

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 18 MAY 2016**

- 1.1 PRESENT**
- 1.2 APOLOGIES**
- 1.3 IN ATTENDANCE**
- 1.4 COMMENCEMENT**
- 2. APPLICATIONS:**
  - 2.1 CAPELLA DRIVE, HALLETT COVE**  
To erect six light towers at the Capella Reserve  
DAP180516 – 2.1.....1
  - 2.2 21 JACOB STREET, MARION**  
To construct a pair of two storey semi-detached dwellings, one of which incorporates a garage wall along the northern side boundary  
DAP180516 – 2.2.....29
  - 2.3 19 ALLAMBEE AVENUE, EDWARDSTOWN**  
To construct two (2), two storey dwellings, incorporating garage walls along the northern and southern boundaries  
DAP180516 – 2.3.....69
  - 2.4 11 SKINNER STREET, ASCOT PARK AND 13 LINDA STREET, ASCOT PARK**  
A single storey detached dwelling incorporating a garage wall located along the southern boundary, swimming pool and boundary realignment  
DAP180516 – 2.4.....113
- 3. OTHER BUSINESS:**
  - 3.1 APPEALS UPDATE**
  - 3.2 POLICY OBSERVATIONS**
- 4. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 18 MAY 2016**
- 5. CLOSURE**

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 18 May 2016**

<b>Agenda Ref No:</b>	<b>DAP180516 – 2.1</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Andrew Fry</b>
<b>Development Description:</b>	<b>To erect six light towers at the Capella Reserve</b>
<b>Site Location:</b>	<b>Capella Drive, Hallett Cove</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Southern Policy Area 18</b>
<b>Application Type:</b>	<b>Category 3 / Consent</b>
<b>Lodgement Date:</b>	<b>19/01/2016</b>
<b>Development Plan:</b>	<b>Consolidated – 3 December 2015</b>
<b>Application No:</b>	<b>100/2016/65</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

---

**CATEGORISATION & DELEGATION**

The subject application is a Category 3 form of development by virtue of the proposal not meeting the criteria of Parts 1 or 2 of Schedule 9 of the Development Regulations, 2008 as Category 1 or 2 forms of development. As the proposal cannot be considered minor in nature, pursuant to clause 2(g) of Part 1, the application has been processed as a Category 3/Consent 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.

**BACKGROUND**

The Council has recently committed the use of the Capella Drive Reserve to the Hallett Cove Soccer Club for the use of sports training and matches. The incumbent user of the site, a cricket club, is to use other facilities nearby.

## SUBJECT LAND & LOCALITY

The land subject to the proposal is situated over four parcels, being Lots 802 and 803 of Deposited Plan 10693, Lots 806 and 807 of Deposited Plan 10703 and Lot 498 of Deposited Plan 22359.

The land spans an area of some 100,000 square metres and incorporates an undulating topography grading down to the south-west.

A large, benched, turfed sporting area of some 16,000 square metres is currently accommodated centrally within the site. A small sports clubroom is situated to the immediate north-east.

Various trees are planted throughout the site, some of which may be classified as Regulated pursuant to the Development Regulations, however, there are no Regulated trees that are to be compromised as a result of the proposed lighting towers.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to erect six lighting towers, for the purpose of providing activity during non-daylight hours for soccer training.

It is intended for the lights to be operational during the months of the year when sunlight after typical business hours is limited.

As such, the applicant has confirmed that the lighting will be used for training only, between the hours of 5:00pm – 9:00pm Monday to Friday, during the months of March through to October.

All light towers incorporate a height of 18 metres above the existing playing surface, however, due to the sloping topography of the land on the eastern side of the sporting pitch, the north-eastern tower will incorporate a height of approximately 15 metres, whilst the south-eastern tower will incorporate a height of approximately 20 metres.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	37 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	4 representations (2 in favour and 2 against) were received by Council.
<b>Persons wishing to be heard:</b>	One representor, Mrs Joanne Bell has identified that Mr Michael King will present to the DAP on her behalf.
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>• Light spill</li><li>• Loss of view;</li><li>• Noise impacts;</li><li>• Excessive car parking.</li></ul> <p><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	A response to the representations has been received via email and is included in Attachment V.

## INTERNAL DEPARTMENT COMMENTS

<b>Open Space:</b>	Whilst some plans may refer to two soccer pitches on the land, the placement of such pitches will require further consideration of Council (due to earthworks and costs involved). As such, any documents that refer to two pitches on the land are indicative only and do not form part of the subject application.
--------------------	--

## ZONE & POLICY AREA ASSESSMENT

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

### Residential Zone

#### **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.*

#### **Principles**

- 1 The following forms of development are envisaged in the zone:  
...small scale non-residential uses that serve the local community, for example:  
...open space  
...recreation areas*
- 4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:*
  - (a) primarily serves the needs of the local community*
  - (b) is consistent with the character of the locality*
  - (c) does not detrimentally impact on the amenity of nearby residents*

### Southern Policy Area 18

#### **Objectives**

- 1 A policy area primarily comprising low scale, low to medium density housing.*
- 2 Development that minimises the impact of garaging of vehicles on the character of the locality.*
- 3 Development that reflects good residential design principles.*
- 4 Development that contributes to the desired character of the policy area.*

#### **Desired Character**

*This policy area encompasses the generally established residential areas in the suburbs of Hallett Cove (east of the Adelaide-Seaford railway), Sheidow Park (north), and Trott Park. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1970s which incorporate generous front and rear setbacks.*

*The desired character of the policy area is an attractive residential area comprising predominantly single-storey, low density dwellings exhibiting a variety of architectural styles. Future development of vacant land within the policy area will contribute to a mix of housing densities and housing types to improve housing diversity.*

*New buildings will minimise alteration of the natural or existing landform. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.*

<p><i>Buildings should not exceed two storeys in height and sloping sites should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>		
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Does Not Comply</b>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<b>Does Not Comply</b>
PDC 3	<p><i>Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.</i></p>	<b>Partially Complies</b>

## Assessment

The six (6) lighting towers proposed will enable non-daylight hours use of the existing sporting facility for training purposes.

Whilst the proposed development does not satisfy the applicable Objectives, Desired Character and Principles of the Southern Policy Area, open space and recreation areas are nonetheless an envisaged use within the Residential Zone. As such, the installation of the lights will assist in the extended use of the existing facility through non-daylight hours, and provides a growing sporting club additional training facilities within the local area (competition matches will be held at the ground; however, only during daylight hours).

As such, despite the proposed structures not being an intended form of development in the Policy Area, it is my view that subject to ensuring that no unreasonable impacts upon adjoining land occur, the proposed lighting towers are an acceptable form of development within the Residential Zone.

The existing turfed sporting surface is situated several metres (approximately 3 – 12 metres) below the adjoining public road network, and no less than 35 metres from the nearest residential properties on Capella Drive.

Due to the slimline nature of the lighting towers, size of the land and level of separation from adjacent residential dwellings, the visual impact of the proposed towers, albeit partially visible, should be relatively minor throughout the daylight hours when lighting is not required.

In terms of light spill (when the lights are operational) the Australian Standard AS4282 regarding obtrusive light recommends that no reading should exceed 10 lux on neighbouring properties.

According to the lux plan provided, the projected light spill impact upon neighbouring land will be no greater than 1.6 lux, measured at those properties on Capella Drive.

Therefore, it is my opinion that the likely impact upon the neighbouring residential amenity is minimal and acceptable as the visual impact of the slimline tower structures will be relatively minor, whilst the maximum light spill projections are well below the levels permitted under the Australian Standard.

## 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> <ul style="list-style-type: none"><li><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></li><li><i>(b) noise</i></li><li><i>(c) vibration</i></li><li><i>(d) electrical interference</i></li><li><i>(e) light spill</i></li><li><i>(f) glare</i></li><li><i>(g) hours of operation</i></li><li><i>(h) traffic impacts.</i></li></ul> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<b>Complies</b>
<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>	<b>Complies</b>
<p>The proposed lighting towers will result in some light spill onto adjacent land surrounding the reserve. However, the projected extent of light spill (as noted by the lux plan) shall not exceed 1.6 lux in relation neighbouring residential property boundaries, although most of the readings suggest a lower level.</p> <p>Given the Australian Standard AS4282 regarding obtrusive light spill endorses a 10 lux limit on neighbouring properties, the projected impact upon the neighbouring land during operation is acceptable.</p> <p>Notwithstanding the proposed light towers will be much taller than most other buildings and structures within the locality, the application seeks use of the lights until 9.00pm Monday to Friday for training purposes only. This is within accepted waking hours of 7:00am – 10:00pm. Therefore, due the moderate extent of light spillage caused and limited operating times, it is my opinion that the use of the lighting towers as proposed, will not result in unreasonable negative impact upon existing residential properties.</p> <p>For these reasons the proposal is considered to accord sufficiently with the relevant provision relating to 'Interface Between Land Uses'.</p>	
Open Space and Recreation	
<p><i>Buildings in open space, including structures and associated car parking areas, should be designed, located and of a scale that is unobtrusive and does not detract from the desired open space character.</i></p> <p><i>General Section: Open Space and Recreation: PDC 10</i></p>	<b>Complies</b>
<p><i>Recreation facilities development should be sited and designed to minimise negative impacts on the amenity of the locality.</i></p> <p><i>General Section: Open Space and Recreation: PDC 15</i></p>	<b>Complies</b>

The proposed towers maintain a slimline appearance, with a height of up to 18 metres above the existing playing surface; which is typical of more contemporary lighting systems surrounding large sporting areas, particularly the size of a football field.

In my view, the towers will not detract from the open space character of the locality, as the towers will not substantially inhibit view of the sporting field, nor the vegetated area surrounding.

Notwithstanding the proposed light towers will be notably taller than other structures in the locality, the circumstances of the site including vegetation and level of separation from the nearest neighbouring dwellings located on surrounding streets, should provide a sufficient buffer, both visually and in relation to light spill to sufficiently minimise negative impacts on the amenity of the locality.

The proposed lights will provide additional facilities for a sporting club outgrowing their current available space. The lights will ensure the longevity of the site for organised sporting events and training, making greater use of a public asset.

For these reasons the proposal sufficiently accords Principles 10 and 15 in relation to Open Space and Recreation.

## 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*

The proposed lighting complements Crime Prevention principles, as the lighting shall maximise surveillance on the subject land during operation, and encourage use outside daylight hours.

## REPRESENTOR'S CONCERNS

The representors have raised concern in relation to light spill, noise, car parking and loss of view.

Through this report it has been identified that light spill adequately complies with the applicable Australian Standard. Further, the use of the lights (between 5:00pm – 9:00pm) will occur well within accepted waking hours (7:00am – 10:00pm), and as such, no unreasonable impacts upon adjoining land should occur.

It is appreciated the installation of lights will enable use of the sporting facility during non-daylight hours. However, it is intended for the lights to be used for training purposes only, and as such, whilst there is to be some noise associated with these activities; communication between coaches and players, the (possible) use of whistles and the coming and going of vehicles, such noise is likely to be intermittent and not of such a volume to be offensive to occupiers of neighbouring dwellings.

At present, there are approximately 18 car park spaces on site. Whilst this is unlikely to accommodate the expected number of vehicles accessing the site for training, there is ample on-street parking (over 35 spaces) on the eastern side of Capella Drive to accommodate the anticipated number of vehicles accessing the site during non-daylight hours.

In this regard, it should be noted the existing sporting facility is already utilised by sporting clubs during daylight hours for organised matches, and as such, in terms of car parking, the proposed towers will not increase demand for car parking, but rather enable use of the facility (and therefore the parking of vehicles) during non-daylight hours.

Given there is ample on-street parking to accommodate any overflow parking from the on-site parking area, I am of the view that no unreasonable impacts will occur to adjacent residential properties as a result of car parking during non-daylight hours.

Whilst the light towers will be visible from adjacent residential properties, the slimline nature of the structures will not grossly mar the outlook, nor the available vista from those dwellings. The towers will be located no closer than 35 metres from the nearest residential property, and as such, I am satisfied that a minimal impact upon the amenity of these properties will result from the visibility of the proposed structures.

---

## ANALYSIS/CONCLUSION

The six (6) lighting towers proposed will enable non-daylight hours use of the existing sporting facility for training purposes.

Whilst the proposed development does not satisfy the applicable Objectives, Desired Character and Principles of the Southern Policy Area, open space and recreation areas are nonetheless an envisaged use within the Residential Zone. As such, the installation of the lights will assist in the extended use of the existing facility through non-daylight hours, and provides a growing sporting club additional training facilities within the local area.

Due to the slimline nature of the lighting towers, size of the land and level of separation from adjacent residential dwellings, the visual impact of the proposed towers, albeit partially visible, should be relatively minor throughout the daylight hours when lighting is not required.

In terms of light spill (when the lights are operational) the Australian Standard AS4282 regarding obtrusive light recommends that no reading should exceed 10 lux on neighbouring properties.

According to the lux plan provided, the projected light spill impact upon neighbouring land will be no greater than 1.6 lux, measured at those properties on Capella Drive.

Therefore, it is my opinion that the likely impact upon the neighbouring residential amenity is minimal and acceptable as the visual impact of the slimline tower structures will be relatively minor and the maximum light spill projections are well below the levels permitted under the Australian Standard.

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

---



## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2016/65 to erect six light towers at the Capella Reserve at Capella Drive, Hallett Cove be GRANTED subject to the following conditions:**

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/65, except when varied by the following conditions of consent.**
- 2. All external lighting 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.**
- 3. The maximum operable days and times the lights herein approved shall be limited to Monday to Friday (inclusive): 5:00pm to 9:00pm.**

## NOTES

- 1. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

## Attachments

<i>Attachment I:</i>	<i>Deposited Plans</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; 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 18 May 2016

<b>Agenda Ref No:</b>	<b>DAP180516 – 2.2</b>
<b>Originating Officer:</b>	<b>Kristen Sheffield Development Officer - Planning</b>
<b>Applicant:</b>	<b>Tk Building Design</b>
<b>Development Description:</b>	<b>To construct a pair of two storey semi-detached dwellings, one of which incorporates a garage wall along the northern side boundary</b>
<b>Site Location:</b>	<b>21 Jacob Street, Marion</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>28/10/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2015</b>
<b>Application No:</b>	<b>100/2015/1988</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

---

### CATEGORISATION & DELEGATION

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

In addition, the subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 320 square metres required for semi-detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

### BACKGROUND

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

Amendments Requested	Amendments Made
Reorientate Lot (dwelling) 2 to present to Alison Avenue.	Lot (dwelling) 2 reorientated from presenting to Jacob Street to Alison Avenue.
Reduce site coverage where appropriate.	Site coverage reduced by 1.2% overall.
Increase front setbacks to a minimum of 5 metres.	Front setbacks increased to 5 metres.
Increase lower and upper level rear setbacks to meet councils policies.	Lower level rear setbacks increased to be reflective of Councils policies. Upper level setbacks increased to meet/exceed minimum requirements.
Increase upper level southern side setback of Lot 1.	Upper level southern side setback increased from 0.9 metres to 1.7-1.9 metres
Provide further articulation to the dwellings through an increased material/colour palette.	Schedule of colours and materials provided.

## SUBJECT LAND & LOCALITY

The subject site is located at 21 Jacob Street, Marion. The land comprises a corner allotment, of regular shape, with a southern primary street frontage to Jacob Street of 16.891 metres, a western secondary street frontage to Alison Avenue of 27.432 metres, and a total site area of 605 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached carport from Alison Avenue, while an additional double width crossover provides vehicular access to a freestanding garage. Several other ancillary structures are located to the rear of the existing dwelling. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

A regulated Lemon Scented Gum (*Corymbia citriodora*) is sited within the Council verge between 21 Jacob Street and 49 Oakleigh Road.

The locality is characterised by a predominance of single storey detached dwellings on large regular-shaped allotments to the north and west of the subject land. To the south and east of the site, along the northern side of the Sturt River Linear Park, a majority of allotments comprise medium density residential flat buildings.

A large Council reserve (Alison Reserve), Marion Primary School and Westminster Secondary School are sited 200 metres north of the site. While a Neighbourhood Centre Zone, including a service station, consulting rooms, supermarket, Marion Hotel, specialty shops and take-away food outlets, is sited on both sides of Marion Road, some 350 metres walking distance to the north-east of the subject site.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct two, two storey semi-detached dwellings with associated car parking and landscaping; both incorporating a primary frontage to Alison Avenue.

The ground floor proposal for each dwelling features a double garage, a main bedroom with ensuite and WIR, a separate WC, laundry and open-plan kitchen, living and dining areas (as well as a study to Dwelling 1). The upper level of each dwelling comprises three bedrooms and a bathroom.

Dwelling 1 provides four on-site parking spaces (two within the garage and two visitor parking spaces in the driveway), while provision of 3 on-site car parks for Dwelling 2 is observed (two within the garage and one visitor space). The front yard areas of each dwelling include landscaping with a combination of small shrubs and ground covering vegetation.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	26 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	3 representations were received by Council.
<b>Persons wishing to be heard:</b>	1 representor has indicated a desire to be heard; 47 Oakleigh Road, Marion.
<b>Summary of representations:</b>	<p><b>9/14 Jacob Street</b></p> <ul style="list-style-type: none"> <li>• Preservation of local trees, within the limits of what is reasonable and/or possible.</li> </ul> <p><b>19 Jacob Street</b></p> <ul style="list-style-type: none"> <li>• Concerns regarding overlooking from upper level windows of the proposed dwellings allowing a view into their dwelling, front yard and a portion of the rear yard.</li> <li>• Concerns regarding inadequate boundary fence heights reducing privacy from proposed dwellings.</li> <li>• Increased noise levels due to the changed orientation of dwellings, as well as potential increase in number of residents and their visitors.</li> <li>• Adverse impacts on the light available to this property, blocking afternoon sun to the western rooms of the dwelling.</li> <li>• Concerns regarding overshadowing of solar panels located on the northern side of the roof.</li> <li>• Concerns regarding potential damage caused during demolition of the existing dwelling and other structures and construction of the proposed dwelling.</li> <li>• Style of development, including bulk and scale of the dwellings, is out of character with the locality.</li> </ul> <p><b>47 Oakleigh Road</b></p> <ul style="list-style-type: none"> <li>• Concerns regarding overlooking from upper level windows of the proposed dwellings into the back yard.</li> <li>• Increase in on-street parking may reduce safety on an already busy intersection of Jacobs Street and Alison Avenue.</li> <li>• Concerns regarding increased traffic.</li> </ul> <p><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<p><b>Visual Privacy</b></p> <ul style="list-style-type: none"> <li>• Upper level windows of the proposed development incorporate glazing with sill heights of 1.7 metres above the upper floor level to prevent overlooking into neighbouring properties.</li> </ul>

	<p><b>Vehicle Parking</b></p> <ul style="list-style-type: none"> <li>On-site car parking provided exceeds Development Plan requirements.</li> <li>Off-street car parking increasing from existing conditions, with no on-site visitor parking currently available.</li> </ul> <p><b>Design and Appearance</b></p> <ul style="list-style-type: none"> <li>A range of materials, finishes and setbacks provide appropriate articulation. Jacob Street elevation has been designed to address the secondary street frontage including an upper level window oriented towards Jacob street.</li> </ul> <p><b>Demolition/Construction</b></p> <ul style="list-style-type: none"> <li>The demolition will be completed by suitably qualified professionals adhering to industry best practices. Care will be taken when dismantling the part of the existing rear verandah connected to a section of the western wall of 19 Jacob Street. Construction of the proposed dwellings will be completed by licensed contractors adhering to industry best practices.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>
--	--

## INTERNAL DEPARTMENT COMMENTS

<b>Councils Arborist:</b>	A minimum 5 metre Tree Protection Zone (TPZ) should be maintained from the Regulated street tree (Lemon Scented Gum- <i>Corymbia citriodora</i> ). This has been reflected in recommended conditions of consent.
---------------------------	--

## 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><b>Objectives</b></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>
Northern Policy Area 13
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating 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 contributes to the desired character of the policy area.</p>

### **Desired Character**

*The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.*

*Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.*

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"><li>▪ affordable housing</li><li>▪ detached dwelling</li><li>▪ group dwelling</li><li>▪ residential flat building</li><li>▪ row dwelling</li><li>▪ <b><u>semi-detached dwelling</u></b></li><li>▪ supported accommodation.</li></ul>	<b>Complies</b> As listed opposite, semi-detached dwellings are an envisaged form of housing type within Northern Policy Area 13.
PDC 3	<i>Minimum Site Area: 320m<sup>2</sup></i>	<b>Does Not Comply</b> Lot 1: 302.5m <sup>2</sup> Lot 2: 302.5m <sup>2</sup>
	<i>Minimum Frontage: 9m</i>	<b>Complies</b> Lot 1: 15.17m Lot 2: 16.891m
	<i>Minimum Depth: 20m</i>	<b>Does Not Comply</b> Lot 1: 19.939m Lot 2: 19.939m

### Assessment

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

A minimum site area of 320 square metres is prescribed for semi-detached dwellings in the Northern Policy Area 13. Each allotment comprises a site area of 302.5 square metres, which equates to a shortfall of 17.5 square metres (5.5%). In my view, this shortfall is not considered to represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application.

A site depth of 19.939 metres is observed for each dwelling, where a minimum of 20 metres is prescribed. However, it is noted that the proposed allotments incorporate frontage widths substantially exceeding the minimum requirement of 9 metres. Accordingly, the dwellings have been designed to take advantage of the width of the allotment, with the shortfall in site depth is not readily apparent.

Fundamentally, in my view, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the minor shortfalls in site area and depth do not jeopardise the underlying merit of the proposal. The proposed development is considered to

appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>Lot 1: 46.7% (141.4m<sup>2</sup>)</p> <p>Lot 2: 43.7% (132.3m<sup>2</sup>)</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Complies</b></p> <p>Lot 1: 0.51 (155.7m<sup>2</sup>)</p> <p>Lot 2: 0.5 (151.4m<sup>2</sup>)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></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> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><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></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><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> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <p>a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling.</p> <p>b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) Traffic, industry or other business activities should not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p>

	<p><b>Partially Complies</b></p> <p>e) The POS areas of Lot 2 are located next to a bedroom of the dwelling on the adjacent site to the east. However, the main area of POS is adjacent the front yard of this dwelling, minimising amenity impacts upon this bedroom.</p> <p>f) The proposed POS areas maintain an easterly aspect.</p>
<p><b>Site Area 250 m<sup>2</sup> or greater:</b></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><b>Complies</b></p> <p>Lot 1: 23.8% (71.9m<sup>2</sup>)</p> <p>Lot 2: 30.7% (92.9m<sup>2</sup>)</p>
<b>Street Setbacks</b>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p><b>Complies</b></p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
<p><i>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Lot 1: 5m</p> <p>Lot 2: 5m</p>
<p><i>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Lot 2: 3.002m</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>



## Side Setbacks

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

- (a) the walls should not abut more than one side allotment boundary*
- (b) a wall from an adjacent dwelling already exists on the boundary:*
  - (i) be located immediately abutting the adjacent wall*
  - (ii) be constructed to the same or to a lesser length and height as the adjacent wall*
  - (iii) be setback 2 or more metres behind the main face of the adjacent dwelling*
- (c) no wall exists on the adjacent boundary:*
  - (i) be setback 2 or more metres behind the main face of the adjacent dwelling*
  - (ii) not exceed 6 metres in length*
  - (iii) not exceed 3 metres in height*
  - (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window*
- (d) adjoining communal open space or a public reserve, not to exceed*
  - (i) 50 per cent of the length of the boundary*
  - (ii) 4 metres in height.*

*General Section: Residential Development: PDC 38*

### **Partially Complies**

- a) Lot (dwelling) 1 Abuts both side boundaries. However, it is noted that the dwelling must abut Lot (dwelling) 2 on its southern side boundary to comprise a semi-detached dwelling, and therefore the southern boundary wall is inevitable. Whether boundary-to-boundary development is acceptable should therefore be determined by the length/height of the wall on the existing (northern) side boundary.

### **Does Not Comply**

- c) ii) Garage exceeds 6 metres in length

### **Complies**

- c) iii) Garage wall does not exceed 3 metres in height
- c) iv) Not sited closer than 2.5 metres to a habitable room window.

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

- (a) the visual impact of the building as viewed from adjacent properties*
- (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.*

*General Section: Design & Appearance: PDC 2*

### **Complies**

The proposed boundary wall does not result in significant visual impacts of overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

## Rear Setbacks

*6 metres for a single storey dwelling*

*Residential Zone: PDC 7*

### **Partially Complies**

Lot 1: 3m- 6.939m  
Lot 2: 3.009m- 6.009m

*8 metres for a 2 or more storey dwelling*

*Residential Zone: PDC 7*

### **Complies**

Lot 1: 8m  
Lot 2: 8.299m

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

- (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary*
- (b) a minimum of 8 metres for two storey components of dwellings*

*General Section: Residential Development: PDC 37*

### **Complies**

Lot 1: 3m- 6.939m  
Lot 2: 3.009m- 6.009m

## Building Height

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

*Residential Zone: PDC 7*

### **Complies**

The proposed dwellings incorporate a maximum building height of 8.31 metres and 7.49 metres (for dwellings 1 and 2 respectively) from the natural ground level, which is less than the maximum permitted in the Policy Area.

## Garages, Carports and Outbuildings

*Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:*

*Minimum setback from primary road frontage:  
8 metres for a freestanding structure.  
5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.*

*Minimum setback from secondary road frontage:  
5.5 metres for a single-width structure.  
Not less than the specified setback of the associated dwelling for a double-width structure.*

*Residential Zone: PDC 8*

### **Complies**

The garage of each dwelling is set back at least 5.5 metres from the primary road frontage and 0.5 metres behind the main face of the associated 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 12*

### **Complies**

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

*General Section: Residential Development: PDC8*

### **Complies**

The proposed garages are located under the main roof of each dwelling and as such incorporate materials and detailing which complement the associated dwelling.

*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.*

*Residential Zone: PDC 6*

### **Complies**

## 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.*

*Residential Zone: PDC 7*

### **Complies**

Both dwellings feature four bedrooms and at least 3 on-site car parking spaces (two of which are covered).

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
- c) The likely occupants are anticipated to have standard mobility and transport requirements.
- d) e) 3 on-street car parking spaces shall remain available adjacent the subject land.

### **Partially Complies**

- b) The subject land is located within reasonable proximity to public transport, but this proximity is not of such convenience to warrant a dispensation in on-site parking.

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p> <p>3 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>Lot 2: 4m</p> <p><b>Partially complies</b></p> <p>Lot 1: 6m (existing crossover exceeds 10 metres)</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p> <p>In addition, a 5 metre tree protection zone from the Regulated council tree (Lemon Scented Gum- <i>Corymbia Citriodora</i>), is maintained by the proposal, with stormwater pipes deviated around the TPZ.</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><b>Complies</b></p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<h2>Design &amp; Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a satisfactory presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of brick and render on the front façade</li> <li>• Stepping of upper and lower storeys to minimise building height, mass and proportion</li> <li>• Protruding portico</li> <li>• Eave overhang and pitched roof form at 25-degree slope</li> <li>• Fenestration</li> </ul> <p>The proposed materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwellings feature a mixture of face brickwork and render as well as stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

#### **Complies**

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

## **Overshadowing**

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

#### **Complies**

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

a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall not be overshadowed by the proposed development.

b) Given that south forms the secondary street boundary, a majority of winter shadow will be cast within the side yard of Lot 2 and over Jacob Street. However, some shadow will be cast into the eastern adjoining property in afternoon hours.

It is noted that the representor of the eastern adjoining property raised concerns regarding overshadowing of the solar panels sited on their northern roof. It is observed that there are no solar panels sited on the roof of this dwelling in Councils current (or previous) aerial photography. Nonetheless, Councils assessment of potential overshadowing demonstrates that the northern roof face of the adjacent dwelling to the east will remain free from shadow from the proposed development. Should the occupants of the adjoining property install solar panels to the northern roof face in the future, the proposed development would not impact upon their productivity.

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

## Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

### Complies

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

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

## Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

*Buildings should be sited and designed 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 main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

### Complies

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

## Landscaping, Fences and Walls

*Development should incorporate open space and landscaping in order to:*

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

*General Section: Landscaping, Fences & Walls: PDC 1*

*Landscaping should:*

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

*General Section: Landscaping, Fences & Walls: PDC 2*

### **Complies**

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

## TABLE DISCUSSION

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

### **Site coverage**

Site coverage exceeds criteria; the Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 46.7% and 43.7% for Lots 1 and 2 respectively.

The excess in building footprint is considered relatively minor in its extent and consequence. This is reinforced by the fact that the dwellings nonetheless provide adequate private open space above the required 20% and appropriate setbacks. Furthermore, the proposal is considered to comply with PDC 13 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.

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

### **Wall length on the boundary**

Walls sited on side/rear boundaries should be designed to not exceed a length of 6 metres and height of 3 metres. While the height of the proposed boundary wall does not exceed criteria, the length of 6.5 metres does. The 0.5 metre excess in length is considered relatively minor in itself; more so when having regard to the position of an existing shed sited on the adjacent property to the north.

Further, it is of worth to note that pursuant to Schedule 4 - 2b of the Development Regulations 2008 ("the residential code"), the subject land could accommodate a dwelling with a wall on the boundary for a length of 8 metres and a height of 3 metres.

---

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to privacy, overshadowing, and increased on-street parking resulting from the proposal, have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

Concerns regarding increased traffic resulting from the proposed development in relation to the location of the busy intersection of Alison Avenue and Jacobs Street are noted. However, it is considered that an additional dwelling will not have a severe increase upon traffic in the locality. Any unauthorised parking in or near the intersection is a matter for Council's Community Safety Inspectorate, falling outside the scope of this assessment given that adequate on-site and authorised on-street car parking is maintained by the proposed development.

---

## ANALYSIS/CONCLUSION

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

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

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

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1988 for the construction of a pair of two storey semi-detached dwellings, one of which incorporates a garage wall along the northern side boundary at 21 Jacob Street, 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. 100/2015/1988, except when varied by the following conditions of consent.
- 2. Prior to commencement of any site works, a "Tree Protection Area", consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected at a distance of 5 metres from the outside of the trunk of the existing street tree to the north west of the site (Lemon Scented Gum- *Corymbia citriodora*). A sign displaying the words "Tree Protection Area" shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. Following substantial completion of the development, the Tree Protection Area may be removed.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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



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

8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

## NOTES

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

## Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; 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 18 May 2016

<b>Agenda Ref No:</b>	<b>DAP180516 – 2.3</b>
<b>Originating Officer:</b>	<b>Nicholas Timotheou Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr Anthony Primavera</b>
<b>Development Description:</b>	<b>To construct two (2), two storey dwellings, incorporating garage walls along the northern and southern boundaries</b>
<b>Site Location:</b>	<b>19 Allambee Avenue, Edwardstown</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>21/09/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1726</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

---

### CATEGORISATION & DELEGATION

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

### BACKGROUND

During the month of November 2015, it was brought to Council's attention by the Environment Protection Authority (EPA) that the subject land was within an area subject to testing for the chemical trichloroethylene (TCE).

In mid-December 2015, the EPA advised that as the land has primarily been used for residential (sensitive use) purposes, they are comfortable with Council continuing the processing of the subject application prior to the results of the EPA testing being available.

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

Amendments Requested	Amendments Made
The proposed driveway/crossover should be relocated to avoid interference with the existing street tree and Stormwater Entry Pit (SEP).	The dwellings have been flipped to achieve 2.5m separation from the Council street tree (Res. 1). Res. 2 will utilise the existing crossover.
Greater articulation was sought to the front façade of the dwellings to reduce garage dominance.	Window features provided to both sides of the front entrance point, floor area of the upper level increased in width to provide for additional habitable windows, inner garage door amended to panel lift door with perspex inserts, hipped roof provided to Bed. 1 and timber posts/render feature removed from balcony.
The front entrance point should be equal to, if not forward of the inner garage door.	Front entrance point shifted forward and in-line with the inner garage.
Additional windows should be provided to the northern elevation of Res. 1 and southern elevation of Res. 2.	High level windows provided.
Windows should be provided to the rear elevations of the dwellings.	High level windows provided
The outer garages and porticos should be amended to a pitched roof.	Outer garage roof amended from parapet to hip end, no changes made to porticos.
Vehicle crossovers should be minimised in width to allow for an on-street parking space.	Crossover locations relocated to allow for one on-street park.
The main face of the dwelling should be setback a minimum 6.0 metres from the front boundary to align with existing dwellings on adjacent land.	Front setback of dwelling increased to 7.2 metres to the main face and 7.8m to the outer garage.
Information Requested	Information Provided
A fully engineered site works and drainage plan.	Engineered plan provided.
Schedule of proposed colours/materials/finishes.	Schedule of proposed colours/materials/finishes provided as part of response to representations.

## SUBJECT LAND & LOCALITY

The subject land comprises 19 Allambee Avenue, Edwardstown. The allotment is rectangular in shape, achieving a frontage width of 18.9 metres, depth of 39.9 metres and a total site area of 754.56 square metres. The site previously accommodated a detached dwelling, which was demolished between the months August 2015 and November 2015.

Vehicular access is currently available from Allambee Avenue, adjacent the southern boundary of the allotment. The contour of the land is relatively flat.

There are no regulated or significant trees on the subject land. Council's Arborist has confirmed that the tree located in front of the property is a *Eucalyptus leucoxylon megalocarpa* (SA Blue Gum). Given the tree achieves a trunk circumference less than 2.0 metres, it is exempt from regulated tree status.

The pattern of development in the locality is typically defined by single storey detached and semi-detached dwellings at low to medium densities. Recent development in the locality displays a presence of detached, semi-detached and group dwellings, single storey in nature.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes the construction of two (2), two storey dwellings, which incorporate garage walls along the northern and southern boundary.

The dwellings incorporate a double garage, guest bedroom, open plan kitchen/meals/family and bathroom at ground level. The upper floors feature three bedrooms, retreat and associated bathroom/ensuite.

The dwellings present to Allambee Avenue and incorporate double garaging to the front façade. Residence 1 will be serviced by a new crossover; whereas Residence 2 seeks to utilise the existing.

The dwellings propose a mixture of colours and materials to the front façade including render, panel lift doors and Colorbond roofing.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	14 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	6 representations were received by Council. Two in favour. two neutral and two against the application.
<b>Persons wishing to be heard:</b>	Mr Elton Law
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>• Overlooking concerns;</li><li>• Concerns regarding shortfall in frontage width;</li><li>• Concerns regarding wall heights;</li><li>• Concerns regarding site coverage;</li><li>• Concerns regarding two storey nature of dwellings;</li><li>• Concerns regarding overshadowing;</li><li>• Concerns regarding the visual impact of garage walls;</li><li>• On-street parking concerns;</li><li>• Traffic safety concerns.</li></ul> <p><i>Refer Attachment IV</i></p>

<b>Applicant's response:</b>	<ul style="list-style-type: none"> <li>Proposed development is comparable to recent and similar development in the locality in terms of site coverage, POS and frontage width;</li> <li>The Policy Area seeks to accommodate a variety of housing forms and styles of up to two storeys in height;</li> <li>Front setbacks are comparable to dwellings on adjoining land and within the locality;</li> <li>The amendments to the front façade are considered to provide visual interest to the streetscape;</li> <li>Proposed upper level setbacks are considered appropriate to allow for natural light to make contact with adjoining land;</li> <li>Shadow cast by the garage of Res. 2 is considered similar to that of garage wall of the now demolished dwelling and mature tree.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>
------------------------------	--

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Council's Engineer has reviewed the proposed development and does not believe that there is an unreasonable traffic safety risk with the proposed additional driveway located in the vicinity of this local street T-junction. The risk will be similar to the neighbouring driveway at 21 Allambee Avenue. Moreover, these locations are allowed by AS 2890.1:2004.
<b>Arborist:</b>	<p>The Council street tree is established and in reasonable health but has an unbalanced structure. The species is <i>Eucalyptus leucoxylon megalocarpa</i> "SA Blue Gum" and is not part of recent planting in Allambee Avenue.</p> <p>Minimum Tree Protection Zone of 2.5 metres is required due to surface roots and the trees crown spread.</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><b>Objectives</b></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>

## Northern Policy Area 13

### Objectives

- 1 A policy area primarily accommodating low scale, low to medium density housing.
- 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.
- 3 Development that contributes to the desired character of the policy area.

### Desired Character

The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ <b><u>detached dwelling</u></b></li> <li>▪ group dwelling</li> <li>▪ residential flat building</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b></p> <p>Detached dwellings proposed</p>
PDC 3	Minimum Site Area: 375 square metres	<p><b>Complies</b></p> <p>Res. 1: 377.3 square metres Res. 2: 377.3 square metres</p>
	Minimum Frontage: 12m	<p><b>Does Not Comply</b></p> <p>Res. 1: 9.45m Res. 2: 9.45m</p>
	Minimum Depth: 20m	<p><b>Complies</b></p> <p>Res. 1: 39.9m Res. 2: 39.9m</p>

### Assessment

The application proposes two (2), two storey dwellings on an allotment that previously accommodated a single storey detached dwelling, increasing the number of dwellings on the land by one. It is acknowledged that the density proposed is in-keeping with other recent development in the locality, which is encouraged by the Objectives and Desired Character statement of the Northern Policy Area 13. Despite there being limited two storey dwellings in the locality, it is acknowledged that the Policy Area welcomes a variety of dwelling types and architectural styles up to two storeys in height to meet a range of accommodation needs.

Despite the shortfall in frontage width, it is acknowledged that there will be no design limitations when viewed from the street. It is noted that the dwellings could be joined by a party wall and thereby satisfy the definition of semi-detached dwellings, which require a minimum 9 metre frontage width. However, it is also acknowledged that providing a level of separation assists in reducing the bulk of the dwellings, benefiting the streetscape elevation. Whilst an increased frontage width would allow for greater landscaping opportunities, the proposal maintains a streetscape elevation that is considered to complement others in the locality.

It is also befitting to acknowledge that clause 2B of Schedule 4 (Complying Development) permits the construction of detached dwellings (single or two storey) “as of right” on allotments which achieve a minimum frontage width of 9.0 metres.

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

---

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>Res. 1: 195 square metres (51.7%) Res. 2: 195 square metres (51.7%)</p> <p>Although site coverage of each allotment exceeds the Development Plan provision by 11.7% for each dwelling, it is acknowledged that this calculation includes the associated alfrescos, which also acts as private open space area. Nonetheless, the dwellings maintain adequate setback to boundaries, achieve a usable POS and allow for vehicle access and parking areas. Accordingly, I am satisfied that the excess in site coverage will not have any unreasonable impacts on the dwellings' ability to function appropriately nor the amenity of adjoining land. This has been demonstrated further by achieving partial compliance with PDC 13 below.</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Complies</b></p> <p>Res. 1: 0.6 Res. 2: 0.6</p>

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Partially Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS and waste storage; however, it is acknowledged that there are additional opportunities to increase landscaping to the front yard area (refer Landscaping, Fences and Walls section of this report).</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><b>Does Not Comply</b></p> <p>Res. 1: 58.1 square metres (15.4%) Res. 2: 58.7 square metres (15.6%)</p> <p>Each proposed allotment provides a similar amount of pervious land; however, a majority of the surface will be developed. Whilst I am satisfied that the dwelling will be able to function efficiently, it is acknowledged that there are opportunities to increase landscaping to the front yard area which would assist in softening the appearance of the dwelling and double garaging at ground level.</p> <p>In terms of stormwater retention/detention, the proposed development will accord with Council's Stormwater Detention Guidelines.</p>
<p><b>Private Open Space</b></p>	
<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"> <li><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></li> <li><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></li> <li><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(d) to minimise overlooking from adjacent buildings</i></li> <li><i>(e) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(f) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(h) to be partly shaded in summer</i></li> <li><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><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></li> </ul> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from a habitable rooms of the associated dwelling.</li> <li>b) All POS is located at ground level to the rear of the dwellings and capable of being screened for privacy.</li> <li>c) The subject land does not maintain natural features which warrant preservation.</li> <li>d) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</li> <li>h) POS areas are capable of being shaded during summer.</li> <li>i) Traffic, industry or other business activities should not affect the subject land.</li> <li>j) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul> <p><b>Does Not Comply</b></p> <p>f) The proposed POS areas maintain an easterly aspect as a result of the existing orientation of the site.</p> <p>Nonetheless, the POS areas will receive adequate natural light throughout morning hours and some northern light throughout the day.</p>



**Site Area 250 m<sup>2</sup> or greater:**

Minimum area of POS: 20% of the site area

Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.

One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.

General Section: Residential Development: PDC 17

**Complies**

Res. 1: 79.38 square metres (21%)

Res. 2: 79.38 square metres (21%)

**Street Setbacks**

Except in areas where a new character is desired, the setback of buildings from public roads should:

(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality

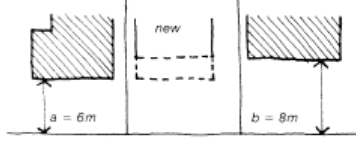
(b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

**Complies**

Dwellings setback 7.25m

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	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

**Complies**

Dwellings setback 7.25m

(Dwellings on adjoining land set back approximately 7 and 8 metres)

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

General Section: Residential Development: PDC 36

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

**Side Setbacks**

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

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

(a) 3 metres if adjacent southern boundary

(b) 2 metres in all other circumstances.

Where the wall height is greater than 6 metres:

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

(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.

Residential Zone: PDC 7

**Complies**

Ground level

Res. 1: 1m/2m

Res. 2: 1m/2m

Upper level (5.85m wall height)

Res. 1:

North side – 2m

South Side – 3m

Res. 2:

North side – 2m

South Side – 3m

	<p><b>Does Not Comply</b></p> <p>Upper level  Res. 1: Bedroom 1 of the upper level setback 2 from the southern side boundary  Res. 2: Bedroom 1 of the upper level setback 2 from the southern side boundary</p> <p>Although a portion of the upper level will be setback 2 metres from the southern boundary, it is my view that the variety in setbacks combined with the windows provided to the upper level will reduce the bulk of the building presenting to adjoining land.</p> <p>This shortfall will be discussed in greater detail below and in the Overshadowing section of this report.</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Complies</b></p> <p>a) each dwelling provides a 1 metre setback along the internal boundary.  b) no wall from an adjacent dwelling exists on the boundary.  c) iii) garage wall height 2.7m in height.  iv) garage walls will be located adjacent the carport/driveway of adjoining land.</p> <p><b>Does Not Comply</b></p> <p>c) i) garage walls will not be located 2 or more metres behind the main face of the adjacent dwelling.  ii) garage walls will be 6.7m in length.</p> <p>Despite the garage walls being located along the northern and southern boundaries, it is acknowledged that they will both be located adjacent the driveway/carport area of adjoining land. Given the primary use of this immediate area is for the parking of vehicles, it is my view the garage walls would not result in unreasonable visual/overshadowing impacts to adjoining land. This will be discussed further in the Overshadowing section of this report.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<b>Rear Setbacks</b>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Res. 1: 8.4m  Res. 2: 8.4m</p>

<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Res. 1: 10.2m Res. 2: 10.2m</p>
<p><b>Building Height</b></p>	
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 7.54 metres (from natural ground level), which is less than the maximum permitted in the Policy Area.</p>
<p><b>Garages, Carports and Outbuildings</b></p>	
<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: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Partially Complies</b></p> <p>Res. 1: 7.25m and 7.85m Res. 2: 7.25m and 7.85m</p> <p>Although the garages will be in-line with the main face of the dwelling, it is my view that the level of articulation provided to the upper level will assist in reducing garage dominance. Further, the dwellings have been designed to provide stepping at ground level and the balcony shall cantilever over the inner garage door. These design elements are considered to appropriately present as the main feature to the street and as such, the proposed garaging is not deemed dominant.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p><b>Complies</b></p> <p>The proposed garages incorporate a roof form, 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><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b></p> <p>Res. 1: 6.2m (65%) Res. 2: 6.2m (65%)</p> <p>Whilst the garage width of each allotment exceeds the maximum 50% provision, as previously discussed, an appropriate level of upper level articulation has been provided to the front façade. Further, the stepping of the garages is considered to reduce garage dominance. It has been demonstrated that the excess in garage width will not result in a poor streetscape outcome, as compliance has been achieved with PDC 8 above.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p> <p>Council's Development Engineer has confirmed that the location of the new crossover associated with Res. 1 satisfies the relevant Australian Standard.</p>

<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p><b>Complies</b></p> <p>i) Garages on the boundary are not located within 6 metres of any existing structure on the same site and same boundary.</p> <p>ii) Garage walls will have a total length of 6.7m in length.</p> <p><b>Does Not Comply</b></p> <p>iii) Wall height of 3.0 metres</p> <p>As previously discussed in this report, it is acknowledged that the garage walls will be located adjacent the driveway/carport of adjoining land and as such, it is my view that any visual impacts will be of a minor nature. This matter will be discussed further in the Overshadowing section of this report.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered):</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Each dwelling provides for 3 parking spaces (one of which will be covered)</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Public transport facilities are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 1 on-street car parking space shall remain available adjacent the subject land.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p> <p>1 on-street car parking space is provided for the proposed allotments, which satisfies PDC 22</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>Res. 1: 4.6m</p> <p>Res. 2: Existing crossover</p>

<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2.5 metres from the existing street tree.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Complies</b></p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<h2>Design &amp; Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) building height, mass and proportion</i></li> <li><i>(b) external materials, patterns, colours and decorative elements</i></li> <li><i>(c) roof form and pitch</i></li> <li><i>(d) façade articulation and detailing</i></li> <li><i>(e) verandas, eaves, parapets and window screens.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Complies</b></p> <p>It is considered that the design of the dwellings adequately satisfy the Desired Character sought in the Northern Policy Area 13. The dwellings incorporate a mixture of colours and materials to the front façade including render in Beige, Self Destruct and Hog Bristle, standard panel lift doors and panelling to the inner garage door and Colorbond roofing with a 25 degree pitch.</p> <p>The above materials are considered to complement others in the locality and will not result in glare to neighbouring properties, drivers or cyclists. Further, the level of articulation provided to the upper level, combined with the stepping of the dwelling at ground level is considered to reduce the bulk of the building when viewed from the street.</p> <p>The side and rear elevations of the dwellings incorporate a number of habitable room windows which will assist in reducing the amount of bare/blank wall presenting to adjacent land and when viewed from the street.</p> <p>On balance, the design and appearance of the dwellings is considered appropriate for the locality and complements that sought by Council's Development Plan.</p>
<p><i>Balconies should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be integrated with the overall form and detail of the building</i></li> <li><i>(b) include balustrade detailing that enables line of sight to the street</i></li> <li><i>(c) be recessed where wind would otherwise make the space unusable.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed balconies are integrated into the inner garage design, with clear glass balustrade that enables line of sight to the street.</p>

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### Complies

a) It is acknowledged that any North-facing windows to habitable rooms of the dwelling situated at 17 Allambee Avenue would already be in shadow as the associated carport structure is located along the northern boundary, for approximately 14 metres.

b) Shadow cast from the upper level of Res. 1 and garage will only have an impact on the entrance hallway, stairwell and bathroom window of Res. 2 and not any habitable room windows or POS.

Shadow cast from the garage and upper level of Res. 2 will have an impact on the carport/driveway on adjoining land and not any north facing habitable windows or POS.

Given the remainder of the upper levels achieve the minimum setback sought by Council's Development Plan I am satisfied that the private open space on adjoining land will receive at least 3 hours of natural sunlight between 9am and 3 pm on the 21 June.

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 12*

### Complies

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

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

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

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed 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 main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.

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

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### Complies

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

## Landscaping, Fences and Walls

*Development should incorporate open space and landscaping in order to:*

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

*General Section: Landscaping, Fences & Walls: PDC 1*

*Landscaping should:*

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

*General Section: Landscaping, Fences & Walls: PDC 2*

### Partially Complies

The proposed front yard landscaping seeks to soften the appearance of hard surfaces when viewed from the street, providing low growing plantings strips adjacent the driveways and low to medium growing natives through the centre of the allotments. The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas; however, it is acknowledged that there is opportunity to increase landscaping in the front yard further.

As such, the following has been included as a recommended condition of consent, "Prior to Development Approval being issued, an amended site plan shall be provided to Council for consideration and approval, detailing the front pedestrian path being removed in lieu of additional landscaping, comprising a mixture of low and medium level plantings."

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to overlooking, frontage width, wall heights, site coverage, the two storey nature of the dwellings, overshadowing, visual impact of garage walls and on-street parking have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over traffic safety and the proximity of a new crossover to the T-junction of Albert Street and Allambee Avenue. Council's Development Engineer has reviewed the proposal and is satisfied that there is not an unreasonable traffic safety risk. It is also acknowledged that proposed crossover location is allowed by AS 2890.1:2004.

---

## ANALYSIS/CONCLUSION

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

Despite the proposal failing to achieve certain quantitative provisions of Council's Development Plan, it has been identified that these shortfalls demonstrate some merit. When these shortfalls are considered on balance with the overall compliance with Council's Development Plan, the merit of the application is considered to outweigh any discrepancies. Further, assessment against the relevant qualitative provisions has demonstrated that the general layout and design is one that is compatible within the locality and will provide positive contribution to the streetscape. The proposal is considered compatible with Council's Development Plan and the Northern Policy Area 13.

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

---



## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1726 to construct two (2), two storey dwellings, incorporating garage walls along the northern and southern boundaries at 19 Allambee Avenue, Edwardstown be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1726, being drawing numbers 1 - 6 of Job No. 15-056LO (inclusive) prepared by Aspire Building Design and Drafting, received by Council on 29 April 2016 and 2 May 2016 respectively and Civil and Drainage Plan of Project No. 151028, prepared by KP Squared Engineering, received by Council on 7 March 2016, except when varied by the following conditions of consent.
- 2. Prior to Development Approval being issued, an amended site plan shall be provided to Council for consideration and approval, detailing the front pedestrian path being removed in lieu of additional landscaping, comprising a mixture of low and medium level plantings.
- 3. A revised fully engineered site works and drainage plan, reflective of the dwelling footprint shall be provided to Council for consideration and approval prior to Development Approval being issued.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

## NOTES

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

## Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; 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 18 May 2016

<b>Agenda Ref No:</b>	<b>DAP180516 – 2.4</b>
<b>Originating Officer:</b>	<b>Nicholas Timotheou Development Officer - Planning</b>
<b>Applicant:</b>	<b>Donaghey Surveyors Pty Ltd</b>
<b>Development Description:</b>	<b>A single storey detached dwelling incorporating a garage wall located along the southern boundary, swimming pool and boundary realignment</b>
<b>Site Location:</b>	<b>11 Skinner Street, Ascot Park and 13 Linda Street, Ascot Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>11/02/2016</b>
<b>Development Plan:</b>	<b>Consolidated – 3 December 2015</b>
<b>Application No:</b>	<b>100/2016/228 (DAC Reference: 100/D022/16)</b>
<b>Recommendation:</b>	<b>That Development Plan Consent and Land Division Consent be GRANTED subject to conditions</b>

---

### CATEGORISATION & DELEGATION

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

## BACKGROUND

Development Application 25/2016 for the construction of a single storey detached dwelling and swimming pool has previously been lodged with Council, albeit did not include the boundary realignment. This application is currently on hold. Following the initial request for amendments to the proposal, it was brought to Council's attention that additional land had been purchased by the owners of 11 Skinner Street. Given Council cannot make a favourable decision on the land use application until the Titles of the land are amended to reflect the boundary realignment, a combined land use and land division application was lodged with Council. During the assessment process of Development Application 25/2016, Council staff requested modifications to the proposal plans to address the following concerns, which have been reflected in the current proposal:

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Development Plan provisions.	Boundary realignment results in a reduced site coverage from 55.4% to 47.2%.
The rear setback should be increased from 1.4 metres to 6 metres.	Boundary realignment results in a rear setback equal to 9 metres, 9.4 metres and 13 metres. A portion of the dwelling remains at 1.4 metres.
The swimming pool should be setback a minimum 1 metre from the side boundary.	Side setback of swimming pool increased to 1 metre.
The proposed crossover should be reduced in width to 5 metres and be setback 2 metres from the street tree.	Crossover reduced in width to achieve the minimum setback sought from Council's street tree and street infrastructure.

## SUBJECT LAND & LOCALITY

The subject land comprises 11 Skinner Street, Ascot Park and 13 Linda Street, Ascot Park. The allotment of 11 Skinner Street is rectangular in shape, achieving a frontage width of 21.2 metres, depth of 27.5 metres and a total site area of 584 square metres. The site currently accommodates a detached dwelling in relatively good condition. The dwelling is setback approximately 7 metres at the closest point, which extends to 8 metres from Skinner Street.

Vehicular access is currently available from Skinner Street, adjacent the northern boundary. The contour of the land is relatively flat. No regulated trees are located on the subject land. Council's Arborist has confirmed that the tree at the front of the site (11 Skinner Street) is an *Agonis Flexuosa*. It is acknowledged that a relatively large tree is located in the front yard area of 13 Skinner Street, which has been identified as a Queensland Box. Given both trees achieve a trunk circumference less than 2.0 metres, they are exempt from regulated tree status.

The allotment of 13 Linda Street is rectangular in shape, achieving a frontage width of 12.34 metres, depth of 42.37 metres and a total site area of 522.8 square metres. The site accommodates a detached dwelling, which is setback approximately 6 metres from the front boundary.

The pattern of development is typically defined by single storey detached dwellings, semi-detached and residential flat buildings at low to medium densities. There has been little subdivision in the locality; however, there is a presence of new detached dwellings.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes to construct a single storey detached dwelling which incorporates a garage wall along the southern boundary, swimming pool and a boundary realignment.

The dwelling incorporates a double garage, five bedrooms, associated wet areas/ensuite, living room and open plan kitchen/meals/family area.

The dwelling presents to Skinner Street and incorporates a double width garage to the front façade. The dwelling is to be serviced by a new double width driveway and crossover along the southern side of the allotment.

The dwelling proposes to incorporate a mixture of materials and colours to the front façade including sandstone veneer, render and panel lift doors.

The boundary realignment seeks to provide an additional 98.7 square metres to the rear of the allotment situated at 11 Skinner Street, Ascot Park, resulting in a total site area of 684 square metres and a reduced site area of 424 square metres for 13 Linda Street.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	19 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	Three representations were received by Council. One in favour, one neutral and one against the application
<b>Persons wishing to be heard:</b>	Mr. Zacharia Zacharias
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>• Proximity of the dwelling to the land situated at 11 Linda Street, Ascot Park.</li><li>• Concerns regarding loss of view.</li><li>• Concerns regarding the impact on property value.</li><li>• Privacy concerns.</li></ul> <p><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<ul style="list-style-type: none"><li>• The proposed dwelling footprint is similar to that sought by Schedule 4 – 2B (Complying Development).</li><li>• The dwelling will be setback further than the minimum sought as a Complying form of development, which will soften the appearance of the dwelling.</li><li>• The proposed development has been designed to satisfy Council's Development Plan provisions and that anticipated within the Residential Zone.</li></ul> <p><i>Refer Attachment V</i></p>

## INTERNAL DEPARTMENT COMMENTS

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b>  Detached dwelling proposed
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	<b>Complies</b>
<i>PDC 3</i>	<i>Minimum Site Area: 375 square metres</i>	<b>Complies</b>  Lot 100: 684 square metres Lot 101: 424 square metres
	<i>Minimum Frontage: 12m</i>	<b>Complies</b>  Existing
	<i>Minimum Depth: 20m</i>	<b>Complies</b>  Lot 100: 27.51 and 35.51m for a portion Lot 101: 34.37m

## Assessment

The proposal seeks to replace an existing single storey detached dwelling, albeit incorporating a garage in lieu of the existing carport, being a form of housing that is envisaged by Principle of Development Control 1. It is considered that the proposed development complements the Objectives and Desired Character Statement of the Policy Area, which encourages the redevelopment of the existing housing stock at low to low-medium densities.

Further, it is noted that the boundary realignment maintains compliance with the relevant principles outlined above, with the dwellings being accommodated on allotments of sufficient size and dimension. It is also acknowledged that the boundary realignment will not be apparent when viewed from the street.

In terms of design and appearance, the proposal maintains a streetscape elevation that is considered to complement those in the locality. The dwelling maintains a coherent streetscape as a result of the street setback and design, which will be modern in terms of materials, providing visual interest and a positive contribution to the existing streetscape.

The proposal is considered to complement the relevant Objectives, Desired Character statement and Principles of Development Control of the Northern Policy Area 13.

---

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<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><b>Does Not Comply</b></p> <p>Lot 100: 323.5 square metres (47.2%) Lot 101: 186 square metres (43.8%)</p> <p>Despite site coverage exceeding that sought by Council's Development Plan, it has been demonstrated that the dwellings will have the ability to appropriately function without resulting in unreasonable impacts to adjoining land. Further, the dwelling footprint is comparable to others in the locality and generous private open space will be available to both dwellings. The excess in site coverage will not come at the cost of reduced setbacks to boundaries, POS area or vehicle access/parking spaces.</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> <ul style="list-style-type: none"> <li><i>(a) would not be contrary to the relevant setback and private open space provisions</i></li> <li><i>(b) would not adversely affect the amenity of adjoining properties</i></li> <li><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></li> </ul> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b></p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles.</i></li> </ul> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></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><b>Complies</b></p> <p>Lot 100: 28.7% Lot 101: 35%</p>



## Private Open Space

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

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

*Residential Zone: PDC 7*

### Complies

Lot 100: 217.2 square metres (31.7%)  
Lot 101: 191 square metres (45%)

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

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

*General Section: Residential Development: PDC 16*

*Private open space should not include:*

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

*General Section: Residential Development: PDC 17*

### Complies

- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level
- c) All POS is located to the side/rear of the dwelling and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- f) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

### Partially Complies

g) The main POS area of Lot 100 maintains a northerly aspect to provide for comfortable year round use. The remainder of POS will face west; however, should not be significantly shaded during winter by the associated dwelling or development on adjoining land.

The main POS area of Lot 101 is existing and faces east. Nonetheless, the rear yard area will receive morning sun and some northern light.

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

*General Section: Residential Development: PDC 22*

### Complies

9.6% of the private open space will be covered by the alfresco

## Building Setbacks from Road Boundaries

*Except in areas where a new character is desired, the setback of buildings from public roads should:*  
*(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*  
*(b) contribute positively to the function, appearance and/or desired character of the locality. 34*

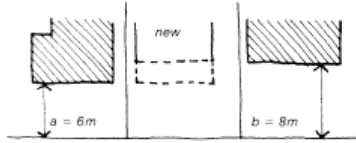
General Section: Design and Appearance: PDC 21

### Partially Complies

5.9m and 6.4 metres

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.9 metres and 6.4 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality. Further, the variety in front setbacks is considered to assist in providing transition to dwellings on adjoining land.

*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	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 22

### Partially Complies

5.9m and 6.4 m

(Dwellings on adjoining land set back approximately 7 metres each)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

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

General Section: Residential Development: PDC 37

### Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

*Minimum setback from side boundaries:*

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

Residential Zone: PDC 6

### Complies

Dwelling and swimming pool setback 1 metre from side boundary.

<p><i>Maximum length and height when wall is located on side boundary:</i>  <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i>  <i>(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Partially Complies</b></p> <p>Garage wall: 6.6m in length and 3.2m in height (measured from natural ground level).</p> <p>Despite the garage wall being located along the southern side boundary, it is acknowledged that it will be located adjacent a carport/driveway area on adjoining land. Given this immediate area is primarily used for the parking and manoeuvring of vehicles, it is my view that the excess in height will not result in unreasonable visual or overshadowing impacts to adjoining land. The Development Plan anticipates boundary development and it has been demonstrated in this instance that it is acceptable.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i>  <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i>  <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i>  <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></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).</p>
<p><b>Rear Setbacks</b></p>	
<p><i>Minimum setback from rear boundary:</i>  <i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i>  <i>(b) 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><b>Complies</b></p> <p>Lot 101: 15m</p> <p><b>Partially Complies</b></p> <p>Lot 100: 1.4m (19%), 9.4m and 13m.</p> <p>Although the dwelling will be setback 1.4 metres from the rear boundary, it is acknowledged that it only does so for a minor portion. In addition, this section of the dwelling is located adjacent the north-western corner POS area on adjoining land. Accordingly, it is my view that the any visual impacts will not be significant to the extent where the POS of adjoining land could not function and be enjoyed. Lastly, the stepping of the rear setback is considered to further reduce the bulk of the building, when viewed from adjoining land.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i>  <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i>  <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i>  <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties.</p>

## Building Height

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

*Residential Zone: PDC 6*

### Complies

The proposed dwelling incorporates a maximum building height of 6.3 metres, which is less than the maximum permitted in the Policy Area.

## Garages, Carports, Verandas and Outbuildings

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

*General Section: Residential Development: PDC 10*

### Complies

Garage under main roof.

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

*General Section: Residential Development: PDC 12*

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

### Complies

42.6 square metres

### Does Not Comply

3.2 metres (from natural ground level).

Proposed garage wall height is not considered to result in unreasonable impacts to adjoining land as previously discussed.

### Complies

### Complies

### Complies

Garage setback 6.5 metres and 0.6 metres behind the main face of the dwelling.

### Complies

6.6 metres in length

### Complies

5.4 metres (25.4%)

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

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

*General Section: Residential Development: PDC 13*

### Complies

## Vehicle Parking

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

*General Section: Transportation & Access: PDC 34*

*Detached  
Semi-detached  
Row*

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

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

### Complies

5 bedrooms

3 parking spaces provided (2 of which will be covered)

*On-site visitor parking spaces should be sited and designed to:*  
(a) not dominate internal site layout  
(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling  
(c) be accessible to visitors at all times.

*General Section: Transportation & Access: PDC 42*

### Complies

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

*General Section: Transportation & Access: PDC 43*

### Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 7.  
b) Public transport options are located in walking distance of the dwelling  
c) The likely occupants are anticipated to have standard mobility and transport requirements.  
d) e) 3 on-street car parking spaces shall remain available adjacent the subject land.

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

*General Section: Land Division: PDC 22*

### Complies

3 on-street car parking spaces will remain available the existing allotments, which satisfies PDC 22.

## Access

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

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

*General Section: Residential Development: PDC 39*

### Complies

5 metres

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

*General Section: Residential Development: PDC 40*

### Complies

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

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Complies</b></p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<b>Design &amp; Appearance</b>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) building height, mass and proportion</i></li> <li><i>(b) external materials, patterns, colours and decorative elements</i></li> <li><i>(c) roof form and pitch</i></li> <li><i>(d) façade articulation and detailing</i></li> <li><i>(e) verandas, eaves, parapets and window screens.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling incorporates a mixture of colours and materials to the front façade including sandstone veneer, render and panel lift doors.</p> <p>The above materials are considered to complement other dwellings in the locality and will not result in glare to neighbouring properties, drivers or cyclists. Further, habitable room windows and the front entrance point will present to the street. These design elements combined with the stepping of the front setback will assist in reducing the bulk of the building when viewed from the street.</p> <p>On balance, the design and appearance of the dwelling is considered appropriate for the locality and complements that sought by the relevant provisions of the Development Plan.</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p><b>Complies</b></p> <p>The dwelling has been designed so that the main façade presents to the street, incorporating a front entrance point, porch and habitable room windows.</p>
<b>Energy Efficiency</b>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></li> <li><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></li> </ul> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p><b>Complies</b></p> <p>The dwelling is oriented so that the main open space faces north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The remaining activity area of the dwelling is oriented west, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwelling is designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>

<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <ul style="list-style-type: none"> <li><i>(a) taking into account overshadowing from neighbouring buildings</i></li> <li><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></li> </ul> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p><b>Complies</b></p> <p>The dwelling incorporates a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p><b>Overshadowing</b></p>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <li><i>(a) windows of habitable rooms</i></li> <li><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></li> <li><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <li><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></li> <li><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <li><i>(i) half of the existing ground level private open space</i></li> <li><i>(ii) 35 square metres of the existing ground level private open space</i></li> </ul> </li> <li><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 10</i></p>	<p><b>Complies</b></p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>b) Some shadow will be cast into the western adjoining property in morning hours</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p> <p>Further, any shadow cast to the south will be on land used for the parking of vehicles. Given the setback of the proposed dwelling, along with the separation of the carport/driveway, it is my view that any shadow cast will not have a significant impact on any north facing habitable room windows.</p>
<p><b>Landscaping, Fences and Walls</b></p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <li><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></li> <li><i>(b) enhance the appearance of road frontages</i></li> <li><i>(c) screen service yards, loading areas and outdoor storage areas</i></li> <li><i>(d) minimise maintenance and watering requirements</i></li> <li><i>(e) enhance and define outdoor spaces, including car parking areas</i></li> <li><i>(f) provide shade and shelter</i></li> <li><i>(g) assist in climate control within buildings</i></li> <li><i>(h) maintain privacy</i></li> <li><i>(i) maximise stormwater re-use</i></li> <li><i>(j) complement existing native vegetation</i></li> <li><i>(k) contribute to the viability of ecosystems and species</i></li> <li><i>(l) promote water and biodiversity conservation.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <li><i>(a) include the planting of locally indigenous species where appropriate</i></li> <li><i>(b) be oriented towards the street frontage</i></li> <li><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although a landscaping plan has not been provided, it is acknowledged that there is ample front yard area, which allows for persons purchasing or choosing to reside in the dwelling to landscape to their satisfaction.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences &amp; Walls: PDC 5</p>	<p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 550 millimetres. Despite this resulting in retaining walls visible from adjoining land, it is acknowledged that the finished floor level of the proposed dwelling will be 291mm above the lowest top of kerb level (TOK). It is acknowledged that it is good practice to set floor levels 200mm above TOK to allow for gravity fed stormwater disposal to the street. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.35 metres. It is also acknowledged that a fence up to 2.1 metres in height would not require Development Approval from Council. It is my view that an additional 250mm of fence height is unlikely to result in unreasonable amenity impacts to adjoining properties and that an appropriate level of natural sunlight will be available to adjoining land as discussed in the Overshadowing section of this report. As such, this fencing/retaining height is considered to maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
--	--

## 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><b>Objectives</b></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 under utilised infrastructure and facilities.</i></p>	<p><b>Complies</b></p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p><b>Complies</b></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><b>Complies</b></p>
<p><b>Principles of Development Control</b></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><b>Complies</b></p> <p>SA Water has no requirements pursuant to the Development Act as the services are existing.</p>



<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <ul style="list-style-type: none"> <li>(i) an existing road</li> <li>(ii) a proposed public road</li> <li>(iii) access to a public road via an internal roadway in a plan of community division</li> </ul> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p><b>Complies</b></p> <p>a) It has been demonstrated that the allotments are suitable for their intended use.</p> <p>b) The existing and proposed dwelling will have frontage to a public road.</p> <p>c) Minimal cut/fill is required; however maximum retaining to the north western corner will be 550mm in height.</p> <p>d) boundary realignment is unlikely to result in undue erosion of the subject land or locality.</p> <p>e) existing services.</p> <p>f) detached dwellings are an envisaged built form in the Residential Zone</p> <p>g) boundary realignment will remain in the Northern Policy Area 13 within the Residential Zone.</p>
<p><b>Design and Layout</b></p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p><b>Complies</b></p> <p>Lot 100: 35.61m</p> <p>Lot 101: 34.37m</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><b>Complies</b></p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p><b>Complies</b></p> <p>The orientation of the allotments provides for partial north-facing POS and living areas.</p> <p>Lot 101 has an existing east facing POS area, which should nonetheless receive adequate natural light in the morning hours of the day.</p>
<p><b>Roads and Access</b></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><b>Complies</b></p> <p>a) adequate on-site parking available</p> <p>b) public transport services are accessible in the wider locality</p> <p>c) the locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</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><b>Complies</b></p>
<p>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</p>	<p><b>Complies</b></p>

## REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to setbacks and visual privacy have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised loss of view (of the Adelaide Hills) as a concern. Whilst this concern is noted, it is acknowledged that the proposal is for residential development within the Residential Zone, which anticipates the construction of dwellings up to two storeys in height. The proposal is for a single storey dwelling, which incorporates a maximum height of 6.3 metres, in a Policy Area which allows up to 9.0 metres. As such, it is my opinion that the single storey nature of the dwelling results in an acceptable view loss likely to be experienced by adjoining land.

The representor has also raised concerns over property value. While this concern is noted, a planning assessment under the Development Act 1993 does not allow consideration of this matter and hence are outside the scope of this assessment.

---

## ANALYSIS/CONCLUSION

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

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

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2016/228 (DAC Ref. 100/D022/16) for A single storey detached dwelling incorporating a garage wall located along the southern boundary, swimming pool and boundary realignment at 11 Skinner Street, Ascot Park and 13 Linda Street, Ascot Park be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/228, being:
  - a. Proposed Plan of Division titled CT 5598/977 & CT5405/642, prepared by Donaghey Surveyors Pty. Ltd., received by Council on 11 February 2016;
  - b. Plan 1 -7 (inclusive), prepared by Samuel James Homes, received by Council on 17 February 2016;
  - c. Civil Details – 1 of Dwg No. 151023C1/B, prepared by SCA Engineers, received by Council on 10 March 2016;

except when varied by the following conditions.

2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

## LAND DIVISION CONSENT

1. 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.

## NOTES

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

## Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; 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>