avenue is situated within the Medium Density Policy Area 12, where a minimum front setback of 5 metres is permitted; however, the existing dwellings present a variety of front setbacks.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes to the construction of a single storey residential flat building, comprising four dwellings with associated car parking and landscaping.

Each dwelling incorporates three bedrooms and associated bathroom/ensuite and an open plan kitchen/living/meals area with direct access to the main area of private open space. Lot 1 features a double width carport, whereas Lot 2 – 4 incorporate single width garages, situated along the eastern boundary. All parking areas seeks to gain access via the existing crossover, adjacent the western side boundary.

Lot 1 presents to the primary street, incorporating exposed brick to the front façade and a Colorbond roof. The remainder of the dwellings present to the common driveway and feature a similar design and materials.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Development Engineer:	Council's Development Engineer has reviewed the proposal and is satisfied that vehicle manoeuvrability satisfies to the relevant Australian Standards. Further assessment against Council's vehicle turning templates for safe and convenient movements has confirmed the above.
Coordinator Arboriculture:	Each tree situated in front of the subject land has been identified as a Queensland Box which have extended life expectancies and warrant retention. A minimum tree protection zone of 2.5m is required to any proposed crossover.

ZONE & POLICY AREA ASSESSMENT

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

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Partially Complies
PDC 3	<i>Minimum Site Area: 300 square metre average</i>	<p>Does Not Comply Lot 1: 250.6sqm Lot 2: 192.2sqm Lot 3: 188.4sqm Lot 4: 283.1sqm</p> <p>This equates to an average site area of 228.5 square metres excluding the common driveway (303.1 square metres including common driveway).</p>
	<i>Minimum Frontage: 20m</i>	Does Not Comply 18.28m
	<i>Minimum Depth: 45m</i>	Complies 66.3m

Assessment

The application proposes four dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by three. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed below).

Objective 1 of the Residential Zone seeks a range of dwelling densities, whilst Objective 2 of the Residential Zone and the Desired Character statement encourages development of an increased density. The proposal is considered to reflect certain Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 by replacing the existing housing stock with greater density development.

Whilst the proposal satisfies a majority of the Objectives of the Residential Zone and Northern Policy Area 13, there are certain aspects of the general layout and design which I consider conflicting with the anticipated form of development sought.

Objective 5 and 6 of the Northern Policy Area 13 advocates “*Development that reflects good residential design principles and contributes to the desired character of the policy area*”.

The following passage is highlighted from the Desired Character statement of the Northern Policy Area 13 (my underlining):

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.

In my opinion, Lot 1 is not considered to assist in achieving a cohesive streetscape through a combination of the front setback and lack of articulation to the front façade and landscaping. Greater discussion on this point is provided within the “Table Discussion” section of this report.

Site Area

The average site area of the residential flat dwellings equals 228.5 square metres, where a minimum average site area of 300 square metres should be provided. This represents a considerable shortfall of 71.5 square metres; 23.8% below the minimum requirement.

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 four dwellings would maintain an average site area of 303.1 square metres. 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 subject land maintains an overall site area of 1212.4 square metres; resulting in an average site area of 303.1 square metres per dwelling. This average site area satisfies the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13. Hence it is appropriate to conclude that the subject land could feasibly be developed to accommodate four group or residential flat dwellings.

This observation is further justified by the fact that a number of other group/residential flat building developments in the immediate locality support average site areas similar to that proposed in the subject application, albeit, were built some time ago. Accordingly, the density of the proposed development remains congruous with the nature of development in the locality. Furthermore, the proposed site areas nevertheless comprise low to medium density development, which reflects the level of density desired to occur within the policy area.

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 table below, and discussed further throughout this report).

Frontage Width

It is acknowledged that the frontage width of the subject land falls 1.72m short of the minimum 20m required for residential flat buildings and group dwellings within the Northern Policy Area 13. Despite the shortfall in frontage width, it is acknowledged that adequate access arrangements/vehicle turning areas have been achieved. Further, all car parking is internal to the site and whilst there is opportunity to increase landscaping and enhance the streetscape presentation, the residential portion of Lot 1 maintains street presentation. Given the above, I am of the opinion that the shortfall in frontage width is not fatal to the merits of the application.

DEVELOPMENT ASSESSMENT

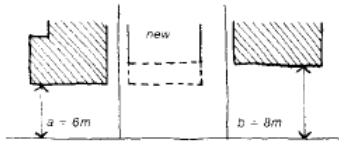
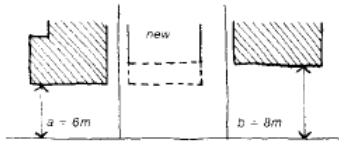
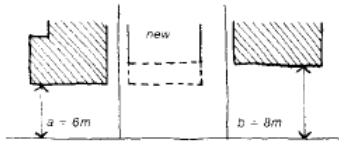
The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>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 Lot 1: 134.2m² (53.5%) Lot 2: 119.2m² (62%) Lot 3: 120.1m² (63.7%) Lot 4: 148m² (52.2%)</p> <p>Total site coverage: 521.5m² (43%)</p> <p>Despite the excess in dwelling footprint for each allotment, it is acknowledged that when the site is considered as a whole, the total site coverage more closely aligns to the Development Plan provision of 40% and is comparable to other recent development in the locality.</p> <p>The dwellings have been provided with adequate setbacks from the side and rear boundaries as well as a private open space area which is considered to function appropriately and meet the likely needs of future occupants. Given the private open space exceeds the minimum 20% sought and that the excess in site coverage is unlikely to adversely affect the amenity of adjoining land, I am of the view that the proposed dwelling footprints are suitable for the subject land.</p>

<p>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p>			<p>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>Residential Zone: PDC 9</p>			
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p>			<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>General Section: Residential Development: PDC 14</p>			
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p>			<p>Complies</p> <p>31% (including areas of POS)</p>
<p>General Section: Residential Development: PDC 15</p>			
<p>Private Open Space</p>			
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			<p>Complies</p>
<p>Site area of dwelling</p>	<p>Minimum area of POS</p>	<p>Provisions</p>	<p>Lot 1: 64m² (25.5%)</p> <p>Lot 2: 56.3m² (29.3%)</p> <p>Lot 3: 51.6m² (27.4%)</p> <p>Lot 4: 109m² (38.5%)</p>
<p>175 square metres or greater</p>	<p>20 per cent of site area</p>	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>Each dwelling is provided with a minimum 5 x 5 metre POS dimensions, directly accessible from an internal living room.</p>
<p>Residential Zone: PDC 7</p>			
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy.</p>

<p>(g) 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.</p> <p>General Section: Residential Development: PDC 16</p> <p>Private open space should not include:</p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>g) The POS of Lot 1 and Lot 4 maintains a northerly aspect to provide for comfortable year round use. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies g) Lot 2 & 3 maintain a northerly aspect for a portion of the associated POS areas. The remaining POS areas are oriented east/west (respectively), which will receive morning/afternoon light.</p>								
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies All POS is free from structures.</p>								
<p>Building Setbacks from Road Boundaries</p>									
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Does Not Comply</p> <p>Lot 1: 5m and a portion setback 6m</p> <p>This non-compliance against the Development Plan will be discussed within the "Table Discussion" section of this report.</p>								
<p>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td>The same setback as one of the adjoining buildings, as illustrated below:</td></tr> <tr> <td colspan="2">  <p>When $b \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjoining buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p>When $b \leq 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Does Not Comply</p> <p>Dwelling 1: 5.0 metres and a portion setback 6m</p> <p>(Dwellings on adjoining land set back approximately 13.5 and 10.5 metres, which equals an average setback of 12 metres)</p> <p>This non-compliance against the Development Plan will be discussed within the "Table Discussion" section of this report.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p>When $b \leq 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>								

Side Setbacks

Minimum setback from side boundaries:

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

Residential Zone: PDC 6

Complies

Lot 1: 2.9m
Lot 2: 3.6m and 5m
Lot 3: 3.6m and 5m
Lot 4: 1.2m and 4.2m

It is noted that each dwelling abuts the internal boundary (common driveway); however, more than 0.9m of separation is achieved from the western site boundary.

*Maximum length and height when wall is located on side boundary:
(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height*

Residential Zone: PDC 6

Complies

Lot 2 and Lot 3: Combined length of 6.83m and maximum wall height of 2.87m (above natural ground level).
Lot 4: 3.71m in length and 2.9m in height (above natural ground level).

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

General Section: Design and Appearance: PDC 2

Complies

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).

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

Lot 4: 3m (42.2%) and 5.76m (27.3%).

The level of separation provided to the northern boundary is considered appropriate as demonstrated compliance with PDC 2 below. Further, the Lot 4 is provided with an appropriate area of POS and as such, I am of the opinion that the rear setback will not impact the dwelling's ability to function or result in amenity impacts upon the adjoining land to the north.

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

General Section: Design and Appearance: PDC 2

Complies

Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing 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.

Building Height

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

Residential Zone: PDC 6

Complies

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

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

General Section: Residential Development: PDC 2

Complies

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

General Section: Residential Development: PDC 12

Parameter	Value
<i>Maximum floor area</i>	<i>60 square metres</i>
<i>Maximum wall or post height</i>	<i>3 metres</i>
<i>Maximum building height</i>	<i>5 metres</i>
<i>Maximum height of finished floor level</i>	<i>0.3 metres</i>
<i>Maximum length on the boundary</i>	<i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i>

Complies

Lot 1: 30.2m²
Lot 2: 20.5m²
Lot 3: 20.5m²
Lot 4: 24m²

Complies

Lot 1: 2.5m post height
Lot 2: 2.85m maximum wall height
Lot 3: 2.87m maximum wall height
Lot 4: 2.9m maximum wall height

Complies

Complies

Complies

Lot 2 and lot 3: Combined length of 6.83m
Lot 4: 3.71m in length

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

Council's Development Engineer and updated tracking information has confirmed that safe and convenient access is available for future occupants.

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

*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.

Complies

8 on-site parking spaces provided.

Each dwelling provides 2 parking spaces with at least one of them being covered.

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

General Section: Transportation & Access: PDC 43

Complies

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

b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities.

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

d) e) 2 on-street car parking space is provided for the proposed allotments.

Vehicle parking areas servicing more than one dwelling should be of a size and location to:
(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely
(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area
(c) reinforce or contribute to attractive streetscapes.

General Section: Transportation & Access: PDC 44

Complies

(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.

(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.

The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:
(a) not face the primary street frontage
(b) be located to the rear of buildings with access from a shared internal laneway
(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.

General Section: Transportation & Access: PDC 45

Complies

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

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

General Section: Land Division: PDC 22

Complies

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

Access

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

General Section: Residential Development: PDC 40

Complies

The existing crossover is to be utilised for access to the common driveway.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:					Does Not Comply Common driveway incorporates a 5 metre width for the first 5m, reduces to 3 metres beyond and increases adjacent the car parking spaces for each dwelling. A 500mm landscaping strip is provided adjacent a majority of the western boundary; however, reduces to 340mm opposite the car parking space of Lot 2 and Lot 3. 500mm landscaping strips are provided adjacent Lot 1 and Lot 2; however, an 880mm strip is located adjacent Lot 3. Despite the proposal's inability to provide a driveway area sought by the Development Plan guidelines, it has been demonstrated that vehicles will be able to enter and exit the site in a forward direction, in safe and convenient movements. It is acknowledged that Administration encouraged the common driveway maintain a 3.0m (where appropriate) width in order to increase landscaping opportunities; however, amendments were not made.
Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)	
	Intersection with public road and first 6 metres		Width beyond first 6 metres		
	Arterial roads	Other roads			
4 – 7	6	5	3	0.8	
General Section: Residential Development: PDC 41 Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway. General Section: Residential Development: PDC 42					
The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking. General Section: Transportation and Access: PDC 28					Complies Existing crossover is to be utilised.
Design & Appearance					
Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following: (a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens. General Section: Design & Appearance: PDC 1 The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists. General Section: Design & Appearance: PDC 3					Partially Complies Lot 1 presents to De Laine Avenue, whereas the remainder of the dwellings are internal to the site. The main facade of Lot 1 lacks a mixture of colours and materials, incorporating exposed brick; however, the dwelling does feature eave overhang, a pitched roof form at 25 degree slope and fenestration. The associated ensuite of Bedroom 1 presents 2.1m of blank wall to the street, albeit is setback an additional metre behind the main façade. The design of lot 1 is not considered a desirable outcome to the streetscape; however, it is acknowledged that dwellings in the locality (1/56 Delaine Avenue) incorporate a similar design. It is also acknowledged that the dwelling situated at 1/56 De Laine Avenue was built some time ago, is located within the Medium Density Policy Area 12 and is not considered to be reflective of a positive design outcome. Notwithstanding the above, the dwellings incorporate a 25 degree Colorbond roof and exposed brick. These materials should not result in glare to neighbouring properties, drivers or cyclists. The side elevations of the dwellings feature a mixture of exposed brick, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></p> <p><i>(b) individual entries for ground floor accommodation</i></p> <p><i>(c) opportunities to overlook adjacent public space.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p> <p>Lot 1 has been designed so that the main facade faces the primary street frontage, presenting an entrance door, under-main-roof porch and habitable windows to the street. Landscaping is provided within the front yard of the dwelling and adjacent the common driveway. It is acknowledged that there is opportunity for the proposal to increase landscaping throughout the site.</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Partially Complies</p> <p>The dwellings are designed so that the main façade of Lot 1 faces the primary street frontage, presenting an entrance door, porch and habitable windows to the street.</p> <p>The elevations of the dwellings feature exposed brick, fenestration and stepping; however, the associated Ensuite of Bedroom 1 presents 2.1m of uninterrupted walling exposed to public view and the streetscape.</p>
Noise	
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Complies</p> <p>Lot 1, 2 & 3 feature bedroom windows sited adjacent the common driveway. These windows incorporate landscaping between the driveway and bedroom window. Whilst not ideal, the level of separation is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

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

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

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 access to its rear garden (via garage to Lot 2 and Lot 3). 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

Complies

Lot 1 and Lot 4 are oriented so that their open space and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The main activity areas of Lot 2 & 3 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 dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

The proposed front yard landscaping seeks to soften the appearance of hard surfaces when viewed from the street, providing low growing plantings strips adjacent the driveways and low to medium growing natives. The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

It is acknowledged that there is opportunity to increase landscaping, as Administration is comfortable with a reduced driveway width of 3.0 metres at the front of the site. This was requested; however, the applicant did not choose to amend the plans.

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:

Building setbacks from road boundaries (Lot 1)

The front setback of Lot 1 is equal to 5.0 metres; however, a minor portion of the dwelling steps to 6.0 metres. The proposed front setback is conflicting with Council's Development Plan provisions which seek for the main face of a building to be set back the average setback of buildings on adjoining land. In this instance, a minimum front setback of 12.0 metres applies.

When determining whether the proposed front setback is appropriate, it is my view that a number of factors come into consideration, including (but not limited to), the anticipated form of development in the locality, setbacks of buildings on adjoining land and the locality, the design of the dwelling and proposed landscaping.

The Desired Character statement of the Northern Policy Area 13 advocates "*an attractive residential environment...of a variety of architectural styles... 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... [and] Development should seek to promote cohesive streetscapes*".

The northern side of De Laine Avenue maintains an established streetscape, as the dwellings sharing the primary road frontage achieve generous front setbacks. It is also acknowledged that immediately south of the subject land is situated within the Medium Density Policy Area 12, which prescribes a minimum front setback of 5m. Within the locality, I identify three dwellings (presenting to De Laine Avenue) which achieve reduced setbacks to the primary street (54, 62 and 66 De Laine Avenue) compared to the existing housing stock. Each of these dwellings are situated within the Medium Density Policy Area 12.

When the proposal is assessed against the applicable provisions of the Development Plan and the Desired Character statement of the Policy Area, Lot 1 is not considered to assist in achieving a cohesive streetscape through a combination of the front setback, lack of articulation to the front façade and landscaping. The dwelling maintains a front setback equal to 5m, which provides little stepping/transition in built form to dwellings on adjacent land. Further, the dwelling lacks a mixture of colours and materials and appropriately proportioned habitable room windows to the front façade and will be sited significantly forward of the buildings on adjacent land. In addition to the above, the Ensuite associated with Bedroom 1 presents 2.1 metres of uninterrupted wall to the street. For the reasons identified above, I am of the opinion that the proposed front setback at 5.0 metres, combined with the proposed design does not satisfy General Section, Design and Appearance PDC 21 & 22.

Given the Northern Policy Area 13 envisages a lesser setback from the primary road frontage compared to the original housing stock, I acknowledge that it would be unreasonable for Lot 1 to achieve a front setback equal to 12.0 metres (average of buildings on adjoining land). A positive outcome of the proposal is that all car parking structures are internal to the site and therefore, the residential portion of the dwelling is the only element presenting to the street and there is increased opportunity for landscaping within the front yard of Lot 1. It is acknowledged however, that the dwelling will be sited significantly forward of the adjacent dwellings and as such, it is my opinion that the position of the dwelling, combined with the streetscape presentation is not an ideal outcome.

ANALYSIS/CONCLUSION

It is my view that the proposed development satisfies a majority of the 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 and discussion contained within this report has demonstrated the proposal's compliance with a majority of the applicable quantitative provisions of the Development Plan. It is acknowledged that the proposal displays areas of non-compliance, the most significant being the front setback and design and appearance of Lot 1, which thereby fails to achieve certain aspects of the Desired Character statement of the Northern Policy Area 13.

The proposal also maintains several other quantitative shortfalls, including shortfalls in site area and frontage width, excess in site coverage, failure to provide the minimum driveway requirements and rear setback of Lot 4. These failings, in my opinion, are relatively minor in nature. Further assessment against these non-compliances has demonstrated they will not come at the expense of the dwellings' ability to function appropriately or result in amenity impacts upon the properties on adjoining land.

Despite the overall compliance with Council's Development Plan, it is acknowledged that the proposal is finely balanced. This report has identified certain non-compliances when, if considered outside of the overall merit of the proposal, may not be considered appropriate. In my opinion, the proposal, specifically Lot 1, will result in a design outcome which is not similar to, or compatible with, setbacks of buildings on adjoining land and conflicts with certain aspects of the Desired Character statement of the Northern Policy Area 13. It should be acknowledged however; that immediately south of the subject land is situated within the Medium Density Policy Area 12, where a 5 metre front setback is permitted, without any consideration to buildings on adjacent land, and as such, the 'weight' given to the front setback shortfall is somewhat lessened.

With consideration of the assessment and discussion contained within this report, when the proposal is considered on its merits and as a whole, the overall compliance with the Development Plan is considered to slightly outweigh the identified non-compliances with the applicable provisions of the Development Plan.

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: 100/2016/919 for a single storey residential flat building comprising four dwellings with associated car parking and landscaping at 55 De Laine Avenue, Edwardstown be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/919, being drawing numbers 1 – 10, Issue D (inclusive) prepared by Andrew Holliday and received by Council on 31 October 2016, 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. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via

detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

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

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| <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> |