

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 20 APRIL 2016**

**1.1 PRESENT**

**1.2 APOLOGIES**

**1.3 IN ATTENDANCE**

**1.4 COMMENCEMENT**

**2. APPLICATIONS:**

**2.1 93 RAGLAN AVENUE, SOUTH PLYMPTON**

To erect six (6) light towers, incorporating a maximum height of 25.15 metres (excluding light fixture atop)

DAP200416 – 2.1.....1

**2.2 507 MARION ROAD, SOUTH PLYMPTON**

A two storey residential flat building, comprising three, two storey dwellings and a single storey dwelling, with associated car parking, masonry wall and landscaping

DAP200416 – 2.2.....27

**2.3 356 STURT ROAD CLOVELLY PARK**

Two, two storey residential flat buildings, one comprising two dwellings and the other comprising four dwellings (six dwellings in total) all with associated garages and balconies, landscaping and front fence

DAP200416 – 2.3.....65

**2.4 14 LARKDALE AVENUE, MARION**

Torrens Title Land Division – (1 into 2) allotments

Community Title Land Division – (1 into 2) allotments

DAP200416 – 2.4.....118

**2.5 14 LARKDALE AVENUE, MARION**

To construct a two storey detached dwelling and a single storey residential flat building containing two dwellings with associated car parking and landscaping

DAP200416 – 2.5.....136

**2.6 51A ANGUS AVENUE, EDWARDSTOWN**

Single storey dwelling, incorporating a wall on the eastern and western side boundaries

DAP200416 – 2.6.....169

- 2.7 233-245 STURT ROAD AND 318 DIAGONAL ROAD, STURT**  
To install 8 replacement freestanding advertising signs (1 of which incorporates an illuminated LED component), replacement illuminated advertising signage affixed to the façade of the Administration Centre building, and new non-illuminated fascia signage attached to the Coinda building  
**DAP200416 – 2.7.....181**
- 3. OTHER BUSINESS:**
- 3.1 APPEALS UPDATE**
- 3.2 POLICY OBSERVATIONS**
- 4. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 20 APRIL 2016**
- 5. CLOSURE**

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 April 2016

<b>Agenda Ref No:</b>	<b>DAP200416 – 2.1</b>
<b>Originating Officer:</b>	<b>Dylan O'Brien Development Officer - Planning</b>
<b>Applicant:</b>	<b>City Of Marion</b>
<b>Development Description:</b>	<b>To erect six (6) light towers, incorporating a maximum height of 25.15 metres (excluding light fixture atop)</b>
<b>Site Location:</b>	<b>93 Raglan Avenue, South Plympton</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 3 / Consent</b>
<b>Lodgement Date:</b>	<b>23/12/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 3 December 2015</b>
<b>Application No:</b>	<b>100/2015/2410</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

---

### CATEGORISATION & DELEGATION

The subject application is a Category 3 / Consent form of development by virtue of Section 38 of the Development Act 1993, which prescribes that development not assigned to Category 1 or 2 by the Development Regulations 2008 or the Development Plan will be taken to be a Category 3 development.

Given 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.

### SUBJECT LAND & LOCALITY

The subject land is known as street number 93, Lot 1 (FP: 11102, CT: 1228/82) Raglan Avenue, South Plympton. The site area is 4.013 ha and is situated between Wood Street to the south, Robert Street to the east, East Terrace to the west and Raglan Avenue to the north. The allotment houses the Edwardstown Memorial Sports and Community Club Inc. and associated clubrooms and accommodates a variety of sports including: football, cricket, cycling and the Edwardstown Bowling Club, which is on a separate allotment adjacent Raglan Avenue end of the land.

Whilst the subject land is located within an existing Residential Zone and surrounded by residential properties on all sides, the existing and historic use of the land is as a “mixed use recreational and sporting facility” with associated clubrooms.

The main oval and cycle track and immediate surrounds, account for approximately 80% of the total site area, and includes the associated clubrooms buildings located on the western side of the ground adjacent East Terrace.

The land also encompasses the Edwardstown Bowling Club and associated club rooms located within the north / western part of the land, adjacent the corner of Raglan Avenue and East Terrace, which accounts for the remainder of the land.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

Six (6) lighting towers with associated lights are proposed to replace four (4) existing light towers.

The light towers will be erected around the main oval, setback approximately 10 metres from the perimeter of the playing field (the oval).

Two (2) out of the four (4) light towers will have a maximum height of approximately 25 metres, while the remaining towers will have maximum height of approximately 22 metres.

The two 25 metre towers will be located on the eastern and western sides of the oval (the wings).

The four remaining towers, apart from the north/western corner tower which is positioned closer to the wing by approximately 10 metres to accommodate for future redevelopment of the clubrooms, will be positioned an even distance from each corner of the oval (the pockets) at the northern and southern ends of the ground.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	53 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	7 x representations were received by Council, including 5 x in favour, 1 x neutral and 1 x against
<b>Persons wishing to be heard:</b>	1 x person has indicated that they wish to be heard
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>• Courts are currently underutilised at night when lights are on;</li><li>• The existing lights are sufficient;</li><li>• The lights will give rise to extended hours and noise which is unacceptable;</li><li>• Lights should only be operational between the hours of 6:00am and 9:00pm/9:30pm and not on Sundays;</li><li>• Who will have control of the switching box control;</li></ul>

	<ul style="list-style-type: none"> <li>• The plans do not give a very good idea on light spill onto adjoining houses;</li> <li>• The new lights will make use of the full oval for training, thereby reducing wear on parts of the oval currently light; and,</li> <li>• Able to hold evening matches.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	No Football games are planned on Saturday evenings (at this stage) and a 9:30pm cessation of the lights would be acceptable.

## 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>

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"><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>
<i>PDC 2</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	<b>Does Not Comply</b>

## Assessment

The six (6) lighting towers proposed will replace four (4) existing light towers and will be taller in comparison by approximately 10 to 13 metres. The light towers will include new light heads to provide a more direct and powerful light source that should lead to improved playing / practice conditions for the various sporting clubs that utilise the ground.

The perimeter of the site is heavily vegetated with mix of medium to high level trees that currently provide a visual barrier between the neighbouring residential dwellings located on the opposite side of the surrounding streets. To this end, views of the sports field and existing towers from beyond the subject land are difficult to attain.

Whilst the proposed towers will be approximately 10 to 13 metres taller than the current towers, given the amount of vegetation, only the top portion of the towers are likely to be visible above the existing tree line from adjacent land.

Due to the slim line 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 limited to 7.5 lux in relation to Wood Street (to the south), between 2.7 lux to 8.5 lux in relation to Robert Street (to the east) and up to 7.5 lux adjacent East Terrace (to the west). Whilst no reading in relation to Raglan Avenue (to the north) has been provided, given the level of separation is far greater (approximately 55 metres), and having regard to the other lux readings, the maximum lux spill is anticipated to be even less than the minimum 2.7 lux reading noted.

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 towers structures will be relatively minor and the maximum light spill projections do not exceed the levels allowed under the Australian Standard, and in most parts are well below the recommended levels.

---

## 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> <p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p>
<p>The proposed lighting towers will result in some light spill onto adjacent land surrounding the ground. However, the projected extent of light spill (as noted by the lux plan) shall not exceed 8.5. 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 of up to 8.5 lux limit during operation is acceptable.</p> <p>Furthermore, the neighbouring bowling club currently have approval to operate lights to 10:00pm on any evening. Notwithstanding the proposed light towers will be much taller, the application is only seeking use of the lights until 9.30pm Monday to Saturday, however, to maintain consistency, it has been included as a recommended condition of consent to operate no later than 10:00pm. Therefore, due the moderate extent of light spillage caused, limited operating times, it is my opinion that the use of the lighting towers as proposed, will not result in unreasonable negative impact upon the 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

*Recreation facilities development should be sited and designed to minimise negative impacts on the amenity of the locality.*

*General Section: Open Space and Recreation: PDC 15*

Complies

The proposed towers maintain a slimline appearance and height of approximately 22 metres and up to 25 metres, which is typical of more contemporary lighting systems surrounding large sporting areas, particularly the size of a football field.

Accordingly, the proposed number and height of the lighting towers is reasonably anticipated for this site. It is also worth noting that the site perimeter is clustered with many established trees of varying sizes that more-or-less shield 'the oval' and current towers from being readily visible beyond the subject land.

Therefore, notwithstanding the proposed light towers will be notably taller, the circumstances of the site including vegetation and level of separation from the nearest neighbouring dwellings located on the opposite side of the 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.

For these reasons the proposal sufficiently accords PDC 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, extended hours of operation, and that the lights should not be in use on Sundays.

This report has identified the extent of light spill onto neighbouring residential properties will be limited to a maximum of 8.5 lux and as low as 2.7 lux, which is a modest and acceptable level of luminance when assessed against the relevant Australian Standard. The operation of the lights albeit beyond 9/9.30pm will be limited to Monday through Saturday (inclusive) with a curfew of no later than 10pm; consistent with the operable hours of the lights of the Lawn Bowls Club.

Concerns surrounding future night football games and likely noise impacts have also been raised. The sporting club's representative has advised there is no intention, at this time, to hold night competitions. In the event that this was to occur, having regard to the existing and historic use of the land, I do not consider that these concerns warrant refusal of the proposal, as night games would only be held occasionally and no later than 10:00pm.

Further, due to the amateur nature of the games that will be played at this ground, it is anticipated that noise and traffic impacts would be consistent with that experienced during matches held during daylight hours.



## ANALYSIS/CONCLUSION

Whilst the proposed light towers and use of the land is not in keeping with the relevant objectives and principles of Residential Zone, they remain within the envisaged use of the land as a sports ground and associated facilities and accord sufficiently with all principles of development control in relation to, interface between land uses, open space/recreation and crime prevention. Furthermore, examination of the potential for light overspill has demonstrated that the lux levels on adjoining residential properties will reach no more than 85% of the maximum lux levels prescribed by Australian Standard AS4282 regarding obtrusive light on adjacent land, whereas, the operation of the lights will be limited to a 10:00pm curfew Monday through Saturday only (with no use of the lights on Sundays).

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: 100/2015/2410 for To erect six (6) light towers, incorporating a maximum height of 25.15 metres (excluding light fixture atop) at 93 Raglan Avenue, South Plympton be GRANTED subject to the following conditions:**

## CONDITIONS

- 1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2410/2015 except when varied by the following conditions of consent.**
- 2. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.**
- 3. The maximum operable days and times the lights herein approved shall be limited to Monday to Saturday (inclusive): 7:00am to 10:00pm.**

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

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 April 2016

**Agenda Ref No:** DAP200416 – 2.2

**Originating Officer:** Rob Tokley  
Team Leader - Planning

**Applicant:** Fairmont Homes Pty Ltd

**Development Description:** A two storey residential flat building, comprising three, two storey dwellings and a single storey dwelling, with associated car parking, masonry wall and landscaping

**Site Location:** 507 Marion Road, South Plympton

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 2 / Consent

**Lodgement Date:** 15/09/2015

**Development Plan:** Consolidated – 19 March 2015

**Application No:** 100/2015/1682

**Recommendation:** That Development Plan Consent be REFUSED

---

### 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 of two or more storeys on a battleaxe site as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

### BACKGROUND

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

Amendments Requested	Amendments Made
Reduction in dwelling density to satisfy that sought in the Policy Area	No change
Increase in private open space for Dwellings 2 and 3 and provide POS to side of Dwelling 1	No change

Double-glazing should be provided for the west-facing windows of Dwelling 1	No change
Solid fencing should be provided adjacent the front boundary to assist in minimising noise	Front wall provided to portion of front boundary
Overlooking to adjoining properties should be minimised via treatments to 1.7 metres above floor level	Fixed, obscure glazing provided to northern upper level windows only to a height of 1.7 metres. Overlooking to south has not been addressed
On-site car parking should be increased to satisfy Council's Development Plan (min 8 spaces required)	No change
All vehicle parking spaces should be sited to ensure all vehicles can enter and exit the site in a forward manner in no more than two turning movements. The rear visitor parking space does not achieve this requirement	No change
Two parking spaces at front of site result in extensive sealed areas at the front of the site at the expense of landscaping and should be revised	No change

## SUBJECT LAND & LOCALITY

The subject land is situated at 507 (Lot 176) Marion Road, South Plympton. The land incorporates a frontage width of 18.3 metres, a depth of 45.11 metres; providing a total site area of 825.5 square metres.

The land currently accommodates a single storey detached dwelling, in average condition. The land is relatively flat, with no discernible slope and no Regulated Trees pursuant to the Development Act and Regulations.

The locality comprises a mix of the original dwelling stock (typically single storey dwellings on large allotments between 650 – 800 square metres) and more recent development, comprising a mix of single and double storey dwellings, typically in the form of detached, semi-detached and residential flat dwellings.

The locality is dominated by Marion Road, which carries over 36,000 vehicles per day. The Commercial Zone (Marion Road Policy Area) is situated 30 metres to the north, accommodating a drive-through convenience shop and associated car wash.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a total of four dwellings, three of which will be two storeys in height. Dwellings 1, 2 and 3 form a residential flat building, whilst Dwelling 4 abuts Dwelling 3 via an open carport. Whilst Dwelling 4 is likely to be 'undefined' pursuant to Schedule 1 of the Development Regulations 2008, given this dwelling functions as a group dwelling, it has been assessed as such.

Dwellings 1, 2 and 3 incorporate a garage, wet areas and kitchen, dining and living room on the ground floor and two bedrooms, study nook and wet areas on the upper floor.

Dwelling 4 incorporates a carport, two bedrooms, wet areas and kitchen, dining and living room.

A 2.1 metre-high masonry wall and two, open visitor parking spaces are proposed adjacent the front boundary.

*Refer Attachment III*

## PUBLIC NOTIFICATION

(Due to the change in design (the proposal was 'flipped'), public notification occurred twice).

<b>Properties notified:</b>	14 properties were notified during both Category 2 public notification processes.
<b>Representations:</b>	2 representations were received by Council during both public notification periods.
<b>Persons wishing to be heard:</b>	Mr Paul Dansie and Jan and Andrew Evangelou have identified they wish to address the Panel.
<b>Summary of representations:</b>	Impact upon on-street parking; Impact upon privacy; Impact of overshadowing; Impact upon property values; <i>Refer Attachment IV and VI</i>
<b>Applicant's response:</b>	The applicant has provided responses that can be found in Attachment V and VII.

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport &amp; Infrastructure:</b>	DPTI does not support the application in its current form and recommends the following; <ul style="list-style-type: none"><li>• Access to the site being via a single shared access 6.0 metres in width;</li><li>• A clear area of 6.0 metres by 6.0 metres;</li><li>• All car parking being located a minimum of 6.0 metres from the property boundary;</li><li>• Sufficient area for all vehicles to conveniently manoeuvre on site to enter and exit in a forward direction; and</li><li>• Turn paths overlaid on amended plans.</li></ul>
--	---

*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Council's Development Engineer has confirmed that vehicles parked in the rear visitor space cannot exit the site in a forward manner in the event vehicles are parked in the visitor spaces.
---------------------	--

## 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. 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. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ <b>group dwelling</b></li> <li>▪ <b>residential flat building</b></li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 3	<p>Minimum Site Area: Residential flat dwelling/Group dwelling: 300 square metres</p>	<p><b>Does Not Comply</b> Average <b>including</b> driveway: 206.3 square metres</p> <p>Average <b>excluding</b> driveway: 146.6 square metres</p>
	<p>Minimum Frontage: Residential flat dwelling/Group dwelling: 20 metres</p>	<b>Does Not Comply</b> 18.3 metres
	<p>Minimum Depth: Residential flat dwelling/Group dwelling: 45 metres</p>	<b>Complies</b> 45.11 metres

## Assessment

The application is consistent with the Desired Character of the Northern Policy Area 13 in that it will redevelop the site at greater densities than that of the original housing stock. Two storey dwellings are envisaged within the Policy Area, as the Desired Character of the Northern Policy Area 13 includes one and two storey, low-to-medium density dwellings of a variety of architectural styles.

The Residential Zone encourages increased residential densities in close proximity to public open space, public transport and centres.

The subject land is situated on Marion Road that accommodates several bus routes, with frequent bus services. The Commercial Zone is located 30 metres to the north, which currently accommodates a land use that offers for sale some 'convenience goods', such as milk and bread. (It is acknowledged however that this is not located within a "centre" (zone).

Public open space is located west of Marion Road, via a small (2,200 square metres) reserve, surrounded by streets on all four boundaries. Further afield, Council is currently developing an open space area exceeding 6,000 square metres, between Jervois and Waterhouse Roads.

In conclusion, there are some locational attributes near the site identified in Objective 2 of the Residential Zone.

On a number of occasions both staff and the Panel have supported undersized allotments as a result of a relatively minor shortfall in site area, locational attributes of the site and/or the general conformity of the development with Council's Development Plan. However, in this case, it is staff's view that the density proposed is excessive and not supportable for the following reasons:

- 1) The total site area comprises 825 square metres, less than that sought for three residential flat/group dwellings (900 square metres), whilst the proposal seeks for four dwellings. This results in an average site area in the order of 206.3 square metres; 93.7 square metres, or 31.3% less (per dwelling) than the minimum sought for residential flat/group dwellings (300 square metres). This figure includes the common driveway. When excluding the common driveway, as per Land Division Principle 8, the average site area equates to 146.37 square metres. For comparison, three storey residential flat dwellings in the Regeneration Policy Area 16, which permits smaller site areas within the Residential Zone, seek a site area of 150 square metres. As such, the proposal results in a density more akin to that sought for three storey dwellings in the Regeneration Policy Area 16, than the Northern Policy Area 13.
- 2) In previous occasions where the Panel and staff have supported undersized allotments, the shortfall in site area arises as a result of the classification of the dwelling. In those cases, it is acknowledged that the dwelling could be amended to comprise a different dwelling type and thereby satisfy the minimum site area prescribed in the particular Policy Area (i.e. if the dwellings are joined by party walls, or if the dwelling shares access from a common driveway), but practically doing so would not necessarily deliver a superior design outcome; merely compliance with site areas based on the dwelling classification. In this instance, it is important to acknowledge that the site incorporates a site area less than that sought for three residential flat/group dwellings, whilst the proposal seeks for four dwellings. Whilst, due to the width of the site, no other dwelling types are anticipated on the land when more than one dwelling is proposed.
- 3) Through this report it will be identified that the development consists of several quantitative shortfalls, including a lack of private open space for Dwellings 2 and 3, insufficient on-site car parking, and access that does not satisfy the requirements of the Department for Planning, Transport and Infrastructure. As such, when considered collectively, and in

conjunction with the significant shortfall in the proposed site areas, the density is one that substantially exceeds that sought in the Northern Policy Area 13.

Consequently, it is staff's view that the proposed residential density and site areas are substantially at variance with that sought in the Northern Policy Area 13, and therefore warrant refusal of the application.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Complies</b></p> <p>Dwg 1: 37.3% (including common driveway) Dwg 2: 35.5% (including common driveway) Dwg 3: 37.3% (including common driveway)</p> <p><b>Does Not Comply</b></p> <p>Dwg 1: 52.7% (excluding common driveway) Dwg 2: 50.1% (excluding common driveway) Dwg 3: 52.7% (excluding common driveway) Dwg 4: 50.6% (including common driveway) Dwg 4: 71.3% (excluding common driveway)</p> <p>Whole of the land: 40.25%</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>Dwg 1: 0.54 (including common driveway) Dwg 2: 0.49 (including common driveway) Dwg 3: 0.49 (including common driveway)</p> <p>Whole of the land: 0.38</p> <p><b>Does Not Comply</b></p> <p>Dwg 1: 0.76 (excluding common driveway) Dwg 2: 0.69 (excluding common driveway) Dwg 3: 0.69 (excluding common driveway)</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>Does Not Comply</b></p> <p>The proposal does not provide sufficient space for vehicle access and parking (as discussed further in this report). Furthermore, the private open space of Dwellings 2 and 3 is substantially less than that minimum sought.</p> <p><b>Partially Complies</b></p> <p>The private open space areas of Dwellings 1 and 4 are adequate to accommodate outdoor clothes drying, rainwater tanks, 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>Does Not Comply</b></p> <p>141 sq metres (17.1%)</p>



## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

- a) All POS areas are directly accessible from a habitable room of the associated dwelling.
- b) The POS areas of Dwellings 2, 3 and 4 are located at ground level to the side/rear of the dwellings and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings.
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.
- g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- h) POS areas are capable of being shaded during summer.

### Does Not Comply

- b) A majority of the POS area of Dwelling 1 is sited forward of the associated dwelling.
- i) Traffic noise is likely to have an unreasonable impact upon the amenity of the POS area of Dwelling 1
- j) The POS areas of Dwellings 2 and 3 are not considered to have adequate area to be functional for likely occupant needs.

### Site area less than 250 m<sup>2</sup>:

*20% of the site area or 35 m<sup>2</sup>, whichever is the greater  
Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.  
One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.*

General Section: Residential Development: PDC 17

### Complies

Dwg 1: 26.1% (including common driveway)  
Dwg 1: 36.9% (excluding common driveway)  
Dwg 4: 28.1% (including common driveway)  
Dwg 4: 39.6% (excluding common driveway)

### Does Not Comply

Dwg 2: 7.6% (including common driveway)  
Dwg 2: 10.6% (excluding common driveway)  
Dwg 3: 7.6% (including common driveway)  
Dwg 3: 10.6% (excluding common driveway)

## Street Setbacks

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

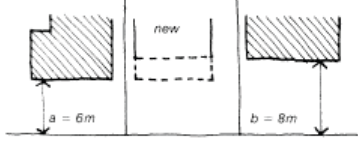
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

### Complies

The proposed front setback of 8.5 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.

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

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

General Section: Design and Appearance: PDC 25

#### Complies

Dwelling 1: 8.5 metres

(Dwellings on adjoining land set back approximately 3 and 7 metres, which equals an average setback of 5.0 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.*

Residential Zone: PDC 7

#### Complies

Minimum side setback for single storey wall: 1.5 metres.

#### Complies

Minimum side setback for single storey wall: 4.1 metres.

*Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:  
(a) the visual impact of the building as viewed from adjacent properties  
(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.*

General Section: Design & Appearance: PDC 2

#### Complies

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

### Rear Setbacks

*6 metres for a single storey dwelling*

Residential Zone: PDC 7

#### Does Not Comply

Dwg 4: Min rear setback 3.0 metres

*8 metres for a 2 or more storey dwelling*

Residential Zone: PDC 7

#### Complies

Dwg 3: Min rear setback 16.1 metres

<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b></p> <p>Dwg 4: Min rear setback of 3.0 metres for 45.3% of rear boundary</p> <p>Rear setback of 7.0 metres for 10.9% of rear boundary</p> <p>Remainder of rear boundary is free from structures</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 6.5 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>All garaging is located behind the main face of the dwelling and not readily visible from the street.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></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 are sited below the upper level. The carport of Dwelling 4 incorporates a roof form, materials and detailing which complements 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>Complies</b></p>

## Car Parking

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

**(A minimum of 8 on-site spaces required)**

*Residential Zone: PDC 7*

### **Does Not Comply**

8 spaces provided on site, however, the rear visitor space does not enable safe and convenient on-site vehicle movements, whilst DPTI are not supportive of the two visitor spaces at the front of the site.

As such, only 5 spaces are currently proposed that enables safe and convenient on-site movements.

*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**

b) Centre facilities and public transport are located in walking distance of the dwellings  
c) The likely occupants are anticipated to have standard mobility and transport requirements.

### **Does Not Comply**

a) The number of car parks proposed does not satisfy that sought by Council's Development Plan. Whilst the two-bedroom nature of the dwellings may reduce the on-site car park demand, the current proposal does not provide a safe, convenient or efficient layout for car parking.  
d) e) The proposal will enable one on-street parking space available in front of the site, where two ought to be provided. Further, DPTI has advised that on-street parking on arterial roads should not be relied upon.

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

*General Section: Transportation & Access: PDC 44*

### **Complies**

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

### **Does Not Comply**

(a) (b) Council's Development Engineer and DPTI has advised that the development does not provide adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.

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

*General Section: Transportation & Access: PDC 45*

### **Complies**

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

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

*General Section: Land Division: PDC 22*

### **Complies**

One on-street car parking space is provided for the proposed allotments, which does not satisfy PDC 22. Further, DPTI have advised that on-street parking on arterial roads cannot be guaranteed to be preserved.

## Access

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

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

*General Section: Residential Development: PDC 39*

### **Partially Complies**

Whilst the width of the driveway crossover meets that sought by Council's Development Plan, DPTI have requested a 6.0 metre-wide crossover to ensure the simultaneous movement of vehicles.

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

*General Section: Residential Development: PDC 40*

### **Complies**

The proposed crossover is set back a minimum of 1 metre from existing street infrastructure. The driveway results in the removal of a street tree, however, this tree has been deemed to be of poor health and condition and its removal is warranted.

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

*General Section: Transportation and Access: PDC 28*

### **Complies**

*Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:*

<b>No. of dwellings served by driveway</b>	<b>Width at front property boundary &amp; for first 6 metres</b>	<b>Width beyond first 6 metres</b>	<b>Widening required for passing</b>	<b>Minimum landscaped strip either side of driveway (metres)</b>
4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8

### **Partially Complies**

The common driveway incorporates appropriate width to satisfy Principle 41.

The proposal fails however to provide adequate landscaping on both sides, due to the proximity of Dwelling 1. The additional width of landscaping adjacent the southern side boundary assists in compensating for the lack of landscaping on the northern side, however, the provision of two on-site parking spaces north of the driveway entrance further exacerbates the extent of sealed area on the land.

*General Section: Residential Development: PDC 41*

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Complies**

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of brick, horizontal cladding and render on the front and side façades
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico and cantilevered upper level sections
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration

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

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

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

*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**

Dwelling 1 is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

Dwellings 2, 3 and 4 incorporate the entrance door with covered portico, which will be readily visible by visitors when entering the site.

## 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*

### Does Not Complies

a) The adjacent dwelling to the south incorporates a north-facing dining room window. From my calculations, this window will achieve at least 1 hour of direct sunlight between the house of 9am to 3pm, however, it will not achieve the 3 hours sought by Principle 9.

### Complies

b) Based upon my calculations, adequate daylight will be available to the private open space area of the adjoining property until midday, where some shadow is likely to be cast into the northern-most 5 metres of that property.

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

### Does Not Comply

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the northern elevation. However, the south-facing upper level windows of Dwellings 1, 2 and 3 do not incorporate appropriate privacy measures and are likely to result in a loss of privacy for the adjoining property to the south.

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

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

*General Section: Design & Appearance: PDC 14*

### Does Not Comply

Dwellings 2, 3 and 4 are located behind another dwelling with a frontage to a public road and could therefore be considered to represent a 'battleaxe allotment or the like'.

Dwellings 2 and 3 fail to satisfy this Principle, however, the dwellings are situated within the centre of the site and are 'introduced' when viewed from the rear by Dwelling 4, which is single storey in height.

The dwellings do not provide appropriate treatments to protect the privacy of the neighbouring properties, and as such, it is considered that the proposal fails to satisfy Principle 14.

## Noise

*Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.*

*General Section: Residential Development: PDC 26*

*Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade. 2*

*General Section: Residential Development: PDC 27*

### Partially Complies

Dwelling 1 does not appear to incorporate double glazing to minimise noise intrusion into the dwelling. A masonry fence is proposed adjacent the front boundary. This structure will assist in minimising noise impacts to the private open space, however, the ground-floor windows of the dwelling are not offered protection from noise of the adjacent road.

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

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

*General Section: Residential Development: PDC 29*

### Complies

Dwellings 2 and 3 feature bedroom windows sited above the common driveway. This level of separation is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

## Site Facilities and Storage

*Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:*

- (a) mail box facilities sited close to the major pedestrian entrance to the site*
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)*
- (c) household waste and recyclable material storage areas away from dwellings.*

*General Section: Residential Development: PDC 30*

### Partially Complies

- a) A common letterbox has not been provided at the entrance to the common driveway, however, ample area is available for this to be provided.
- b) Not applicable, as the development does not contain more than 6 dwellings.

### Does Not Comply

- c) Due to the siting of Dwellings 2 and 3, bins are likely to be placed at the 'front' of the dwelling, adjacent the common driveway.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### Complies

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

### Partially Complies

As identified in the Overshadowing section of this table, the proposed dwellings will enable adequate winter sunlight to the adjacent private open space area, however, the north-facing dining room window of that dwelling is unlikely to receive adequate solar access during winter months.



<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p><b>Complies</b></p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p><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> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>(a) The proposal plans demonstrate differing species to be planted around the perimeter of the property. However, the allocation of species has not been identified, and as such, it cannot be concluded that the landscape plantings will satisfy this Principle.</p> <p>(b)(c) The proposed location of landscaping satisfies these criteria.</p> <p>(d) Most species chosen require limited watering in summer months</p> <p>(i) Location of landscaping will enable use of stormwater runoff from the driveway</p> <p>(j)(k)(l) Not applicable</p> <p><b>Does Not Comply</b></p> <p>(e)(f) Limited landscaping is proposed street-side of the two visitor spaces at the front of the site to assist in softening the extent of hard-standing areas.</p> <p>(g)(h) The height of the plantings proposed are unlikely to satisfy this criteria.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><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></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed masonry fencing at the front of the site is encouraged on arterial roads and will assist in providing visual and audible privacy for the residents of Dwelling 1.</p>

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to privacy and overshadowing have been assessed in the body of the report.

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

---

## ANALYSIS/CONCLUSION

The proposed development fails to satisfy several key Objectives, Principles of Development Control and aspects of the Desired Character of the Northern Policy Area 13 which relate to minimum site areas for residential flat and group dwellings, and the overall density of the development.

Further consideration of the proposed density in the context the locality has demonstrated that, while the locality could support an increased density to a certain capacity, sufficient merit does not exist to justify such a substantial shortfall in site areas.

Assessment of the proposal against applicable Development Plan criteria has also demonstrated a series of other notable shortfalls, including car parking, access, private open space, overshadowing and overlooking.

The cumulative impact of these shortfalls suggests that the fundamental density and design of the proposed four dwellings does not accord with the intent of the Northern Policy Area 13.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993, the proposal fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore warrants refusal.

---

## 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: 100/2015/1682 for a two storey residential flat building, comprising three, two storey dwellings and a single storey dwelling, with associated car parking, masonry wall and landscaping at 507 Marion Road, South Plympton be REFUSED for the following reasons:

## REASONS FOR REFUSAL

1. The development results in a dwelling density that does not comply with that sought within the Northern Policy Area 13 and is at variance to Objective 1 and 3, Principle 2 and the Desired Character of the Policy Area.
2. The site areas of the proposed dwellings fail to satisfy the minimum of 300 square metres prescribed by Principle of Development Control 3 of the Northern Policy Area 13.
3. The amount of private open space provided for Dwellings 2 and 3 is significantly less than that sought by Residential Development Principle 17 and is unlikely to be appropriate for likely occupant needs.
4. The location of on-site car parking does not provide for the safe and convenient movement of vehicles and fails to satisfy Transport and Access Principles 26, 27, 36(c) and 36(g).
5. Access to the site and the location of the western visitor parking spaces may result in unreasonable interference with the flow of traffic on the adjoining road and therefore fails to satisfy Transport and Access Principle 23(a).
6. Dwellings 1, 2 and 3 do not incorporate appropriate privacy treatments and are likely to unreasonably compromise the privacy of adjoining land. As such, the proposal does not comply with Design and Appearance 12.
7. The proposed dwellings are likely to result in the north-facing habitable room window of the adjacent dwelling not achieving adequate solar access during winter months, and therefore fails to satisfy Design and Appearance Principle 9.

## 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>
<i>Attachment VI:</i>	<i>Statement of Representations</i>
<i>Attachment VII:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 April 2016

**Agenda Ref No:** DAP200416 – 2.3

**Originating Officer:** Emily Nankivell  
Senior Development Officer - Planning

**Applicant:** BAM Pty Ltd

**Development Description:** Two, two storey residential flat buildings, one comprising two dwellings and the other comprising four dwellings (six dwellings in total) all with associated garages and balconies, landscaping and front fence.

**Site Location:** 356 Sturt Road Clovelly Park

**Zone:** Residential Zone

**Policy Area:** Regeneration Policy Area 16

**Application Type:** Category 3 / Consent

**Lodgement Date:** 16/06/2015

**Development Plan:** Consolidated – 19 March 2015

**Application No:** 100/2015/1054

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

---

### CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development comprising the construction of two or more two storey residential flat buildings comprising dwellings as Category 3 development as not expressly listed as Category 1 or Category 2.

Given that the development proposes a dwelling density that will result in site areas below the minimum standard in the Development Plan, Council has delegated authority to the Development Assessment Panel.

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

Amendments Requested	Amendments Made
Reduction in dwelling density	The applicant elected to maintain the same dwelling density as originally proposed
Layout of Dwellings 1 and 2 and the common drive	Dwellings 1 and 2 repositioned to the western side of the allotment and common driveway located to the eastern side of the site

Increase setback to Dwellings 3 to 6	No change to the proposal
Increase of landscaping throughout the site	Landscaping is now proposed to the front of the site
Alteration to the car parking of Dwellings 1 and 2 and the visitor space located at the front of the site to ensure vehicles can leave the site in a forward direction	The proposal plans have been amended to ensure that all vehicles can manoeuvre from the car parking areas and leave the site in a forward direction

## SUBJECT LAND & LOCALITY

The subject land is located on the northern side of Sturt Road, approximately 230 metres from the Sturt Road and South Road intersection. The property is identified as allotment 124 in Certificate of Title Volume 5635 Folio 111. The subject land has a frontage to Sturt Road of 21.26 metres, a depth of 48.3 metres and a total land size of 1026.8 square metres.

The subject land currently contains a single storey detached dwelling in moderate condition. There is a mature tree in the rear yard that is not regulated or significant and provides minimal visual contribution to the streetscape. The existing access is located to the east of the site.

The site has a gradual slope from south to north (towards the rear of the allotment) with an overall fall of 200mm or 1-in-0.4 over the depth of the site. There is also a reasonable side fall of approximately 600mm from east to west.

The locality comprises a mix of original and new residential development, both single and two storey in scale. There are also examples of non-residential development demonstrated by the uses on the opposite side of Sturt Road, including the Sturt Police Station. The broader locality also incorporates the Tonsley site (Tonsley Tafe) and Flinders University.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes the construction of two, two storey residential flat buildings comprising a total of six dwellings with associated car parking, landscaping and front fence.

The residential flat building closest to Sturt Road comprises two dwellings. Both dwellings incorporate two bedrooms, bathroom and balcony on the upper level and living, dining, kitchen, toilet, laundry and garage on the lower level. The front doors of these dwellings face an easterly direction towards the common driveway and are covered by a porch. These dwellings run in an east to west direction with the private open space areas afforded a northern aspect.

The residential flat building at the rear of the site comprises four dwellings each with two bedrooms, bathroom and balcony upstairs and living, dining, kitchen, toilet, laundry and garage downstairs. The front doors of these dwellings face into the common property and the dwellings run in a south to north direction with north facing private open space areas.

All six dwellings will gain access from the common driveway located on the eastern side of the site. This access utilises the existing access point with alteration to increase its width to achieve the minimum width requirement of 6 metres. There is a Telstra pit located next to the proposed access; the applicant has demonstrated that the access will not conflict with the existing Telstra pit.

The application incorporates a front boundary fence comprising pillars with infill aluminium slats. The fence also incorporates a letterbox area for all six dwellings. Between the fence and Dwelling 1 the applicant proposes a landscape garden area with a variety of plants and trees. There is also one car parking space located next to Dwelling 1. Landscaping is incorporated

throughout the site with plantings proposed for the entire length of the eastern side of the common driveway. Other landscape areas are also included throughout the site.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	13 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	1 representation from Renewal SA was received. The representation was neutral to the outcome of the application.
<b>Persons wishing to be heard:</b>	The representor did not indicate a desire to be heard.
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>Representation was reminding the applicant of responsibilities to notify neighbours should boundary fencing be replaced.</li> <li>That prior to commencement of any work to the boundary fencing certain requirements are to be met.</li> </ul> <p><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<ul style="list-style-type: none"> <li>The applicant is happy to work with Renewal SA in relation to boundary fencing and agrees to their terms and processes as required.</li> </ul> <p><i>Refer Attachment V</i></p>

## GOVERNMENT AGENCY REFERRAL

<b>DPTI:</b>	<ul style="list-style-type: none"> <li>No objection is raised to the proposed development subject to conditions.</li> <li>Current planning shows that this allotment will not be required for the Darlington Upgrade Project.</li> <li>DPTI are satisfied that two-way vehicular movements can be achieved via the 6.0 metre wide access located adjacent the eastern boundary.</li> <li>Ideally, some separation should be provided from the adjacent access point to Lot 301, however given the location of the Telstra pit located in the verge that opportunity to achieve desirable separation is constrained.</li> <li>DPTI recommended that the visitor park be located to the rear of the site. The applicant has provided a traffic report to address this matter.</li> <li>DPTI is satisfied that there is sufficient driveway width for all vehicles to manoeuvre on-site and achieve forward egress movements. This is also confirmed by the traffic report provided by the applicant.</li> </ul>
--------------	---

*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	<ul style="list-style-type: none"> <li>• No concerns with car parking and manoeuvring.</li> <li>• Council's runoff coefficients for peak flow mitigation of 0.25 for 1 in 5 year storm and 0.45 for 1 in 100 year storm shall not be exceeded.</li> <li>• Each dwelling is provided with the required onsite stormwater retention/detention tanks.</li> </ul>
---------------------	---

## ZONE & POLICY AREA ASSESSMENT

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

### Residential Zone

#### **Objectives**

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

### Regeneration Policy Area 16

#### **Objectives**

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

#### **Desired Character**

...The desired character of the policy area is derived from high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock in the area. It will be characterised by integrated development at low-medium and medium densities, with a wide range of dwelling types to meet a variety of accommodation needs for public housing tenants and the private housing sector.

Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity.

Medium density development should predominate adjacent to public open space reserves, major transport routes, shops and community facilities, but can be dispersed throughout the area as part of major comprehensive redevelopment projects. Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger areas, a comprehensive scheme for the development of a range of dwelling types is desirable.

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality. Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

<b>PDC 1</b>	<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>student accommodation</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<p><b>Complies</b></p> <p>The application proposes the construction of dwellings in a residential flat building arrangement.</p>
<b>PDC 2</b>	<p><i>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</i></p> <p><i>(a) within 400 metres walking distance of a neighbourhood, district or local centre</i></p> <p><i>(b) within 800 metres walking distance of a regional centre</i></p> <p><i>(c) close to public transport or major employment nodes</i></p> <p><i>(d) adjacent to public open space.</i></p>	<p><b>Complies</b></p> <p>The application proposes higher concentrations of dwellings in close proximity to public transport, open space and local centre zone.</p>
<b>PDC 4</b>	<p><i>Minimum Site Area:</i></p> <p><i>Two storey residential flat building average area: 200m<sup>2</sup></i></p>	<p><b>Does Not Comply</b></p> <p>Average area for each dwelling 171.14m<sup>2</sup> (includes driveway/common area)</p> <p>Excluding the driveway/common area each dwelling is provided with an average site area of 137.4m<sup>2</sup></p>
	<p><i>Minimum Frontage:</i></p> <p><i>Two storey residential flat building frontage: 18m</i></p>	<p><b>Complies</b></p> <p>Site frontage 21.26m</p>
	<p><i>Minimum Depth:</i></p> <p><i>Two storey residential flat building depth: 45</i></p>	<p><b>Complies</b></p> <p>48.3m</p>

## Assessment

The proposal will result in a residential flat building development comprising a total of six dwellings on the site replacing the existing single storey dwelling. This is a net increase of five dwellings on the land. Although resulting in a substantial increase to dwelling density on the site it is considered that this achieves the Desired Character of the Policy Area that calls for *high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock*.

The frontage and depth of the allotment lends itself to the development proposed exceeding the frontage and depth requirements for residential flat buildings in the Policy Area. The Desired Character is also supportive of the proposed built form scale, calling for *buildings of up to two storeys in height are appropriate...provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity*. In this regard the development is considered to provide appropriate setbacks and privacy treatments (discussed in more detail in the table below) to limit adverse impacts on the amenity of neighbouring properties.

The proposal does exceed the density (site area) standard for two storey residential flat buildings within the Policy Area, which provides an average site area requirement of 200 square metres per dwelling. The average site area for the dwellings, including the common driveway area, is 171.14 square metres and excluding the driveway area is 137.4 square metres. This demonstrates a shortfall of 14.43% and 31.3% respectively. Although below the minimum site area requirement and acknowledging that the proposal does represent shortfalls in relation to private open space and setbacks, all of the dwellings are considered to have good function, discussed further in the table below.



The proposed development is in a location that encourages increased densities. Furthermore, the type of dwellings proposed are all two bedrooms in design and as such are considered to be an appropriate size for the site density being sought.

The proposal will result in a residential development that, with the exception of having slightly higher dwelling density than recommended by the Policy Area and acknowledging other shortfalls, is considered to demonstrate a development with efficient layout, dwelling function and site density that is considered to reflect the intent of the Desired Character and provisions of the Regeneration Policy Area 16.

## DEVELOPMENT ASSESSMENT

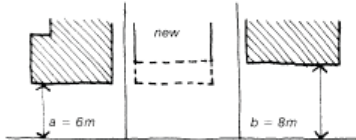
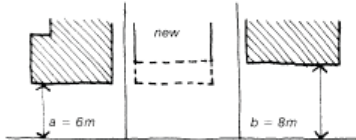
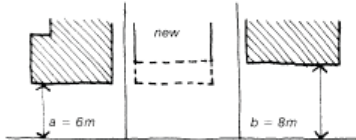
The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

Site Coverage	
<p><b>Maximum site coverage:</b>  Site area less than 220 m<sup>2</sup>: 80 m<sup>2</sup> or 45%  (whichever is the greater)</p> <p>Regeneration Policy Area 16: PDC 5</p> <p>80m<sup>2</sup> is the applicable standard on individual allotment size  45% is the applicable standard over the entire site</p>	<p><b>Complies</b>  <u>Total Development Site</u>  38.1%</p> <p><u>Individual Dwellings based on average allotment size over site (including/excluding driveway)</u>  Dwelling 1 &amp; 2: 78.78m<sup>2</sup>  Dwelling 3 &amp; 6: 62m<sup>2</sup>  Dwelling 4 &amp; 5: 59.34m<sup>2</sup></p>
<p><b>Maximum floor area ratio:</b>  Site area less than 270 m<sup>2</sup>: 0.7</p> <p>Regeneration Policy Area 16: PDC 5</p>	<p><u>Overall site including driveway</u>  <b>Complies</b>  0.423</p> <p><u>Overall site excluding driveway</u>  <b>Complies</b>  0.48</p> <p><u>Individual Dwellings based on average allotment size over site (including driveway)</u>  <b>Complies</b>  Dwelling 1 &amp; 2: 0.67  Dwelling 3 &amp; 6: 0.57  Dwelling 4 &amp; 5: 0.54</p> <p><u>Individual Dwellings based on average allotment size over site (excluding driveway)</u>  <b>Does Not Comply</b>  Dwelling 1 &amp; 2: 0.75  Dwelling 3 &amp; 6: 0.71  <b>Complies</b>  Dwelling 4 &amp; 5: 0.67</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> <li>(a) pedestrian and vehicle access and vehicle parking</li> <li>(b) domestic storage</li> <li>(c) outdoor clothes drying</li> <li>(d) rainwater tanks</li> <li>(e) private open space and landscaping</li> <li>(f) convenient storage of household waste and recycling receptacles</li> </ul> <p>General Section: Residential Development: PDC 13</p>	<p><b>Complies</b>  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> <p>The proposal will provide 23.6% pervious surfaces that comprise landscaped areas and unpaved POS areas.</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> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i>  <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i>  <i>(c) to take advantage of, but not adversely affect, natural features of the site</i>  <i>(d) to minimise overlooking from adjacent buildings</i>  <i>(e) to achieve separation from bedroom windows on adjacent sites</i>  <i>(f) to have a northerly aspect to provide for comfortable year round use</i>  <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i>  <i>(h) to be partly shaded in summer</i>  <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i>  <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <p>a) All POS areas are directly accessible from habitable rooms of the associated dwelling.  b) A majority of the POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.  c) The subject land does not maintain natural features which warrant preservation.  d) The POS areas should not be directly overlooked by adjacent buildings.  e) POS areas are not located next to bedrooms of dwellings on adjacent sites.  f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.  g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.  h) POS areas are capable of being shaded during summer.  i) Traffic, industry or other business activities should not affect the subject land unreasonably. The dwelling likely to be most impacted by traffic noise is Dwelling 1, the POS for this dwelling will be provided with a buffer system formed by the front fence and landscaping and will be further protected by a boundary fence to the POS area.  j) The POS areas are considered to have sufficient shape and area to be functional.</p>
<p><b>Site area less than 250 m<sup>2</sup>:</b></p> <p><i>20% of the site area or 35 m<sup>2</sup>, whichever is the greater</i>  <i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i>  <i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p> <p><i>35m<sup>2</sup> is the applicable standard for the proposed dwellings.</i></p>	<p><b>Complies</b></p> <p>Dwelling 1 &amp; 2:  Are provided with a total area of 35.2m<sup>2</sup>  The balconies comprising part of this area have a total individual size of 9.2m<sup>2</sup>  The ground level POS is directly accessible from the living areas of the associated dwelling, have an area of 26m<sup>2</sup>, a minimum dimension of 4m and will not exceed the gradient requirements.</p> <p><b>Partially Complies</b></p> <p>Dwelling 3 &amp; 6: Provided with a total area of 30.06m<sup>2</sup>  The balconies comprising part of this area have a total individual size of 8.8m<sup>2</sup>.  The ground level POS is directly accessible from the living areas of the associated dwelling, have an area of 21.26m<sup>2</sup>, a minimum dimension of 4m and will not exceed the gradient requirements.</p> <p>Dwelling 4 &amp; 5: Provided with a total area of 30.4m<sup>2</sup>.  The balconies comprising part of this area and have a total individual size of 8.8m<sup>2</sup>.  The ground floor POS is directly accessible from the living areas of the associated dwelling, have an area of 21.6m<sup>2</sup>, a minimum</p>

	dimension of 4m and will not exceed the maximum gradient requirements.						
<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>General Section: Design and Appearance: PDC 23</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 6.0 metres is similar to that of new dwellings in the locality and some examples of older dwellings. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>						
<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 25</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p><b>Partially Complies</b></p> <p>Dwelling 1: 6.0 metres</p> <p><i>(Dwellings on adjoining land set back approximately 6.2 and 9.8 metres, which equals an average setback of 8 metres)</i></p> <p>However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. Given that the Regeneration Policy Area 16 encourages regeneration of the existing dwelling stock, PDC 25 has limited weight in this instance.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 36</p>	<p><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
<b>Side Setbacks</b>							
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p>Residential Zone: PDC 7</p>	<p><b>Does Not Comply</b></p> <p><u>Wall height not greater than 3 metres</u></p> <p>Dwelling 3 &amp; 6: 0.93 m</p> <p>The proposed side setback falls 0.07 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.</p> <p><u>Wall height greater than 6 metres</u></p> <p>Dwelling 6: 2.03m.</p> <p>Due to the skillion roof design the wall height for Dwelling 6 exceeds 6m, demonstrating a total wall height of 6.3 metres. Due to the height of the wall the dwelling should be setback 2.3 metres from the eastern side boundary.</p> <p><b>Complies</b></p> <p><u>Wall height between 3 metres and 6 metres</u></p>						

	<p>Dwelling 3: 2.03m from the western boundary.</p> <p><b>Complies</b> Dwellings 1 &amp; 2 demonstrate setbacks from the side property boundaries of 4 metres and 6.6 metres, exceeding the side setback requirements.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i>  <i>(a) the visual impact of the building as viewed from adjacent properties</i>  <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b> Although some of the side setbacks demonstrated by the proposed development 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>Does Not Comply</b> All dwellings: 4m from the rear boundary (taken from the rear boundary based on dwelling orientation).</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Partially Complies</b> Dwellings 3 to 6: 6.2m to dwelling wall and 4m to balcony.</p> <p><b>Does Not Comply</b> Dwellings 1 &amp; 2: 5m to dwelling wall and 3m to balcony.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i>  <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Does Not Comply</b> The proposed dwellings provide a 4m setback to the rear boundary of the site at their closest point.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i>  <i>(a) the visual impact of the building as viewed from adjacent properties</i>  <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b> Although the rear setbacks do not comply with quantitative criteria, the separation from the rear boundary of each dwelling site is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i>  <i>(i) 2 storeys of not more than 9 metres</i>  <i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b> The proposed dwellings are two storeys and incorporate a maximum building height of 6.5 metres, which is less than the maximum permitted in the Policy Area.</p>

## 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.*

*Residential Zone: PDC 8*

### **Partially Complies**

The associated garages are all setback from the primary road frontage by 8 metres and while they are not setback 0.5m behind the main face of the associated dwellings they do not extend further forward.

*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**

The proposed garages are setback from road frontages with all manoeuvring into and out of the spaces to occur on site. The common driveway provides two-way vehicle movements at the entry/exit of the site. All vehicles can leave the site in a forward direction.

*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 incorporated into the dwelling design and comprise materials and detailing which complement the associated dwelling.

## Car Parking

*Minimum number of on site car parking spaces (one of which should be covered):*

*1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.*

*11 on site spaces required, 9 to be allocated to the dwellings and 2 to be visitor spaces.*

*Residential Zone: PDC 7*

### **Partially Complies**

The proposal provides 11 onsite car parks. Dwelling 3 to 6 have been provided with two spaces, one undercover space and one visitor space.

Dwellings 1 and 2 are provided with one undercover vehicle space each and are provided with a shared visitor space located in front of Dwelling 1.

*On-site vehicle parking should be provided having regard to:*

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

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

b) Public transport is located within walking distance of the dwellings.

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

### **Partially Complies**

d) e) Two on-street car parking spaces shall remain available adjacent the subject land.

*Vehicle parking areas servicing more than one dwelling should be of a size and location to:*

- (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely*
- (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area*
- (c) reinforce or contribute to attractive streetscapes.*

### **Complies**

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

(c) A majority of the proposed vehicle parking areas are located to the rear of the site and a

<i>General Section: Transportation &amp; Access: PDC 44</i>					majority of the front yard of the land is identified for landscaping, therefore the subject site should maintain an attractive streetscape.
<i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i>  <i>General Section: Transportation &amp; Access: PDC 45</i>					<b>Partially Complies</b> All but one of the car parking spaces are located to the side and rear of the subject buildings with access from a shared internal driveway. The one space provided between Dwelling 1 and the front fence will not be covered and will be screened by the proposed front fence and landscaping.
<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>  <i>General Section: Land Division: PDC 22</i>					<b>Partially Complies</b> 2 on-street car parking spaces are provided for the proposed allotments, where 3 are required by PDC 22. The available on street car parking will not be reduced as a result of the application. Coupled with the car parking provided on site the proposal is considered to provide satisfactory car parking in accordance with PDC 22.
Access					
<i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i>  <i>General Section: Residential Development: PDC 39</i>					<b>Does Not Comply</b> The proposed crossover is 6 metres in width. Although this exceeds the maximum width specified in the Development Plan the 6 metres was a requirement of DPTI to ensure that simultaneous two-way vehicle movements could be achieved when entering and exiting the property.
<i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</i>					<b>Partially Complies</b> The proposed vehicle access will service 6 dwellings and achieves the required width in the Development Plan, including an 800mm landscape strip along the eastern boundary. The other side of the driveway does not maintain the 800mm landscape strip due to the façade and entries of Dwellings 1 & 2 facing the common access.
<b>No. of dwellings served by driveway</b>	<b>Width at front property boundary &amp; for first 6 metres</b>	<b>Width beyond first 6 metres</b>	<b>Widening required for passing</b>	<b>Minimum landscaped strip either side of driveway (metres)</b>	
4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8	
<i>General Section: Residential Development: PDC 41</i>					

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Complies**

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling designs incorporate the following elements to enhance their design and appearance:

- Mixture of horizontal cladding and render on the external walls of Dwellings 1 and 2.
- Dwellings 3 to 6 incorporate rendered facades.
- Some stepping of upper and lower storeys to minimise building height, mass and proportion.
- Protruding porticos and balconies.
- Skillion roof form at 10 degree pitch.
- Fenestration.

The dwellings incorporate a 10 degree Colorbond skillion roof, with rendered facades. The garage of each dwelling features Colorbond automatic door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

*Balconies should:*

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

*General Section: Design & Appearance: PDC 5*

### **Complies**

The proposed balconies are integrated into the dwelling design. The balconies are all located to the rear of the associated dwellings and incorporate 1.7 metre high balustrading/screening to ensure the privacy of adjoining properties.

*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*

### **Does Not Comply**

Dwellings 1 and 2 have been designed so that their main facade faces towards the common driveway. In this regard all of the dwellings present an entrance door, portico and habitable windows to the common driveway. To improve presentation and passive surveillance to the street the windows of Dwelling 1 have been increased in size and are unobscured.

## 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) Due to the orientation of the subject land and development the north-facing windows to habitable rooms of existing dwellings will not be impacted by the proposed development.

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

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

## Visual Privacy

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

- (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*
- (b) building setbacks from boundaries (including 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 balconies, located to the rear of each dwelling, incorporate balustrading and aluminium screening to a height of 1.7 metres above finished floor level so 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.

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

*General Section: Design & Appearance: PDC 14*

### Does Not Comply

The dwellings located on the battleaxe allotment are all two storeys in height. However, they have been designed to protect and maintain the privacy of adjoining residential properties.



## Noise

*Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.*

*General Section: Residential Development: PDC 26*

*Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade. 2*

*General Section: Residential Development: PDC 27*

### Complies

Dwelling 1 will be sited closest to the arterial road. To address potential impacts from noise the windows to the southern side of this dwelling will all be treated with double glazing. The impacts from traffic noise are considered to be further reduced by the front fencing and landscaping proposed along the front boundary of the site.

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

*General Section: Residential Development: PDC 29*

### Complies

All six dwellings feature an upper level bedroom window sited adjacent the common driveway. These windows are separated from the common driveway through their vertical height above ground level. It is considered that as these bedrooms are located on the upper level of these dwellings this separation is sufficient to minimise external noise and light intrusion as envisaged by PDC 29.

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

## Site Facilities and Storage

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

*General Section: Residential Development: PDC 30*

### Partially Complies

a) Common letterboxes are featured at the entrance to the common driveway.  
b) Not applicable, as the development does not contain more than 6 dwellings.  
c) Although common waste storage areas are not provided, this is not considered necessary given that Dwellings 1, 2, 3 and 6 maintain side gate access to its rear garden. It is considered that there will be space in front of Dwellings 4 and 5 that can be used for the keeping of bins. As such, bins could be efficiently stored in the private utility areas or in front of each dwelling.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

### Partially Complies

Dwellings 3 to 6 are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. Dwellings 1 and 2 are oriented so that the primary area of POS is facing west, but will maintain a northern aspect. The main internal activity areas of Dwellings 1 and 2 are oriented west, which should nonetheless receive some northern winter sunlight.

<p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p><b>Partially Complies</b></p> <p>The dwellings incorporate a skillion roof form set at a 10 degree pitch, with south facing orientation for Dwellings 1 and 2 and west facing orientation for Dwellings 3 to 6. While this does not provide the optimum orientation for solar access it is considered that solar collectors could still be sited on the west facing sections of the roof to a lesser efficiency to what would be achievable if they were north facing.</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> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p><b>Complies</b></p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><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></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 500 millimetres. 2.0 metre high colorbond fencing is proposed to be constructed atop these walls, this will result in a maximum structure height of 2.5 metres in the north-west corner of the site. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

## TABLE DISCUSSION

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

- The application proposes two storey dwellings on a battleaxe allotment.
- Dwellings 3, 4, 5 and 6 are not provided with 35 square metres of private open space.
- Floor area ratio based on average allotment area excluding the driveway

### **Two Storey Dwellings on a Battleaxe Shaped Allotment**

The proposal involves the development of two storey dwellings on a battleaxe allotment. In many instances this would not be appropriate given the clear direction of the Development Plan to restrict this type of development. In considering the appropriateness of two storey dwellings on this site, the location, dimensions and layout of the development as a whole were taken into account, along with the Desired Character of the Regeneration Policy Area 16 and built form in the locality. The setbacks and separation of the dwellings from boundaries and privacy treatments incorporated into the development were also taken into consideration.

It is acknowledged that the application is finely balanced given the shortfalls in rear setback and private open space coupled with the two storey nature of the dwellings and site density. Whilst the proposal does not strictly adhere to the setback requirements with Dwelling 6 demonstrating a setback of 2.03 metres from the eastern side boundary and the balconies of Dwellings 3 to 6 demonstrating a rear setback of 4 metres, it is considered that the setbacks and design does provide appropriate separation from side and rear boundaries (overshadowing impacts from the proposed setbacks is discussed in the table above). Furthermore, the skillion roof and design assists the dwellings in maintaining a low profile and reduces their visual dominance and in this regard the dwellings are not considered to unreasonably impact on adjoining properties by way of visual bulk and scale.

The dwellings have been designed with upper level windows and balconies with obscure glazing/screening to 1700mm above finished floor level in order to ensure that the dwellings will not result in overlooking of adjoining properties. It is considered that the privacy treatments will protect the privacy of adjoining properties.

Given that the subject land is identified within the Regeneration Policy Area 16, which encourages higher densities and two storey development, and that the design of the dwellings provides appropriate side and rear boundary setbacks, separation in the built form and that appropriate privacy treatments have been incorporated into the dwelling design, the two storey dwellings on a battle-axe shaped allotment are considered acceptable in this instance and will not have an unreasonable impact upon the privacy and amenity of adjoining land.

### **Private Open Space to Dwellings 3, 4, 5 & 6**

Due to the size of the proposed allotments each dwelling should be provided with 35 square metres of private open space (POS). This is achieved for Dwellings 1 and 2 with a shortfall in POS area demonstrated by Dwellings 3, 4, 5 and 6. Dwellings 3 and 6 are provided with 30.06 and Dwellings 4 and 5 are provided with 30.4 square metres of area. This is a shortfall of 4.94 square metres and 4.6 square metres respectively.

Although the proposal demonstrates some non-compliance, the POS areas provided to Dwellings 3, 4, 5 and 6 achieve the other quantitative standards in terms of minimum dimension, accessibility from the dwelling and orientation, being north facing. The POS areas provided to these dwellings are considered to be functional areas with decent dimension and access to natural light that will serve the needs of the residents of each property. It is acknowledged that the screening of the balconies located at the rear of all six dwellings will restrict outlook and access to natural light, which may impact on the amenity of these spaces. However, the

screening does provide privacy for users of the balconies and also allows the windows and doors leading to the balconies to remain unobscured, which is considered to increase the amenity and access to natural light of the internal areas of the dwellings. As such it is considered that the POS areas for each dwelling is satisfactory in this instance.

### **Floor Area Ratio**

The floor area ratio (FAR) has been calculated over the whole site, being 0.423. When calculated for each individual site (excluding the driveway area), Dwelling 1 and 3 exceed the maximum FAR by between 0.01 and 0.05. This is equivalent to 0.1m<sup>2</sup> and 0.6m<sup>2</sup> respectively. Similarly, to the site coverage percentage, when calculated over the entire site the FAR does not exceed the maximum 0.7 specified in the Development Plan and this indicates that as a whole, the development does not represent an overdevelopment of the site. The additional floor area will not unreasonably impact on the function of each dwelling and aids in keeping the footprints of the two storey dwellings quite compact. In this instance the FAR is considered acceptable.

---

### REPRESENTOR'S CONCERNS

The representor has made comments regarding the replacement of fencing and notifying neighbours. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

---

### ANALYSIS/CONCLUSION

It is acknowledged that the application is finely balanced given the shortfalls it demonstrates in relation to dwelling density, built form, setbacks and POS. However, the proposal is considered to result in a residential development on the site that is an envisaged form of development within the policy area. The overall built form will maintain good separation from boundaries and articulation to reduce visual bulk and scale. The proposed setbacks and layout of the development are not considered to result in an unreasonable impact on the amenity of the locality or neighbouring properties. Notwithstanding the slightly higher density being sought by the proposal, two storey built form on a battle-axe allotment and more minor non-compliances in relation to side/rear setbacks, private open space and floor area ratio, the proposal is considered to result in a functional and coordinated development on the land and demonstrates sufficient merit to warrant approval.

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1054 for Two, two storey residential flat buildings, one comprising two dwellings and the other comprising four dwellings all with associated garages and balconies, landscaping and front fence at 356 Sturt Road, Clovelly Park be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1054, being the Site Plan, Lower Floor Plan Lots 1 & 2, Upper Floor Plan Lots 1 & 2, East and West Elevations Lots 1 & 2, South and North Elevation Lot 1 & 2 and Street Elevation Boundary Fence, Lower Floor Plan Lots 3 & 4, Upper Floor Plan Lots 3 & 4, Lower Floor Plan Lots 5 & 6, Upper Floor Plan Lots 5 & 6, South and North Elevation Lots 3-6, West and East Elevation Lot 3 & 6, Siteworks Plan and Landscaping Plan (inclusive) prepared by Holliday Design & Drafting received by Council on the 7 April 2016, except when varied by the following conditions of consent.
2. Cross-sections or similar detail of the balcony screening is to be provided to Council for consideration and approval prior to Development Approval being issued.
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 portion of the upper floor windows to the northern elevation of Dwelling 2, the western elevation of Dwelling 3, the eastern elevation of Dwelling 6 and the southern elevation of Dwellings 3, 4, 5 and 6 (except the south-facing windows presenting to the street for Dwelling 1) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

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

## NOTES

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

## Attachments

<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 Plans &amp; Traffic Report</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 April 2016

**Agenda Ref No:** DAP200416 – 2.4

**Originating Officer:** Stephen Both  
Senior Development Officer - Planning

**Applicant:** Jeanes & Sommerville Surveyors Pty Ltd

**Development Description:** Torrens Title Land Division – (1 into 2) allotments  
Community Title Land Division – (1 into 2) allotments

**Site Location:** 14 Larkdale Avenue, Marion.

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 1 / Consent

**Lodgement Date:** 24/11/2015

**Development Plan:** Consolidated – 19 March 2015

**Application Nos:** 100/2015/2190 & 100/2015/2189

**DAC Reference Nos:** 100/D271/15 & 100/C272/15

**Recommendation:** Development Plan Consent, Land Division Consent  
and Development Approval (Granted)

---

## BACKGROUND

This report deals with the assessment of two separate land division applications which seek to create additional allotments over the land located at 14 Larkdale Avenue, Marion. Both applications relate to a separate land use application (DA 100/1418/2015) which is concurrently being assessed for the construction of three dwellings at the above address. The associated land use application is listed on the agenda and is to be considered by the Development Assessment Panel following the consideration of the above land division applications.

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

Amendments Requested	Amendments Made
The applicant was requested to narrow the driveway of the “battle-axe” allotment from 5.1 to 4.0 metres in width in line with the amended changes made to the plans associated with the land use application (DA100/1418/2015).	The plans for both land division applications have been subsequently amended to illustrate the changes made to the width of the shared driveway along the southern boundary.
The applicant was requested to nominate the location of the “party” walls between the two residential flat dwellings to the rear of the	The applicant has amended the land division plans for the community land division which now show the location of the “party” walls

subject land on the plans illustrating the community title land division.	between Lots (102) and (103).
---	-------------------------------

## CATEGORISATION & DELEGATION

- The Torrens title land division (DA 100/D271/15) and Community title land division (DA 100/C272/15) are both Category 1 forms of development pursuant to Schedule 9 (Part 1: 2(f)) of the Development Regulations 2008, which assigns the division of land which creates not more than 4 additional allotments as a Category 1 development.

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

## SUBJECT LAND & LOCALITY

The subject land is situated on the western side of Larkdale Avenue at 14 Larkdale Avenue, Marion. The subject land comprises a large irregular shaped allotment which has a curved frontage to Larkdale Avenue measuring 15.6 metres in width and an average depth of 46.2 metres to provide a total site area of approximately 865 square metres.

The subject land is developed with an existing single storey detached dwelling (circa 1950s) which is well setback from the street property boundary in line with older housing stock within the locality. The subject land is generally flat and is devoid of any regulated or significant trees, whilst the certificate of title confirms that the land is clear of any encumbrances or easements.

The locality is characterised by a predominance of single storey detached dwellings on large regular shaped allotments which are steadily being replaced by new housing stock in the form of single and two storey detached, semi-detached and row dwellings on smaller allotments, as exhibited immediately to the south of the subject land and along both sides of Larkdale Avenue.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

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

- Development Application 100/D271/15 seeks to create two Torrens Title allotments comprising Lot (101) which is to accommodate a two storey detached dwelling and a separate battle-axe allotment in the form of Lot (100) which is to have a separate access provided via Larkdale Avenue.
- Development Application 100/C272/15 seeks to divide the battle-axe allotment to create two Community Title allotments in the form of Lots (102) and (103) together one allotment comprising common property (i.e. driveway and vehicle turning areas) with Lots (102) and (103) to accommodate the single storey residential flat dwellings.

The allotment areas and associated party-walls for the two residential flat dwellings to the rear of the subject land are nominated on the Community Title Land Division plans and reflect the associated land use application (DA 100/1418/2015).

*Refer Attachment III*



## GOVERNMENT AGENCY REFERRAL

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

*Refer Attachment VI*

## 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. 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. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ <u>detached dwelling</u></li> <li>▪ group dwelling</li> <li>▪ <u>residential flat building</u></li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b></p> <p>The associated land use application proposes a detached dwelling and two residential flat dwellings which are envisaged housing types within Northern Policy Area 13</p>

PDC 3	<p><i>Minimum Site Area:</i></p> <p><i>Dwelling (1) comprises a detached dwelling which requires a minimum site area of 375 square metres per dwelling</i></p> <p><i>Dwellings (2 &amp; 3) comprise single storey residential flat buildings, requiring 300 m<sup>2</sup> average per dwelling</i></p>	<p><b>Does Not Comply</b> Lot (101) = 257 m<sup>2</sup></p> <p><b>Does Not Comply</b> Lots (102) &amp; (103) maintain an average site area of <b>218 m<sup>2</sup></b> per dwelling, excluding the common driveway.</p> <p><b>Note:</b> Lots (102) &amp; (103) achieve an average site area of <b>306 m<sup>2</sup></b> per dwelling when including the common driveway which accords with PDC 3 above.</p>
	<p><i>Minimum Frontage:</i> <i>Detached Dwellings</i> <i>12 metres</i></p> <p><i>General Section: Land Division: Principle 9</i> <i>"hammerhead allotment"</i> <i>4 metres</i></p>	<p><b>Does Not Comply</b> Lot (101) = 11.5m</p> <p><b>Complies</b> Lots (102) &amp; (103) = 4 metres</p>
	<p><i>Minimum Depth:</i> <i>Detached Dwellings</i> <i>20 metres</i></p> <p><i>Residential Flat Dwellings</i> <i>45 metres</i></p>	<p><b>Complies</b> Lot (101) = 21.6 m (average depth)</p> <p><b>Complies</b> Lots (102) &amp; (103) = 46.2 m (average depth)</p>

## Assessment

In respect to the above table, it is acknowledged that all three allotments fail to meet the minimum site area requirements prescribed for detached and residential flat dwellings within Northern Policy Area 13. As identified above, proposed Lot (101) is to provide a total site area of 257 square metres, some 118 square metres (31.4%) short of the minimum 375 square metres sought for detached dwellings. In addition, proposed Lots (102) and (103) to the rear of the subject land are to provide site areas of 218 square metres for each of the residential flat dwellings, this representing a shortfall of 82 square metres (27.3%) in respect to each of these allotments. That having been said, when including the common driveway and internal manoeuvring areas as part of the site area calculations for the residential flat dwellings to the rear, an average site area of 306 square metres is achieved. Given this, the average site areas achieved for each of the two residential flat dwellings is considered to be acceptable.

It is worthy to note that the area of the land is capable of accommodating three dwellings in the form of three group or residential flat dwellings where the minimum site area for dwellings of this type equates to 300 square metres per dwelling within Northern Policy Area 13. When considering the minimum site area prescribed for each dwelling (3 x 300 square metres = 900 square metres), the overall site area for the subject land at 865 square metres is considered

sufficient to accommodate three dwellings (average 288 square metres per group dwelling) on the subject land. Consequently, whilst the individual site areas for each of the dwellings does not accord with the requirements prescribed by the Development Plan, it is considered that the development as a whole does not result in a density greater than that envisaged within Northern Policy Area 13.

In addition to the above, it has also been identified that the frontage width for the allotment accommodating the two storey detached dwelling to the front of the subject land (Lot 101) measures 11.5 metres in width, 500 millimetres short of the minimum 12 metre frontage width prescribed for detached dwellings within Northern Policy Area 13. This shortfall in frontage width is not considered detrimental nor restrictive to the overall development of the subject land and unlikely to be visually apparent when viewing the development from the street.

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

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

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

---

## LAND DIVISION ASSESSMENT

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

Land Division	
<b>Objectives</b>  <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.</i>	<b>Complies</b>
<i>2 Land division that creates allotments appropriate for the intended use.</i>	<b>Complies</b> The proposed site areas are sufficient for the intended use as allotments for detached and residential flat dwellings.

<p>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.</p>	<p><b>Complies</b></p> <p>The proposed allotments are supported by existing infrastructure, whilst the subject land is located within walking distance to an existing bus routes/services provided along Finnis Street situated to the south of the subject land.</p>
<p><b>Principles of Development Control</b></p> <p>1 When land is divided:</p> <p>(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</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	<p><b>Complies</b></p> <p>The proposed development is likely to result in stormwater being drained safely from the land. Water supply will be available.</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) Whilst the proposed site areas for the individual allotments are less than that required for detached and residential flat dwellings within Northern Policy Area 13, the associated land use application demonstrates that the individual allotments can be appropriately developed for dwellings of this type.</p> <p>b) The proposed allotments either maintain a frontage to an existing road or via an internal roadway in a plan of community division.</p> <p>c) Given the topography of the subject land, excessive cut/fill is unlikely.</p> <p>e) The area is sewerred.</p> <p>f) Despite being undersized in nature, it has been identified above that the allotments are complementary to the zone objectives.</p> <p>g) The proposed allotments will not straddle more than one zone, policy area or precinct being totally contained within Northern Policy Area 13.</p>
<p><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>8 Allotments in the form of a battleaxe configuration should:</p> <p>(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)</p> <p>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</p> <p>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</p> <p>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</p>	<p><b>Does Not Comply</b></p> <p>a) Lots (102) and (103) do not provide the minimum site areas required for residential flat dwellings within Northern Policy Area 13 when excluding the area of the "handle".</p> <p><b>Complies</b></p> <p>b) Each allotment to the rear (when including the "handle" of the battle-axe) provides sufficient area for vehicles to enter and leave each site in a forward direction.</p> <p>c) The proposed division of land only</p>

	<p>adds one additional access driveway via Larkdale Avenue which should not adversely affect the amenity of the streetscape.</p> <p>d) The pattern of development within the locality is diverse with other examples of battle-axe allotments noted in close proximity to the subject land.</p>
<p>9 Access ways serving allotments in the form of a battleaxe configuration should:</p> <p><u>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</u></p> <p><u>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</u></p> <p>(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings</p> <p>(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.</p>	<p><b>Complies</b></p> <p>a) The access driveway "handle" of the battle-axe allotment will measure approximately 20 metres in length and no less than 4.0 metres in width.</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p><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>Based upon the land use application (DA 100/1418/2015) it has been determined that the main activity areas and associated private open space areas of the proposed dwellings will have suitable exposure to efficient solar access.</p>
<p><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>Does Not Comply</b></p> <p>Based upon the land use application (100/1418/2015), only one (1) on-street visitor car parking space is to be provided to the front of the allotment facing Larkdale Avenue.</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>Does Not Comply</b></p> <p>A total of 2 on-street car parking spaces are required with only 1 space to be provided.</p>

## ANALYSIS/CONCLUSION

Whilst the proposed allotments fail to meet the minimum site area requirements for detached and residential flat dwellings within Northern Policy Area 13, the associated land use application (DA 100/1418/2015) demonstrates that the individual allotments can be suitably developed for dwellings of this type as part of an integrated housing development at low to medium densities in accordance with the Desired Character for Northern Policy Area 13. Consequently, whilst the individual site areas for each of the dwellings do not accord with the requirements prescribed by the Development Plan, it is considered that the development as a whole does not result in a density greater than that envisaged within Northern Policy Area 13.

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

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

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

---

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/2015/2190 for Torrens Title Land Division - 1 into 2 allotments at 14 Larkdale Avenue Marion be GRANTED subject to conditions:
- (d) That Development Plan Consent, Land Division Consent and Development Approval for Development Application No: 100/2015/2189 for Community Title Land Division - 1 into 2 allotments at 14 Larkdale Avenue Marion be GRANTED subject to conditions:

CONDITIONS (Development Application No. 100/2190/2015)

### ***Development Plan Consent***

- 1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2190/2015 (DAC Reference: 100/D271/15) except where varied by the following conditions of consent.
- 2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

### ***Land Division Consent***

- 1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0039605).

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

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

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

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

## **NOTES**

1. This approval has been granted on the basis of the suitability of the land for a detached dwelling as demonstrated in Development Application No: 100/1418/2015. Should the proposed allotment(s) be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.
2. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please e-mail Development Services at [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au) with the address, development application number and/or DAC reference number in the subject line of the e-mail.

CONDITIONS (Development Application No. 100/2189/2015)

### ***Development Plan Consent***

1. The land division shall be carried out and maintained in accordance with the plans and details submitted with and forming part of Development Application No.100/2189/2015 (DAC Reference: 100/C272/15) except where varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

### ***Land Division Consent***

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0039607).

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



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

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

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

## NOTES

1. This approval has been granted on the basis of the suitability of the land for two single storey residential flat dwellings as demonstrated in Development Application No: 100/1418/2015. Should the proposed allotment(s) be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.
2. Please be advised that the Council will be automatically notified by DAC when the final plan for the land division is uploaded to EDALA. Upon receiving this notification from DAC, Council will assume that all conditions of consent have been met, that Section 51 clearance is being requested and will arrange inspection of the property if necessary. In this instance, no further notification to Council is required. However, should the applicant wish to contact the Council directly in relation to Section 51 clearance, please e-mail Development Services at [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au) with the address, development application number and/or DAC reference number in the subject line of the e-mail.

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 April 2016

<b>Agenda Ref No:</b>	<b>DAP200416 – 2.5</b>
<b>Originating Officer:</b>	<b>Stephen Both Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>Urban Planning &amp; Design</b>
<b>Development Description:</b>	<b>To construct a two storey detached dwelling and a single storey residential flat building containing two dwellings with associated car parking and landscaping.</b>
<b>Site Location:</b>	<b>14 Larkdale Avenue, 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 1 / Consent</b>
<b>Lodgement Date:</b>	<b>12/08/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1418</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be Granted following the deposit of the plans of division for Land Division Applications 100/D271/15 and 100/C272/15.</b>

---

### CATEGORISATION & DELEGATION

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

As the associated land division applications identified allotments with exclusive frontage and party wall attachments, consistent with the dwelling plans proposed as part of this application, Council administration are of the view that the subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i) & (ii)) of the Development Regulations 2008, which assigns the construction of 1 or more detached dwellings and 1 or more single storey dwellings (provided that no such dwelling is more than 2 storeys high) as Category 1 development.

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

## BACKGROUND

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

Requested Amendments	Amendments Made
The applicant was requested to amend the engineered siteworks plan by increasing the finished floor levels of the dwellings to 103.3 to reduce the risk of flooding.	The applicant has amended the engineered siteworks plan which has now been deemed to be satisfactory by Council's Engineering Department.
The applicant was requested to amend the plans to include a common letter box facility to be located to the front of the subject land adjacent the entrance to the shared driveway.	The plans have been amended and now show the location of a common letter box facility on the northern side of the shared driveway.
The applicant was requested to reduce the width of the shared driveway from 5.1 to 4.0 metres and to include 500 mm wide landscaping strips along both sides.	The plans have been amended accordingly and now include 500mm strips of landscaping along either side of the shared driveway.

## SUBJECT LAND & LOCALITY

The subject land is situated on the western side of Larkdale Avenue at 14 Larkdale Avenue, Marion. The subject land comprises a large irregular shaped allotment which has a curved frontage to Larkdale Avenue measuring 15.6 metres in width and an average depth of 46.2 metres to provide a total site area of approximately 865 square metres.

The subject land is developed with an existing single storey detached dwelling (circa 1950s) which is well setback from the street property boundary in line with older housing stock within the locality. The subject land is generally flat and is devoid of any regulated or significant trees, whilst the certificate of title confirms that the land is clear of any encumbrances or easements.

The locality is characterised by a predominance of single storey detached dwellings on large regular shaped allotments which are steadily being replaced over time by new housing stock in the form of single storey detached, semi-detached and row dwellings on smaller allotments, as exhibited immediately to the south of the subject land and along both sides of Larkdale Avenue.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant proposes to demolish the existing dwelling on the land and construct three dwellings comprising a two storey detached dwelling to be situated to the front of the subject land fronting Larkdale Avenue (Dwelling 1) and a single storey residential flat building containing two dwellings (Dwellings 2 and 3) to be located to the rear.

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

In respect to on-site car parking provision, all dwellings will be provided with a single width garage under the main roof with provision for one visitor's park. Driveways and turning areas to the rear of the site are to be paved, whilst the landscape plan indicates the planting of small trees, shrubs and ground covering vegetation as part of the proposed development.

It is noted that two separate Land Division applications 100/D271/15 and 100/C272/15 have been received by Council. These applications propose the creation of one (1) Torrens Title and two (2) Community Title allotments (together with one allotment comprising common property), which reflects the subject dwelling application. This joint application is also to be determined by the Panel at this meeting.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	An amended site works and drainage plan was submitted by the applicant following concerns raised by Council's Engineering Department regarding the finished floor levels of the dwellings and the finished paving levels proposed along the southern boundary of the subject land. This amended plan was re-assessed by Council's Engineer and has been deemed to be satisfactory.
---------------------	--

## 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.  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.  2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.  3 Development that contributes to the desired character of the policy area.</p>
<p><b>Desired Character</b></p> <p><i>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.</i></p> <p><i>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.</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><u>detached dwelling</u></i></li> <li>▪ <i><u>group dwelling</u></i></li> <li>▪ <i><u>residential flat building</u></i></li> <li>▪ <i>row dwelling</i></li> <li>▪ <i>semi-detached dwelling</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<p><b>Complies</b></p> <p>The proposed development comprises a detached dwelling and two residential flat dwellings which are considered acceptable housing types within Northern Policy Area 13.</p>
PDC 3	<p><i>Minimum Site Area:</i></p> <p><i>Dwelling (1) comprises a detached dwelling which requires a minimum site area of 375 square metres per dwelling</i></p> <p><i>Dwellings (2 &amp; 3) comprise single storey residential flat buildings, requiring 300 m<sup>2</sup> average per dwelling</i></p>	<p><b>Does Not Comply</b></p> <p>Dwelling (1) = 257 m<sup>2</sup></p> <p><b>Does Not Comply</b></p> <p>Dwellings (2) &amp; (3) maintain an average site area of <b>218 m<sup>2</sup></b> per dwelling, excluding the common driveway.</p> <p><b>Note:</b> Dwellings (2) &amp; (3) achieve an average site area of <b>306 m<sup>2</sup></b> per dwelling when including the common driveway which accords with PDC 3 above.</p>
	<p><i>Minimum Frontage:</i></p> <p><i>Detached Dwellings</i> 12 metres</p> <p><i>General Section: Land Division: Principle 9</i> <i>“hammerhead allotment”</i> 4 metres</p>	<p><b>Does Not Comply</b></p> <p>Dwelling (1) = 11.5 metres</p> <p><b>Complies</b></p> <p>Dwgs (2 &amp; 3) = 4 metres</p>
	<p><i>Minimum Depth:</i></p> <p><i>Detached Dwellings</i> 20 metres</p> <p><i>Residential Flat Dwellings</i> 45 metres</p>	<p><b>Complies</b></p> <p>Dwg (1) = 21.6 m (average depth)</p> <p><b>Complies</b></p> <p>Dwellings (2 &amp; 3) = 46.2 m (average depth)</p>

## Assessment

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

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

Whilst a minimum site area of 375 square metres is prescribed for detached dwellings within Northern Policy Area 13, it is noted that Dwelling (1) is to be accommodated on a lesser site area of 257 square metres which equates to a shortfall of 118 square metres (31%).

In addition to this, the shortfall in the average site area for each of the residential flat dwellings at 218 square metres also fails to meet the required average of 300 square metres prescribed for dwellings of this type within Policy Area 13, thereby representing an average shortfall of 82 square metres (27.3%) per dwelling. That having been said, it should be noted that when calculating the site area for residential flat dwellings, the curtilage around the dwelling (associated shared driveway and manoeuvring areas) is excluded from the calculations.

This is different to when calculating the site area for detached dwellings where these areas are included. When including the common driveway and internal manoeuvring areas as part of the site area calculations for Dwellings (2) and (3), an average site area of 306 square metres is achieved per dwelling. Given this, the average site areas achieved for each of the two residential flat dwellings is considered to be acceptable in respect to the assessment of this particular application.

Despite the narrow frontage width associated with the subject land, it is worthy to note that the area of the land incorporates a marginal shortfall to accommodate three group or residential flat dwellings, where the minimum site area equates to 300 square metres per dwelling within Northern Policy Area 13. (In the event that Dwelling (1) was to share the common driveway, the proposal would be for a group dwelling and two residential flat dwellings). When considering the minimum site area prescribed for each dwelling (3 x 300 square metres = 900 square metres), the overall site area for the subject land at 865 square metres is considered sufficient to accommodate three dwellings (average 288 square metres per group dwelling) on the subject land. Consequently, whilst the individual site areas for each of the dwellings does not accord with the requirements prescribed by the Development Plan, it is considered that the development as a whole does not result in a density greater than that envisaged within Northern Policy Area 13.

Furthermore, it is my view that the shortfall in the site area proposed for Dwelling (1) is not necessarily fundamental to the merits of the overall application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the fact that Dwelling (1) still achieves a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from the Development Plan (as discussed further in the Table Discussion of this report).

In addition to the above, it has also been identified that the frontage width for the allotment accommodating the two storey detached dwelling to the front of the subject land measures 11.5 metres in width, 500 millimetres short of the minimum 12 metre frontage width prescribed for detached dwellings within Northern Policy Area 13. This shortfall in frontage width is not considered detrimental nor restrictive to the overall development of the subject land and unlikely to be visually apparent when viewing the development from the street.

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

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

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

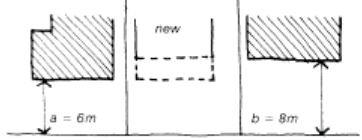
### Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Complies</b> Dwelling (1) 91.5 m<sup>2</sup> = 35.6%</p> <p><b>Does Not Comply</b> Dwelling (2) 119 m<sup>2</sup> = 54.5% Dwelling (3) 118 m<sup>2</sup> = 54.0%</p> <p><b>Note:</b> It is worthy to note that the proposed development provides an overall total site coverage of 38.3% which is considered more than acceptable within Policy Area 13.</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> Dwelling (1) = 0.54</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>Complies</b> It is considered that the proposed development provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>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> <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</i></li> </ul>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from 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>f) The proposed POS areas maintain a northerly aspect to provide for comfortable</li> </ul>

<p><i>dwelling or adjacent development</i>  <i>(h) to be partly shaded in summer</i>  <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i>  <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>year round use.  g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.  h) POS areas are capable of being shaded during summer.  i) Traffic, industry or other business activities should not affect the subject land.  j) The POS areas are considered to have sufficient shape and area to be functional.</p>
<p><b>Site Area 250 m<sup>2</sup> or greater:</b>  <i>Minimum area of POS: 20% of the site area</i>  <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>  <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><b>Site area less than 250 m<sup>2</sup>:</b>  <i>20% of the site area or 35 m<sup>2</sup>, whichever is the greater</i>  <i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i>  <i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Complies</b>  Dwelling (1): 75 m<sup>2</sup> = 29.1%  The area of private open space area for Dwelling (1) is directly accessible from a living room.</p> <p><b>Partially Complies</b>  Dwelling (1): provides minimum dimensions of POS which range between 4.7 metres x 13.6 metres with negligible gradient.</p> <p><b>Note:</b> The area of POS provided in relation to Dwelling (1) is nonetheless considered useable despite measuring less than 5.0 metres in depth.</p> <p><b>Complies</b>  Dwelling (2): 52m<sup>2</sup> = 23.8%  Dwelling (3): 60m<sup>2</sup> = 27.5%  The areas of private open space for Dwellings (2) &amp; (3) are to be directly accessible from living rooms.</p> <p><b>Complies</b>  Dwelling (2) provides an area of POS with minimum dimensions ranging between 5.6 metres x 4.5 metres with negligible gradient.</p> <p>Dwelling (3) provides an area of POS with minimum dimensions ranging between 4.0 metres x 5.7 metres with negligible gradient.</p>
<h2>Street Setbacks</h2>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i>  <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i>  <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>  The subject locality is one where a new character is desired, and therefore the proposed setback of Dwelling (1) from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality.</p> <p>Nonetheless, the proposed front setback of 6.0 to 7.0 metres is considered to be similar to that of new dwellings in the locality. As such, the proposed front setback of Dwelling (1) is considered to contribute positively to the function, appearance and desired character of the locality.</p>



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

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

General Section: Design and Appearance: PDC 25

### Partially Complies

Dwelling (1) = 6.0 to 7.0 metres

(Dwellings and buildings on adjoining land are set back approximately 5.6 and 11 metres, which equals an average setback of 8.3 metres)

Notwithstanding the above, given the angled nature of the frontage associated with the subject land, I am of the opinion that the proposed setback of Dwelling (1) will not have an adverse impact on the streetscape but will provide some level of transition between the setback of adjacent dwellings located along this section of the street.

It is interesting to note that PDC 23 indicates 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 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

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

## Side Setbacks

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.

### Does Not Comply

Dwelling (1) = 0.6m

Dwellings (2) & (3) = 0.9 m

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

The proposed side setback for the single storey dwellings to the rear falls 0.1 metres short of that prescribed by PDC 7, whilst the garage wall of Dwelling (1) falls 0.4 metres short, being setback 600 mm from the northern side boundary.

Notwithstanding the above, this minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a side setback of 0.9 metres as achieved in respect to Dwellings (2) & (3) complies with the Building Code of Australia.

### Complies

The upper level section of Dwelling (1) will be setback 5.5 – 5.8 metres from the adjacent southern side boundary and 3.7 metres from the adjacent northern boundary.

(Note: The wall height of the two storey detached dwelling measures 5.6 metres in height).

<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>Partially Complies</b></p> <p>Whilst the single storey side setbacks of all three dwellings do not totally comply with the quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the dwellings from adjacent properties.</p> <p>Furthermore, it is considered that the shortfall in compliance with the setback criteria should not result in a significant increase in the amount of overshadowing currently experience by 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>Does Not Comply</b></p> <p>Dwelling (2) = 3.6 to 5.7 metres</p> <p>Dwelling (3) = 2.6 to 5.7 metres</p> <p>Whilst the proposed rear setback of Dwellings (2) and (3) do not meet the minimum 6 metres required for a single storey dwelling, acceptable and compliant areas of POS with appropriate dimensions has been provided in respect to both these dwellings.</p> <p>Given the single storey nature of Dwellings (2) and (3), the provision of adequate dimensions of private open space and acceptable separation to the rear boundary, it is considered that the shortfall in rear setbacks of 300mm to be acceptable.</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Dwelling (1) is to be setback between 27 to 30 metres from the rear property boundary.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Does Not Comply</b></p> <p>(refer to comments provided above in relation to Dwellings (2) and (3).</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 rear setbacks achieved by Dwellings (2) &amp; (3) do not totally comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the dwellings from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>

## Building Height

Maximum building height (from natural ground level):  
 (i) 2 storeys of not more than 9 metres  
 (ii) 2 storeys plus attic of not more than 10 metres

Residential Zone: PDC 7

### Complies

Dwelling (1) will incorporate a maximum building height of 7.5 metres, which is less than the maximum 9.0 metres permitted in Northern Policy Area 13.

## 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.

Residential Zone: PDC 8

### Partially Complies

The garage of Dwelling (1) is to be setback between 7.0 to 7.5 metres from the primary road frontage but is to be setback in line with the main face of the dwelling.

That having been said, it is considered that the extended portico structure to the front of Dwelling (1) will be visually dominant and help "break up" or reduce the visual impact of the garage along the side of the dwelling.

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

General Section: Residential Development: PDC 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 garages of all three dwellings incorporate a roof form, 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

The garage of Dwelling (1) will measure 2.4 metres in width which equates to 20.8% of the allotment width.

## Car Parking

Minimum number of on site car parking spaces (one of which should be covered):

**2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.**

3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.

**1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.**

Residential Zone: PDC 7

### Complies

Each dwelling is provided with 2 on-site car parking spaces with one undercover space within each garage and one visitor's space. This results in the provision of 6 on-site car parking spaces which complies with the requirements set out opposite.

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

### Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.  
 b) The subject land is suitably located within

<p><i>(d) availability of on-street car parking</i>  <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>close walking distance to public transport (i.e. bus) which is accessible along Finniss Street to the south of the subject land.  c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p><b>Does Not Comply</b>  d) e) one (1) on-street car parking space shall remain available adjacent the subject land.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i>  <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i>  <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i>  <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 44</i></p>	<p><b>Complies</b>  (a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.  (c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
<p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i>  <i>(a) not face the primary street frontage</i>  <i>(b) be located to the rear of buildings with access from a shared internal laneway</i>  <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 45</i></p>	<p><b>Complies</b>  The parking areas for Dwellings (2) &amp; (3) are to be located to the rear of Dwelling (1) with access from a shared internal laneway, and therefore do not face the primary street frontage.</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>Does Not Comply</b>  Only one on-street car parking space is provided for the proposed three (3) allotments where two spaces would be required by PDC 22 opposite.</p> <p>Nonetheless, it is considered that sufficient on-site car parking has been provided in accordance PDC 7 and I am satisfied that as Transportation and Access Principle 43 has been achieved, the number of on-street car parking spaces to be acceptable.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i>  <i>(a) 3 metres wide for a single driveway</i>  <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b>  The width of the driveway crossover proposed for Dwelling (1) will measure 2.8 metres.</p> <p><b>Complies</b>  The width of the driveway crossover servicing Dwellings (2) &amp; (3) will measure 3.0 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>  It is noted that an existing driveway crossover is to be reused to provide vehicular access for Dwellings (2) &amp; (3).</p> <p>A new driveway and crossover is to be constructed in relation to Dwelling (1) and is to be located 1.0 metre from an existing</p>

					stobie pole located to the north, and an existing Council street tree which is to be retained to the front of the subject land.
<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>The proposed development is to provide two vehicle access points which are to be situated 7.5 metres apart.</p>
<p><i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</i></p>					<p><b>Complies</b></p> <p>The width of the driveway servicing Dwellings (2) &amp; (3) has been reduced from 5.1 to 4.0 metres in width at the street property boundary thereby complying with the requirements prescribed opposite.</p> <p>All other requirements associated with the this driveway comply with the requirements set out opposite including the provision of 500 mm landscaping strips located on either side of the driveway.</p>
<b>No. of dwellings served by driveway</b>	<b>Width at front property boundary &amp; for first 6 metres</b>	<b>Width beyond first 6 metres</b>	<b>Widening required for passing</b>	<b>Minimum landscaped strip either side of driveway (metres)</b>	
1-2	3	3	-	0.5	
<i>General Section: Residential Development: PDC 41</i>					
<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> <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 two storey dwelling to the front of the subject land (being the most visible from the street) reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of brick, horizontal and vertical cladding which are also to be rendered</li> <li>• Stepping of the wall along the southern side of the dwelling to help minimise building height, mass and proportion</li> <li>• The incorporation of a protruding portico structure across the front of the dwelling.</li> <li>• An eave overhang measuring 450 mm out from external walls of the dwelling</li> <li>• A colorbond clad roof which is to be set at a 25.5 degree roof pitch</li> <li>• Fenestration</li> </ul> <p>The two storey dwelling to the front of the subject land will incorporate a 25.5 degree Colorbond roof in Slate Grey, with rendered and painted facades. The garage attached to the dwelling features a sectional panel lift door to be finished Paper Bark in colour. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the two storey dwelling will feature rendered wall sections together with the incorporation of high level glass panels and windows and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>The single storey residential flat dwellings located to the rear will incorporate the use of similar materials and finishes to that of the</p>

	<p>two storey dwelling to the front of the subject land. The dwellings to the rear will incorporate a 25.5 degree Colorbond roof, Slate Grey in colour, with external walls to have a rendered finish,"solver pelt" in colour.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p><b>Complies</b></p> <p>Dwelling (1) to the front of the subject land has been designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>
<b>Overshadowing</b>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design &amp; Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 10</i></p>	<p><b>Complies</b></p> <p>Whilst the applicant has not provided any shadow diagrams which illustrate the full extent of the shadow to be cast by the proposed development, I am of the opinion that there will be minimal shadow to be cast by the proposed two storey dwelling over the rear private yard area of the adjacent property to the south at 16 Larkdale Avenue.</p> <p>The reason for this is the distance of separation achieved between the two buildings which ranges between 5.0 to 8.0 metres. In my opinion, this should act as a sufficient buffer between dwellings thereby minimising any impacts derived from any potential shadow which might be cast by the proposed two storey dwelling.</p> <p>In addition to this, it is worthy to also note that a large proportion of the private open space to the rear of the dwelling at number 16 is already covered by a large verandah structure which essentially places much of the available rear private open space of this dwelling in shade.</p> <p>On balance, I am of the opinion that the amount of shadow to be cast by the proposed development to be acceptable in this instance.</p>

## Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

### Complies

The applicant has confirmed that the upper level front windows of Dwelling (1) will be fitted with clear glass whilst fixed obscure glazing to a height of 1.7 metres above floor level will be incorporated for windows on the side and rear elevations.

As already mentioned, the upper storey windows along the front elevation of Dwelling (1) will remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

General Section: Design & Appearance: PDC 14

### Complies

Dwellings (2) & (3) will be constructed on a battle-axe shaped allotment located to the rear of the two storey detached dwelling fronting Larkdale Avenue. These dwellings are to be single storey in height and have been designed to maintain the privacy of adjoining residential properties.

## Noise

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

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

General Section: Residential Development: PDC 29

### Complies

Vehicles entering the shared driveway along the southern side of the subject land at night have limited potential to shine their lights onto the east facing bedroom window of Dwellings (2) as this window comprises a high level window. That having been said, it is noted that medium level landscaping is to be placed to the front of this window which would further help to minimise sound and light impacts associated with vehicles entering and leaving the rear of the site at night.

Alternatively, the future residents of the dwellings to the rear may opt to draw their blinds at night or even install external shutters to these windows. Nonetheless, I am of the opinion that the proposed landscaping located to the front of the window of Dwelling (2) should in time provide sufficient "shielding" to help minimise external noise and light intrusion as envisaged by PDC 29.

## Site Facilities and Storage

*Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:*

- (a) mail box facilities sited close to the major pedestrian entrance to the site*
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)*
- (c) household waste and recyclable material storage areas away from dwellings.*

General Section: Residential Development: PDC 30

### Complies

- a) The application plans have been amended to provide a common letterbox facility for the two dwellings to the rear which is to be located adjacent the entrance to the common driveway.
- b) Not applicable, as the development does not contain more than 6 dwellings.
- c) Although common waste storage areas are not provided, this is not considered

	<p>necessary given that each dwelling maintains side gate access through their individual garages to rear garden areas. As such, bins could be efficiently stored in the private utility areas of each dwelling.</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 so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p><b>Complies</b></p> <p>Whilst all three dwellings face in an easterly direction, the private rear yards of these dwellings have been oriented such that they face generally in a northerly direction for exposure to winter sun, thereby providing for efficient solar access to open space all year around.</p> <p>The main activity areas of the dwellings are oriented more in a westerly direction, which should nonetheless receive some exposure to northern winter sunlight in the late afternoon.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings have been designed and sited to minimise overshadowing impacts and to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p> <p>This has been achieved by setting the upper level section of Dwelling (1) greater than the required three metre distance from the southern boundary and by incorporating a conservative building footprint which helps to reduce the amount of shadow to be cast over adjacent properties to the south.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p><b>Complies</b></p> <p>All three dwellings are to incorporate a hipped roof form set at a 25.5 degree pitch which will incorporate north-facing sloping roof sections upon which solar collectors could be sited efficiently.</p>



## 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 (e.g. taller and broader plantings against taller and bulkier building components)

(b) enhance the appearance of road frontages

(c) screen service yards, loading areas and outdoor storage areas

(d) minimise maintenance and watering requirements

(e) enhance and define outdoor spaces, including car parking areas

(f) provide shade and shelter

(g) assist in climate control within buildings

(h) maintain privacy

(i) maximise stormwater re-use

(j) complement existing native vegetation

(k) contribute to the viability of ecosystems and species

(l) promote water and biodiversity conservation.

General Section: Landscaping, Fences & Walls: PDC 1

*Landscaping should:*

(a) include the planting of locally indigenous species where appropriate

(b) be oriented towards the street frontage

General Section: Landscaping, Fences & Walls: PDC 2

### **Complies**

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

*Fences and walls, including retaining walls, should:*

(a) not result in damage to neighbouring trees

(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality

(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance

(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street

(e) assist in highlighting building entrances

(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites

(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land

(h) be constructed of non-flammable materials.

General Section: Landscaping, Fences & Walls: PDC 5

### **Complies**

The engineered site works and drainage plan submitted with the application indicates that retaining walls varying in height between 230 to 400 millimetres may be required along the rear boundary of the subject land. If a standard 1.8 metre high fence is constructed atop this wall, this will result in a maximum structure height of 2.20 metres.

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

## TABLE DISCUSSION

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

- Site Coverage Dwellings (2) & (3)

### Site Coverage

As identified above, the site coverage achieved in relation to proposed Dwellings (2) and (3) to the rear of the subject land both exceed the required maximum provision of 40% within Northern Policy Area 13, with Dwelling (2) achieving a site coverage of 54.5% and Dwelling (3) a site coverage of 54.0%. Whilst these dwellings both exceed the maximum site coverage prescribed

within Policy Area 13, it is not considered that the proposed development represents an over-development of the total site area where the application might warrant refusal.

As previously mentioned, it has been determined that the proposed dwellings each achieve a high level of compliance with the quantitative criteria identified above. Whilst exceeding the requirements set out within the Council's Development Plan, it is considered that the site coverage achieved in respect to the two single storey residential flat dwellings should not adversely impact upon the amenity of adjoining land, nor impair the design and function of these dwellings.

Further to this point, it is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60%. This signifies that a new detached or semi-detached dwelling(s) could be constructed on the land "as of right" (i.e. without an assessment against Development Plan criteria) with site coverage of 60%.

Whilst it is acknowledged that Dwellings (2) and (3) comprise residential flat dwellings and therefore cannot be regarded as a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity. Consequently, subject to satisfying other Development Plan criteria, the excess in site coverage is not considered to be fatal to the overall merits of the subject application.

---

## ANALYSIS/CONCLUSION

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

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

As such it is my view that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to the deposit of the Plan of Division for the associated land division applications (100/D271/15 and 100/C272/15).

---

## 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: 100/2015/1418 to construct a two storey detached dwelling and a single storey residential flat building containing two dwellings with associated car parking and landscaping at 14 Larkdale Avenue, Marion, be GRANTED following the deposit of the plan of division for Land Division Applications 100/D271/15 and 100/C272/15, and subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the amended plans and details prepared by Urban Planning and Design stamped dated received 3 March 2016 and the amended Siteworks and Drainage Plan prepared by RCI Consulting Engineers stamped dated received 4 November 2015 all submitted with and forming part of Development Application No. 100/2015/1418, except where varied by the following conditions of consent.
- 2. The amended Siteworks and Drainage Plan prepared by RCI Consulting Engineers stamped dated received 4 November 2015 shall be further amended to illustrate the changes made to the site boundaries of Dwelling (1). This amended plan is to be submitted to Council prior to the granting of Development Approval.
- 3. Stormwater from the dwellings 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 external wall surfaces located on the property boundary are to be finished in a professional manner, similar to other external wall surfaces on the subject dwelling.

## NOTES

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

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 April 2016

<b>Agenda Ref No:</b>	<b>DAP200416- 2.6</b>
<b>Originating Officer:</b>	<b>Alex Wright Development Officer - Planning</b>
<b>Applicant:</b>	<b>Brightspace Homes</b>
<b>Development Description:</b>	<b>Single storey dwelling, incorporating a wall on the eastern and western side boundaries.</b>
<b>Site Location:</b>	<b>51A Angus Avenue, Edwardstown</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Medium Density Policy Area 12</b>
<b>Application Type:</b>	<b>Category 2/Consent</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/2067</b>
<b>Recommendation:</b>	<b>Advise the Environment, Resources and Development Court that Council supports the compromise plans</b>

---

### BACKGROUND

The subject proposal was previously presented to the Development Assessment Panel (DAP) at the meeting held on 3 February 2016 and was refused for the following reasons:

1. The site coverage of the proposal substantially exceeds that sought in the Medium Density Policy Area 12, and as such, is at variance to Policy Area Principle 8 and Residential Development Principle 13.
2. The proposed dwelling incorporates walls on both property boundaries, preventing functional access to the rear of the property and compromising the amenity for future occupants and is at variance to Residential Development Principle 38.
3. The availability of natural light to bedroom 2 and the study is poor, compromising the amenity of the occupants and reducing the energy efficiency of the building, and is therefore at variance to Energy Efficiency Principle 1.

*Refer Attachment I*

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court and a preliminary conference for 9<sup>th</sup> May 2016. Prior to this, the applicant has submitted amended plans to Council for consideration. Council will advise the Environment, Resources and Development Court the outcome of Councils Development Assessment Panel meeting.

The original report, plans and attachments can be found in the Members agenda from the 3 February 2016 meeting, or by contacting the author of this report.

The compromise submitted by the applicant incorporates a reduction in the eastern and western boundary wall lengths, an overall reduction in the dwelling footprint and an increase in the rear setback and area of POS.

*Refer Attachment II*

## DEVELOPMENT ASSESSMENT

The proposed compromise plans have been assessed in relation to the DAP's reasons for refusal and are discussed further below.

The applicant has proposed to decrease the overall floor area by approximately 8 square metres and, as a result, the proposal is provided with greater rear setbacks, greater private open space and a reduction in wall length on the eastern and western boundaries. The table below provides members with an overview as to the proposed changes;

	<b>Original Application</b>	<b>Proposed Compromise</b>
Floor Area	151.96m <sup>2</sup> / 74.8%	143.92m <sup>2</sup> / 71.44%
Rear Setback	4.19m	4.89m
Private Open Space	42.33m <sup>2</sup>	45.67m <sup>2</sup>
Western boundary wall length	17.87m	17.17m <sup>2</sup>
Eastern boundary wall lengths	5.52m & 6.62m	4.13m & 3.27m
Windows for Bedroom 2	Single Window	2 windows provided

### **Floor Area**

The compromise plans propose a total floor area of 143.92 square metres, a reduction of that originally proposed, but still significantly exceeding the maximum site coverage of 100 square metres permitted within the Medium Density Policy Area 12.

The reduction in floor area, whilst still significantly exceeding the maximum permitted within the Policy Area, helps achieve greater boundary setbacks, an increase in private open space and less development along the side boundaries.

In my opinion, the reduction in floor area results in a somewhat less overall cramped development than what was originally proposed.

Notwithstanding the above, the high site coverage is unlikely to increase or create adverse visual or overshadowing impacts on adjoining properties. It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code and whilst not applicable for a dwelling of this type, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants. Furthermore, a 'group dwelling' can incorporate site coverage of up to 70% with the subsequent construction of a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008 (once the dwellings have been completed). In this situation, an under main roof alfresco has been incorporated into the dwelling design meaning site coverage is unlikely to increase further.

### **Side Setbacks**

The compromise plans propose a reduction in the western boundary wall length from 17.87 metres to 17.17 metres, and a reduction in eastern boundary wall lengths from 5.52m and 6.62m to 4.13m and 3.27m.

Whilst the eastern boundary walls are under 6 metres in length and comply with Residential Development Principle of Development Control 38(ii), the wall is sited approximately 2.35 metres from habitable room windows on the adjacent dwellings. In my opinion, the level of separation afforded and reduced lengths is considered to appropriately minimise the potential visual impact of the wall upon the adjacent dwellings.

The reduction in wall length notwithstanding, the compromise proposal does not address the Panel's concern in relation to the proposed boundary to boundary form of development.

Whilst it is desirable for a dwelling to achieve direct external access to the rear yard, there are many instances where this cannot occur and does not adversely impact the amenity for future occupants. For example, accessing the rear yard by traversing through the dwelling is similar to how the occupants of a centrally located row dwelling will access their rear yard.

Whilst functional external rear access is not provided, it does not in my opinion, adversely affect the functionality of the dwelling and amenity of future occupants to the extent where refusal is warranted.

The proposed boundary to boundary form of development results in minimal impacts on adjacent land and no streetscape impacts due to the dwelling's location to the rear of the allotment.

It should be noted, the Development Assessment Panel granted Development Plan Consent in 2014 for a carport to the existing dwelling (now 51 Angus Avenue) and two, single storey group dwellings to the rear of the site, incorporating walls on the eastern and western boundaries (i.e. boundary to boundary development), with associated car parking and landscaping (100/299/2014). Whilst this application lapsed in July 2015, it is conceivable that an extension of time could be sought and granted.

Furthermore, in June 2015 a single storey dwelling, incorporating walls on the eastern and western side boundaries at 51B Angus Avenue (100/645/2015 – located on the allotment adjacent the subject site) was granted Development Plan Consent under delegated authority by Council staff. This application has an operable consent and the applicant could elect to proceed with this approval.

The individual allotments at 51A & 51B were originally created with the intention that a group dwelling was to be constructed on each allotment, and would abut along the western boundary of this site.

Whilst the western boundary wall has marginally decreased in length (17.87m to 17.17m), a wall of considerable length is still proposed along this boundary. Given the location and dimensions of the allotment, in my opinion, to make efficient use of the land it is not unreasonable for a wall of this length to be constructed along the western boundary. Furthermore, consideration should be given that the entire length of this wall is to likely to abut a wall of a similar length on the adjacent allotment at 51B Angus Avenue. In these circumstances, I am of the opinion the proposed wall length is acceptable.

### **Private Open Space**

Approximately 45.67 square metres of private open space has been provided, which includes an increase in the dimensions from 4.19m by 7.78m to 4.89m by 7.78m. The minor increase in area and dimensions are considered to improve the amenity of future occupants by providing a reasonably sized and accessible area of private open space.

## **Rear Setbacks**

The rear setback has been increased to 4.89 metres for approximately 59.2% of the allotment width before increasing to a setback of 7.47 metres. The shortfall in rear setbacks should not result in unreasonable overshadowing of adjacent properties given the rear boundary maintains a northern orientation. Additionally, the rear setback exceeds the minimum dimensions required for private open space (4 metres by 4 metres) and further, the minimum amount of private open space required has been achieved. The increase in rear setbacks has enabled the provision of additional area and greater dimensions of private open space.

The proposed rear setbacks are considered adequate given the excess in the building footprint and the provision of appropriate private open space.

## **Windows to Bedroom Two.**

To improve the provision of natural light to bedroom 2, and therefore improve the overall amenity of occupants and potentially increase the energy efficiency of the building, the footprint has been redesigned to include a second floor to ceiling window. This window is north facing to capture as much light as possible.

In my opinion, the provision of this window will enable additional natural lighting and help improve the amenity of the occupants.

## **ANALYSIS/CONCLUSION**

The proposed compromise plans have attempted to address the reasons for refusal relating to the substantial site coverage, boundary to boundary form of development and the lack of natural light to bedroom 1.

The overall dwelling footprint has been marginally reduced, whilst an additional window has been incorporated to bedroom 2 to improve the occupant's amenity.

Both the eastern and western boundary wall lengths have been reduced, with the combined lengths of the eastern walls under 8 metres in length (the maximum wall length that can be approved 'as of right' under Schedule 1A & 4). It is anticipated that these walls will result in minimal visual and amenity impacts on the adjacent dwellings.

Despite the reduction in boundary wall lengths, boundary to boundary development is still proposed. In this regard, the amendments have not satisfied the Panel's concern in relation to the boundary to boundary form of development and the lack of external functional access to the rear yard.

As discussed within the report, the Panel and Council Administration have previously approved separate applications proposing boundary to boundary development on the subject allotment. In my opinion, given the limited dimensions of the allotment, this form of development is considered tolerable to ensure the occupants amenity is not adversely compromised and the dwellings are of a functional design.

It is staff's view that the amendments to the proposal have, to a reasonable extent, addressed the Panel's reasons for refusal given the reduction in floor area has enabled greater rear setbacks and POS, the inclusion of an additional window to bedroom 2 and a reduction in eastern and western boundary wall lengths.

It is suggested that the Panel advise the Environment, Resources and Development Court of its support for the compromise plans, subject to conditions.



## RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan; and**
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the comprise proposal submitted by Brightspace Homes for Development Application No: 100/2015/2067 and recommends 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. 100/2015/2067, being Sheet 1 of 3, 2 of 3, 3 of 3 prepared by Brightspace Homes, and received by Council 31/04/2016, except when varied by the following conditions of consent.**
- 2. A fully engineered site works plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, and the location of all street infrastructure and street trees.**
- 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.**
- 7. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.**

## NOTES

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

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

#### Attachments

*Attachment I:        Decision Notification Form*  
*Attachment II:      Compromise Proposal Plans and Supporting Documentation*

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 20 April 2016

<b>Agenda Ref No:</b>	<b>DAP200416 – 2.7</b>
<b>Originating Officer:</b>	<b>Rhiannon Hardy Development Officer - Planning</b>
<b>Applicant:</b>	<b>City Of Marion</b>
<b>Development Description:</b>	<b>To install 8 replacement freestanding advertising signs (1 of which incorporates an illuminated LED component), replacement illuminated advertising signage affixed to the façade of the Administration Centre building, and new non-illuminated fascia signage attached to the Cooina building</b>
<b>Site Location:</b>	<b>233-245 Sturt Road and 318 Diagonal Road, Sturt</b>
<b>Zone:</b>	<b>Regional Centre</b>
<b>Precinct:</b>	<b>Precinct 8 Community Services</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>09/03/2016</b>
<b>Development Plan:</b>	<b>Consolidated – 5 December 2015</b>
<b>Application No:</b>	<b>100/2016/425</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

---

### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, as the proposed signage is considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposed advertisement S7 (Cooina external fascia sign) comprises an outdoor advertising sign attached to a building where the face of the advertising structure exceeds 10 square metres. Additionally, the proposed advertisement S1.0 (illuminated LED main entry sign) maintains a display face area of 6.5 square metres per face (double-sided), where the Development Plan prescribes a maximum face area of 6.0 square metres per face in the Regional Centre Zone.

## SUBJECT LAND & LOCALITY

The subject land encompasses 3 allotments known as 233-245 Sturt Road and 318 Diagonal Road, Sturt (Lots 526, 531 and 527). The sites have a cumulative site area of approximately 23,642 square metres.

Easements for Rights of Way, Drainage purposes and Sewerage purposes run through the site.

The City of Marion Administration Centre building is located on the northern portion of the site, with a frontage to Sturt Road. The Cooina Neighbourhood Centre Building is located centrally within the site. Car parking areas surround the subject buildings.

The locality maintains various characteristics. Sturt Road and Diagonal Road border the land to the north and west. The Residential Zone surrounds the subject land, and nearby dwellings maintain a low-to-medium density character. The Marion Croquet Club and Sports Oval is located on the northern side of Sturt Road, and maintains an open space character. The Regional Centre Zone (containing Westfield Shopping Town and other land uses) is located diagonally north-west of the subject land.

*Refer Attachment I & II*

## PROPOSED DEVELOPMENT

The application proposes to erect 10 advertising signs; 9 of which shall replace existing signage. The below table summarises the location, type and size of the signs, and clarifies the nature of the existing sign that it proposes to replace:

Sign	Illumination	Display Area	Height	Existing sign
S1 Main entry sign	LED screen	4.0 x 1.6 = 6.5 m <sup>2</sup> (including 1.5 m <sup>2</sup> LED component)	4.85 m	Replacing existing freestanding main entry sign
S1.1 Main entry sign	None	3.4 x 1.6 = 5.5 m <sup>2</sup>	4.21 m	Replacing existing freestanding main entry sign
S2 Carpark entry Sturt Road	None	0.9 x 1.8 = 1.6 m <sup>2</sup>	1.8 m	Replacing existing freestanding directional sign
S4 Main office entry external illuminated 3D sign	Illuminated; LEDs fitted to rear of face	5.75 x 0.47 = 2.7 m <sup>2</sup>	Affixed to existing verandah fascia	Replacing existing "City of Marion" text attached to building, but includes new logo
S5 West driveway to rear carpark	None	0.9 x 1.8 = 1.6 m <sup>2</sup>	1.8 m	Replacing existing freestanding directional sign
S6 Cooina building entry (north side)	None	0.9 x 1.8 = 1.6 m <sup>2</sup>	1.8 m	Replacing existing small information sign
S7 Cooina external fascia sign (east facing)	None	14.36 x .79 = 11.3 m <sup>2</sup>	Affixed to existing fascia	None; new sign attached to fascia
S9 West driveway off Diagonal Road; Cooina Entry	None	1.1 x 2.2 = 2.4 m <sup>2</sup>	2.2 m	Replacing existing freestanding directional sign
S10 East entry to rear carpark	None	0.9 x 1.8 = 1.6 m <sup>2</sup>	1.8 m	Replacing existing freestanding directional sign
S11 Rear carpark office entry	None	1.6 x 1.2 = 1.9 m <sup>2</sup>	2.2 m	Replacing existing freestanding information/location sign

## GOVERNMENT AGENCY REFERRAL

<b>Commissioner of Highways:</b>	Not required pursuant to Schedule 8 given that the illuminated advertising displays are not “within 100 metres of a signalised intersection or a pedestrian actuated crossing”.
----------------------------------	---

## ZONE &amp; POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Regional Centre and Precinct 8 Community Services are listed in the following table and discussed in further detail below:

Regional Centre Zone	
<p><b>Objectives</b></p> <p>1      <i>A centre representing the primary focus for business and commercial services for the region, outside the central business district of Adelaide, providing a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, and public and private office development.</i></p> <p>3      <i>Development of a visually and functionally cohesive and integrated regional centre.</i></p> <p>5      <i>Development that contributes to the desired character of the zone.</i></p>	<p><b>Complies</b></p> <p>The proposed advertising signage shall reinforce the legitimate use of the land for administrative, cultural and community services, as envisaged by the Objectives and Desired Character of the Regional Centre Zone.</p>
<p><b>Desired Character (relevant excerpts)</b></p> <p><i>The State Government's Planning Strategy for Metropolitan Adelaide envisages the Marion Regional Centre as the major regional centre serving the inner southern suburbs of metropolitan Adelaide.</i></p> <p><i>To meet this objective, the existing regional centre must expand and diversify the activities within it to provide a central focus for a range of facilities that can be conveniently accessed by the surrounding population. It is necessary therefore to encourage and provide for a range of additional activities including health, community, recreation and entertainment, offices and a wider range of retail activities, and to extend usage of the regional centre beyond normal working hours. Some of these will be new facilities to the area, others will be relocated from elsewhere within the region. The future diversity and mixture of activities will transform the regional centre to become the community focus and heart of Marion and the inner southern metropolitan region...</i></p> <p><i>Development south of Sturt Road in Precinct 8 Community Services Marion should continue to develop a distinctive civic and community built-form that incorporates formal car parking areas, public open space and pedestrian linkages, all within a pleasantly landscaped setting.</i></p>	
<p><b>Principles of Development Control</b></p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ bank</li> <li>▪ child care centre</li> <li>▪ civic centre</li> <li>▪ community health centre</li> <li>▪ consulting room</li> </ul>	<p><b>Partially Complies</b></p> <p>Although not an expressly envisaged land use, advertising signs shall reinforce and complement the legitimate use of the land as a “civic centre”.</p>

<ul style="list-style-type: none"> <li>▪ department store</li> <li>▪ dwelling in conjunction with non-residential development</li> <li>▪ educational establishment</li> <li>▪ emergency services facility</li> <li>▪ entertainment facility</li> <li>▪ hospital</li> <li>▪ hotel</li> <li>▪ indoor games centre</li> <li>▪ library</li> <li>▪ motel</li> <li>▪ motor repair station</li> <li>▪ office</li> <li>▪ place of worship</li> <li>▪ playing field</li> <li>▪ pre-school</li> <li>▪ residential flat building in conjunction with non-residential development</li> <li>▪ restaurant</li> <li>▪ shop</li> <li>▪ supermarket</li> <li>▪ swimming pool.</li> </ul> <p>2 Development listed as non-complying is generally inappropriate.</p> <p>4 Development should not be undertaken unless it is consistent with the desired character for the zone.</p> <p>5 Development should be designed and sited to promote linkages between the various developments within the centre and adjoining main roads.</p> <p>6 Facilities within the centre should be sited and designed with a view to promoting after-hours use to reinforce the centre as the focus of social activity in the region.</p>	<p><b>Complies</b> An “advertising sign” is not listed as non-complying in the Regional Centre Zone.</p> <p><b>Complies</b> The proposal is generally consistent with the Desired Character for the zone.</p> <p><b>Complies</b> The proposed signage should reinforce pedestrian linkages throughout the site.</p> <p><b>Complies</b> The proposed illuminated signage should improve safety and identification of the Administration Centre building to complement after-hours use.</p>
<b>Precinct 8 Community Services Marion</b>	
<p><b>Principles of Development Control</b></p> <p>16 The following forms of development are envisaged in the precinct:</p> <ul style="list-style-type: none"> <li>▪ civic centre</li> <li>▪ community administration facilities</li> <li>▪ public health facilities</li> <li>▪ welfare services.</li> </ul> <p>19 Development should be sympathetic to and not detrimentally impact upon adjacent and nearby residential properties with respect to:</p> <p>(a) over shadowing</p> <p>(b) loss of privacy</p> <p>(c) undue noise.</p>	<p><b>Complies</b> The proposed signage shall reinforce the legitimate use of the land as a civic centre containing community administration facilities.</p> <p><b>Complies</b> The proposed signage should not result in additional unreasonable overshadowing given that:</p> <p>a) The freestanding signs shall replace existing signs. Although slightly larger in height, the signs are not located in proximity to residential properties.</p> <p>b) The new sign is affixed to the fascia of the Cooina building, and therefore should not result in additional overshadowing.</p> <p>The signs shall not facilitate increased noise or loss of privacy.</p>

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Complies</b></p> <p>a) The proposed signs are reasonably consistent with the predominant character of the surrounding urban landscape. The proposed LED sign has become a common feature in the urban landscape.</p> <p>b) No heritage places will be directly affected by the proposed signage.</p> <p>c) The proposed signage on the Administration Centre building façade and the Cooinda building fascia adequately complements the architectural form of the building, as the signage is sized to fit within the area of the parapet/fascia and sits flush against the building façade.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>The number of advertisements will remain as per the existing situation, with exception of 1 additional fascia signage on the Cooinda building. This fascia sign should not result in clutter, disorder or driver distraction, but instead will assist visitors to identify the building when entering the site via the south/western driveway.</p>
<p><i>Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.</i></p> <p><i>General Section: Advertisements: PDC 3</i></p>	<p><b>Complies</b></p> <p>The proposed signage will create a consistent approach for advertising and information signs for both Cooinda and the Administration Centre.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p> <p>The advertisements shall display information relating to the legitimate use of the land; primarily for identification of the site and buildings and to direct users to car parking. The LED component of S1 shall display information relating to upcoming Council events, and therefore also relates to the legitimate use of the associated land.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p><b>Complies</b></p> <p>a) The advertisements shall be contained within the boundaries of the subject allotments.</p> <p>b) The advertisements should not result in damage to significant vegetation, as they are proposed in the same location as existing signs.</p> <p>c) The signs should not obscure views of objects/vistas of high amenity value, as the signs are of a similar height and location as the existing sign structures.</p>

<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i>  <i>(b) a road, median strip or traffic island</i>  <i>(c) a vehicle adapted and exhibited primarily as an advertisement</i>  <i>(d) residential land.</i></p> <p>General Section: Advertisements: PDC 6</p>	<p><b>Complies</b></p> <p>The advertisements are located within the subject land, which is used for community/administrative purposes.</p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p>General Section: Advertisements: PDC 7</p>	<p><b>Complies</b></p> <p>The proposed advertisements attached to the façade of the Administration Centre and Coinda buildings shall not protrude higher than the walls of the building.</p>
<p><i>Advertisements and/or advertising hoardings erected on a veranda or that project from a building wall should:</i></p> <p><i>(a) have a minimum clearance above a footway of 2.5 metres to allow for safe and convenient pedestrian access</i>  <i>(b) where erected on the side of a veranda, not exceed the width of the veranda or project from the veranda</i>  <i>(c) where erected on the front of a veranda, be setback a minimum of 400 millimetres from the kerbline and not exceed the length of the veranda or project from the veranda</i>  <i>(d) where projecting from a wall, have the edge of the advertisement or advertising hoarding abutting the surface of the wall.</i></p> <p>General Section: Advertisements: PDC 8</p>	<p><b>Complies</b></p> <p>The advertisement affixed to the front of the Administration Centre is located on a verandah, but:</p> <ul style="list-style-type: none"> <li>a) Maintains ample footway clearance</li> <li>b) N/A</li> <li>c) Is well set back from the front boundary and footpath.</li> </ul> <p><b>Does Not Comply</b></p> <ul style="list-style-type: none"> <li>d) The advertisement's letters protrude 40mm from the verandah façade to allow for LED lighting affixed to the sign's backing. However, this protrusion should not be readily visible or perceptible when viewed from regular vantage points.</li> </ul>
<p><i>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p> <p>General Section: Advertisements: PDC 9</p>	<p><b>Complies</b></p> <p>The fascia signs shall not protrude beyond the architectural outline of the associated building.</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p>General Section: Advertisements: PDC 10</p>	<p><b>Complies</b></p> <p>The supporting advertising hoardings shall be effectively concealed from view.</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p>General Section: Advertisements: PDC 11</p>	<p><b>Complies</b></p> <p>The series of advertisements have been designed with a consistent theme of blue background, white lettering and the City of Marion logo. This theme is considered simple and clear. The content of the signs relates to relevant information contained on the existing signs that they are to replace, and features concise language.</p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p>General Section: Advertisements: PDC 13</p>	<p><b>Complies</b></p> <p>The secondary information on the signs (i.e. phone numbers, history of the area) is not readily visible from the public realm.</p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) Recommended conditions of consent ensure that the signs shall not be so highly illuminated to cause driver discomfort.</li> </ul>



<p>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</p> <p>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</p> <p>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</p> <p>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</p> <p>General Section: Advertisements: PDC 15</p>	<p>b) A recommended condition of consent stipulates that the content of the LED sign shall not be confused with an official traffic signal. The LED sign shall primarily use white text on a black background, which should not result in conflict with traffic signals.</p> <p>c) The illuminated LED sign is located approximately 170 metres from the nearest traffic signals at Sturt/Diagonal Roads, and therefore should not distract drivers from their primary driving task at a location where demands on driver concentration is high.</p> <p>d) The advertisements should not obscure a driver's view of other features of the road.</p>						
<p>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</p> <p>General Section: Advertisements: PDC 16</p>	<p><b>Complies</b></p> <p>The signs are not located in close proximity to existing electricity mains.</p>						
<p>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</p> <p>General Section: Advertisements: PDC 17</p>	<p><b>Complies</b></p> <p>The proposed LED sign is located approximately 170 metres minimum from the nearest traffic signals on Sturt/Diagonal Roads.</p>						
<p><b>Freestanding Advertisements</b></p> <p>Freestanding advertisements and/or advertising hoardings should be:</p> <p>(a) limited to only one primary advertisement per site or complex</p> <p>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</p> <p>General Section: Advertisements: PDC 18</p>	<p><b>Partially Complies</b></p> <p>a) Although two freestanding signs of a similar height are proposed on the Sturt Road frontage, the main sign relates to upcoming events/meetings at the City of Marion, while the other informs of the location of Cooinda, Housing SA and Families SA. As such, the 2 signs relate to 4 different complexes.</p> <p><b>Complies</b></p> <p>b) The size and scale of signs is considered to be in keeping the desired character of the locality. The signs are considered compatible with the development on the site.</p>						
<p>Freestanding advertisements and/or advertising hoardings for multiple-business tenancy complexes should:</p> <p>(a) incorporate the name or nature of each business or activity within the site or complex in a single advertisement</p> <p>(b) be integrally designed and mounted below the more predominant main complex or site identity advertisement.</p> <p>General Section: Advertisements: PDC 19</p>	<p><b>Complies</b></p> <p>Sign 1.1 features the City of Marion logo at the head of the sign, and below informs of the location of Cooinda, Housing SA and Families SA.</p>						
<p>The maximum height and display area or panel size of freestanding advertisements and/or advertising hoardings should not exceed the following dimensions within the respective zones:</p> <table><thead><tr><th>Zone</th><th>Maximum Height (metres)</th><th>Maximum Display Area or Panel Size (square metres)</th></tr></thead><tbody><tr><td>Regional Centre Zone</td><td>12 – associated with the retail core <u>8 – elsewhere</u></td><td>20 – associated with the retail core (10 per side if double-sided) <u>12 – elsewhere (6 per side if double-sided)</u></td></tr></tbody></table> <p>General Section: Advertisements: PDC 20</p>	Zone	Maximum Height (metres)	Maximum Display Area or Panel Size (square metres)	Regional Centre Zone	12 – associated with the retail core <u>8 – elsewhere</u>	20 – associated with the retail core (10 per side if double-sided) <u>12 – elsewhere (6 per side if double-sided)</u>	<p><b>Complies</b></p> <p><b>Maximum Height:</b> All freestanding advertisements vary in height from 1.8 to 4.85 metres.</p> <p><b>Maximum Display Area:</b> All freestanding signs are double-sided with a face area (per side) varying from 1.6 to 5.5 m², except the illuminated Main Entry Sign (S1).</p> <p><b>Does Not Comply</b> S1 maintains a display area of 6.5 m² on each side (13.0 m²) total.</p>
Zone	Maximum Height (metres)	Maximum Display Area or Panel Size (square metres)					
Regional Centre Zone	12 – associated with the retail core <u>8 – elsewhere</u>	20 – associated with the retail core (10 per side if double-sided) <u>12 – elsewhere (6 per side if double-sided)</u>					

### **Advertising along Arterial Roads**

*Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.*

*General Section: Advertisements: PDC 24*

### **Complies**

The advertising signs are sited along Diagonal and Sturt arterial roads which have a speed limit of 60 km/h.

## **ANALYSIS/CONCLUSION**

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:

- The advertisement affixed to the front façade of the Administration Centre features letters that protrude 40mm from the verandah façade (to allow for back lighting), where they should be “abutting the surface of the wall”.
- The display area of S1.0 (main entry sign) exceeds the maximum prescribed for freestanding signs in the Regional Centre Zone by 0.5 square metres (per face).

These shortfalls are relatively minor in nature and should not result in perceptible impacts to passers-by.

The overall design, size and location of the signs are generally consistent with the existing advertising scheme, but offer a more coordinated and modern appearance. The proposal should improve the legibility of the land for users of the civic centre and associated community services/facilities, which are expressly envisaged within Precinct 8 Community Services Marion.

The proposed LED sign forward of the Administration Centre should not result in driver distraction given that it is located a sufficient distance from the nearest traffic signals, and the level of illumination shall be controlled by way of conditions of consent.

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: 100/2016/425 for attached and freestanding replacement advertising signage at 233-245 Sturt Road and 318 Diagonal Road, Sturt, be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/425, including plans prepared by Core SPX dated received by Council on 9 March 2015, and email correspondence from Dale Fitzpatrick dated 12/04/2016, except when varied by the following conditions of consent.
2. The illumination of the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road, to the reasonable satisfaction of the Council.
3. The control system of the LED sign shall be programmed to adopt to a minimum of four levels of stepped dimming to suit a range of ambient light levels, in accordance with AS 4852.1:2009, as summarised in the below table:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	All Colours	
		Sign Luminance (Cd/m <sup>2</sup> ) Max	Sign Luminance (Cd/m <sup>2</sup> ) Min
Sunny Day	40,000	6,300	2,800
Cloudy Day	4,000	1,100	500
Twilight	400	300	200
Dusk	40	200	100
Night	<4	Site specific veiling luminance or 200, whichever is the lower	60

4. The image/message displayed on the LED sign shall not change more than 5 times per day.
5. The messages/images displayed shall not incorporate, or be have the ability to be interpreted as a traffic control device (such as traffic lights, stop signs and the like).
6. All messages displayed shall change instantaneously, and not 'scroll', 'fly in', 'flash' or the like, to minimise distraction to motorists.
7. The messages/images displayed on the sign shall relate only to the lawful use of the land and services available from that land.

8. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
9. The proposed non-illuminated signs shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety

## NOTES

1. The applicant is advised that easements for sewerage purposes, drainage purposes and rights of way runs through the subject land. Care shall be exercised during construction to ensure that encroachment into the easements does not occur, and that all underground infrastructures are adequately protected.

---

## 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>