

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 17 AUGUST 2016**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
 - 2.1 2/36 AND 3/36 TRUMARA ROAD, MARINO**
A two storey group dwelling, swimming pool, decking with associated earthworks and retaining walls (Lot 2) and a two storey group dwelling with associated earthworks and retaining walls (Lot 3)
DAP170816 – 2.1.....1
 - 2.2 838 – 842, 844 – 846 and 846 - 850 MARION ROAD, MARION**
To change the use of existing upper level warehouse tenancies (10, 11B, 12 & 13) to offices including the demolition of existing buildings and structures to create additional on-site car parking provision for 72 vehicles with associated landscaping and directional signage. (Non-complying Development)
DAP170816 – 2.2.....43
 - 2.3 5/838-842 MARION ROAD, MARION**
Change of use to indoor golf simulation venue, including a licensed bar and cafe and associated signage
DAP170816 – 2.3.....118
 - 2.4 13 TRAVERS STREET, STURT**
Torrens Title Land Division – (1 into 2) allotments
Community Title Land Division – (1 into 2) allotments
DAP170816 – 2.4.....174
 - 2.5 13 TRAVERS STREET, STURT**
To demolish an existing dwelling and construct three dwellings comprising a two storey detached dwelling and two single storey group dwellings with associated car parking and landscaping
DAP170816 – 2.5.....194

- 3. OTHER BUSINESS:**
 - 3.1 APPEALS UPDATE**
 - 3.2 POLICY OBSERVATIONS**
- 4. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL
HELD ON 17 AUGUST 2016**
- 5. CLOSURE**

DEVELOPMENT ASSESSMENT PANEL
Wednesday 17 August 2016

Agenda Ref No:	DAP170816 – 2.1
Originating Officer:	Rob Tokley Team Leader – Planning Kristen Sheffield Development Officer- Planning
Applicant:	D'Andrea & Associates
Development Description:	A two storey group dwelling, swimming pool, decking with associated earthworks and retaining walls (Lot 2) and a two storey group dwelling with associated earthworks and retaining walls (Lot 3)
Site Location:	2/36 and 3/36 Trumara Road, Marino
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 3 / Consent
Lodgement Date:	25/11/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/2213
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

INTRODUCTION

In October 2010, Development Approval was granted for the division of 36 Trumara Road, Marino into eight (8) allotments for residential purposes. The division also included the construction of a common driveway providing access to Lots 2 – 8, and secondary access to Lot 1. The subject application seeks to construct two storey dwellings on Lots 2 and 3 within that division.

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development pursuant to Section 38 (2)(c) of the Development Act 1993, which stipulates that any development not assigned to a category under Schedule 9 (Parts 1 and 2) of the Development Regulations 2008, will be taken to be a Category 3 development.

The application underwent public notification on 30 June 2016. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

During the assessment of the application, Council staff requested the following information from the applicant:

Information Requested	Information Provided
Lot 2- Proposed finished floor levels nominated on the floor/site plan.	Information Provided
Lot 3- Top of kerb levels on either side of the driveway.	Information Provided

SUBJECT LAND & LOCALITY

The properties subject to the application are identified as 2 (Lot 2) and 3 (Lot 3), 36 Trumara Road, Marino. The land is located on the northern (and lower) side of the street, adjacent a 60-degree bend in the road.

Lot 2 incorporates an average grade in the order of 1:8.4 (11.9%), with a flat, benched area to the southern half of the allotment (where a dwelling once stood), and a relatively steep grade to the north-east of the site, while Lot 3 incorporates a steady slope from the south-west to north-east of the land, at an average grade of 1:6.7 (14.9%).

Several shrubs and a small tree are located alongside the western boundary of Lot 2, none of which are classified as regulated, while Lot 3 remains relatively clear of vegetation.

The locality is generally characterised by single and two storey detached dwellings on large, sloping allotments. Land on the eastern side of Trumara Road differs from that which typifies the locality, as these properties range between 3,000 – 23,000 square metres in area, many of which are vacant and comprise varying densities of native and exotic vegetation. Land on the western side of Trumara Road and in surrounding streets are typically 600 – 1,000 square metres in area and comprise older (1950s – 60s) dwellings and more recent-constructed dwellings. More recent development within the locality is typically split level or two storeys in height, due to the topography of the land and opportunity to obtain attractive views to the north and west. The locality has a high level of amenity with well-maintained dwellings and landscaped front yards.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct two, two storey dwellings, one each on Lots 2 and 3, 36 Trumara Road, Marino.

Lot 2

The proposal for Lot 2 comprises a split-level dwelling as well as associated earthworks, retaining walls and landscaping. The proposed dwelling incorporates the following;

Lower level;

- Double garage with access from the common driveway

Upper level;

- Four bedrooms (main with ensuite and walk-in-robe)
- An office
- Bathroom and separate WC
- Laundry
- Open plan kitchen/living/dining areas
- Separate family area
- Deck (including an infinity swimming pool)
- Double carport with access from the common driveway

Lot 3

A two-storey dwelling (including associated earthworks and retaining walls) is proposed for lot 3, incorporating the following;

Lower level;

- Two bedrooms;
- Bathroom;
- Rumpus room;
- Store room.

Upper Level;

- Four bedrooms (main with ensuite, walk-in-robe and study);
- Second study;
- Bathroom and two separate WC's;
- Laundry;
- Open plan kitchen/living/dining area;
- Separate TV room;
- Alfresco and terrace (including outdoor kitchen/BBQ area);
- Double garage with access from the common driveway.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 3 public notification process.
Representations:	2 representations were received by Council.
Persons wishing to be heard:	Mr Robert Jennings (12A Paringa Avenue, Marino) Mr Geoff Alexander (33 Trumara Road, Marino)
Summary of representations:	<p>12A Paringa Avenue</p> <ul style="list-style-type: none">• Overlooking/loss of privacy <p>33 Trumara Road</p> <p><u>Lot 2</u>- Consent should be refused due to;</p> <ul style="list-style-type: none">• Excessive cut and fill;• Visual impact, building bulk and scale; and• Excessive garaging. <p><u>Lot 3</u>- Consent should be granted subject to conditions.</p> <p><i>Refer Attachment IV</i></p>

Applicant's response:	<p>The applicant has provided a response to the representations received, which can be found in Attachment V</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>
------------------------------	--

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Councils Development Engineer has advised alterations to the proposed driveway gradients of Lot 2 are required.</p> <p>The Engineer has requested that the maximum grade to the garage below street level should be no greater than 10% for the first 2m into property, then 22.5% for the middle section, with the last 2m before the garage entrance at 12.5%.</p> <p>Furthermore, the first 2m from the boundary towards the carport above street level should incorporate a maximum grade of 15%.</p> <p>As the required alterations to driveway gradients may be achieved without the need to alter proposed FFL's, this has been reflected as a recommended condition of consent. The driveway grades will nonetheless remain within the maximum allowable under the Australian Standard.</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 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
Hills Policy Area 11
<p>Objectives</p> <p>1 A policy area primarily comprising of detached dwellings at low densities.</p> <p>2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts.</p> <p>3 Development that contributes to the desired character of the policy area.</p>
<p>Desired Character</p> <p>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</p>

Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites. Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.

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 that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> ▪ <i>detached dwelling</i> ▪ group dwelling	Complies
PDC 3	<i>Development should be designed and sited to relate to the slope of the land, so that:</i> <i>(a) the bulk and scale of the buildings do not dominate the landscape</i> <i>(b) the amount of cutting and filling of the natural ground profile is minimised.</i>	Partially Complies <i>(See assessment discussion below)</i>
PDC 5	<i>Development that would be prominently visible from the Adelaide plains should:</i> <i>(a) achieve a profile that blends with the topography of the land</i> <i>(b) avoid the use of bright and highly reflective external materials and finishes</i> <i>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</i>	Partially Complies <i>(See assessment discussion below)</i>
PDC 6	<i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:</i> <i>(a) incorporating stepping in the design in accordance with the slope of the land</i> <i>(b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</i>	Complies <i>(See assessment discussion below)</i>

Assessment

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

Earthworks

The Policy Area emphasises the importance of development to be “sensitive to the...topography of the area”, so that “the amount of cutting and filling of the natural ground profile is minimised”, preferably via split-level dwellings. Further, important features of natural character, such as watercourses and steep gullies “warrant protection from inappropriate development and earthworks”. The site incorporates a relatively steep grade with the following earthworks proposed to accommodate the development;

Lot 2

The split level dwelling incorporates an upper floor level (inclusive of deck) between 0 and 2.5 metres above ground level, however, due to the design of the dwelling (with 'deepened rebate'), this height will not be apparent from adjoining land.

Whilst the floor level of the dwelling (excluding the deck and pool) is up to 2 metres above ground level, this is measured at the northeast corner of the dwelling, where the undercroft garage is sited below. The highest point of the upper floor, where there is no floor level below is measured at 1.2 metres above ground level. The filling required to accommodate the dwelling is kept within the footprint, via the 'deepened rebate' design at the northern end of the building. The maximum height of retaining (fill) equates to 1.1 metres, 0.1 metres greater than a structure that can be erected 'as of right'. The maximum height of 'exposed' fill will equate to some 0.7 metres, at the north-eastern corner of the fill outside the dwelling footprint.

A maximum cut of up to 2.4 metres below ground level, measured at the southwest corner of the garage, is noted. As this cut is entirely concealed within the footprint of the dwelling, and will not be visible from adjoining land, I do not consider these works to be excessive, nor unreasonable. The proposed level of cut is considered typical of split-level designed dwellings, and nonetheless, encouraged in the Hills Policy Area 11.

Lot 3

The proposed dwelling on Lot 3 incorporates a maximum floor level above ground level of 1.8 metres, measured at the north-eastern corner of the upper level where it is not sited above the lower floor level below (adjacent north-western corner of 'store'). This height above ground level will result in exposed fill of up to 1.4 metres (at northeast corner of the paved area outside the alfresco), which will batter down to meet natural ground level. A retaining wall will be erected along the western side boundary, with a maximum height of 1.4 metres, with the proposed floor level/bench level sited approximately 0.8 metres below the adjacent dwelling to the west, at 14 Paringa Avenue.

A retaining wall of up to 1400mm will also be erected, retaining fill adjacent the 'store' access door. This retaining wall is located some 11 metres from the adjoining property to the west and more than 20 metres to the nearest property with access from the common driveway. As such, I am satisfied the location and height of this retaining wall will not have an unreasonable impact upon adjoining land.

In my view, the design of both dwellings has made a practical attempt at minimising and avoiding inappropriate earthworks and being sensitive to the topography of the land.

Amenity

The Policy Area seeks for dwellings of more than one storey to "take account of the height and bulk of the proposed building" and "incorporate stepping...in accordance with the slope of the land", and to be split level "to reduce visual bulk". Furthermore, buildings should "pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development".

In my opinion, the properties most impacted by the proposal with respect to consideration of amenity (being building bulk/scale and privacy), are those to the west of the subject allotments, being 12A, 14 and 20 Paringa Road, 34 Trumara Road, as well as allotments within the subject division.

Building bulk/scale

The dwelling of Lot 2 incorporates a maximum height above natural ground level of 7.3 metres, below the maximum 9 metres permitted in the Policy Area. This height is achieved, in part, by the split level design, stepping in accordance with the fall of the land, and a modest roof pitch of 10 degrees.

A maximum building height of 7 metres (above natural ground level) is noted for the dwelling of Lot 3, again below the maximum prescribed. The overall height of the dwelling is minimised through the design of the two storey dwelling stepping in accordance with the existing contour of the land, and a shallow skillion roof form, with a minor pitch of 3 degrees.

Given the fall of the subject land, sloping from south-west to north-east, both dwellings have been designed with the two-storey portion of the dwelling in the north-eastern corner. As such, each dwelling presents essentially as single storey to the western and southern elevations, with only the upper level of each dwelling evident from adjacent properties to the west/south. Accordingly, the bulk and scale of the proposed dwellings as viewed from these elevations, and subsequently, the visual impact upon existing properties to the west, as well as properties to the south within the subject division, are appropriately minimised.

The proposed dwellings present two-stories to the northern and eastern (common driveway) elevations. Both dwellings are well-articulated to these facades, including substantial stepping and a mix of materials. The mass of each building is further reduced via shaded and stepped walls, assisted by eave overhang and verandah and portico elements to these facades.

In summary, it is my view that both dwellings have taken reasonable steps to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the land”, “reduce visual bulk” and “reduce the potential impact on existing development”.

Privacy

The proposed dwellings each include extensive, unobscured glazing, as well as decking/alfresco areas, to their respective northern elevations, in order to take advantage of the prevailing views to the north of the subject land. As such, it is likely that some level of overlooking may occur from Lot 2 into the private open spaces of 20 and 14 Paringa Road, as well as over Lot 3 of the subject application. Lot 3 may in turn overlook 12A Paringa Road, and Lots 4 and 5 of the subject division.

Potential overlooking from Lot 2;

The western elevation of the dwelling of Lot 2 includes a number of unobscured habitable room windows. Given the finished floor level of this portion of the dwelling will be similar to, if not lower than, the ground level of the adjoining property to the west (20 Paringa Road), it is expected that overlooking from these windows would be predominantly obscured by the existing adjacent 1.8 metre-high ‘Colorbond’ fence, not indifferent to any single-storey dwelling including habitable windows adjacent a side boundary fence.

It is considered that views may be gained over the eastern and southern portions of the land at 14 Paringa Road from the proposed deck and unobscured windows to the northern elevation. It is noted that the main area of private open space for this allotment is located on the western side of the dwelling, with overlooking occurring over the ‘service yard’. Given the service nature of the private open space overlooked, that some view can nonetheless be gained into this area from the existing ground level, as well as the prevalence of overlooking within the locality, the level of overlooking into 14 Paringa Road is, in my view, considered acceptable.

It is acknowledged the proposed deck/unobscured windows to the northern elevation of Lot 2 will gain unimpeded view into the adjoining allotment (Lot 2) of the subject application. However, the subject application demonstrates that the design of the dwelling on Lot 3 has also maximised its orientation to the north, with the private open space, main bedroom and open plan kitchen/living/dining areas gaining solar access and opportunities for attractive views, whilst the southern and western sides of the property (the area most visible from proposed dwelling of Lot 2) are utility areas, for the keeping of hot water services, clothes drying and waste bin storage. Accordingly, I am satisfied that a high level of privacy is maintained for Lot 3.

Potential overlooking from Lot 3;

The eastern area of private open space of 12A Paringa Road may be overlooked from the north facing alfresco and terrace areas, as well as from within the living area and main bedroom of the proposed dwelling. It is noted that the internal areas of Lot 3 maintain a considerable distance from the area overlooked, whereas the alfresco/terrace areas result in more immediate impacts, albeit still over 15 metres away. The area of private open space overlooked does not gain access from the habitable areas within the dwelling, with only laundry access to what is essentially a service yard for the keeping of hot water services and potentially clothes drying. The main areas of private open space are instead located to the north and west of this dwelling.

Furthermore, some level of overlooking may occur from the proposed dwelling into unobscured upper level habitable room windows on the eastern elevation of this dwelling. However, it is noted that such overlooking would be mutual, also impacting upon the privacy and amenity of the proposed dwelling. Whilst undesirable, this is nonetheless considered unavoidable without proposing screening and obscured glazing to the entirety of the northern façade of the proposed dwelling, and to that of the east facing windows of the adjoining property. Accordingly, given the reasonable separation achieved, the nature of the private open space overlooked, and the mutual impacts upon privacy and amenity, the overlooking of this dwelling is not deemed unreasonable.

Lot 3 currently gains unimpeded view into the adjacent (vacant) allotments (Lot 4 & 5). It is arguable that there are currently no habitable rooms and private open spaces of dwellings being overlooked on this land. However, in my opinion, it would be inappropriate to have no regard to the likely placement of a dwelling and associated private open space of adjoining properties when considering a dwelling that incorporates elevated decks and floor levels.

It is expected that Lot 4 would accommodate a dwelling that would be designed to maximise its orientation to the north. Whilst it is not standard practice for administration to accept such overlooking of an adjoining property, whereby the privacy of that property is not demonstrated (and therefore 'committed to') in the same application, I am comfortable that a high level of privacy can be maintained for Lot 4, given the slope of the land and views available to the north, and Council's Development Plan, would encourage a design whereby the living and private open space areas are located on the northern side of the dwelling/allotment.

For member's reference, the Panel has previously granted Development Plan Consent for a two-storey dwelling on Lot 5 (DA 100/1802/2015), which has its habitable and private open space areas oriented north. Accordingly, should Development Approval be obtained, and this dwelling constructed, overlooking from the proposed dwelling on Lot 3 should not occur over habitable rooms and/or private open space.

As such, it is considered that whilst Lot 3 currently overlooks Lots 4 and 5, reasonable measures can, and are likely to be taken for the design of dwellings on that land to protect the privacy of the future occupants.

Loss of view

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land, if the proposed development is approved. In assessing the potential loss of views it is nonetheless of value to recognise that the subject properties are private parcels of land, divided in 2010. The owners of the allotments have a right to develop the properties for a residential dwelling, in general accordance with the Council's Development Plan.

In my opinion, that the properties most affected by the proposed development are those within the subject division of 36 Trumara Road. The views of Lot 1 (separately approved in Development Application 100/1802/2015) may be somewhat impeded by the proposal of Lot 2, and the outlook available from Lot 2, may subsequently be impacted by the proposed dwelling of Lot 3 and so on (noting none of these dwellings currently exist). Whilst not a relevant consideration for the Development Assessment Panel, Members are advised that Lots 1 – 8 incorporate a 'Scheme Description', which dictates the maximum height of a dwelling on each Lot, hence a reasonable level of northern view to each property will remain available.

Existing development to the west of the subject land maintain views to the north-east comprising the Marino hills in the foreground and the Adelaide metropolitan area beyond. Views to the west and north comprise the waters of Gulf St Vincent and the Adelaide Metropolitan coastline ranging from Seacliff Beach in the south to the Port Adelaide coast in the north. The most attractive views (to the west and north) available to the adjacent development to the west remain unobstructed by the proposed development. Whilst dwellings on the southern side of Trumara Road, are sited substantially higher than that of the proposed dwellings of the subject application and should not be impacted by the proposed development. Accordingly, loss of view impacts are deemed extremely minor, and insignificant to the merits of the proposal.

Landscape/Environmental Impacts

Topography and built form

The Desired Character statement of the Policy Area seeks that buildings do “not dominate the landscape” via bulk and scale. Further, development should “achieve a profile that blends with the topography of the land”.

When considering whether the dwellings “dominate the landscape” via bulk and scale, the level of articulation afforded to both buildings (as discussed above) is acknowledged. Further, both proposed dwellings are sited somewhat lower within the landscape, and are lower in height, than a majority of dwellings to the west of the subject land, as well as dwellings on the southern and western side of Trumara Road in close proximity.

The proposed dwellings are both 'stepped' in accordance with the fall of the land. Further, the shallow roof form of the dwelling of Lot 2 complements the local topography and assists in softening the appearance of the building from adjacent land. It is acknowledged that the fall of the skillion roof of Lot 3, does not follow the natural contours of local topography, however, given the minor roof pitch and siting of this building, it will not be silhouetted above, but rather 'back-dropped' by the hills.

As such, it my view that both dwellings complement the slope of the land, softening the built form and reducing the prominence of each dwelling within the local landscape, as sought by Policy Area Objectives 2 and 3, the Desired Character statement and Sloping Land Principle 2(c) and Siting and Visibility Principles 4(a) and 4(b).

Materials

The Desired Character statement seeks for the employment of natural materials and the avoidance of bright and reflective colours and materials. Both dwellings comprise a mix of colours and materials that will present an attractive development, complementary to a number of more recently-constructed dwellings within the locality.

It is likely that some reflection will occur from the windows (particularly those which are north-facing) of the buildings, however the eave overhangs and verandah window framing elements will provide shading to glazing for a large proportion of the day.

The use of 'shale grey' and 'woodland grey' roofing for Lots 2 and 3 respectively, will soften the appearance of the dwellings within the landscape, however, use of off-white render to Lot 2 will appear bright in direct sunlight. The use of beige or a similar 'earthy' colour (as has been employed in the design of Lot 3), in my view, would be a more appropriate selection. Further, if the 'Symonite window feature cladding to Lot 2 is of a high sheen or metallic finish (rather than matte), it is likely to be reflective; failing the Desired Character.

To this end, it has been included as a recommended condition of consent that a revised colour and material schedule be provided for consideration and approval prior to Development Approval, that; provides darker colours to the render of the dwelling of Lot 2 and that the 'Symonite window feature' cladding is of a matte finish.

Vegetation/ Landscape Character

The Objectives, Principles and Desired Character of the Policy Area seek for minimal environmental impacts, and encourage the revegetation of land.

At present, both properties are relatively free from substantial vegetation. The development of the site will provide an opportunity for the land to be revegetated, assisting in minimising erosion and complementing the natural setting of the site.

The proposal for Lot 2 incorporates landscaping forward of and to the side of the dwelling. The density and location of plantings proposed are considered to result in an attractive greening of the site. However, a more considered landscape scheme would ensure plants chosen are suited to their location and will tolerate long periods without rainfall.

It is noted that the proposal for Lot 3 does not include landscaping.

To this end, it has been included as a recommended condition of consent that a revised landscape plan for both properties be provided for consideration and approval prior to Development Approval being issued.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <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 for each allotment 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 gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies a, b, c, e, f, g, h, i, j</p> <p>Partially Complies d) The POS area of Lot 3 may be directly overlooked by an existing dwelling on adjacent land to the west (as discussed in the 'Assessment' section of this report).</p>
<p>Site Area 250 m² or greater:</p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Lot 2: 37% (331m²) Lot 3: 39% (348m²)</p>

Street Setbacks	
<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 the common driveway, pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Where the wall height is not greater than 3 metres: 2 metres (applies for the southern side of each proposed dwelling)</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> <i>(a) 3 metres if adjacent southern boundary</i> <i>(b) 2 metres in all other circumstances.</i> <i>(applies for the southern side of each proposed dwelling)</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Southern side setback- Partially Complies Lot 2: 1.5 metres Lot 3: 2 metres</p> <p>Northern side setback- Complies Lot 2: 14.5 metres Lot 3: 13 metres</p> <p>The proposed southern side setback of Lot 1 falls 0.5 metres short of that prescribed by PDC 7. Given the topography of the land (whereby Lot 2 is sited below Lot 1) this shortfall should not result in unreasonable impacts to adjacent land.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <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 side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Rear Setbacks	
<p><i>8 metres for a single storey dwelling</i> <i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Partially complies</p> <p><u>Western Boundary</u> Lot 2: 1- 2 metres Lot 3: 2 metres</p> <p><u>Northern Boundary</u> Lot 2: 14.5 metres Lot 3: 13 metres</p> <p>As the proposed dwellings face the common driveway, the western boundary of each allotment may be considered as the rear boundary. Whereas the proposed dwellings maintain setbacks to this boundary between only 1 and 2 metres.</p> <p>As previously discussed, this placement of the dwellings minimises visual impacts upon adjacent properties. Further, the western boundary would have originally acted as a side boundary for the whole of the subject land, where a side setback of 2 metres would have been anticipated. Accordingly, the shortfall in setback to this boundary is deemed acceptable, and nonetheless allows for northern orientation of private open space and living areas.</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Complies</p> <p>Although the rear setbacks do not comply with quantitative criteria, separation from the rear boundaries is considered sufficient to minimise the visual impact of the buildings from the adjacent properties. Furthermore, the shortfall in setbacks 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>Residential Zone: PDC 7</p>	<p>Complies</p> <p>Lot 2: 7.3 metres</p> <p>Lot 3: 7 metres</p> <p>Each of the proposed dwellings incorporate a maximum building height 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><i>Minimum setback from secondary road frontage:</i></p> <p><i>5.5 metres for a single-width structure.</i></p> <p><i>Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p>Residential Zone: PDC 8</p>	<p>Does Not Comply</p> <p>Lot 2: Double carport to the upper level sited 4.5 metres from the front boundary of the allotment, 1.5 metres forward of the main face.</p> <p>Complies</p> <p>Lot 2: Double garage to the lower level sited 6.5 metres from the front boundary of the allotment, 0.5 metres behind the main face.</p> <p>Lot 3: Double garage sited 6 metres from the front boundary of the allotment, 1 metre forward of the main face.</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><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p>General Section: Residential Development: PDC8</p>	<p>Complies</p> <p>The proposed carport/garages incorporate roof forms, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Lot 3: 6 metres</p> <p>Does Not Comply</p> <p>Lot 2: 5.5 metres (upper level carport) + 5m (lower level garage) = 10.5m</p> <p>While the extent of garaging is not anticipated, the design of the front facade incorporates habitable room windows and an attractive entry point and portico elements which reduces potential garage dominance.</p>

Car Parking

Minimum number of on-site car parking spaces (one of which should be covered):
3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.
1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.

Residential Zone: PDC 7

Complies

Lot 2: Six on-site car parking spaces, four of which are undercover.

Lot 3: Four on-site car parking spaces, two of which are undercover.

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

General Section: Transportation & Access: PDC 43

Complies

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

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

Partially Complies

b) While centre facilities are not located within walking distance of the subject land, public transport (Marino Rocks Train Station) is located some 500 metres walking distance to the west of the site.

d) e) While only one on-street car parking space shall remain available adjacent the whole of the subject land (being 36 Trumara Road), the subject application (for Lots 2 and 3) does not result in any further loss of on-street parking.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

The proposed dwellings are well-articulated, with substantial stepping and a mix of materials on all facades, incorporating the following elements to enhance their design and appearance:

- Mixture cladding and render
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico and balconies
- Eave overhang and pitched or skillion roof form
- Fenestration

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

The side 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.

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

<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><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Complies</p> <p>The deck/alfresco areas, accessed from the dining/living areas of each dwelling are integrated into the design of the dwellings and have a northern orientation to maximise solar access and comprise usable dimensions; functional for the likely needs of the occupants.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</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 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 6</i></p>	<p>Complies</p> <p>Both dwellings incorporate attractive, easily identifiable entry points to the building from the common driveway.</p>
<h2>Overshadowing</h2>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to 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> <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> <ul style="list-style-type: none"> <i>(i) half of the existing ground level open space</i> <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> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>b) Given that south forms the side boundary of both allotments, a majority of winter shadow will be cast within the private open space of the adjacent allotment (shadows cast by Lot 3 shall fall within the POS of Lot 2, and from Lot 2 into Lot 1). However, it is noted that given the natural topography of the land, each allotment is sited below that of the adjoining land to which shadows are cast, thereby minimising overshadowing of the private open space. Furthermore, this ensures north facing windows of each dwelling to the south of the proposed dwellings shall remain free of shadow.</p> <p>Some shadow will be cast into the western adjoining properties in morning hours, however will subside such that all areas of private open space and habitable windows will be free from shadow by midday.</p> <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Partially Complies

As previously discussed in the 'Assessment' section of this report.

Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.

General Section: Design & Appearance: PDC 14

Does Not Comply

The proposed dwellings are both located on a battleaxe allotment and incorporate either split-level/two-storey designs. Whilst this offends Principle 14, it is noted that the intent of this Principle is to avoid bulky buildings placed 'in the backyard' of adjoining land, in more conventional patterns of division; typically, on the Adelaide Plains part of the Council area.

Given the location of the subject land, which does not typify a regular hammerhead subdivision, and for the reasons above, being acceptable visual and privacy impacts, I do not consider the two storey nature of the dwellings to be of such consequence as to warrant refusal of the application.

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

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.

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

<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwelling of Lot 2 incorporates a hipped roof form set at a 10-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p> <p>Partially Complies</p> <p>The dwelling of Lot 3 incorporates a skillion roof pitch set at a 3-degree pitch. The majority of the roof form is oriented to the south. However, a portion of the roof (on the northern side of the dwelling) is oriented north. While the pitch is not ideal, solar collectors could nonetheless be sited in this location and perform with reasonable efficiency, without the need for framing.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Partially Complies</p> <p>Lot 3: 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>However, as discussed earlier, it is considered that an improved selection of planting species will greatly assist in the longevity of the plants selected, and assist in soil erosion.</p> <p>Lot 2: Landscaping not specified.</p> <p>As such, it has been included as a recommended condition of consent that a revised landscape plan be provided, incorporating both allotments, prior to Development Approval being issued.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The proposed retaining heights (as previously discussed in this report) are considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

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) incorporate roof lines which complement the natural slope of the land*
- (d) minimises the extent of cut and/or fill*
- (e) provide a stable and readily accessible building site*
- (f) minimises the need for, and the height of, retaining walls*
- (g) does not cause or contribute to instability of any embankment or cutting*
- (h) avoids the silting of watercourses*
- (i) protects development and its surrounds from erosion caused by water run-off.*

General Section: Sloping Land: PDC 2

Partially Complies

As previously outlined, it is my view that the design of both dwellings has made a practical attempt at minimising and avoiding inappropriate earthworks, complementing the slope of the land, softening the built form and reducing the prominence of each dwelling within the local landscape.

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 scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.*

General Section: Sloping Land: PDC 7

Partially Complies

Retaining which exceeds the prescribed maximum is generally concealed within the footprint of the dwelling, or is within cut and will have little to no visual impact upon adjacent land.

Retaining walls should:

- (a) not exceed 1 metre in height*
- (b) be stepped in a series of low walls*
- (c) be landscaped to enhance their appearance.*

General Section: Sloping Land: PDC 8

Partially Complies

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

Partially Complies

(a) The shallow roof form of the dwelling of Lot 2 complements the local topography and assists in softening the appearance of the building from adjacent land. It is acknowledged that the fall of the skillion roof of Lot 3, does not follow the natural contours of local topography, however, given the minor roof pitch and siting of this building, it will not be silhouetted above, but rather 'back-dropped' by the hills.

Complies

(b) (c) The split level design of the dwellings complement the contours of the land. Throughout the day, the mass of the buildings will be reduced via shaded and stepped walls. This is further assisted by eave overhang and verandah and balcony elements.

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

Partially Complies

It is acknowledged that the colours and materials of the dwellings could be revised to minimise any reflection/brightness of the buildings. To this end, it has been included as a recommended condition of consent that a revised colour and material schedule for Lot 2 be provided for consideration and approval, prior to Development Approval, that provides darker colours to the render and ensures the 'Symonite feature cladding' is of a matte finish. As such, Siting and Visibility Principle 5 can be satisfied.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to visual impact and building bulk, excessive cut and fill, overlooking/loss of privacy, and extent of garaging have been addressed in the body of the report, and I have formed the opinion that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

Both dwellings demonstrate a high level of compliance with Council's Development Plan.

It is acknowledged that both dwellings result in some level of overlooking of the adjoining properties to the west, as well as other allotments within the subject division. Analysis of potential overlooking impacts has demonstrated that existing development overlooked by the proposed dwellings generally comprise service areas and that a majority of views gained are currently available from existing ground levels. Further, overlooking of adjacent allotments within the subject division will be obscured by the likely placement of dwellings with associated private open spaces areas away from the 'overlooked' area. As such, I do not consider the privacy impacts of the development to be unreasonable.

The design of both dwellings has attempted to address the slope of the land – with split-level and two-story designs which mask the largest extent of cutting under the footprint of each building, whilst the extent and height of fill is reasonable having regard to the locality and the applicable Development Plan criteria.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/2213 for A two storey dwelling, swimming pool, decking with associated earthworks and retaining walls (Lot 2) and a two storey dwelling with associated earthworks and retaining walls (Lot 3) at 3/36 Trumara Road, Marino 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. 100/2015/2213, except when varied by the following conditions of consent.
- 2. The driveway gradients of Lot 2 shall be altered in accordance with Council requirements, details of which shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 3. A revised landscape plan shall be provided for consideration and approval, prior to Development Approval being issued, detailing a range of native plantings for both properties, suitable to their position on the site, the local topography and climate and to assist in minimising erosion.
- 4. The colour scheme of Lot 2 shall be revised to incorporate darker/earthier colours/tones, to assist in minimising the opportunity for glare/reflection. Details shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 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. 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.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. The applicant is reminded that Development Approval from the Council is required for any retaining wall over 1.0 metre in height, any masonry fence over 1.0 metre in height, any non-masonry fence (e.g. Colorbond, tubular, wood paling, brush, etc.) over 2.1 metres in height, and any retaining wall with a fence on top with a total height over 2.1 metres in height (measured from the lower of the two adjacent ground levels).
6. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.

Please note, minor variations cannot be simply incorporated within the Building Rules Consent documents; they must be applied for in writing. Any discrepancies between the plans granted Development Plan Consent and Building Rules Consent documents may prevent Development Approval being issued, unless the amendments have previously been authorised by the Council.

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 17 August 2016

Agenda Ref No: DAP170816 – 2.2

Originating Officer: Stephen Both
Senior Development Officer - Planning

Applicant: Mr Bruno Carrabs

Development Description: To change the use of existing upper level warehouse tenancies (10, 11B, 12 & 13) to offices including the demolition of existing buildings and structures to create additional on-site car parking provision for 72 vehicles with associated landscaping and directional signage. (Non-complying Development)

Site Location: 838 - 842 Marion Road, Marion.
844 - 846 Marion Road, Marion
846 - 850 Marion Road, Marion.

Zone: Industry Zone

Policy Area: Industry/Commerce Policy Area 4

Application Type: Category 3 / Non-complying

Lodgement Date: 12/11/2014

Development Plan: Consolidated – 13 March 2014

Application No: 100/2014/2036

Recommendation: That Development Plan Consent be (Granted) subject to the concurrence of the Development Assessment Commission.

CATEGORISATION & DELEGATION

The subject application has been deemed to be non-complying in nature by virtue of the Procedural Matters Section of the Industry Zone which lists a change of use from warehouse to office as a non-complying kind of development when the proposal fails to meet the exceptions listed in (a) and (b) below;

Form of Development
Office

Exceptions

Except where either (a) or (b) are satisfied:

(a) the office is located within **Industry/Commerce Edwardstown Policy Area 5**

(b) within all other areas of the zone, the office is:
(i) ancillary to and in association with industrial development

(ii) located on the same allotment.

The proposed development has been deemed to be a Category 3 non-complying kind of development as it fails to meet both of the exceptions listed above. The application is required to be therefore considered by the Panel as Council has delegated decisions involving non-complying development applications to the Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
The applicant was requested to investigate whether the two separate sites could be better integrated by creating an internal vehicular link between each site. By joining the two separate car parking areas via an internal driveway would then create a better “shared” car parking arrangement eliminating the need for vehicles to exit out onto Marion Road when looking for an appropriate place to park.	It was determined that the sites could not be internally linked via the creation of an internal driveway without demolishing sections of an existing retail showroom building located on the intersecting boundaries between the two sites. As an alternative measure, the applicant has provided a pedestrian link which allows customers and staff to access each site without having to leave the subject land and walk along the footpath adjacent Marion Road.
The applicant was requested to provide additional strip landscaping along the front of the “Fielders” site to help enhance the visual appearance of the land when viewed from Marion Road.	An amended landscaping plan has been provided which provided the additional landscaping as requested.

SUBJECT LAND & LOCALITY

The subject land is located on the north-western corner of Marion Road and Norfolk Avenue at 838-850 Marion Road, Marion. The subject land comprises three separate allotments which provide a combined frontage of 93.29 metres to Marion Road and a secondary frontage of 50.5 metres to Norfolk Avenue to provide a total site area of approximately 8,917 square metres. The land is devoid of any existing significant trees but does contain a small ineffectual easement which is located to the very front of the property located at 838 – 842 Marion Road.

The land located at 838 – 842 Marion Road (Carrabs Site) is developed with an existing commercial building which provides multiple tenancies for both retail showroom and storage use at ground and first floor level. The existing building is arranged in a “U” shape configuration around a centrally located car parking area which provides 66 on-site parking spaces for both customer and staff use. Vehicular access to the subject land is gained via an existing triple width driveway connecting to Marion Road.

The land located at 844 – 850 Marion Road (Fielders Site) is currently occupied by Fielders who use the land for the sale and display of fencing, carports, verandahs, sheds and roofing materials. The “Fielders” site is developed with an existing showroom building, together with associated shedding, outdoor showroom building and small car parking area. Vehicular access into the site is provided via an existing driveway along Marion Road with vehicles leaving the rear of the site from an existing driveway located along Norfolk Road.

The wider locality is characterised by a combination of different land uses with retail and bulky goods outlets being the most prominent land uses noted along both sides of Marion Road. Some small scale light industrial and commercial premises also exist within the locality to the north of the subject land along the western side of Marion Road. Similar premises are also to be found to the north and south of the recently re-developed Council Depot site, which is situated directly across from the subject land on the eastern side of Marion Road.

Land to the south of the subject land (Fielders Site) on the opposite side of Norfolk Avenue comprises low density residential development in the form of single storey detached dwellings on regular shaped allotments at low densities, whilst land located directly to the west of the subject land on the northern side of Norfolk Avenue is noted as being commercial in nature, comprising warehousing, small scale light industrial premises and motor vehicle workshops.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to make a number of changes to the use and layout of the buildings which currently exist on the land situated at 838 – 842 and 844 – 850 Marion Road, Marion. The subject land comprises three separate parcels of land which are located on the western side of Marion Road, directly opposite the Council Depot site which has recently been re-developed.

In respect to the land at 838 - 842 Marion Road (Carrabs Land), the applicant is seeking to change the use of four existing upper level warehouse tenancies (Tenancies 10, 11B, 12 and 13) with a combined total floor area of 1,951.1 square metres to offices.

In addition, the applicant is also proposing improvements to the existing car parking layout on the land. The amended car park will accommodate up to 66 car parking spaces together with improved turning areas for cars and service vehicles.

The land to the south at 844 – 850 Marion Road (Fielders Land) is to be cleared of all existing buildings and structures except for an existing retail showroom building which is located within the south-eastern corner of the site. This building is to be retained and will continue to be used as a retail showroom.

The balance of the land is to be converted to car parking with up to 72 spaces to be shared with the adjacent office use at 838 – 842 Marion Road. A pedestrian link will be constructed to link the two sites and to facilitate the shared use of car parking and will require removing portion of an existing boundary wall.

The current double width entrance point on Marion Road will be amended to a single width exit point, whilst the current exist point out onto Norfolk Road will be amended to provide a combined access and egress point.

Additional landscaping comprising new trees and ground covers are proposed to the front of the showroom building facing Norfolk and Marion Roads, with new strip landscaping to the front of both sites to be provided along the boundary with Marion Road.

Some minor non-illuminated directional signs are also proposed comprising one small freestanding sign within the proposed car park area on the “Fielders” site and two other signs which are to be strategically mounted on the walls of existing buildings on the land.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	13 properties were notified during the Category 3 public notification process.
Representations:	There were no representations received by Council.

GOVERNMENT AGENCY REFERRAL

<p>Department of Planning, Transport, and Infrastructure (DPTI):</p>	<p>It is noted that an existing egress point from Marion Road currently serving the southern portion of the site is to be closed and replaced with an egress point located further south.</p> <p>DPTI is supportive of this change and advises that as part of the closure of this access point, the obsolete crossover and medium opening should be reinstated at the applicant's cost.</p> <p>The introduction of the new land use increases the statutory car parking requirements of the site. The applicant proposes to accommodate this increase by making available parking on the neighbouring allotment.</p> <p>Although DPTI has some concerns regarding the ability of the two allotments to be tied together for car parking purposes by a condition of development approval, DPTI does not object to Council taking this approach if considered appropriate.</p> <p><u>Response to DPTI's Comments</u></p> <p>The concern raised by DPTI regarding the binding of the parcels of land is acknowledged given the heavy reliance on car parking spaces to support the proposed office use. Members are advised that a legal opinion was sought from Council's legal representatives concerning this matter.</p> <p>The opinion of Council's Lawyers was that so long as all three parcels of land which make up the "subject land" form part of the development application, then Council could approve the application with the primary condition of the approval acting as the binding mechanism that ties up the approval of the "whole of the land".</p> <p>Should the applicant/owner of the land decide to sell off any portion of the subject land in the future, (then resulting in shortfall in car parking spaces) the Council would then be at liberty to undertake legal proceedings against the applicant/owner of the land by ordering them to remedy the breach.</p> <p>It was the opinion of Council's legal representatives that this would be the best approach to take given that the "Carrabs" site and the "Fielders" site are in common ownership, without the need to enter into a Land Management Agreement (LMA) or require the applicant/owner of the land to amalgamate the individual parcels of land.</p>
---	---

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Industry Zone and Industry/Commerce Policy Area 4 are listed in the following table and discussed in further detail below:

Industry		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	Does Not Comply Whilst the additional car parking and associated signage and landscaping is considered acceptable, the use of the upper level tenancies as independent offices is considered a non-complying kind of development within the Industry Zone.
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> ▪ <i>industry</i> ▪ <i>transport distribution</i> ▪ <i>warehouse.</i>	Does Not Comply The proposed development seeks to use vacant upper level warehouse space to accommodate new offices.
<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate</i>	Does Not Comply That having been said, I am of the opinion that a medium scale office use as proposed, to be an appropriate and more economically viable commercial use for the current premises.
<i>PDC 3</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the zone.</i>	Partially Complies Whilst independent office development is listed as being non-complying in the Industry Zone, it is not strictly discounted from consideration as it is envisaged when associated with Industrial land uses.
<i>PDC 5</i>	<i>Building facades facing land zoned for residential purposes should not contain openings or entrance ways that would result in the transmission of noise that would adversely affect the residential amenity.</i>	Complies No changes are proposed to the external appearance of the existing retail showroom building facing both Marion and Norfolk Roads. It is considered that the appearance of this part of the site will be enhanced when viewed from neighbouring residential properties to the south with the provision of additional landscaping in the form of semi-mature trees which are to be planted adjacent the Norfolk Road street boundary.

PDC 7	<p><i>Advertisements and advertising hoardings should not include any of the following:</i></p> <p><i>(a) flashing or animated signs</i></p> <p><i>(b) bunting, streamers, flags, or wind vanes</i></p> <p><i>(c) roof-mounted advertisements projected above the roofline</i></p> <p><i>(d) parapet-mounted advertisements projecting above the top of the parapet.</i></p>	<p>Complies</p> <p>The proposed additional signage on the land and buildings is considered modest in terms of their size and visual impact and simply provides directional information for customers visiting the site.</p>
--------------	--	--

Assessment

Whilst the use of the upper level tenancies at 838 – 842 Marion Road (“Carrabs Site”) as dedicated independent offices is listed as a non-complying kind of development within the Industry Zone, I am of the opinion that the proposed change of use to offices has merit in that it provides an alternative medium scale commercial use for existing warehouse floor space which has for many years remained either vacant or underutilised. As such, so long as there is adequate car parking provision to support and service the proposed use as independent offices, I am of the opinion that proposed change of use from warehouse floor space to offices to be more economically viable and sustainable than the current authorised warehouse use.

In addition to the above, it is important to also consider the changing nature of the character of the locality which over the past 15 years has become more commercial in nature with the approval of numerous “bulky goods” franchises and retail outlets beginning with the approval of the adjacent Harvey Norman store in approximately 2000. Since this time, many of the existing industrial tenancies located along this section of Marion Road have been demolished and replaced by mostly retail and commercial type development, all making best use of the exposure that is to be gained from locating on land fronting this section of Marion Road. As such, it is difficult to foresee the upper level warehouse tenancies ever being put to meaningful warehouse or industrial use in the future.

Given the above, whilst the proposed use of the upper level tenancies would come at the expense of existing warehouse floor space, I am of the opinion that the introduction of dedicated offices as proposed, would not look out of place within the locality and would result in a more orderly and economic use for what is currently vacant and underutilised warehouse floor space within the building located at 838 – 842 Marion Road, Marion.

Industry/Commerce Policy Area 4

OBJECTIVES

1 A policy area accommodating a range of light and service industry, depots and commercial activities.

Complies

It is considered that office development constitutes a commercial activity as sought by Objective 1.

2 Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road.

Complies

DPTI have raised no traffic related issues regarding the layout of the new car park area or the proposed change in the use of land.

3 A policy area where development minimises impacts on residential uses in adjoining zones, especially to the west of Marion Road.

Complies

Compared to the current warehouse use, the proposed office use is likely to have less impact on the amenity of adjacent residential properties.

<p><i>4 Development that contributes to the desired character of the policy area.</i></p>	<p>In short, offices are considered to be a low impact land use which typically create less impacts than industrial development in terms of noise, odours, heavy vehicle traffic and hours of operation.</p> <p>Complies It is considered that a medium scale office development would not look out of place within the locality and would make a positive contribution to the desired character of Industry/Commerce Policy Area 4.</p>
<p>DESIRED CHARACTER</p> <p><i>It is intended that the policy area be consolidated and further developed with a mixture of small to medium-scale industry and commercial uses, preferably integrated within the one site. The environmental performance of new development needs to take account of the amenity of adjoining localities, by incorporating improved emission controls, management measures, building appearance treatments, landscaping and other design measures, to ensure minimal adverse impact.</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>Development is expected to promote attractive frontages and park-like settings to enhance the visual qualities and streetscape of the Marion Road corridor. Building styles may be varied and display high aesthetic qualities to enhance the visual character of the locality.</i></p>	<p>Complies It is considered that the proposed change of use to offices constitutes a medium scale commercial use as envisaged opposite and is therefore considered an appropriate land use within Industry/Commerce Policy Area 4.</p> <p>It is considered that the site of the proposed office development is well separated from the nearest residential properties located to the north-west of the subject land to have any detrimental impacts on the amenity of nearby residents.</p> <p>It is considered that the inclusion of additional landscaping and the removal of existing commercial buildings and structures on the corner of Norfolk and Marion Roads will greatly enhance the visual appearance of this portion of the site when viewed from surrounding land .</p>

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> . depot . light industry . service industry . small-scale commercial activities . warehousing.	Partly Complies Whilst it is generally agreed that office development constitutes a commercial activity, the conversion of 1,951.1 square metres of warehouse floor area to dedicated office space cannot be considered to be of a “small-scale”.
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies In my opinion, the proposed use of the upper level tenancies as designated offices constitutes a medium scale commercial use as envisaged within the Desired Character for Industry/Commerce Policy Area 4.
<i>PDC 5</i>	<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>	Does Not Comply Whilst additional landscaping is provided in association with the proposed car parking area on the “Fielders” site, it does not amount to 10 per cent of the site area.

Assessment

In terms of land use, it is considered that the proposed change of use from upper level warehouse floor space to offices constitutes a medium scale commercial land use that is envisaged within Industry/Commerce Policy Area 4. Furthermore, being located at first floor level, it is anticipated that the use of this area for office use to be a more economically viable option to floor space used for warehousing and storage purposes.

In respect to impacts arising from the proposed use of land, it is considered that compared to industrial forms of development, offices are a low impact land use which typically create less amenity type impacts such as noise, odours, heavy vehicle traffic and hours of operation. In summary, it is considered that the proposed offices will complement the other commercial uses and activities on the subject land.

It is considered that the proposed aesthetic improvements to the site of the development including the provision of additional landscaping and the removal of various commercial buildings and structures from the land, will result in achieving a positive streetscape outcome which will enhance the visual appearance of the site when viewed from surrounding land.

As such, I am of the opinion that the proposed development achieves a suitable degree of compliance with the desired character and relevant objectives and principles of development control for Industry/Commerce Policy Area 4.

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:

Relationship to the Street and Public Realm	
<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 16</p>	<p>Complies</p> <p>The proposed aesthetic improvements to the site, including the removal of existing commercial buildings and structures will help to reduce clutter on the land, whilst the provision of additional landscaping along the boundaries and within the new car parking area will generally enhance the appearance of the site when viewed from surrounding land.</p>
Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p>(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.</p> <p>General Section: Interface Between Land Uses: PDC 1</p>	<p>Complies</p> <p>The proposed change of use from warehouse to offices is unlikely to detrimentally affect the amenity of the locality as a result of any of the reasons provided opposite.</p> <p>The applicant has advised that the hours of operation for the proposed office use is to be between 9.00 am – 5.00 pm Monday to Friday.</p>
<p><i>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.</i></p> <p>General Section: Interface Between Land Uses: PDC 6</p>	<p>Complies</p> <p>There should be no increase in the level of noise emitted from the subject land given the reduction in commercial activity which is to occur from the site once the majority of the commercial buildings have been removed from the “Fielders” site.</p>
Transportation and Access	
<p>Movement Systems</p> <p><i>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.</i></p> <p>General Section: Transportation and Access: PDC 2</p>	<p>Complies</p>
<p><i>Land uses that generate large numbers of visitors such as shopping centres, <u>places of employment</u>, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p>General Section: Transportation and Access: PDC 5</p>	<p>Complies</p> <p>The subject land is located on an existing arterial road which is serviced by public transport links.</p>

<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p>	<p>Does Not Comply</p> <p>Commercial vehicles and customer vehicles all potentially utilise the same car parking area with no separation provided.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies</p> <p>The new car parking layout at 844 – 850 Marion Road (Fielders Site) provides loading zones and suitable turning areas for use by commercial vehicles.</p> <p>The existing car park associated with the land at 838 – 842 Marion Road (Carrabs) is to be modified to allow for improved internal turning areas for cars and service vehicles.</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>Complies</p> <p>Information provided by the applicant's Traffic Consultant concludes that sufficient on-site car parking is provided for the proposed office use as well as all existing uses that currently operate from the subject land.</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>Complies</p> <p>There will be no increase in the numbers of vehicle access points via Marion Road with one existing access point to be closed and another opened.</p> <p>As already mentioned, DPTI has assessed the changes proposed to existing access points along Marion Road and has raised no objections.</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>The proposed car parking area on the Fielders site is to be constructed in accordance with Australian Standard SA: 2890 – Parking facilities.</p>
<p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</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><i>Where appropriate and practical, development should provide for safe and convenient access to the coast and beaches for disabled persons.</i></p> <p><i>General Section: Transportation and Access: PDC 33</i></p>	<p>Complies</p> <p>The new car parking area to be constructed at 844 – 850 Marion Road (Fielders Site) provides a total of 2 spaces for use by Disabled Persons.</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</p> <p>The applicants Traffic Consultant (Mr Frank Siow) has undertaken traffic surveys of the subject land and has had regard to the relevant car parking requirements set out in Table Mar/2.</p> <p>Mr Siow's comments regarding the assessment of the application are provided below;</p> <p><i>"During the critical weekday periods when the offices are open and parking demands would be at their highest, the estimated parking shortfall on the Carrabs site would be 44 spaces.</i></p> <p><i>The surplus parking on the Fielders site would be available for use by the Carrabs site would be 62 spaces.</i></p> <p><i>The parking overflow from the Carrabs site of 44 spaces, due to the proposed change of use (1,318.8m² office use) and the Workskil tenancy (632.3m²), i.e. total office floor area of 1,951.1m², would be easily accommodated by the surplus parking available on the Fielders site of 62 spaces.</i></p> <p><i>On the basis of the above assessment, I am of the opinion that there would be adequate parking provided to support the proposed change of use, even in the scenario that the Workskil tenancy is assumed to be a "new" land use on the Carrabs site".</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</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Complies</p> <p>The proposed car parking area provides safe and convenient pedestrian linkages to the development and areas of significant activity.</p> <p>Complies</p> <p>The design and layout of the proposed car park provides for save and convenient circulation of traffic.</p> <p>Complies</p> <p>The proposed car park provides for the shared use of car parking areas with adjoining development.</p> <p>Partially Complies</p> <p>The proposed car park provides landscaping that will enhance the appearance of vehicle parking areas.</p>
<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p>Complies</p> <p>The existing car parking area on the "Carrabs Site" is already sealed and line-marked.</p> <p>The new car parking area on the "Fielders Site" is to be appropriately paved and line marked.</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>Partially Complies</p> <p>Some additional landscaping is proposed within the outdoor vehicle car parking areas to assist with stormwater detention and to reduce heat loads in summer.</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 existing car parking area on the "Carrabs Site" is already sealed and line-marked.</p> <p>The new car parking area proposed on the "Fielders Site" is to be appropriately paved and line marked.</p>

Advertisements

The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:

- (a) consistent with the predominant character of the urban or rural landscape*
- (b) in harmony with any buildings or sites of historic significance or heritage value in the area*
- (c) co-ordinated with and complement the architectural form and design of the building they are to be located on.*

General Section: Advertisements: PDC 1

Complies

The proposed development includes provision for minor “way finding” and identification signage which is to be erected on the land to safely direct pedestrians and customers through-out the site of the development.

NOTE: No additional advertising signage is proposed as part of this current application. A separate application proposing changes to existing advertising signage on the land is currently under assessment and will be presented to the DAP in the new future.

The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:

- (a) clutter*
- (b) disorder*
- (c) untidiness of buildings and their surrounds*
- (d) driver distraction.*

General Section: Advertisements: PDC 2

Complies

Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.

General Section: Advertisements: PDC 3

Complies

The proposed signage identifies the various tenants on the land and directs customers to these individual tenancies.

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

General Section: Advertisements: PDC 7

Complies

Two small scale directional signs are to be mounted on the walls of existing buildings well below the roof line.

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

General Section: Advertisements: PDC 11

Complies

The proposed signage identifies the various tenants on the land and directs customers to these individual tenancies from the new car parking area.

Crime Prevention

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.

General Section: Crime Prevention: PDC 1

Complies

The subject land and associated car parking areas will be lit at night to provide additional safety and security for staff and customers.

Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.

General Section: Crime Prevention: PDC 5

Complies

The proposed development includes “way finding” signage which safely directs pedestrians along designated footpaths that link the two sites.

<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>	<p>Complies</p> <p>The proposed development is to incorporate low growing vegetation to allow casual surveillance of the site from surrounding land.</p>
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>General Section: Crime Prevention: PDC 10</i></p>	<p>Complies</p> <p>The subject land will remain largely open to adjacent streets to enhance safety and to allow for the casual surveillance of the site when viewed from surrounding land.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p>	<p>Complies</p> <p>The development includes additional landscaping comprising a mixture of trees and low growing vegetation in association with the proposed car park.</p> <p>New and up-graded strip vegetation is also to be planted along the boundaries of the subject land to enhance the visual appearance of the site when viewed from surrounding land.</p>
<p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	
<p><i>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>No new boundary fencing is proposed as part of the proposed development of the subject land. Both sites will remain open to the street to enhance safety and to allow for casual surveillance of each site from surrounding land.</p>

ANALYSIS/CONCLUSION

Whilst the proposed change of use from warehouse floor space to offices constitutes a non-complying kind of development within the Industry Zone, I am of the opinion that the use of upper level floor areas for warehousing and storage to be an unviable option when compared to that of offices. As such, the use of these tenancies as independent offices is considered a more functional and sustainable use which is more economically viable from a land use perspective.

As set out within the assessment of this application, the proposed change of use is considered to accord with the desired character for Industry/Commerce Policy Area 4 which seeks commercial activities that are of a medium scale. In terms of land use, I am of the opinion that the proposed change of use accords with the relevant provisions of the Policy Area and therefore is considered an appropriate alternative use for the upper level tenancies.

In respect to on-site car parking provision associated with the proposed change of use, it has been determined that a sufficient number of on-site car parking spaces have been provided within the existing and proposed new car parking areas on all three sites, which will cater for the anticipated peak parking demand to be generated for both the proposed and existing land uses currently operating from the subject land.

To ensure that this occurs, it is proposed to include a condition of approval which requires the applicant to allocate 30 staff car parking spaces on the "Fielders" site. This is to allow for the proper management of car parking spaces on the "Fielders" and "Carrabs" sites and to ensure that sufficient car parking is provided for all uses on the whole of the land. The applicant has advised that they are happy for this condition to be imposed by Council as an added measure.

It is considered that the proposed development will also result in making a number of positive aesthetic improvements to the layout and appearance of the land with the removal of existing commercial buildings and structures on the "Fielders" site land and the provision of new landscaping strips along the boundaries of the land which front both Marion and Norfolk Roads.

Discussions relating to the qualitative principles of development control have concluded that the overall development satisfies a majority of the relevant criteria. Where shortfalls have been identified with the proposed development, they have been found to be minor in nature without having a detrimental impact on the function of adjacent development or in respect to the amenity of the owners and occupiers of adjoining land.

Despite being non-complying in nature, 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 therefore warrants the support of the Panel subject to the imposition of certain conditions being attached to the approval.

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 concurrence from the Development Assessment Commission be sought for the granting of Development Plan Consent for Development Application No: 100/2014/2036 to change the use of existing upper level warehouse tenancies (10, 11B, 12 & 13) to offices including the demolition of existing buildings and structures to create additional on-site car parking provision for 72 vehicles with associated landscaping and directional signage. (Non-complying Development) at 838 – 842 and 844 - 850 Marion Road, Marion, subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the letter received from URPS Planning Consultants dated 12 May 2015, the letter prepared by Botten Levinson Lawyers dated 11 May 2015, the letter prepared by Frank Siow & Associates dated 27 April 2015, the Statement of Effect prepared by URPS Planning Consultants dated 10 July 2015, the site and elevation plans stamped dated received 24 August 2015, the signage plan dated 1 July 2015, the amended landscaping plan stamped dated received 2 June 2016 and the amended Traffic Report prepared by Frank Siow & Associates dated 4 July 2016, all submitted with and forming part of Development Application No. 100/2014/2036, except where varied by the following conditions of consent.
2. The car parking area proposed on the land located at 844 – 850 Marion Road, Marion, shall be amended to incorporate a minimum provision of no less than 30 on-site car parking spaces which shall be allocated for use by staff associated with the building located at 838 – 842 Marion Road, Marion. These allocated parking spaces shall be individually marked in a distinctive fashion for staff use only with the marking of these designated parks to be maintained in a clear and visible condition at all times to the reasonable satisfaction of Council.
3. 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.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. All 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.

- 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. 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).**
- 8. 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.**
- 9. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.**
- 10. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.**
- 11. 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.**
- 12. 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.**
- 13. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.**
- 14. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**
- 15. 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.**
- 16. 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.**
- 17. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.**
- 18. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.**
- 19. The directional signage hereby approved 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.**

20. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.

DPTI CONDITIONS (Safety and Service Division)

21. The northern portion of the site shall be served by a single two-way access point to/from Marion Road. Access to serve the southern portion of the site shall be via a two-way crossover to Norfolk Road and an egress only access to Marion Road.
22. The obsolete crossover and medium opening associated with the former entry point to the southern portion of the site shall be reinstated at the applicant's cost prior to the operation of the development.
23. Any stormwater run-off shall be collected on-site and disposed of without jeopardising the safety of the adjacent section of Marion Road. Any alterations to the existing road drainage infrastructure as a result of this development shall be at the expense of the applicant.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
7. 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.

DPTI NOTE (Safety and Service Division)

- 8. It should be noted that as a part of the department's recently announced "Operation Moving Traffic" the arterial road network is being reviewed with a focus on removing points of conflict in order to maximise the efficiency and safety of the network. This includes the banning of right turns. The median opening associated with the northern site access that provides right turn access into and out of the subject site has been identified as a potential concern from a traffic efficiency and safety perspective. Accordingly, the department may consider changes to the median opening in order to maximise the capacity and safety of Marion Road at the location.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 17 August 2016

Agenda Ref No:	DAP170816 – 2.3
Originating Officer:	David Melhuish Senior Policy Planner
Applicant:	URPS
Development Description:	Change of use to indoor golf simulation venue, including a licensed bar and cafe and associated signage
Liquor Licence Application:	Special Circumstances Licence
Site Location:	5/838-842 Marion Road, Marion
Zone:	Industry Zone
Policy Area:	Industry/Commerce Policy Area 4
Application Type:	Category 3 / Consent
Lodgement Date:	31/05/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/961
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of 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.

Pursuant to Council's Instrument of Delegation under the Development Act 1993 and Development Regulations 2008, Council has delegated to the Development Assessment Panel, the power, functions and duties to determine and provide comments regarding a liquor licence application to the Office of the Liquor and Gambling Commissioner, when proposed development includes a new liquor licence.

This report will therefore provide recommendations on both the development application and the related liquor licence application.

BACKGROUND

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

Amendments Requested	Amendments Made
Clarification of the proposed use, in particular the licensed bar and cafe	Clarification provided
Notated floor plan explaining activities to be undertaken within the tenancy	Notated floor plan received
Indication of type of food to be provided and whether a kitchen is to be installed	Food mainly in the form of small snacks which only require a prep kitchen
Type of building work that is involved	No structural changes are proposed but proposal involves a change of classification

SUBJECT LAND & LOCALITY

The proposed use is to be undertaken in Tenancy 5 of an existing 'U' shaped two storey commercial building which contains a variety of uses including retail showrooms, bulky goods and offices. Tenancy 5 is located on the ground floor and has a floor area of 723m². The entire site has an area of 6,086m², has access off Marion Road and comprises 66 car parking spaces.

The adjacent Fielders site is included in the proposal to allow up to an additional 72 car parking spaces, if required. An application (DA 100/2014/2036) for a change of use from warehousing to office uses on the site at 838-842 Marion Road (subject site) required the shared use of the Fielders site for car parking purposes. This application is also to be determined at tonight's Panel meeting.

The site has frontage to the western side of Marion Road; and is generally adjoined to the north, south, west and east (across Marion road) by commercial or light industrial uses, with residential development adjacent the north western corner of the overall site and on the southern side of Norfolk Road.

The site comprises three contiguous allotments; lot 87 containing the subject commercial building (Carrabs site), and lots 3 and 4 (on corner of Norfolk Road) currently contains Fielders (steel fabrications/products) showroom and other storage buildings.

66 car parking spaces are available on the Carrabs site. 72 car parking spaces are proposed on the Fielders site, as part of a separate development application (100/2014/2036), proposing a change in use of two tenancies on the Carrabs site from warehouses to office (requiring the removal of some buildings on the Fielders site for use as car parking).

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal involves a change of use from a store to an indoor golf simulation venue, including a licensed bar and cafe and associated signage and is to be known as 'X-Golf'.

The venue will provide:

- Golf simulators (*complex machines providing virtual access to numerous real life golf courses*)
- Golf play, practice and tournaments, including for functions
- Golf tuition and education
- Licensed bar and café (for use of X-Golf patrons only)

Hours of operation are to be:

- Monday to Saturday (9am – 11pm)
- Sunday (9am – 9pm)

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	36 properties were notified during the Category 3 public notification process.
Representations:	4 representations were received by Council.
Persons wishing to be heard:	Mrs Joan M Watkins, 46 Norfolk Road
Summary of representations:	<ul style="list-style-type: none"> • Concern about increased traffic noise on Norfolk Road • Concern about traffic volumes and car parking on Norfolk Road • Concern about noise from the X-Golf Venue on surrounding residential uses • Concern about having a licensed venue close to residential uses • Concern about the 11pm closing time <p><i>Refer Attachment IV</i></p>
Applicant's response:	<p><u>Noise</u></p> <ul style="list-style-type: none"> • The land use is to be contained entirely within an existing building • There are minimal openings within the building and front doors are self-closing • The proposed bar and café are minor and ancillary to the golf simulation venue and not open to the general public • There is to be no live entertainment or pre-recorded music • Peak usage for the venue is such that patrons are expected to be able to park in the car park area closest to the venue, away from Norfolk Road. <p><u>Car parking and traffic</u></p> <ul style="list-style-type: none"> • The car parking and traffic assessment concludes that sufficient on-site parking is available • Peak usage for the venue is such that patrons are expected to be able to park in the car park area closest to the venue, away from Norfolk Road. • There would be no issues with vehicles queuing on Marion Road <p><u>Licensed Venue/Operating hours</u></p> <ul style="list-style-type: none"> • Proposal is not for a traditional standalone bar and café • The proposed bar and café are minor and ancillary to the golf simulation venue and not open to the general public • The Environmental Protection (Noise) Policy 2007 provides that 'Day' hours are 7am to 10pm for the purpose of noise assessment. The proposed hours of operation fall almost entirely within these hours. • The operating hours are reasonable within an Industry Zone. <p><i>Refer Attachment V</i></p>

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport, and Infrastructure (DPTI):	<p>Comment on the car parking and access relating to the site was received from DPTI in regards to DA 100/2014/2036 (change in use from warehouses to office – requiring the removal of some buildings on the Fielders site for use as car parking).</p> <p>DPTI did not object to the proposed access and car parking arrangements, subject to conditions.</p>
--	---

Refer to Attachment in agenda item for 100/2014/2036

INTERNAL DEPARTMENT COMMENTS

Environmental Health:	No approval process to serve food, however, client is required to complete a food business notification form and ensure they comply with the Food Act 2001 and Australian and New Zealand Food Standards Code.
Building:	A Building Rules application will be required.

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Industry Zone and Industry/Commerce Policy Area 4 are listed in the following table and discussed in further detail below:

Industry		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	Does Not Comply However, the Industry/Commerce Policy Area seeks a greater variety of land uses than envisaged at the zone level.
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ <i>industry</i> ▪ <i>transport distribution</i> ▪ <i>warehouse.</i> 	Does Not Comply However, the Industry/Commerce Policy Area seeks a greater variety of land uses than envisaged at the zone level.
<i>PDC 5</i>	<i>Building facades facing land zoned for residential purposes should not contain openings or entrance ways that would result in the transmission of noise that would adversely affect the residential amenity.</i>	N/A Building façade faces internally to site and should have no amenity impacts on adjoining residential uses.

PDC 7	<p><i>Advertisements and advertising hoardings should not include any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) flashing or animated signs</i> <i>(b) bunting, streamers, flags, or wind vanes</i> <i>(c) roof-mounted advertisements projected above the roofline</i> <i>(d) parapet-mounted advertisements projecting above the top of the parapet.</i> 	<p>Complies</p> <p>Painted sheet metal sign on wall facing internally to site</p>
--------------	---	--

Assessment

Although not meeting the forms of development envisaged at the higher zone level, the proposed use meets the small scale commercial uses envisaged at the policy area level. (refer below).

Industry/Commerce Policy Area 4		
<p>OBJECTIVES</p> <p><i>1 A policy area accommodating a range of light and service industry, depots and commercial activities.</i></p> <p><i>2 Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road.</i></p> <p><i>3 A policy area where development minimises impacts on residential uses in adjoining zones, especially to the west of Marion Road.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>		<p>Complies</p> <p>The proposed use is a small scale commercial activity. A number of commercial activities currently operate on the site and on adjacent sites.</p> <p>The proposed use should have minimal traffic impacts on Marion Road.</p> <p>The proposed use should have minimal impact on adjacent residential areas.</p>
<p>DESIRED CHARACTER</p> <p><i>It is intended that the policy area be consolidated and further developed with a mixture of small to medium-scale industry and commercial uses, preferably integrated within the one site. The environmental performance of new development needs to take account of the amenity of adjoining localities, by incorporating improved emission controls, management measures, building appearance treatments, landscaping and other design measures, to ensure minimal adverse impact.</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>Development is expected to promote attractive frontages and park-like settings to enhance the visual qualities and streetscape of the Marion Road corridor. Building styles may be varied and display high aesthetic qualities to enhance the visual character of the locality.</i></p>		<p>Complies</p> <p>The proposal will add to the number of existing commercial activities on the site.</p> <p>The building already exists and the only external change is signage above the tenancy.</p>
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <i>. depot</i> <i>. light industry</i> <i>. service industry</i> <i>. small-scale commercial activities</i> <i>. warehousing.</i> 	<p>Complies</p> <p>As above</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Complies</p> <p>As above</p>

PDC 3	<p><i>Development adjacent residential zones should incorporate all of the following:</i></p> <p><i>(a) within 20 metres of the zone boundary, buildings not exceeding one storey or 6 metres in height from natural ground level</i></p> <p><i>(b) a minimum 6 metre setback for buildings from the zone boundary.</i></p> <p><i>(c) visual and acoustic buffer features</i></p> <p><i>(d) landscaped areas having a minimum width of 2 metres</i></p> <p><i>(e) 2 metre high fencing</i></p> <p><i>(f) screened or obscured building openings.</i></p>	<p>N/A</p> <p>Building already exists – no changes proposed.</p> <p>It is built on the side and rear boundaries of the site abutting other properties within the Industry zone. A residential property is located to the north western corner of the site.</p>
--------------	--	---

Assessment

The proposed use meets the small scale commercial uses envisaged by the policy area. It is noted that a number of commercial, business and retail type uses have been approved and operating on the site for some years now (gymnasium, computer store, retail showrooms etc.) No external changes to the existing building/site are proposed as part of this 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:

Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p><u>Noise</u></p> <p>The proposed activity is to be contained entirely within an existing building. There are minimal openings (front doors and windows) which face east towards Marion Road. Other industrial sized buildings are located between the subject site and the nearest residential uses.</p> <p>No live or pre-recorded music is proposed. The only sources of noise will be the golf simulators and televisions, which would be low level.</p> <p>As the bar and café are expected to operate similarly to those found in bowling alleys and the like, noise from patrons is expected to be minimal.</p> <p><u>Hours of operation</u></p> <p>For the reasons mentioned above, it is anticipated that the 9am to 11pm operating hours, should have minimal impact beyond the site.</p> <p><u>Traffic Impacts</u></p> <p>(refer below)</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p> <p>As above</p>

<p><i>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.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies As above</p>
<h2>Transportation and Access</h2>	
<p>Access</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>Complies</p> <p>The existing single access to the site from Marion Road should be appropriate for the proposed activity. A traffic assessment states that, as the peak hours for the proposal are likely to be different from most of the other activities on the site, the expected flow of traffic generated should be appropriate.</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>Complies</p> <p>There is an existing single access point to the site off Marion Road. This will not change as part of the proposal.</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 As above</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</p> <p>The traffic survey by Frank Siow & Associates states that, as the peak hours for the proposal are likely to be different from most of the other activities on the site, the existing 66 on-site car parks should be adequate for the 25 required for the proposed use. Although there are an additional 77 on-site carparks proposed on the adjacent Fielders site, as part of the yet to be determined DA 100/2014/2036 (change of use from warehouse to office), the number of car parks required for the proposed golf simulation activity is appropriately catered for on the subject site.</p>
<h2>Advertisements</h2>	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <ul style="list-style-type: none"> <i>(a) consistent with the predominant character of the urban or rural landscape</i> <i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i> <i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p> <p>The main sign is to be attached to the wall above the subject tenancy's front door. It is to be 2m high x 4m wide (8m² in area) which is in proportion with the scale of the subject tenancy and other tenancy signs on the western side of the overall building.</p>

<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p>(a) clutter (b) disorder (c) untidiness of buildings and their surrounds (d) driver distraction.</p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>Only one sign is to be attached to the building (as above). A sign panel will be incorporated into the existing freestanding multi tenancy sign located adjacent Marion Road.</p>
<p><i>Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.</i></p> <p><i>General Section: Advertisements: PDC 3</i></p>	<p>Complies</p> <p>A sign is to be attached to the existing freestanding common tenancy sign adjacent Marion Road.</p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p>Complies</p>

TABLE DISCUSSION

As the building and associated car parking etc. already exists, and the proposal only seeks a change in use of an existing tenancy, a relatively limited assessment has been necessary. The proposal satisfies a majority of the applicable policy provisions contained within the Marion Council Development Plan.

A more recent traffic/car parking assessment has been undertaken for the golf simulation activity, with due consideration of the requirements for DA 100/2014/2036. Taking into consideration the different peak operating hours of the mixed uses on the site (including the proposed offices), shared parking opportunities are afforded. It is the traffic consultant's opinion that ample parking would be available on the 'Carrabs' site to meet the demands of the golf simulation activity, 'without even having to rely on the available parking on the 'Fielders' site'.

Refer Attachment VI

REPRESENTOR'S CONCERNS

The concerns raised by the representor(s) in relation to traffic impacts on Norfolk Road and noise from the licensed venue on surrounding residential uses have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The proposed development involves a change in use within an existing building, which requires no external amendments to the property/site other than new signage, as such, a relatively minor assessment has been undertaken. The proposed use (indoor golf simulation venue) is considered an appropriate use, particularly considering the number of other commercial type uses on site and on adjoining properties along Marion Road.

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.

LIQUOR LICENCE APPLICATION

The provision of alcohol is ancillary and complementary to the primary use of the tenancy as a golf simulation venue, similar to that found in bowling alleys and the like, and is not available to the general public. As the entrance to the tenancy is internal to the Carrabs site and most patrons will use the car parking area on that site, which is enveloped by the 2 storey 'U' shaped building and provides access directly to Marion Road, it is anticipated that the provision of alcohol will result in minimal impacts beyond the site.

Refer Attachment VII

RECOMMENDATION (Development Application)

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: 100/2016/961 for Change of use to indoor golf simulation venue, including a licensed bar and cafe and associated signage at 5/838-842 Marion Road, Marion 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. 100/2016/961, being drawing number(s) AO01 dated 19/04/2016, received by Council on 22 June 2016, 2016-0141 dated 19/05/2016 drawn by URPS, and all relevant documentation, except when varied by the following conditions of consent.
2. The hours of operation of the premises shall be restricted to the following times:
 - Monday to Saturday (9am – 11pm)
 - Sunday (9am – 9pm)
3. The advertisement(s) and supporting structure(s) 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.
4. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.

NOTES

1. 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.
2. A Building Rules Application is required to be lodged.
3. The applicant is required to complete a Food Business Notification Form with Council and ensure compliance with the Food Act 2001 and Australian and New Zealand Food Standards Code.

RECOMMENDATION (Liquor Licence)

The Panel (Council) raises no objection to the application by Brazil Investments Pty Ltd to the Liquor and Gambling Commissioner for a Special Circumstances Licence, subject to the following conditions:

- 1. Under no circumstances is liquor to be consumed outside the area of the liquor licence.**
- 2. The Licensee shall at all times ensure that noise levels are in accord with EPA Guidelines and the Liquor Licensing Regulations.**
- 3. The Licensee shall have displayed at all exits from the premises clearly visible signs with wording that reflects that patrons should leave the premises as quietly and quickly as possible to reduce disturbance to nearby residents.**

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>Traffic Consultant's Report</i>
<i>Attachment VII:</i>	<i>Liquor Licence Application Details</i>

DEVELOPMENT ASSESSMENT PANEL

Wednesday 17 August 2016

Agenda Ref No:	DAP170816 – 2.4
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	SKS Surveys Pty Ltd
Development Description:	Torrens Title Land Division – (1 into 2) allotments Community Title Land Division – (1 into 2) allotments
Site Location:	13 Travers Street, Sturt.
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	11/05/2016
Development Plan:	Consolidated – 28 April 2016
Application Nos:	100/2016/843 & 100/2015/838
DAC Reference Nos:	100/D091/16 & 100/C092/16
Recommendation:	Development Plan Consent, Land Division Consent and Development Approval (Granted)

BACKGROUND

This report deals with the assessment of two separate land division applications which seek to create additional allotments over the land located at 13 Travers Street, Sturt. Both applications relate to a separate land use application (DA 100/439/2016) which is concurrently being assessed for the construction of three dwellings at the above address. The associated land use application is listed on the agenda and is to be considered by the Development Assessment Panel following the consideration of the above land division applications.

CATEGORISATION & DELEGATION

The Torrens title land division (DA 100/D091/16) and Community title land division (DA 100/C092/16) are both Category 1 forms of development pursuant to Schedule 9 (Part 1: 2(f)) of the Development Regulations 2008, which assigns the division of land which creates not more than 4 additional allotments as a Category 1 development.

The above land division applications are required to be determined by the Development Assessment Panel as the proposed new dwellings support allotment areas that are less than the minimum of 375 square metres required for detached dwellings and less than the minimum of 300 square metres required for group dwellings within Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The subject land is situated on the northern side of Travers Street and comprises a large regular shaped allotment which provides a 19.8 metre wide frontage to Travers Street and a depth of 48.6 metres to provide a total site area of approximately 965.5 square metres.

The subject land is developed with an existing single storey detached dwelling (circa 1950s) which displays little architectural merit. The subject land is heavily vegetated with many mature trees to the rear of the dwelling. An independent arborist has confirmed that these trees are neither regulated or significant as defined by the legislation.

The site works and drainage plan indicates the subject land slopes gently downwards towards the rear of the allotment, whilst the certificate of title confirms that the land is devoid of any easements or encumbrances.

The locality is characterised by a predominance of single storey detached dwellings on large regular shaped allotments which are steadily being replaced over time by new housing stock in the form of single storey semi-detached dwellings and row dwellings on smaller allotments at higher densities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The above land division applications seek to divide the subject land as follows;

- Development Application 100/D091/16 seeks to create two Torrens Title allotments comprising Lot (101) which is to accommodate a two storey detached dwelling on 301 square metres of land and a separate battle-axe allotment in the form of Lot (100) which is to have a separate access provided via Travers Street.
- Development Application 100/C272/15 seeks to divide the battle-axe allotment to create two Community Title allotments comprising Lots (102) and (103) which are to accommodate the single storey group dwellings together with one allotment comprising common property (i.e. driveway and vehicle turning areas).

The allotment areas nominated as part of the above Land Division applications reflect the associated land use application (DA 100/439/2015).

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission (DAC):	The Commission has advised that there are no planning impacts of State significance associated with both land division applications.
SA Water:	SA Water has provided a list of requirements that will need to be met by the applicant. These requirements have been included as conditions of approval and relate separately to each land division application.

Refer Attachment VI

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p> <p>The associated land use application proposes a detached dwelling and two group dwellings which are envisaged housing types within Policy Area 13.</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Complies</p> <p>The associated land use will result in a low to medium density housing development as envisaged within Policy Area 13.</p>
PDC 3	<p><i>Minimum Site Area:</i></p> <p><i>Dwelling (1) comprises a detached dwelling which requires a minimum site area of 375 square metres per dwelling</i></p>	<p>Does Not Comply</p> <p>Lot (101) = 301 m²</p>

	<i>Dwellings (2 & 3) comprise single storey group dwellings, requiring 300 m² per dwelling</i>	Does Not Comply Lot (102) = 283 m ² Lot (103) = 283 m ² (excluding the common driveway). Note: Lots (102) & (103) achieve an average site area of 332 m² per dwelling when including the common driveway which accords with PDC 3 above.
	<i>Minimum Frontage:</i> <i>Detached Dwellings</i> 12 metres <i>General Section: Land Division: Principle 9</i> <i>"hammerhead allotment"</i> 4 metres	Complies Lot (101) = 15.8 metres Complies Lots (102) & (103) = 4 metres
	<i>Minimum Depth:</i> <i>Detached Dwellings</i> 20 metres <i>Group Dwellings</i> 45 metres	Does Not Comply Lot (101) = 19.1 metres Complies Lots (102) & (103) = 48.6m

Assessment

In respect to the above table, it is acknowledged that all three allotments fail to meet the minimum site area requirements prescribed for detached and group dwellings within Northern Policy Area 13. As identified above, proposed Lot (101) is to provide a total site area of 301 square metres, some 74 square metres (19.7%) short of the minimum 375 square metres sought for detached dwellings. In addition, proposed Lots (102) and (103) to the rear of the subject land are to provide site areas of 238 square metres for each of the group dwellings, representing a shortfall of 62 square metres (20.6%) in respect to each allotment. That having been said, when including the common driveway and internal manoeuvring areas as part of the site area calculations for the group dwellings to the rear, an average site area of 332 square metres is achieved. Given this, the average site areas achieved for each of the two group dwellings is considered to be acceptable.

It is worthy to note that the area of the land is capable of accommodating three dwellings in the form of three group or residential flat dwellings where the minimum site area for dwellings of this type equates to 300 square metres per dwelling within Northern Policy Area 13. When considering the minimum site area prescribed for each dwelling (3 x 300 square metres = 900 square metres), the overall site area for the subject land at 965 square metres is considered sufficient to accommodate three dwellings on the subject land.

Consequently, I am of the opinion that the proposed density of development submitted in relation to this application does not significantly exceed the anticipated density which is envisaged for Northern Policy Area 13.

In addition to the above, it has also been identified that the depth of the allotment accommodating the two storey detached dwelling to the front of the subject land (Lot 101) measures 19.1 metres in depth, 900 millimetres short of the minimum 20 metre allotment depth prescribed for detached dwellings within Northern Policy Area 13. This shortfall in depth is not considered detrimental nor restrictive to the overall development of the subject land.

Notwithstanding the above, the associated land division applications seek to create three allotments together with one allotment comprising common property on land where one detached dwelling currently exists on a single residential allotment. The purpose of this is to provide for the future construction of an envisaged form of housing (detached and group dwellings) at a greater density to that which currently exists on the land. The proposed development therefore seeks to make efficient use of the subject land by creating new allotments to accommodate an integrated form of housing development at low to medium densities, as envisaged within Northern Policy Area 13.

In addition, it is also noted that the above land division applications (and construction of the proposed dwellings) will not require the removal of any regulated or significant trees from the land, nor compromise the health of any existing mature vegetation on adjoining land. The subject land is also conveniently located within short walking distance to existing bus routes along Marion Road to the east which provides public transport links to the Marion Shopping Centre and the CBD.

In summary, it is considered that the Objectives and Desired Character of Northern Policy Area 13 are adequately represented by the proposed development.

LAND DIVISION ASSESSMENT

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

Land Division	
<p>Objectives</p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i></p>	<p>Complies</p> <p>Being located within an established suburb within the City of Marion, the proposed division of land will make optimum use of existing underutilised infrastructure and facilities.</p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p>Complies</p> <p>The proposed site areas are considered sufficient for the intended use as allotments for detached and group dwellings.</p>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<p>Complies</p> <p>The proposed allotments are supported by existing infrastructure, whilst the subject land is located within walking distance to existing bus routes/services provided along Marion Road which is located approximately 150 metres to the east of the subject land.</p>

<p>Principles of Development Control</p> <p><i>1 When land is divided:</i></p> <p><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	<p>Complies</p> <p>The proposed development is likely to result in stormwater being drained safely from the land. Water supply will be available.</p>
<p><i>2 Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p><i>(i) an existing road</i></p> <p><i>(ii) a proposed public road</i></p> <p><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality.</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p>	<p>Complies</p> <p>a) Whilst the proposed site areas for the individual allotments are less than that required for detached and group dwellings within Northern Policy Area 13, the associated land use application demonstrates that the individual allotments can be appropriately developed for dwellings of this type.</p> <p>b) The proposed allotments either maintain a frontage to an existing road or via an internal roadway in a plan of community division.</p> <p>c) Given the topography of the subject land, excessive cut/fill is unlikely.</p> <p>e) The area is sewerred.</p> <p>f) Despite being undersized in nature, it has been identified above that the allotments are complementary to the zone objectives.</p> <p>g) The proposed allotments will not straddle more than one zone, policy area or precinct being totally contained within Northern Policy Area 13.</p>
<p>Design and Layout</p> <p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p>Complies</p>
<p><i>8 Allotments in the form of a battle-axe configuration should:</i></p> <p><i>(a) 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)</i></p> <p><i>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</i></p> <p><i>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</i></p> <p><i>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</i></p>	<p>Does Not Comply</p> <p>a) Lots (102) and (103) do not provide the minimum site areas required for group dwellings within Northern Policy Area 13 when excluding the area of the "handle".</p> <p>Complies</p> <p>b) Each allotment to the rear (when including the "handle" of the battle-axe) provides sufficient area for vehicles to enter and leave each site in a forward direction.</p> <p>c) The proposed division of land creates one additional access driveway via Travers Street, which should not adversely affect the amenity of the streetscape.</p> <p>d) The pattern of development within the locality is diverse with other examples of battle-axe allotments noted in close proximity to the subject land as exhibited at 2 and 4 Travers Street.</p>

<p>9 Access ways serving allotments in the form of a battle-axe configuration should:</p> <p><u>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</u></p> <p><u>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</u></p> <p><u>(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings</u></p> <p><u>(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.</u></p>	<p>Complies</p> <p>a) The access driveway "handle" of the battle-axe allotment will measure approximately 20 metres in length and no less than 4.0 metres in width.</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Complies</p> <p>Based upon the land use application (DA 100/439/2016) it has been determined that the main activity areas and associated private open space areas of the proposed dwellings will have suitable exposure to efficient solar access.</p>
<p>Roads and Access</p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Does Not Comply</p> <p>Based upon the land use application (100/439/2016), only one (1) on-street visitor car parking space is to be provided to the front of the allotment facing Travers Street.</p>
<p>22 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>Does Not Comply</p> <p>A total of 2 on-street car parking spaces are required with only 1 space to be provided.</p>

ANALYSIS/CONCLUSION

Whilst the proposed allotments fail to meet the minimum site area requirements for detached and group dwellings within Northern Policy Area 13, it is considered that the associated land use application (DA 100/439/2016) demonstrates that the individual allotments can be suitably developed for dwellings of this type as part of an integrated housing development at low to medium densities in accordance with the Desired Character for Northern Policy Area 13. Consequently, whilst the individual site areas for each of the dwellings do not accord with the requirements prescribed by the Development Plan, it is considered that the development as a whole does not result in a density greater than that envisaged within Northern Policy Area 13.

In respect to the shortfall in on-street car parking provision, it is noted that the proposed development provides only one on-street visitors car parking space where two spaces are required for a land division creating three allotments. That having been said, it is noted that the subject land is located within close walking distance to an existing bus route which operates to the east of the subject land along Marion Road. It is considered that this bus route could potentially provide an alternative transport option for future residents of the dwellings, which in turn, may encourage a reduction in the number of vehicles owned by these residents.

In addition to the above, it is also worthy to note that each of the dwellings proposed to be constructed on the land will be provided at least two on-site parking spaces in accordance with the Development Plan. This should aid in minimising the need for future residents to park their vehicles within the street. Given that no parking restrictions apply within Travers Street, there is ample opportunity to utilise spaces along the street. As such, the shortfall in one on-street car parking space should not result in having a detrimental impact upon the street or nearby land.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, it is considered that the above land division applications sufficiently accord with the relevant provisions of the Marion Council Development Plan, and therefore warrant the granting of Development Plan Consent, Land Division Consent and Development Approval 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, Land Division Consent and Development Approval for Development Application No: 100/2016/843 for Torrens Title Land Division - 1 into 2 allotments at 13 Travers Street Sturt be GRANTED subject to conditions:
- (d) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/2016/838 for Community Title Land Division - 1 into 2 allotments at 13 Travers Street Sturt be GRANTED subject to conditions:

CONDITIONS (Development Application No. 100/843/2016)

DEVELOPMENT PLAN CONSENT

- 1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/843/2016 (DAC Reference: 100/D091/16) except where varied by the following conditions of consent.
- 2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

LAND DIVISION CONSENT

- 1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0045729).

An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

The internal drains shall be altered to the satisfaction of the SA Water Corporation.

- 2. Payment of \$6,488.00 into the Planning and Development Fund (1 allotment @ \$6,488.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

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

On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

NOTES

1. This approval has been granted on the basis of the suitability of the land for a detached dwelling as demonstrated in Development Application No: 100/439/2016. Should the proposed allotment(s) be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.
2. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please e-mail Development Services at council@marion.sa.gov.au with the address, development application number and/or DAC reference number in the subject line of the e-mail.

CONDITIONS (Development Application No. 100/838/2016)

DEVELOPMENT PLAN CONSENT

1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/838/2016 (DAC Reference: 100/C092/16) except where varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

LAND DIVISION CONSENT

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0045733).

An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

2. Payment of \$6,488.00 into the Planning and Development Fund (1 allotment @ \$6,488.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

SA Water also advise that for future processing of this application by SA Water, to establish the full requirements and costs of this development, the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at: <http://www.sawater.com.au/SAWater/DevelopersBuildiers/ServicesForDevelopers/Customers+Connections+Centre.htm>. For further information or queries please contact SA Water Land Developments on 7424 1119.

NOTES

1. This approval has been granted on the basis of the suitability of the land for two single storey residential flat dwellings as demonstrated in Development Application No: 100/439/2016. Should the proposed allotment(s) be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.
2. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please e-mail Development Services at council@marion.sa.gov.au with the address, development application number and/or DAC reference number in the subject line of the e-mail.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 17 August 2016

Agenda Ref No:	DAP170816 – 2.5
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Yogo Design
Development Description:	To demolish an existing dwelling and construct three dwellings comprising a two storey detached dwelling and two single storey group dwellings with associated car parking and landscaping.
Site Location:	13 Travers Street, Sturt.
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	11/03/2016
Development Plan:	Consolidated – 3 December 2015
Application No:	100/2016/439
Recommendation:	That Development Plan Consent be GRANTED following the deposit of the plans of division for Land Division Applications 100/D091/16 and 100/C092/16.

CATEGORISATION & DELEGATION

Following the judgement of Judge Cole in *Paor v City of Marion*, the determination of the nature of the development cannot occur until such time as the Plan of Division has been deposited with the Lands Titles Office. As such, the recommended decision reflects the sequence of events to maintain the Category 1 status of the application.

As the associated land division applications identified allotments with exclusive frontage and party wall attachments, consistent with the dwelling plans proposed as part of this application, Council administration are of the view that 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 1 or more detached dwellings and 1 or more single storey dwellings (provided that no such dwelling is more than 2 storeys high) as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel as the proposed new dwellings support allotment areas that are less than the minimum 375 square metres required for detached dwellings and less than the minimum 300 square metres required

for group dwellings within 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:

Requested Amendments	Amendments Made
Need to increase the front setback of Dwelling (1) from 4.5 to 6.7 metres to provide a similar front set back to the dwellings located to the east of the subject land.	The applicant has amended the plans and has increased the front setback of Dwelling (1) in accordance with Council's request.
Need to amend the plans to include a common letter box facility to be located to the front of the subject land adjacent the entrance to the shared driveway.	The plans have been amended and now show the location of a common letter box facility on the eastern side of the shared driveway.

SUBJECT LAND & LOCALITY

The subject land is situated on the northern side of Travers Street and comprises a large regular shaped allotment which provides a 19.8 metre wide frontage to Travers Street and a depth of 48.6 metres to provide a total site area of approximately 965.5 square metres.

The subject land is developed with an existing single storey detached dwelling (circa 1950s) which displays little architectural merit. The subject land is heavily vegetated with many mature trees to the rear of the dwelling. These trees have been inspected by an independent arborist who has confirmed that they are neither regulated or significant as defined by the legislation.

The site works and drainage plan indicates that the subject land slopes gently downwards towards the rear of the allotment, whilst the certificate of title confirms that the land is devoid of any easements or encumbrances.

The locality is characterised by a predominance of single storey detached dwellings on large regular shaped allotments which are steadily being replaced over time by new housing stock in the form of single storey semi-detached dwellings and row dwellings on smaller allotments at higher densities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to demolish the existing dwelling on the land and construct three dwellings comprising a two storey detached dwelling (Dwelling 1) to the front of the subject land fronting Travers Street and two single storey group dwellings (Dwellings 2 and 3) which are to be located to the rear of the subject land.

The two storey dwelling will provide three bedrooms (master bedroom with en-suite) with all bedrooms to be located at first floor level. The single storey group dwellings to the rear will also each provide three bedrooms. All three dwellings are provided with open plan kitchen/dining areas which will be directly linked to areas of useable private rear open space.

In respect to on-site car parking provision, Dwelling (1) provides a double garage with two visitor parking spaces located within the driveway. Dwellings (2) and (3) will each be provided with a single width garage under the main roof with provision for one visitor's park per dwelling.

Driveways and turning areas to the rear of the site are to be paved, whilst the landscape plan indicates the planting of trees, small shrubs and ground covering vegetation as part of the proposed development.

It is noted that two separate Land Division applications 100/D091/16 and 100/C092/16 have been received by Council. These applications propose the creation of one (1) Torrens Title and two (2) Community Title allotments (together with one allotment comprising common property), which reflects the subject dwelling application. This joint application is also to be determined by the Panel at this meeting.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The subject land is not located within a flood prone area of the Council. Nonetheless, the site works and drainage plan was submitted to Council's Engineering Department for assessment purposes.</p> <p>No issues of concern were raised by Council's Engineer regarding the finished floor levels of the dwellings or in relation to the on-site manoeuvring areas to the rear of the subject land.</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 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>

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">▪ <i>affordable housing</i>▪ <i>dwelling including a residential flat building</i>▪ <i>supported accommodation.</i>	<p>Complies</p> <p>The proposed development comprises a detached dwelling and two single storey group dwellings which are considered acceptable housing types within Northern Policy Area13.</p>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Complies</p>
PDC 3	<p>Minimum Site Area:</p> <p><i>Dwelling (1) comprises a detached dwelling which requires a minimum site area of 375 square metres per dwelling</i></p> <p><i>Dwellings (2 & 3) comprise single storey group dwellings requiring 300 m² per dwelling</i></p>	<p>Does Not Comply</p> <p>Dwelling (1) = 301 m²</p> <p>Does Not Comply</p> <p>Dwelling (2) = 238 m²</p> <p>Dwelling (3) = 238 m²</p> <p>Note: Dwellings (2) & (3) achieve an average site area of 332 m² per dwelling when including the common driveway which accords with PDC 3 above.</p>
	<p>Minimum Frontage:</p> <p><i>Detached Dwellings</i></p> <p><i>12 metres</i></p> <p>General Section: Land Division: Principle 9</p> <p><i>“hammerhead allotment”</i></p> <p><i>4 metres</i></p>	<p>Complies</p> <p>Dwelling (1) = 15.8 metres</p> <p>Complies</p> <p>Dwgs (2 & 3) = 4 metres</p>

	<i>Minimum Depth:</i> <i>Detached Dwellings</i> <i>20 metres</i> <i>Residential Flat Dwellings</i> <i>45 metres</i>	Does Not Comply Dwelling (1) = 19.1metres Complies Dwgs (2 & 3) = 48.6 metres
--	---	--

Assessment

The proposed development seeks to construct three dwellings on land where one dwelling currently exists to provide an envisaged form of housing (detached and single storey group dwellings) at a greater density to that which currently exists on the land. The proposed development therefore seeks to make efficient use of the subject land by replacing existing housing stock with new dwellings to provide an integrated form of housing development at low to medium densities, as envisaged by the Desired Character for Northern Policy Area 13.

In addition to the above, it is noted that the proposed development will not require the removal of any regulated or significant trees from the land, nor compromise the health of any existing mature vegetation on adjoining land. It is also worthy to note that the subject land is located within easy walking distance to an existing bus route along Marion Road to the east which provides public transport links to the Marion Shopping Centre and the CBD.

Whilst a minimum site area of 375 square metres is prescribed for detached dwellings within Northern Policy Area 13, it is noted that Dwelling (1) is to be accommodated on a lesser site area of 301 square metres which equates to a shortfall of 74 square metres (19.7%).

In addition to this, the site areas for each of the group dwellings at 238 square metres also fail to meet the required minimum of 300 square metres prescribed for dwellings of this type within Policy Area 13, thereby representing a shortfall of 62 square metres (20.6%) per dwelling. That having been said, it should be noted that when calculating the site area for group dwellings, the curtilage around the dwelling (associated shared driveway and manoeuvring areas) is excluded from the calculations.

This is different to when calculating the site area for detached dwellings where these areas are included. When including the common driveway and internal manoeuvring areas as part of the site area calculations for Dwellings (2) and (3), an average site area of 332 square metres is achieved per dwelling. Given this, the average site areas achieved for each of the two single storey group dwellings is considered to be acceptable in respect to the assessment of this particular application.

Notwithstanding the shortfalls identified above, is worthy to note that the area of the land is capable of accommodating three group or residential flat dwellings where the minimum site area for dwellings of this type equates to 300 square metres per dwelling within Northern Policy Area 13. When considering the minimum site area prescribed for each dwelling (3 x 300 square metres = 900 square metres), the overall site area for the subject land at 965.5 square metres is considered sufficient to accommodate three dwellings on the subject land. Consequently, I am of the opinion that the density proposed does not significantly exceed the anticipated density envisaged within Northern Policy Area 13.

Furthermore, it is my view that the shortfall in the site area proposed for Dwelling (1) is not necessarily fundamental to the merits of the overall 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 fact that Dwelling (1) still achieves 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 has also been identified that the depth of the allotment accommodating Dwelling (1), which measures 19.1 metres in depth, fails to meet the minimum 20 metre depth prescribed for allotments accommodating detached dwellings within Northern Policy Area 13. This shortfall of 900 millimetres is considered minor and should not result in having a detrimental nor restrictive impact on the overall development of the subject land.

In summary, it is considered that the shortfalls identified above are relatively minor and should not prevent the subject land from being appropriately developed in accordance with the requirements set out within the Development Plan. This is further reinforced by the fact that each dwelling achieves appropriate front, side and rear setbacks from adjacent property boundaries, as well as adequate areas of rear private open space and on-site car parking provision for two (2) vehicles per dwelling.

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

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

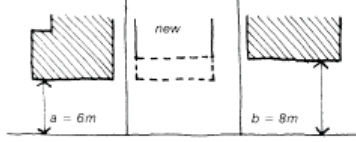
Assessment:

Site Coverage	
<p><i>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>Complies Dwelling (1) 110.4m² = 36%</p> <p>Does Not Comply Dwelling (2) 137 m² = 57.5% Dwelling (3) 137 m² = 57.5%</p> <p><u>Note:</u> It is worthy to note that the proposed development provides an overall total site coverage of 39.8% which is considered more than acceptable within Policy Area 13.</p> <p><u>Floor area ratio:</u></p> <p>Complies Dwelling (1) = 0.50</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The proposed development provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</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 14</i></p>			<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p>Complies</p>
<p>Private Open Space</p>			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			
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>Complies</p> <p>Dwelling (1): 77.9 m² = 25.8%</p> <p>The area of private open space area for Dwelling (1) is directly accessible from a living room.</p> <p>Partially Complies</p> <p>Dwelling (1): provides minimum dimensions of POS which range between 5.9 metres x 3.7 metres and 4.3 metres x 9.5 metres in area with negligible gradient.</p> <p>Note: The area of POS provided in relation to Dwelling (1) is nonetheless considered useable despite measuring less than 5.0 metres x 5.0 metres in dimension.</p>
<p><i>Residential Zone: PDC 7</i></p>			<p>Complies</p> <p>Dwellings (2) & (3): 50.5 m² = 21.2%</p> <p>The areas of private open space for Dwellings (2) & (3) are to be directly accessible from living rooms.</p> <p>Complies</p> <p>Dwellings (2 & 3) provides an area of POS with minimum dimensions measuring 5.1 metres x 9.9 metres with negligible gradient.</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>g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 6.7 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>

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

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

General Section: Design and Appearance: PDC 22

Partially Complies

Dwelling (1) : 6.7 metres when measured from the main face of the dwelling.

(The land to the west is currently vacant whilst the semi-detached dwellings to the east of the subject land are setback approximately 7.2 metres from the front property boundary)

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

Nonetheless, the proposed front setback of 6.7 metres is considered to be similar to that of new dwellings within the locality. As such, the proposed front setback of Dwelling (1) is considered to contribute positively to the function, appearance and desired character of the locality.

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

It is considered that the habitable rooms of all dwellings are adequately separated from pedestrian and vehicle movement either by being well setback to the rear of dwellings or satisfactorily screened by landscaping and solid boundary fencing.

Side Setbacks

Minimum setback from side boundaries:

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

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

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

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 6

Complies

Dwelling (1) = 0.9 m (from western and eastern side boundaries)
Dwelling (2) = 0.9 m (from western boundary)
Dwelling (3) = 0.9 m (from eastern boundary)

(Note: The wall heights of the single storey sections of all dwellings measure 2.7 metres in height)

Complies

The upper level section of Dwelling (1) will be setback 3.9 metres from the adjacent western side boundary and 5.6 metres (when including the width of the driveway) from the adjacent eastern side property boundary.

(Note: The wall height of the two storey detached dwelling measures 5.75 metres in height).

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). 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>Does Not Comply</p> <p>Dwellings (2) & (3) = 5.1 metres</p> <p>Whilst the proposed rear setback of Dwellings (2) and (3) do not meet the minimum 6 metre distance required for single storey dwellings, it is considered that each dwelling is provided with well dimensioned and compliant areas of private rear open space. Given this, the shortfall in the rear setback of each dwelling is considered acceptable.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback does not comply with the quantitative criteria, the separation achieved from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is therefore 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>Dwelling (1) will incorporate a maximum building height of approximately 7.5 metres.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies</p> <p>Dwellings (2) & (3) to the rear will be single storey in height.</p>

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The garages of all three dwellings incorporate a roof form, materials and detailing which complements the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter	Value
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)

Complies

Complies

Complies

Complies

Complies

The garage of Dwelling (1) is to be set back 7.2 metres from the front property boundary and 500mm behind the main face of the dwelling.

Complies

The garage wall of Dwelling (1) is to be set back 900 mm from the western side boundary.

Complies

The double garage of Dwelling (1) measures 5.1 metres in width or 38 per cent of the width of the front façade of the dwelling.

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

General Section: Residential Development: PDC 13

Complies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

The proposed two storey detached dwelling provides 4 on-site car parking spaces with two undercover spaces within the garage and two visitor's spaces within the driveway.

Complies

The proposed group dwellings to the rear each provide 2 on-site car parking spaces comprising one undercover space per dwelling and one visitor's space located forward of each garage.

Detached Semi-detached Row	<u>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</u> 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.		This results in the overall provision of 6 on-site car parking spaces for the three dwellings which complies with the requirements set out opposite.
Multiple dwelling	0.7 per bedroom		
Table Mar/2 - Off-street Vehicle Parking Requirements.			
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>			<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) The subject land is suitably located within close walking distance to public transport (i.e. bus) which is accessible along Marion Road to the east of the subject land.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) e) one (1) on-street car parking space 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 for Dwellings (2) and (3) are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
Access			
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>			<p>Does Not Comply</p> <p>The width of the double driveway crossover proposed for Dwelling (1) will measure 5.5 metres thereby exceeding the prescribed maximum width by 500mm.</p> <p>Complies</p> <p>The driveway crossover servicing Dwellings (2) and (3) to the rear already exists and is to be re-used without additional modifications.</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 new vehicle crossover for Dwelling (1) is to be located well clear of any existing Council street trees or public infrastructure.</p>
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p>			<p>Complies</p> <p>The width of the driveway servicing Dwellings (2) and (3) measures 3.0 metres in width at the street property boundary thereby complying with the requirements prescribed opposite.</p> <p>All other requirements associated with the this driveway comply with the requirements set out opposite including the provision of 500 mm landscaping strips located on either side of the driveway.</p>
Dwellings served	Trafficable width (metres)		Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		
	Arterial roads	Other roads	Width beyond first 6 metres
1 – 3	6	3	3
			0.5
General Section: Residential Development: PDC 41			

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

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a minimum distance of 9.8 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

The proposed two storey dwelling to the front of the subject land (being the most visible from the street) reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:

- Mixture of brick, horizontal and vertical cladding which are also to be rendered
- Stepping of the front façade to help minimise building height, mass and proportion when viewed from the street
- The incorporation of a protruding portico structure across the front of the dwelling.
- An eave overhang measuring 600 mm out from external walls of the dwelling
- A colorbond clad roof which is to be set at a 22.5 degree roof pitch
- Fenestration

The two storey dwelling to the front of the subject land will incorporate a 22.5 degree Colorbond roof in "Magnum", with rendered facades.

The garage attached to the dwelling features two separate single width panel lift door to be finished "Beige" in colour. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the two storey dwelling will feature rendered wall sections together with the incorporation of high level glass panels and windows to avoid extensive areas of uninterrupted walling exposed to public view.

The single storey group dwellings located to the rear will incorporate Hebel panelling to external walls which will have a rendered finish – "Jasper" in colour.

The dwellings to the rear will also incorporate a 22.5 degree Colorbond roof, "Surfmist" in colour.

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

Relationship to the Street and Public Realm

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

Complies

Dwelling (1) to the front of the subject land has been designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

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

The front and side elevations of (Dwelling 1) feature a mixture of face brick and rendered 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

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

a) The 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.

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

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

Noise

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

General Section: Residential Development: PDC 30

Complies

Vehicles entering the shared driveway along the eastern side of the subject land at night have the potential to shine their lights onto the north facing bedroom windows of Dwelling (3) as this window comprises a high level window. That having been said, it is noted that medium level landscaping is to be placed to the front of these windows which would further help to minimise sound and light impacts associated with vehicles entering and leaving the rear of the site at night.

Alternatively, the future residents of the dwellings to the rear may opt to draw their blinds at night or even install external shutters to these windows. Nonetheless, I am of the opinion that the proposed landscaping located to the front of the windows of the main bedroom of Dwelling (3) should in time provide sufficient "shielding" to help minimise external noise and light intrusion as envisaged by PDC 29.

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) The application plans have been amended to provide a common letterbox facility for the two dwellings to the rear which is to be located adjacent the entrance to the common driveway.
- b) Not applicable, as the development does not contain more than 6 dwellings.
- c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access through their individual garages to rear garden areas. 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

All three 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.

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

All three dwellings are to incorporate a hipped roof form set at a 22.5 degree pitch which will incorporate north-facing sloping roof sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The engineered site works and drainage plan submitted with the application indicates that retaining walls varying in height between 250 to 350 millimetres may be required along the side and rear boundaries of the subject land. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum height ranging between 2.0 to 2.15 metres.

This fencing/retaining wall height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land. As such, the proposed height of the fencing is considered acceptable.

TABLE DISCUSSION

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

- Site Coverage Dwellings (2) & (3)

Site Coverage

As identified above, the site coverage achieved in relation to proposed Dwellings (2) and (3) to the rear of the subject land both exceed the required maximum provision of 40% within Northern Policy Area 13, with both dwellings achieving a site coverage of 57.5%. Whilst these dwellings both exceed the 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 each dwelling achieves a high level of compliance with the quantitative criteria identified above. Whilst exceeding the requirements set out within the Council's Development Plan, it is considered that the site coverage achieved in respect to the two single storey group dwellings 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 Dwellings (2) and (3) comprise group dwellings and therefore cannot be regarded as a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity. Consequently, subject to satisfying other Development Plan criteria, the excess in site coverage is not considered to be fatal to the overall merits of the subject application.

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.

Whilst it is noted that the proposal results in some quantitative shortfalls, a majority of these represent only minor departures from the Development Plan. The shortfalls have been assessed in relation to the extent of departure from Development Plan criteria and the respective consequences, taking into account the characteristics of the subject land and locality. This assessment has demonstrated that the shortfalls are not of such severity so as to jeopardise the functionality of the proposed development, nor to detract from the amenity of adjacent land or the character of the locality.

As such, 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. Furthermore, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to the deposit of the Plan of Division for the associated land division applications (100/D091/16 and 100/C092/16).

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: 100/2016/439 to demolish an existing dwelling and construct three dwellings comprising a two storey detached dwelling and two single storey group dwellings with associated car parking and landscaping at 13 Travers Street, Sturt, be GRANTED following the deposit of the plan of division for Land Division Applications 100/D091/16 and 100/C092/16, and subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the amended plans and details stamped dated received 4 August 2016 and 9 May 2016 together with the Engineered Site and Drainage plan prepared by SCA Engineers stamped dated received 5 May 2016 all submitted with and forming part of Development Application No. 100/2016/439, 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. 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

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