DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 21 DECEMBER 2016

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DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.1**
Originating Officer:	**Rob Tokley** **Team Leader - Planning**
Applicant:	**City Of Marion**
Development Description:	**To erect six (6) light towers, incorporating a maximum height of 12 metres (excluding light fixture atop)**
Site Location:	**2-6 York Avenue, Clovelly Park**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 3 / Consent**
Lodgement Date:	**21/09/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/1752**
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 the proposal not meeting the criteria of Parts 1 or 2 of Schedule 9 of the Development Regulations, 2008 as Category 1 or 2 forms of development. As the proposal cannot be considered minor in nature, pursuant to clause 2(g) of Part 1, the application has been processed as a Category 3/Consent form of development.

Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The land subject of the proposal is situated at 2-6 York Avenue, Clovelly Park, bound by Scottish Avenue to the north, York Avenue to the east, Australian Avenue to the south and Cavan Terrace to the west.

The land is square in shape (save for the corner cut-offs), spans an area of some 7,250 square metres and currently incorporates the following;

- Two netball courts (one of which can also be used as a tennis court) in the north-west corner of the property;
- A turfed area (comprising a number of large, established trees and picnic shelter) adjacent the central portion of the northern boundary;
- Open, bitumised car parking adjacent thefull length of the eastern boundary of the site;
- A large, rectangular building (Clovelly Park Memorial Community Hall) located in the centre of the site (spanning in an east-west axis);
- Five tennis courts adjacent the southern boundary of the site; and
- A small playground, west of the clubroom building, adjacent the central portion of the western boundary of the site.

All sporting courts comprise standard-height (approximately 3.0 metres) cyclone fencing around their respective perimeters.

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

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to erect six lighting towers, for the purpose of providing activity during non-daylight hours. The lights are to be placed surrounding the perimeter of the existing tennis courts adjacent Australian Avenue. These tennis courts are to be re-surfaced/re-painted to accommodate the sport of netball.

All light towers incorporate a height of 12 metres above the existing playing surface. A light tower will be placed in each corner of the netball court facility, with an additional two located centrally within the facility. The central two towers will incorporate two light globes each.

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

The applicant has confirmed that use of the courts (whilst lights are operational), are at this time, intended for training purposes only, between the hours of 5:00pm – 9:30pm Monday to Thursday.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	41 properties were notified during the Category 3 public notification process.
Representations:	17 representations (1 in favour and 16 against) were received by Council.
Persons wishing to be heard:	11 representors identified they wish to address the Panel
Summary of representations:	Concerns with; • Noise from use of courts;

	• Increased need for parking; • Increased traffic; • Reduced on-road safety due to excessive traffic and parking; • Impacts upon amenity due to light spill; • Increased waste (rubbish) in nearby streets; and • Reduction in property values. *Refer Attachment IV*
Applicant's response:	Refer Attachment V

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Principles

1 The following forms of development are envisaged in the zone:
- *Small scale non-residential uses that serve the local community, for example;*
- *Open space*
- *Recreation areas*

4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:
- *(a) Primarily serves the needs of the local community*
- *(b) Is consistent with the character of the locality*
- *(c) Does not detrimentally impact on the amenity of nearby residents*

Northern Policy Area 13

Objectives

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

Desired Character

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

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

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs. *Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.* *Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.*		
PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Does Not Comply**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Does Not Comply**

A s s e s s m e n t

Whilst the proposed development does not align with the applicable Objectives, Desired Character and Principles of the Northern Policy Area, open space and recreation areas are nonetheless an envisaged use within the Residential Zone. The six (6) lighting towers proposed will enable non-daylight hours use of the existing sporting facility.

Residential Zone Principle 4 identifies that non-residential development in the Zone should (a) "*primarily [serve] the needs of the local community*", (b) "*is consistent with the character of the locality*" and (c) "*does not detrimentally impact on the amenity of nearby residents*".

In this respect, it is noted the installation of the lights will assist in the extended use of the existing facility through non-daylight hours, and provides a sporting club additional opportunities to hold training times for players. (Whilst competitive matches (under lights) would not be precluded from this consent if granted, the author has been advised that it is not the club's intention, at this time, to hold competitive matches whilst the lights are operational).

Whilst the facility may attract persons from outside the local community, the installation of lights does not necessarily result in additional persons attending the site over that which can occur during daylight hours, as no additional playing surfaces are being constructed. As such, it is my view the proposal will assist the sporting facility to continue to serve the needs of the local community and therefore satisfies Zone Principle 4(a).

The existing courts adjacent the north-west corner of the site currently accommodates eight light towers of approximately 9.0 metres in height. Furthermore, stobie poles, typically of 6.0 metres in height, are common throughout the locality.

Whilst the proposed light towers are taller than existing structures, it is evident the locality incorporates a number of above-ground infrastructure. Whilst such infrastructure does not 'characterise' the locality, the proposal will not be the only development of that form.

It is therefore my view that the proposal adequately satisfies Zone Principle 4(b), given the number of above-ground infrastructure evident within the locality.

The most important consideration of the proposal is to consider the impact upon the amenity of the locality, with respect to light spill and visual impact.

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

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

According to the lux plan provided, the projected light spill impact upon neighbouring land will be no greater than 5.0 lux, adjacent the front boundary of 4 Cavan Terrace, whilst all other properties in the locality will experience a lesser lux reading.

The application seeks use of the lights until 10.00pm Monday – Thursday (inclusive). This is within accepted waking hours of 7.00am – 10.00pm.

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

As such, it is my view that the proposal adequately satisfies Residential Zone Principle 4(c).

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	
Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: *(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants* *(b) noise* *(c) vibration* *(d) electrical interference* *(e) light spill* *(f) glare* *(g) hours of operation* *(h) traffic impacts.* *General Section: Interface Between Land Uses: PDC 1*	**Complies** (c)(d)(f) N/A (e)(g) The proposal documentation has demonstrated that light spill into adjacent residential properties is below the Australian Standards and use of the lights are within established waking hours. (a)(b(h) A number of representors have identified traffic impacts, excessive parking and reduced on-road safety as concerns. These matters are discussed below.
Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality. *General Section: Interface Between Land Uses: PDC 2*	**Complies** See comments below

A number of representors have identified concerns regarding traffic impacts, excessive parking and reduced on-road safety.

It is accepted the proposed lights will enable additional use of the courts, by permitting training and/or play during non-daylight hours. It is also acknowledged the lights are to service four netball courts which are to replace the existing five tennis courts, and that netball requires additional players per game. As such, there may be an increase in the number of people attending the site as a result of the change in sporting code being provided on site.

However, it should be noted the site enjoys existing use rights as a recreation area, and importantly, alteration of the existing tennis courts to become netball courts does not require Development Approval. Furthermore, the proposal (to construct light towers only) does not increase the capacity of the site to accommodate additional sporting activities (ie: no additional playing surfaces are to be provided).

As such, the lights, in of themselves, do not increase the capacity of the site to accommodate additional persons/players; rather, the lights enable a greater number of people to enjoy the facilities through a longer period of time in the days the lights are to be operational.

Whilst the proposed lights may increase the total number of persons attending the site during a 24-hour period, it has been established above that the proposal will not increase the demand for on-site/on-street car parking than can occur at present, or 'as of right'. Furthermore, use of the lights will cease by 10.00pm, and as such, all activity on the courts and a majority of vehicle movements are likely to occur within established waking hours.

As such, whilst it can be concluded that the lights may result in increased traffic to the site, the peak traffic generated should be no greater than the number of vehicles currently attending the site during daylight training and/or competition.

For the reasons above, I do not consider the proposal to result in any unreasonable impacts upon adjacent land as a result of traffic movements and/or need for on-street parking.

For these reasons, and the identified compliance of the proposal with respect to light spill and hours of operation, the proposal is considered to accord sufficiently with the relevant provision relating to 'Interface Between Land Uses'.

Open Space and Recreation

Buildings in open space, including structures and associated car parking areas, should be designed, located and of a scale that is unobtrusive and does not detract from the desired open space character. *General Section: Open Space and Recreation: PDC 10*	**Complies**
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, with a height of up to 12 metres above the existing playing surface; which is typical of more contemporary lighting systems surrounding large sporting areas, particularly tennis/netball courts.

In my view, the towers will not detract from the open space character of the locality, as the towers are slight in appearance and are similar to existing light towers adjacent the north-western corner of the site.

Notwithstanding the proposed light towers will be notably taller than other structures in the locality, the circumstances of the site, including existing, mature vegetation and level of separation from the nearest

neighbouring dwellings located on surrounding streets, should provide an adequate buffer, both visually and in relation to light spill to sufficiently minimise negative impacts on the amenity of the locality. The proposed lights will provide additional time in which sporting club members can train and potentially undertake competitive matches. The lights will ensure the longevity of the site for organised sporting events and training, making greater use of a public asset. For these reasons the proposal sufficiently accords Principles 10 and 15 in relation to Open Space and Recreation.	
Crime Prevention	
Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable. *General Section: Crime Prevention: PDC 1*	The proposed lighting complements Crime Prevention principles, as the lighting shall maximise surveillance on the subject land during operation, and encourage use outside daylight hours.

REPRESENTOR'S CONCERNS

The representors have raised concern in relation to light spill, noise, car parking, increased traffic, reduced on-road safety, increase in waste and reduction in property values.

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

It is appreciated the installation of lights will enable use of the sporting facility during non-daylight hours.

In relation to noise, car parking, traffic and on-road safety, it is important to acknowledge the lights themselves do not increase the capacity of the site to accommodate more players/attendees. Rather, it allows use of the facility over a longer period of time; until 10.00pm; which remains within established waking hours.

As such, in the event a greater number of persons attend the site at any one time, it will not be due to the erection and operation of the light towers, but rather due to the change in sporting codes (from tennis to netball – which does not require Development Approval) and a reflection of the growth and success of the club.

In this regard, it is my respectful position that representors' concerns relating to traffic, excessive noise, increased demand for on-street parking and reduced on-road safety, whilst these may be legitimate and realised local issues, cannot be attributed to the erection and operation of the light towers, but rather are a factor of living adjacent a sporting facility.

In relation to noise, whilst there is to be some noise associated with these activities; communication between coaches and players, the (possible) use of whistles and the coming and going of vehicles, such noise is likely to be intermittent and not of such a volume to be unreasonably offensive to occupiers of neighbouring dwellings.

In relation to traffic, on-street parking and on-road safety, at present, there are approximately 31 car park spaces on site.

The existing sporting facility is already utilised by sporting clubs during daylight hours for training (and possibly organised matches). As the lights do not increase the capacity of the site to accommodate more persons/players, it does not of itself increase the number of people attending the site at any one time. As such, the peak traffic flows and demand for on-street parking will not necessarily increase as a result of the erection of lighting towers.

Whilst the on-street parking spaces located in front of existing residential properties will accommodate the overflow of vehicles, the proposal does not alter this current arrangement. As a high majority of persons/vehicles are anticipated to have left the site on or before 10.00pm, I do not anticipate such unreasonable impacts will occur to adjacent residential properties as a result of car parking and traffic generation during non-daylight hours.

Some representors have identified concern with an increase in waste/rubbish as a result of the lighting towers. Whilst additional persons may attend the site over a 24-hour period when the lights are in use, the lights of themselves do not produce waste, and as such, concerns regarding the correct disposal of waste is outside the scope of this assessment and application.

Some representors have also raised concern with a reduction in property values. Whilst these concerns are noted, such matters are outside the scope of a planning assessment, and as such, cannot be considered when being assessed against the Development Plan.

A N A L Y S I S / C O N C L U S I O N

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

Whilst the proposed development does not align with the applicable Objectives, Desired Character and Principles of the Northern Policy Area, open space and recreation areas are nonetheless an envisaged use within the Residential Zone. As such, the installation of the lights will assist in the extended use of the existing facility through non-daylight hours, and provides a sporting club additional training times to accommodate the needs of members.

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

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

According to the lux plan provided, the projected light spill impact upon neighbouring land will be no greater than 5.0 lux, measured at 4 Cavan Terrace. All other properties are likely to experience a lower lux reading.

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

Many residents have raised concerns regarding the impact upon their amenity as a result of increased traffic and demand for on-street parking. The lights do not increase the capacity of the site to accommodate more persons/players, but rather enables increased time in which the facilities can be used. In this regard, the proposal may result in increased numbers of people attending the site in a 24-hour period, however, it does not of itself increase the number of people attending the site at any one time. As such, the peak traffic flows and demand for on-street parking will not necessarily increase as a result of the erection of lighting towers.

The club has advised that it is likely that all activities will conclude by 9.30pm. In staff's view, it is appropriate to condition the operation of the lights until 10.00pm, which would enable the safe retrieval of equipment from the sporting courts. Furthermore, as 10.00pm is the conclusion of recognised waking hours, and the anticipated light spill is well within the relevant Australian Standard, the operation of the lights until this time is not anticipated to result in an unreasonable impact upon the amenity of adjacent properties.

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: 100/2016/1752 to erect six (6) light towers, incorporating a maximum height of 12 metres (excluding light fixture atop) at 2-6 York Avenue, Clovelly Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1752, except when varied by the following conditions of consent.

2. All external lighting shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.

3. The maximum operable days and times the lights herein approved shall be limited to Monday to Thursday (inclusive): 5:00pm to 10:00pm.

Attachments

Attachment I: Aerial Photograph & Site Locality Plan
Attachment II: Proposal Plan and supporting documentation
Attachment III: Statement of Representations
Attachment IV: Applicant's Response to Representations

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.2**
Originating Officer:	**Kristen Sheffield** **Development Officer - Planning**
Applicant:	**Mr Callum Apollo Little**
Development Description:	**Two, two-storey detached dwellings at the front of the site, and a two-storey residential flat building, comprising four dwellings at the rear of the site, all with associated car parking and landscaping**
Site Location:	**26 & 28 Richard Avenue, Mitchell Park**
Zone:	**Residential Zone**
Policy Area:	**Medium Density Policy Area 12**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**14/12/2015**
Development Plan:	**Consolidated – 03 December 2015**
Application No:	**100/2015/2341**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development for two or more dwellings on the same site where at least one of those dwellings is two storeys high 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

The application has previously been refused as a result of failure to respond to a request for further information as per Section 39(3)(b) of the Development Act and Regulation 19 of the Development Regulations. Refusal of the application was subsequently appealed to the Environment, Resources and Development Court, with the application remitted to Council following submission of the previously requested further information.

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

Amendments Requested	Amendments Made
The proposed crossover/s servicing the common driveway should maintain a minimum 1 metre clearance from the stobie pole.	Common driveway separated further to provide 1 metre clearance from the stobie pole.
Additional landscaping should be provided between the entrance/exit of the common driveway in order to reduce impacts of excessive paving.	Minor area of landscaping provided between the entrance/exit crossovers of the common driveway.
Aisle width of common driveway should be increased to comply with relevant Australian Standards, to provide for the safe and convenient manoeuvring of vehicles.	Additional aisle width provided.

SUBJECT LAND & LOCALITY

The subject land is comprised of two allotments at 26 and 28 Richard Avenue, Mitchell Park. Both allotments are rectangular with combined a width of 36.8 metres, depth of 45.9 metres, and total site area of 1689 square metres.

Each allotment currently accommodates a single-storey detached dwelling, both in poor condition. Vehicular access is provided alongside the eastern boundary of each allotment to a detached garage to the rear of each dwelling. Several other ancillary structures are located to the rear of both existing dwellings. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality is primarily residential in nature, comprising a mixture of dwelling types including original single-storey detached dwellings on large allotments and older established group dwellings as well as detached, semi-detached, group and row dwellings on smaller redeveloped allotments.

A secondary school is sited 60 metres south of the subject land. A Neighbourhood Centre Zone is located at the intersection of Daws and Marion Roads, approximately 500 metres walking distance to the north-west of the subject land, while the Ascot Park Railway Station is located some 700 metres walking distance north of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of six two-storey dwellings. For the purposes of assessment, Res 1 and 2 have been considered as detached dwellings, as these dwellings are indicated to be sited on their own allotments with direct and exclusive access to a public road. Res 3-6 are considered to form a Residential Flat Building comprising 4 dwellings.

Each dwelling incorporates a bedroom with an ensuite and WIR, a laundry and open plan kitchen/living areas on the ground floor, while the upper levels comprise two bedrooms and a bathroom.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include face brick work to the lower levels and rendered lightweight walls to the upper levels. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 22.5-degree pitch. Landscaping is also proposed and is to be provided to the front and rear of each dwelling, as well as on either side of the common driveway.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	21 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council, one in favour of the application, and one neutral regarding the outcome of the application although noting certain concerns.
Persons wishing to be heard:	25B Daisy Avenue, Mitchell Park
Summary of representations:	**25B Daisy Avenue, Mitchell Park** • Concerns regarding privacy. • Construction noise and dust emissions should be kept to a minimum. • Loss of vegetation and habitat for fauna. • Suggestion of limiting number of pets, particularly roaming cats. *Refer Attachment IV*

INTERNAL DEPARTMENT COMMENTS

Engineering:	The proposal has been assessed by Council's Engineer who advised that the access arrangements and vehicle manoeuvring areas are deemed satisfactory

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 are listed in the following table and discussed in further detail below:

Residential Zone
Objectives *1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.* *2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.*
Medium Density Policy Area 12
Objectives *1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.* *2 Development that minimises the potential impact of garaging of vehicles on the character of the area.* *3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.* *4 Development that contributes to the desired character of the policy area.*

Desired Character *This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).* *The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.* *Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.* *Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.* *Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.* *Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.*		
PDC 1	*The following forms of development are envisaged in the policy area:* *▪ affordable housing* *▪ dwelling including a residential flat building* *▪ supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 3	*Medium density development should be in the form of 2 storey buildings with an ability to provide a 3rd storey addition within the roof space.*	**Complies**
PDC 5	*In the case of more than one dwelling on one site, access to parking and garaging areas from public streets should be via a minimum number of common driveways.*	**Complies**
PDC 6	*Minimum Site Area:* *Detached dwelling (Res 1 & 2): 300m^2* *Residential flat dwelling (Res 3-6): 250m^2*	**Complies** Res 1: 318.7m^2 Res 2: 318.7m^2 **Does Not Comply** Res 3: 210.1m^2 Res 4: 168.9m^2 Res 5: 168.9m^2 Res 6: 208.1m^2 Average (excluding common driveway): 189m^2 Average (including common driveway): 263.5m^2
	Minimum Frontage: *Detached dwelling (Res 1 & 2): 10m* *Residential flat dwelling (Res 3-6): 18m*	**Complies** Res 1: 14.5m Res 2: 14.5m Res 3-6: 36.8m
	Minimum Depth: *Detached dwelling (Res 1 & 2): 20m* *Residential flat dwelling (Res 3-6): 45m*	**Complies** Res 1: 20.8m Res 2: 20.8m Res 3-6: 45.9m

Assessment

Objectives & Desired Character

The application proposes to replace two single-storey detached dwellings in poor condition, with six dwellings, in the form of two, two-storey detached dwellings, and a two-storey residential flat building comprising four dwellings. Detached and residential flat dwellings are form of development anticipated by PDC 1.

Given that the subject land is located in reasonable proximity to public transport routes and centre facilities, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

It is envisaged that medium density development should be in the form of 2 or 3 storey buildings. The proposed development achieves this intent, with six, two-storey dwellings proposed.

The application is consistent with the Desired Character of the Medium Density Policy Area 12 in that it will redevelop the site at a higher density compared to that typical of the original housing stock in the area. Further, the Desired Character encourages medium densities through the amalgamation of properties. Accordingly, the essential form and nature of the proposal complements the overarching policies of the Medium Density Policy Area 12.

This being said, the Desired Character also encourages a wide range of dwelling types to meet a variety of accommodation needs. All proposed dwellings feature three bedrooms and therefore do not provide a distinct variety in dwelling size.

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

Site Areas

A minimum site area of 300 square metres is prescribed for detached dwellings within the Medium Density Policy Area 12, while residential flat buildings should comprise an average land area of 250 square metres per dwelling. While the proposed detached dwellings (Res 1 and 2) exceed minimum site area criteria, the proposed residential flat dwellings (Res 3-6) comprise an average land area of 189 square metres, which equates to a shortfall of 61 square metres (24.4%) per dwelling.

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

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

It is noted that, if the driveway were to be included in the site area calculations, the proposed residential flat dwellings would maintain an average site area of 263.5 square metres per dwelling, exceeding the prescribed minimum.

Nonetheless, given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 210 square metres within the Medium Density Policy Area 12, whereby a site of 16800 square metres could theoretically accommodate 8 dwellings. The subject land maintains an overall site

area of 1689 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

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

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

DEVELOPMENT ASSESSMENT

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

<table>
<tr><th>Principles of Development Control:</th><th>Assessment:</th></tr>
<tr><td colspan="2">Site Coverage</td></tr>
<tr><td>

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

<table>
<tr><th>Site area</th><th>Maximum Site Coverage</th><th>Maximum Floor Area Ratio</th></tr>
<tr><td>250 - 325 m²</td><td>130 m²</td><td>0.6</td></tr>
<tr><td>< 250 m²</td><td>100 m²</td><td>0.7</td></tr>
</table>

Note: 130m² and 0.6 apply for Res 1 & 2. 100m² and 0.7 apply for Res 3-6.

Medium Density Policy Area 12: PDC 7

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Site coverage:

Does Not Comply
Res 1: 152.3m²
Res 2: 152.3m²
Res 3: 124.3m²
Res 4: 121.3m²
Res 5: 121.3m²
Res 6: 124.3m²

Average site coverage (including common driveway): 47.1%

Floor area ratio:

Complies
Res 1: 0.47 (148.5m²)
Res 2: 0.47 (148.5m²)
Res 3: 0.66 (139.1m²)
Res 6: 0.66 (139.1m²)

Does Not Comply
Res 4: 0.81 (136.2m²)
Res 5: 0.81 (136.2m²)

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

Residential Zone: PDC 9

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

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</table>

Site coverage should ensure sufficient space is provided for: *(a) pedestrian and vehicle access and vehicle parking* *(b) domestic storage* *(c) outdoor clothes drying* *(d) rainwater tanks* *(e) private open space and landscaping* *(f) convenient storage of household waste and recycling receptacles.* *General Section: Residential Development: PDC 14*	**Complies** The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Complies** 23.7% (400m^2)
Private Open Space	
Dwellings should include POS that conforms to the requirements identified in the following table: **Site area of dwelling** / **Minimum area of POS** / **Provisions** 175 square metres or greater / 20 per cent of site area / Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres. *Residential Zone: PDC 7*	**Complies** Res 1: 25% (79.8m^2) Res 2: 25% (79.8m^2) Res 3: 24.6% (51.7m^2) Res 4: 24.8% (41.9m^2) Res 5: 24.8% (41.9m^2) Res 6: 24.6% (51.7m^2) 5 x 5 metre POS dimension achieved by each dwelling.
Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed: *(a) to be accessed directly from the internal living rooms of the dwelling* *(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)* *(c) to be located to the side or rear of a dwelling and screened for privacy* *(d) to take advantage of, but not adversely affect, natural features of the site* *(e) to minimise overlooking from adjacent buildings* *(f) to achieve separation from bedroom windows on adjacent sites* *(g) to have a northerly aspect to provide for comfortable year round use* *(h) to not be significantly shaded during winter by the associated dwelling or adjacent development* *(i) to be partly shaded in summer* *(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality* *(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.* *General Section: Residential Development: PDC 16*	**Complies** a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwelling/dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. Adjacent two storey dwellings comprise fixed and obscure glazing to upper level windows. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.

Private open space should not include: *(a) any area covered by a dwelling, carport, garage or outbuildings* *(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas* *(c) common areas such as parking areas and communal open spaces* *(d) any area at ground level at the front of the dwelling (forward of the building line)* *(e) any area at ground level with a dimension less than 2.5 metres* *General Section: Residential Development: PDC 17*	**Partially Complies** g) The proposed POS areas maintain a westerly aspect which should nonetheless benefit from adequate levels of northern sunlight.
A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas. *General Section: Residential Development: PDC 22*	**Complies**
Building Setbacks from Road Boundaries	
Minimum setback from primary road frontage where an established streetscape exists: *5 metres within **Medium Density Policy Area 12*** *8 metres from arterial roads shown on Overlay Map – Transport* *Residential Zone: PDC 6*	**Does Not Comply** Res 1: 4.9m Res 2: 4.9m
Except in areas where a new character is desired, the setback of buildings from public roads should: *(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality* *(b) contribute positively to the function, appearance and/or desired character of the locality. 34* *General Section: Design and Appearance: PDC 21*	**Complies** The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 4.9 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.
Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement. *General Section: Residential Development: PDC 37*	**Complies** Habitable rooms are adequately separated from pedestrian and vehicle movement.
Side Setbacks	
Minimum setback from side boundaries: *Where the wall height is not greater than 3 metres:* *0.9 metres* *Where the wall height is between 3 metres and 6 metres:* *(a) 3 metres if adjacent southern boundary* *(b) 2 metres in all other circumstances.* *Noet: 3m applies for Res 3, and 2 metres applies for Res 6.* *Residential Zone: PDC 6*	**Does Not Comply** <u>Wall height between 3 and 6 metres</u> Res 3: 1.833m Res 6: 1.833m

Maximum length and height when wall is located on side boundary: *(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height* *(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.* *Residential Zone: PDC 6*	**Complies** Res 1: Height- 2.72m, Length 6.3m Res 2: Height- 2.72m, Length 6.3m
Buildings should be sited with respect to side and rear property boundaries to: *(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight* *(b) minimise the impact of bulk and scale of development on adjoining properties* *(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.* *General Section: Design and Appearance: PDC 2*	**Complies** Although the upper level side setbacks of Res 3 and 6 do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Rear Setbacks	
Minimum setback from rear boundary: *(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary* *(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres* *Residential Zone: PDC 6*	**Complies** <u>Wall height below 3 metres</u> Res 1: 4.84m- 5.34m Res 2: 4.84m- 5.34m Res 3-6: 5.115m <u>Wall height between 3 metres and 6 metres</u> Res 1: 8.95m Res 2: 8.95m Res 3-6: 11.365m
Buildings should be sited with respect to side and rear property boundaries to: *(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight* *(b) minimise the impact of bulk and scale of development on adjoining properties* *(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.* *General Section: Design and Appearance: PDC 2*	**Complies** The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Building Height	
Maximum building height (from natural ground level): *(i) 2 storeys of not more than 9 metres* *(ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than10 metres* *Residential Zone: PDC 7*	**Complies** The proposed dwellings incorporate a maximum building height of 7 metres, which is less than the maximum permitted in the Policy Area.

Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties. *General Section: Residential Development: PDC 2*		**Does Not Comply** Res 3- 6 comprise a two-storey residential flat building to the rear of the subject land.
Garages, Carports, Verandas and Outbuildings		
Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. *General Section: Residential Development: PDC 10*		**Complies** Each proposed garage is incorporated under the main roof of the associated dwelling.
Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters: *General Section: Residential Development: PDC 12*		
Parameter	***Value***	
Maximum wall or post height	*3 metres*	**Complies** Res 1: 2.72m Res 2: 2.72m
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies** Res 1: 5.5m (0.6m behind main face) Res 2: 5.5m (0.6m behind main face)
Maximum length on the boundary	*8 metres or 45 per cent of the length on that boundary (whichever is the lesser)*	**Complies** Res 1: 6.3m Res 2: 6.3m
Maximum frontage width of garage or carport with an opening facing the street	*6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)*	**Complies** Res 1: 41.4% (6m) Res 2: 41.4% (6m)
Carports and garages should be setback from road and building frontages so as to: *(a) not adversely impact on the safety of road users* *(b) provide safe entry and exit.* *General Section: Residential Development: PDC 13*		**Complies**

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Detached *Semi-detached* *Row*	*2 per dwelling containing up to 3 bedrooms one of which is to be covered.* *3 per dwelling containing 4 or more bedrooms one of which is to be covered.*
Group *Residential flat building*	*1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.*

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

Complies
PDC 34 requires the provision of 10 on-site car parking spaces to service the dwellings, plus an additional 1.3 on-site visitor spaces. The proposal provides 14 on site car parking spaces, albeit not including any separately defined visitor spaces.

Res 1 and 2 have each been provided with three on-site spaces, 2 covered within the double garage, and one visitor space within the driveway.

Res 3- 6 have each been provided with two on-site spaces, 1 covered within the garage and one uncovered visitor space.

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

General Section: Transportation & Access: PDC 43

Complies
a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.
b) Centre facilities and public transport are located within acceptable walking distance of the dwellings.
c) The likely occupants are anticipated to have standard mobility and transport requirements.

Does Not Comply
d) e) The additional crossovers result in the loss of 2 on-street car parking spaces, while 2 on-street 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.

General Section: Transportation & Access: PDC 44

Complies
(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.
(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.

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

Does Not Comply
2 on-street car parking spaces are provided for the proposed allotments, where 3 are sought by PDC 22.

Access

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

General Section: Residential Development: PDC 39

Complies

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

General Section: Residential Development: PDC 40

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Complies
The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.

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Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

<table>
<tr><th rowspan="3">Dwellings served</th><th colspan="3">Trafficable width (metres)</th><th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th></tr>
<tr><th colspan="2">Intersection with public road and first 6 metres</th><th rowspan="2">Width beyond first 6 metres</th></tr>
<tr><th>Arterial roads</th><th>Other roads</th></tr>
<tr><td>4 – 7</td><td>6</td><td>5</td><td>3</td><td>0.8</td></tr>
</table>

General Section: Residential Development: PDC 41

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Complies
Separate entrance/exit crossovers each incorporate a minimum width of 3 metres, and a total width exceeding 6 metres for the first 6 metres. Reducing to 3 metres thereafter. Landscaping strips on either side of the driveway increase from 0.5m to 1.5m.

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

General Section: Transportation and Access: PDC 28

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Complies
Vehicle access points (other than between the separated in/out crossovers of the common driveway) are separated by a minimum distance of 6 metres.

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Design & Appearance

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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

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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 and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico
- Eave overhang and pitched roof form at 22.5-degree slope
- Fenestration

While it is noted that the design of Res 3-6 does not incorporate stepping of upper and lower storeys (to the front elevation) to minimise building height, mass and proportion, the side elevations feature a mixture of brick, render 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.

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Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Complies**
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of brick, render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	**Complies** An assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that; a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June b) A majority of winter shadow will be cast within the common driveway area of the adjoining property to the South. Some shadow will be cast into the western adjoining property in morning hours but will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 11*	**Complies** Res 1 and 2 incorporate fixed obscure glazing or sill heights to 1.7 metres above floor level for upper level 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. Res 3- 6 incorporate fixed obscure glazing or sill heights to 1.7 metres above floor level for upper level windows on the front and side elevations (no windows proposed to the rear elevations). An upper level 'void' window to the front elevation of these dwellings remains unobscured. However, this should not result in an unreasonable level of overlooking of Res 1 and 2. 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.

Site Facilities and Storage	
Site facilities for group dwellings, multiple dwellings and residential flat buildings should include: *(a) mail box facilities sited close to the major pedestrian entrance to the site* *(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)* *(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.* *General Section: Residential Development: PDC 31*	**Partially Complies** a) Mail box facilities have not been specified within the proposal. It is included as a recommended condition of consent that common letterboxes be incorporated at the entrance to the common driveway. b) Not applicable, as the development does not contain more than 6 dwellings. c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency	
Development should provide for efficient solar access to buildings and open space all year around. *General Section: Energy Efficiency: PDC 1* *2 Buildings should be sited and designed:* *(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings* *(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.* *General Section: Energy Efficiency: PDC 2*	**Complies** The main activity areas of the dwellings are oriented west. While this is not an optimum orientation for energy efficiency of the dwellings, adequate sunlight will nonetheless be available to the areas of POS, with the windows of each internal living area adequately shaded by the proposed alfresco provided to each dwelling. As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.

Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a hipped roof form set at a 22.5-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.
Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2* *Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.* *General Section: Landscaping, Fences & Walls: PDC 3*	**Complies** The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

TABLE DISCUSSION

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

- Site coverage
- Floor area ratio (Res 4 & 5)
- Upper level side setbacks (Res 3 and 6)
- Two-storey hammerhead development
- On-street car parking

Site coverage

Site coverage exceeds criteria, as the Medium Density Policy Area 12 prescribes maximum site coverage of 130 square metres per dwelling for Res 1 and 2, and 100 square metres for Res 3, 4, 5 and 6. Whereas Res 1 and 2 comprise site coverage of 152.3 square metres each, while 124.3 square metres coverage is observed for Res 3 and 4, and 121.3 square metres for Res 4 and 5. The Medium Density Policy Area 12 generally envisages maximum site coverage of 40%. In this regard, the overall site coverage equals 47.1% of the total site area (including the common driveway). The following considerations are noted with regard to the discrepancy in site coverage;

a) The proposed dwellings each include an undercover verandah area. Were these to be deleted from the proposal, site coverage would reduce to 42.8%. While this level of site coverage more closely aligns with Council's policies, it does not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

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

b) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.

c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space and convenient storage of household waste and recycling receptacles.

d) 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. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

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

Floor Area Ratio (Res 4 & 5)

The Floor Area Ratio of Res 4 and 5 (0.81) exceeds the prescribed maximum of 0.7. As demonstrated above, the excess in floor area does not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwelling is acceptable having regard to the form of development proposed.

Upper level side setbacks (Res 3 and 6)

Two-storey dwellings (wall height of between 3 and 6 metres) should maintain minimum side setbacks of 2 metres, or 3 metres when adjacent a southern side boundary. Whereas Res 3 and 6 each comprise upper level setbacks of 1.833 metres to the southern and northern side boundaries respectively. PDC 2 (General Section: Design and Appearance) outlines that buildings should be sited with respect to side and rear property boundaries to maintain the amenity of adjoining properties in terms of noise, privacy and sunlight

Given the upper levels of Res 3 and 6 are limited to 6 metres in length, the visual impact upon adjoining properties is considered acceptable. Furthermore, an assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that overshadowing of the adjoining property to the south will fall within the common driveway area, with north facing windows of the adjacent dwellings maintaining at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June. Accordingly, the shortfall in upper level setback is deemed acceptable in this instance.

Two-storey hammerhead development

The proposal involves the development of two storey dwellings on a battleaxe allotment. In many instances this outcome may 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 are taken into account, along with the built form in the locality.

The proposed two-storey residential flat building generally maintains appropriate setbacks from boundaries (as discussed above). Furthermore, the pitched roof and stepping between lower and upper levels assists the dwellings in maintaining a low profile and reduces their visual dominance. In this regard the dwellings are not considered to unreasonably impact on adjoining properties by way of visual bulk and scale, or overshadowing.

Given that five of the six adjoining/adjacent properties comprise two-storey hammerhead development and that the Medium Density Policy Area 12 encourages higher densities and two storey development, 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.

On-street car parking

The proposed increase in density requires the provision of three on-street parking spaces adjacent the subject land (i.e. one on-street space per two allotments). However, only two on-street car parks are maintained, which results in a shortfall of one on-street parking space. Given that the proposal exceeds the total on-site parking requirements (albeit not including independently accessible on site visitor parks), and that the dwellings are located an acceptable walking distance to public transport and centre facilities, the shortfall in on-street car parking is deemed acceptable.

REPRESENTOR'S CONCERNS

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

The representor also raised concerns over construction noise and loss of vegetation. 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 preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, being the amalgamation of properties, replacement of original dwelling stock, and increase to medium density in the form of two-storey dwellings.

Whilst the essential nature of the development is envisaged, it is noted that the proposed dwellings each contain three bedrooms, which represents the most common dwelling size in the locality. Accordingly, the proposal does not contribute to providing a "wider range of dwelling types… to meet a variety of accommodation needs" as desired in the Policy Area 12. Given the fact that the overall density of the site accords with density criteria, the uniformity in proposed dwelling size does not significantly undermine the merit of the proposal.

Despite the individual deficiencies in site area for the residential flat dwellings, the average site areas over the subject land exceed the minimum of 250 square metres prescribed. Additionally, the proposed site areas are classified as medium density, which accords with the density envisaged to occur within the Medium Density Policy Area 12. Consequently, the proposed site areas and associated density are considered appropriate.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls including site coverage, floor area ratios, upper level side setbacks, on-street car parking and two-storey hammerhead development. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

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

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

R E C O M M E N D A T I O N

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: 100/2015/2341 for two, two-storey detached dwellings at the front of the site, and a two-storey residential flat building, comprising four dwellings at the rear of the site, all with associated car parking and landscaping at 26 Richard Avenue, Mitchell Park, be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/2341, except when varied by the following conditions of consent.

2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

3. Mail box facilities shall be provided at the entrance to the common driveway. An amended site plan incorporating common mail facilities shall be submitted to Council for consideration prior to issuing Development Approval.

4. 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.

5. 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

6. The portion of the upper floor windows to (except the windows presenting to the street for the front dwellings) 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.

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

8. **All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**

9. **All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**

10. **The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**

11. **All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**

12. **Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

N O T E S

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

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

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

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.3**
Originating Officer:	**Rob Tokley** **Team Leader - Planning**
Applicant:	**City of Marion**
Development Description:	**To remove a Regulated Tree (Lemon Scented Gum), situated within the Travers Street Reserve**
Site Location:	**37-41 Travers Street, Sturt**
Zone:	**Residential**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**11/10/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/1876**
Recommendation:	**That Development Plan Consent be REFUSED**

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development pursuant to Schedule 9 of the Development Regulations 2008, which assigns development that comprises a tree-damaging activity in relation to a regulated tree on land owned or occupied by a council where the council is the relevant authority in relation to the development.

BACKGROUND

As some Panel Members may recall, Council and Housing SA have recently agreed to a 'land swap', whereby improved public road access was provided to the public reserve, whilst land suitable for residential development was provided to Housing SA.

The land in which the subject tree is situated is a result of the 'land swap' between the two organisations described above. It is intended the land in which the tree is situated is to be divided to create two allotments. Retention of the tree prevents one of the proposed Lots (Lot 502) to be developed in accordance with Council's Development Plan (please refer Attachment V for land division plan).

SUBJECT TREE & LOCALITY

The subject tree is a Corymbia citriodora (Lemon-scented Gum) and located at 37-41 (lot 482) Travers Street, Sturt.

The tree is located some 4.6 metres from the southern (Travers Street) boundary of the land.

The tree incorporates a trunk circumference of 2.16 metres, height of 12 metres and canopy spread of approximately 20 metres.

The tree is situated in a well-treed locality, as the surrounding reserve to the north and east incorporates a number of large, established trees, typically being of Eucalypt and Corymbia species.

The locality is otherwise predominated by low density dwellings, on medium-large allotments, typically taking the form of single storey detached and semi-detached dwellings. A group of two storey residential flat buildings are located to the east of the reserve, and a group of single storey residential flat building are sited to the west of the subject land.

Refer Attachment I

PROPOSED DEVELOPMENT

The application seeks to remove the Lemon-scented Gum tree and to pay the requisite amount into the City of Marion Urban Tree Fund.

Refer Attachment II

PUBLIC NOTIFICATION

Properties notified:	21 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council.
Persons wishing to be heard:	The representor did not identify they wish to address the Panel.
Summary of representations:	Such trees are vital to the environment *Refer Attachment III*
Applicant's response:	Refer Attachment IV

DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed and assessed in the following table:

Provisions:	Assessment:
Regulated Trees	
OBJECTIVES 1 The conservation of regulated trees that provide important aesthetic and/or environmental benefit.	**Partially complies** See comments below
2 Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:	**Partially complies** See comments below

(a) significantly contributes to the character or visual amenity of the locality (b) indigenous to the locality (c) a rare or endangered species (d) an important habitat for native fauna.	
PRINCIPLES OF DEVELOPMENT CONTROL 1 Development should have minimum adverse effects on regulated trees.	**Does Not Comply** See comments below
2 A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply: (a) the tree is diseased and its life expectancy is short (b) the tree represents a material risk to public or private safety (c) the tree is causing damage to a building (d) development that is reasonable and expected would not otherwise be possible (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.	**Does Not Comply** See comments below

TABLE DISCUSSION

It has been a long-established planning approach that when considering the merits of an application to remove a regulated/significant tree, the 'planning merits' of the tree must first be examined.

In this regard, the tree must adequately satisfy Objectives 1 and 2 and Principles 1 and 2 (although, not necessarily all) to warrant proceeding to the second step of assessment, an arboricultural investigation, considering the health and stability of the tree and risk to persons and property the tree may pose.

I believe it is worthy at this point to acknowledge the proposal is finely balanced, having regard to the applicable criteria of the City of Marion Development Plan.

For the benefit of this assessment, I will make comment regarding each applicable Objective and Principle as they appear above.

Objective 1 - The conservation of regulated trees that provide important aesthetic and/or environmental benefit.

The tree is an attractive specimen, with a healthy canopy spread and good vigour. The tree is one of many large trees within the local area contributing to the green 'leafy' character (discussed further below), and being of reasonable size, and being visible for some distance in the locality (discussed further below), it is considered the tree provides an important aesthetic benefit.

The subject tree is a Lemon-scented Gum, indigenous to New South Wales and Queensland.

Whilst the tree is not endemic to the local area and therefore the environmental benefit derived from the tree is limited, the tree nonetheless provides a food source for native birds and insects, and a place for birds to perch during the day. At present, the tree is not a good habitat source, as there are no hollows for nesting.

The tree provides notable shade, which benefits pedestrians, users of the reserve and residents of adjacent dwellings; reducing urban heat loading.

In my opinion, the wording of Objective 1, to conserve trees that provide an important environmental benefit refers to trees that are indigenous or endemic to the local area, are rare or endangered, or are providing significant habitat to native fauna.

As such, it is my view that the tree provides an environmental benefit of reasonable note, however, whether this benefit is not “important” in context with that intended by the Development Plan.

In conclusion, as the subject tree has been identified as providing an important aesthetic benefit, and reasonable environmental benefit, it is my view the subject application to remove the tree fails to satisfy, albeit marginally, Objective 1.

Objective 2 - Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:
(a) significantly contributes to the character or visual amenity of the locality
(b) indigenous to the locality
(c) a rare or endangered species
(d) an important habitat for native fauna.

As identified above, the tree is an attractive specimen with (currently) limited impediments to compromise its continued growth.

Objective 2 seeks for development to occur “in balance with preserving trees…”. This wording, “in balance” is important when having regard to the overall merit of the proposal. Principle 2(d) (discussed below) provides further context for consideration.

As the tree is situated adjacent a well-treed reserve, it contributes to the character and visual amenity of the locality, which can be described as ‘leafy’, despite the recent removal of some large trees on the adjacent Housing SA property to the west.

Whether a tree such as this, adjacent a well-treed reserve contributes “significantly” to the character and visual amenity of the locality is, in my view, finely balanced.

One approach would be to consider that being one of the larger trees in a locality described as ‘leafy’, the tree contributes significantly to that character due to its height, canopy spread and prominence within the local area. On the other hand, it could be argued in this instance that as the tree is not substantially larger than the surrounding trees, it does not “significantly” contribute to the character, because it is the collective grouping of a number of trees that create the ‘leafy’ character.

In this regard, I note the tree has a height of some 12 metres. This height is not considerable, when having regard to the fact that mature Corymbia trees can reach a height (in a typical metropolitan Adelaide setting) of some 20 – 30 metres.

Whilst the tree remains one of the larger specimens within the reserve, and can be seen for some distance to the east and west along Travers Street, and to the north along Duncan Street and Myer Road, it is by far not the largest tree in the locality.

In my opinion, I cannot conclude the tree “significantly” contributes to the character or visual amenity of the locality. I believe the tree’s contribution is considerable, however, I would not consider the removal of the tree would be so noticeable that it would result in a significant erosion of the character or visual amenity of the locality.

In this regard, whilst somewhat finely balanced, I do not consider the removal of the tree to offend Objective 2(a).

The tree is not indigenous to the locality or a rare or endangered species and as such, the proposal does not offend Objective 2(b) or 2(c).

As discussed above, tree provides a food source for native birds and insects, and a place for birds

to perch during the day. At present, the tree is not a good habitat source, as there are no hollows for nesting. Lemon-scented Gum trees are less prone to the creation of hollows, compared to other species, such as River Red Gums. Furthermore, hollows will typically only form once a tree has reached full maturity; around 100 years in age.

For these reasons, it is my view that whilst the tree provides habitat, the value of such is not "important", and therefore the proposal to remove the tree does not offend Objective 2(d).

In conclusion, it is acknowledged that Objective 2 seeks for the development to be achieved "in balance" with the preservation of trees that satisfy one or more of parts (a) – (d). It is my opinion that the tree does not adequately satisfy Objective 2(a) – 2(d) (inclusive), and as such, there is a reasonable argument to state therefore that removal of the tree is justified on this basis.

Principle 1 - Development should have minimum adverse effects on regulated trees.

The proposal fails to satisfy Principle 1, as it seeks to remove the tree.

As identified in the response to the representation, recent (November 2011) changes to the regulated tree controls occasionally provides some peculiar scenarios.

The land the tree is situated on is owned by Council. Council has resolved to sell the land to recoup costs associated with the 'land swap' with Housing SA. To maximise return, Council seeks to divide the land to create two allotments. The two allotments, exceed the minimum criteria for complying detached or semi-detached dwellings pursuant to Schedule 4 of the Development Regulations 2008.

As Members may be aware, any tree (except a Eucalypt or Agonis species) that is located within 10 metres of an existing dwelling or in-ground swimming pool is exempt from the regulated tree controls, irrespective of the trunk circumference.

As such, in the event Council determined not to divide the land and sold the property, the future owner could gain consent (either complying or consent-on-merit) to construct a dwelling on the western portion of the land, albeit within 10 metres of the tree. In this scenario, removal of the tree (which is a Corymbia species (not a Eucalypt or Agonis)) would not require the consent of Council. The owner could then pursue to divide the land, in the same or similar format as Council currently is seeking. The end result being that refusal of the application does not necessarily prevent removal of the tree.

Whilst the removal of a regulated tree, based solely on this scenario, is neither appropriate nor available pursuant to the applicable Development Plan criteria, it is nonetheless of some relevance when having regard to the context/setting of the tree.

In conclusion however, the subject proposal does not satisfy Principle 1.

Principle 2 - A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:
(a) the tree is diseased and its life expectancy is short
(b) the tree represents a material risk to public or private safety
(c) the tree is causing damage to a building
(d) development that is reasonable and expected would not otherwise be possible
(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.

The tree has been assessed by an independent arborist (see Attachment VI), as well as Council's Planning Officer – Arboriculture. It has been identified that the tree does not have a short life

expectancy, does not represent a material risk to public or private safety, is not causing damage to a building, and only minor pruning works, in the general interests of the tree, are required.

For these reasons, the proposal does not satisfy Principle 2(a), 2(b), 2(c) and 2(e).

Principle 2(d) was introduced to Councils' Development Plans in November 2011. It differs from the significant tree controls, which read, "it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring".

In effect, Principle 2(d) places a lower value on regulated trees compared to significant trees (the difference between the two being a trunk circumference of 2.0 metres and 3.0 metres, respectively).

When one considers whether the retention of the tree would prevent "development that is reasonable and expected" on the land, one must have regard to the applicable planning controls for that Zone and Policy Area.

Currently, the tree is sited on an allotment of some 680 square metres. The land is situated in the Northern Policy Area of the Residential Zone. The Policy Area seeks for "low scale, low to medium density housing" (Objective 1) "of up to two stories" (Desired Character). All dwelling forms are anticipated in the Northern Policy Area.

It is evident there is substantial area to the west of the tree to site a dwelling, with ample area for appropriate setbacks to boundaries, private open space and (potentially) outbuildings in accordance with Council's design criteria and/or that applicable pursuant to Schedule 4 of the Development Regulations.

As such, a detached dwelling and other associated features/structures can be constructed on the land, in accordance with applicable criteria.

Whilst retention of the tree would prevent the opportunity to divide the land into two allotments, it does not prevent it from being developed for a purpose anticipated in the Zone and Policy Area, being a detached dwelling, with associated private open space, outbuildings and the like. In the event the Policy Area sought a much higher form of dwelling density, such as the Regeneration Policy Area, I acknowledge the merits with respect to Principle 2(d) to be more finely balanced.

In conclusion, I do not consider that retention of the tree, which prevents the 'maximum yield' of the site to be a relevant factor, having regard to the intent of the Northern Policy Area, the wording of Principle 2(d) and that a detached dwelling (which is an envisaged form of development in the Policy Area) can be constructed on the land.

A N A L Y S I S/C O N C L U S I O N

It is of value to consider the intent of the (then) significant tree legislation (introduced in May 2000), which was to prevent the indiscriminate removal of large trees – typically indigenous trees that have stood for a substantial period of time, or stately introduced trees on large estates that would be vulnerable to removal to accommodate new development.

The (now) regulated tree controls are not intended to protect every tree; rather those that provide "important" and "significant" environmental, character and amenity contributions.

Through the preceding assessment, it has been identified the proposal is finely balanced having regard to the applicable criteria of the Council's Development Plan.

The proposal does not satisfy part of Objective 1, as the tree has been identified as providing an important aesthetic benefit and 'reasonable' (albeit not "important") environmental benefit. The tree is not shown to have a short life expectancy, does not represent a material risk to public or private safety, is not causing damage to a building, and only minor pruning works, in the general interests of the tree, are required.

For these reasons, the proposal does not satisfy Principle 2(a), 2(b), 2(c) and 2(e).

Furthermore, the proposal fails Principle 2(d), which seeks for the preservation of regulated trees, whilst the reasonable and expected development can nonetheless be achieved on the land, and as such, removal of the tree cannot be justified on the basis of Principle 2(d).

Having said this, the tree incorporates a height of 12 metres – this height, in my view, is not significant in the context of the locality (which comprises a number of trees with heights well exceeding 15 metres) and nor is the height typical of a mature specimen, which can reach 20 – 30 metres (although it is acknowledged the tree could grow to this height, given the right conditions).

The tree species is not indigenous, is not rare or endangered and does not provide an important habitat for native fauna.

In addition, it is my view that the tree's contribution to the character or visual amenity of the local area is considerable, however, I would not consider the removal of the tree would be so noticeable that it would result in a significant erosion of the character or visual amenity of the locality. In this regard, the proposal to remove the tree does not offend Objective 2.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. However, the proposed development, which is finely balanced, does not sufficiently accord with the relevant provisions of the Development Plan, and as such, it is recommended the Panel refuse to grant Development Plan Consent.

RECOMMENDATION

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent and Development Approval for Development Application No: 100/2016/1876 to remove a Regulated Tree (Lemon Scented Gum), situated within the Travers Street Reserve at 37-41 Travers Street, Sturt be REFUSED for the following reasons:

(1) The tree is considered to provide an important aesthetic benefit and removal of the tree is at variance to Regulated Trees: Objective 1.

(2) The subject tree is not diseased, does not have a short life expectancy, does not represent a material risk to public or private safety, is not causing damage to a building and its retention does not prevent development that is reasonable and expected. As such, the proposal fails to satisfy Regulated Trees: Principle 2(a), 2(b), 2(c) and 2(d).

Attachments

Attachment I: *Aerial Photograph*
Attachment II: *Photo of tree*
Attachment III: *Statement of Representations*
Attachment IV: *Applicant's Response to Representations*
Attachment V: *Plan of division*
Attachment VI: *Arborists report*

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.4**
Originating Officer:	**Kristen Sheffield** **Development Officer - Planning**
Applicant:	**Mr Gavin Pinksterboer**
Development Description:	**A two-storey residential flat building comprising two dwellings and a single storey residential flat building comprising two dwellings**
Site Location:	**8 Hazel Street, Ascot Park**
Zone:	**Residential Zone**
Policy Area:	**Medium Density Policy Area 12**
Application Type:	**Category 2 / Consent**
Lodgement Date:	**22/07/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/1333**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a building of 2 storeys comprising dwellings as Category 2 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings each supporting an allotment area less than the minimum of 250 square metres required for residential flat dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
POS should comprise a minimum 20% of the site area of Dwelling 1.	POS of Dwelling 1 increased from 11.3% to 19.7%.
A minimum 5x5 metre dimension of POS should be provided for Dwellings 1 and 2.	Minimum POS dimensions provided.

The proposal should be 'flipped' so as to incorporate the common driveway alongside the south-western boundary, in order to provide a northern aspect to the POS of Dwellings 1 and 2.	Proposal 'flipped'.
Boundary wall height should be reduced to a maximum of 3 metres.	Walls removed off boundaries.
Driveway landscaping strips should be increased in width to 0.8 metres each.	Driveway landscaping increased from two 0.5 metre landscaping strips to a 0.5 metre and a 1.1 metre (where appropriate) landscaping strips.
The balconies proposed on the side elevation of Dwellings 1 and 2 should be screened to prevent overlooking of adjacent POS areas.	Balconies removed from the proposal.

SUBJECT LAND & LOCALITY

The subject land is located at 8 Hazel Avenue, Ascot Park. The allotment is rectangular with a width of 17.86 metres, depth of 55.32 metres, and total site area of 988 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached garage adjacent the south-western side boundary. Several other ancillary structures are located to the rear of the existing dwelling. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality is primarily residential in nature, comprising a mixture of dwelling types including original detached dwellings on large allotments and older established group dwellings which are particularly prevalent in the immediate vicinity, as well as detached, semi-detached, group and row dwellings on smaller redeveloped allotments. The Ascot Park Railway Station is located some 70 metres north of the subject land, while a Neighbourhood Centre Zone is located 500 metres walking distance to the south-west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct two residential flat buildings, one being two storeys comprising two dwellings (Dwellings 1 and 2) at the front of the site; and the other building being single storey and comprising two dwellings (Dwellings 3 and 4) located at the rear of the allotment. A common driveway is proposed adjacent the south-western side boundary providing access to each dwelling.

Dwellings 1 and 2 each feature open-plan kitchen, dining and living areas, separate WC and laundry to the ground floors, while the upper floors contain three bedrooms (main with ensuite and WIR), a bathroom and rumpus room. Dwellings 3 and 4 each contain two bedrooms, a bathroom, laundry and open-plan kitchen, dining and living areas. The proposed dwellings each incorporate a single garage under the main roof. Landscaping is proposed on either side of the common driveway, in front and to the rear of the dwellings and around external car parking spaces.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	14 properties were notified during the Category 2 public notification process.
Representations:	3 representations were received by Council, one in favour of the application, and two in favour of the application subject to certain amendments or provisions being met.
Persons wishing to be heard:	9/11 Joy Street
Summary of representations:	**9/11 Joy Street** • Concerns regarding fencing. **9B Hazel Street** • Concerns regarding proposed landscaping overhanging the boundary. *Refer Attachment IV*
Applicant's response:	See Attachment V

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 are listed in the following table and discussed in further detail below:

Residential Zone
Objectives *1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.* *2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.*
Medium Density Policy Area 12
Objectives *1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.* *2 Development that minimises the potential impact of garaging of vehicles on the character of the area.* *3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.* *4 Development that contributes to the desired character of the policy area.*
Desired Character *This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).* *The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.*

Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing. *Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.* *Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.* *Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.*		
PDC 1	*The following forms of development are envisaged in the policy area:* *▪ affordable housing* *▪ dwelling including a residential flat building* *▪ supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 3	*Medium density development should be in the form of 2 storey buildings with an ability to provide a 3rd storey addition within the roof space.*	**Complies**
PDC 5	*In the case of more than one dwelling on one site, access to parking and garaging areas from public streets should be via a minimum number of common driveways.*	**Complies**
PDC 6	*Minimum Site Area: 250m^2*	**Does Not Comply** Dwelling 1: 232.5m^2 Dwelling 2: 164m^2 Dwelling 3: 188m^2 Dwelling 4: 188m^2 <u>Average site areas:</u> 193.1m^2 (excluding common driveway) 247m^2 (including common driveway)
	Minimum Frontage: 18m	**Does Not Comply** 17.86m
	Minimum Depth: 45m	**Complies** 55.32m

Assessment

Objectives & Desired Character

The application proposes to replace an existing single storey detached dwelling in average condition, with four dwellings, in the form of a two-storey residential flat building comprising two dwellings, and a single-storey residential flat building comprising two dwellings to the rear of the site. Residential flat buildings are form of development anticipated by PDC 1.

Given that the subject land is located in close proximity to public transport routes and within reasonable walking distance of centre facilities, the wider locality contains features identified in Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12 as warranting increased residential densities.

It is envisaged that medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (development with site areas of between 149.3 and 250 square metres) should be in the form of 2 or 3 storey buildings. The proposed development achieves this intent in part, with two, two-storey dwellings proposed. With the remaining single-storey dwellings nonetheless considered appropriate given the 'hammerhead' nature of the development.

The application is consistent with the Desired Character of the Medium Density Policy Area 12 in that it will provide both single and two-storey medium density dwellings, and redevelop the site at a higher density compared to that typical of the original housing stock in the area. The Desired Character also seeks for the range of dwelling types to increase to meet a variety of accommodation needs. The proposal includes two three-bedroom and two two-bedroom dwelling options, and therefore provides a distinct variety in dwelling size.

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

Site Areas

The proposed dwellings have an average site area of 193.1 square metres, where an average of 250 square metres is prescribed for residential flat dwellings within the Medium Density Policy Area 12. This equates to a shortfall of 56.9 square metres per dwelling, or 22.8% less than the minimum sought. While the individual site area of each dwelling falls substantially short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 247 square metres per dwelling, only 1.7% less than the minimum sought.

Nonetheless, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 210 square metres within the Medium Density Policy Area 12, whereby a site of 840 square metres could theoretically accommodate 4 dwellings. The subject land maintains an overall site area of 988 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

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

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

Frontage width

Allotments of residential flat buildings should maintain a minimum frontage width of 18 metres, whereas the subject land comprises a frontage to Fifth Avenue of 17.86 metres. Despite the shortfall in frontage width, the allotment maintains a depth of 55.32 metres, where 45 metres is anticipated. Accordingly, the minor shortfall in site width is somewhat compensated by the depth of the site.

It is further considered that minimum frontage width requirements for Residential Flat Buildings seek to ensure appropriate vehicular manoeuvrability. The proposal maintains appropriate on-site manoeuvring in accordance with relevant Australian Standards. Furthermore, in my view, the shortfall in frontage width of 0.14 metres does not result in any significant impact upon desired streetscape outcomes.

DEVELOPMENT ASSESSMENT

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

<table>
<tr><th>Principles of Development Control:</th><th>Assessment:</th></tr>
<tr><td colspan="2">Site Coverage</td></tr>
<tr><td>

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

<table>
<tr><th>Site area</th><th>Maximum Site Coverage</th><th>Maximum Floor Area Ratio</th></tr>
<tr><td>< 250 m²</td><td>100 m²</td><td>0.7</td></tr>
</table>

Medium Density Policy Area 12: PDC 7

</td><td>

Site coverage:

Complies
Dwelling 1: 96.6m^2
Dwelling 2: 96.6m^2

Does Not Comply
Dwelling 3: 108.8m^2
Dwelling 4: 108.8m^2

Average site coverage: 41.6%

Floor area ratio:

Complies
Dwelling 1: 0.57 (132.8m^2)

Does Not Comply
Dwelling 2: 0.8 (132.8m^2)

Average floor area ratio: 0.49

</td></tr>
<tr><td>

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

Residential Zone: PDC 9

</td><td>

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

</td></tr>
</table>

Site coverage should ensure sufficient space is provided for: *(a) pedestrian and vehicle access and vehicle parking* *(b) domestic storage* *(c) outdoor clothes drying* *(d) rainwater tanks* *(e) private open space and landscaping* *(f) convenient storage of household waste and recycling receptacles.* *General Section: Residential Development: PDC 14*	**Complies** The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Does Not Comply** 16.4% (162m^2)

Private Open Space

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

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

Residential Zone: PDC 7

Does Not Comply
Dwelling 1: 19.7% (45.83m^2)

Complies
Dwelling 2: 24.9% (40.83m^2)
Dwelling 3: 22.3% (42m^2)
Dwelling 4: 22.3% (42m^2)

5 x 5 metre POS dimension achieved by each dwelling.

Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed: *(a) to be accessed directly from the internal living rooms of the dwelling* *(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)* *(c) to be located to the side or rear of a dwelling and screened for privacy* *(d) to take advantage of, but not adversely affect, natural features of the site* *(e) to minimise overlooking from adjacent buildings* *(f) to achieve separation from bedroom windows on adjacent sites* *(g) to have a northerly aspect to provide for comfortable year round use* *(h) to not be significantly shaded during winter by the associated dwelling or adjacent development* *(i) to be partly shaded in summer* *(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality* *(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.* *General Section: Residential Development: PDC 16*	**Complies** a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. g) The proposed POS areas of Dwellings 1, 2 and 3 maintain a northerly aspect to provide for comfortable year round use. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.

Private open space should not include: *(a) any area covered by a dwelling, carport, garage or outbuildings* *(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas* *(c) common areas such as parking areas and communal open spaces* *(d) any area at ground level at the front of the dwelling (forward of the building line)* *(e) any area at ground level with a dimension less than 2.5 metres* *General Section: Residential Development: PDC 17*	**Does Not Comply** g) The proposed POS area of Dwelling 4 faces south. Whilst undesirable, given the single-storey nature of the dwelling, the POS area should nonetheless receive adequate levels of northern sunlight.
A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas. *General Section: Residential Development: PDC 22*	**Complies**
Building Setbacks from Road Boundaries	
Minimum setback from primary road frontage where an established streetscape exists: *5 metres within **Medium Density Policy Area 12*** *8 metres from arterial roads shown on Overlay Map – Transport* *Residential Zone: PDC 6*	**Complies** Dwelling 1: 5m
Except in areas where a new character is desired, the setback of buildings from public roads should: *(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality* *(b) contribute positively to the function, appearance and/or desired character of the locality. 34* *General Section: Design and Appearance: PDC 21*	**Complies** The proposed front setback of 5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.
Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement. *General Section: Residential Development: PDC 37*	**Complies** Habitable rooms are adequately separated from pedestrian and vehicle movement.
Side Setbacks	
Minimum setback from side boundaries: *Where the wall height is not greater than 3 metres:* *0.9 metres* *Where the wall height is between 3 metres and 6 metres:* *(a) 3 metres if adjacent southern boundary* *(b) 2 metres in all other circumstances.* *Where the wall height is greater than 6 metres:* *(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres* *(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.* *Residential Zone: PDC 6*	**Complies** <u>Wall height not greater than 3 metres</u> Dwelling 1: 0.9m Dwelling 2: 0.9m Dwelling 3: 0.9m Dwelling 4: 0.9m <u>Wall height between 3 metres and 6 metres</u> Dwelling 1: 5m Dwelling 2: 5m

Buildings should be sited with respect to side and rear property boundaries to: *(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight* *(b) minimise the impact of bulk and scale of development on adjoining properties* *(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.* *General Section: Design and Appearance: PDC 2*	**Complies** The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Rear Setbacks	
Minimum setback from rear boundary: *(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary* *(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres* *Residential Zone: PDC 6*	**Complies** <u>Wall height not greater than 3 metres</u> Dwelling 3: 3.02m increasing to 6.02m Dwelling 4: 3.02m increasing to 6.02m
Buildings should be sited with respect to side and rear property boundaries to: *(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight* *(b) minimise the impact of bulk and scale of development on adjoining properties* *(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.* *General Section: Design and Appearance: PDC 2*	**Complies** The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Building Height	
Maximum building height (from natural ground level): *(i) 2 storeys of not more than 9 metres* *(ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than10 metres* *Residential Zone: PDC 7*	**Complies** The proposed dwellings incorporate a maximum building height of 7.2 metres, which is less than the maximum permitted in the Policy Area.
Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties. *General Section: Residential Development: PDC 2*	**Complies**
Garages, Carports, Verandas and Outbuildings	
Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. *General Section: Residential Development: PDC 10*	**Complies** Each proposed garage is incorporated under the main roof of the associated dwelling.

Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters: *General Section: Residential Development: PDC 12*		
Parameter	***Value***	
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.*	**Complies** All garaging sited to the rear of Dwelling 1.
Minimum setback from side or rear boundaries (when not located on the boundary)	*0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall*	**Complies**
Carports and garages should be setback from road and building frontages so as to: *(a) not adversely impact on the safety of road users* *(b) provide safe entry and exit.* *General Section: Residential Development: PDC 13*		**Complies**
Vehicle Parking		
Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. *General Section: Transportation & Access: PDC 34*		**Complies** Each dwelling provides one garage space and one open visitor space, which equals a total of 8 on-site parking spaces. However, no independently accessible visitor parks are available. *Note: 1.5 resident spaces x 4 dwellings = 6* *Plus 1.3 visitor spaces required for 4 dwellings = 7.3 on-site spaces required*
Group *Residential flat building*	*1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.*	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*		**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located within walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.
A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings). *General Section: Land Division: PDC 22*		**Complies** 2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.

Access

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

General Section: Residential Development: PDC 39

Complies
The proposal utilises the existing crossover for the proposed common driveway

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

General Section: Residential Development: PDC 40

Complies
The existing crossover is set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		Width beyond first 6 metres	
	Arterial roads	Other roads		
4 – 7	6	5	3	0.8

General Section: Residential Development: PDC 41

Does not Comply
3-metre-wide driveway and 0.5 metre landscaping strip along the southern side of the driveway. Landscaping along the northern side of the driveway varies in width between 0.5 metres and 1.1 metres (where appropriate).

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

General Section: Transportation and Access: PDC 28

Complies
Existing crossover utilised.

Design & Appearance

Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:
(a) building height, mass and proportion
(b) external materials, patterns, colours and decorative elements
(c) roof form and pitch
(d) façade articulation and detailing
(e) verandas, eaves, parapets and window screens.

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies
The proposed dwellings reflect the desired character of the Policy Area, as they provide a variety in architectural style and incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of horizontal cladding and render
- Eave overhang and pitched roof form at 20 degree slope
- Fenestration

While it is noted that the design of Dwellings 1 and 2 does not incorporate stepping of upper and lower storeys (other than the garage) to minimise building height, mass and proportion, the side elevations feature a mixture of render, 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.

Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Complies**
Relationship to the Street and Public Realm	
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render and horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.
Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	**Complies** The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that: a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June b) A majority of winter shadow will be cast within the subject land. However, some shadow will be cast into the south-western adjoining property in morning hours, and to the south-eastern adjoining property in afternoon hours. Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 11*	**Complies** The rear elevation of Dwelling 2 (D 1&2 side 2 elevation) notes fixed obscure glazing to 1.7 metres above the upper floor level. The southern side elevations of Dwellings 1 and 2 illustrate obscure glazing, however a dimension is not provided as to the height of the obscure glazing proposed. The northern side elevation incorporates sill height of 1.5 metres. Accordingly, it has been included as a recommended condition of consent that all upper level side (northern and southern) and rear windows, incorporate fixed obscure glazing to 1.7 metres above the upper floor level.
Noise	
External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from: *(a) active communal recreation areas, parking areas and vehicle access ways* *(b) service equipment areas and fixed noise sources on the same or adjacent sites.* *General Section: Residential Development: PDC 30*	**Complies** Dwellings 3 and 4 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29. 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 located away from dwellings and screened from public view.* *General Section: Residential Development: PDC 31*	**Partially Complies** a) Common letterboxes are featured at the entrance to the common driveway. b) Not applicable, as the development does not contain more than 6 dwellings. c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains external access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency	
Development should provide for efficient solar access to buildings and open space all year around. *General Section: Energy Efficiency: PDC 1* *2 Buildings should be sited and designed:* *(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings* *(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.* *General Section: Energy Efficiency: PDC 2*	**Complies** Dwellings 1, 2 and 3 are oriented so that their open spaces and main activity areas face north-east for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. The main activity areas of Dwelling 4 are oriented south. Whilst undesirable, given the single-storey nature of the rear dwellings, the POS of this dwelling should nonetheless receive some northern winter sunlight. As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.
Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a hipped roof form set at a 20-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.
Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2* *Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.* *General Section: Landscaping, Fences & Walls: PDC 3*	**Partially Complies** Shortfalls in driveway landscaping area and pervious areas may compromise the opportunity for taller/broader plantings in order to soften the built form, reduce shading and shelter to private open space and result in excess stormwater run-off. The proposed planting species and distribution is nonetheless considered appropriate and somewhat enhances the appearance of the road frontage and parking areas.

TABLE DISCUSSION

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

- Site Coverage (Dwellings 3 and 4)
- Floor Area Ratio (Dwelling 2)
- Percentage of pervious land area
- Private Open Space (Dwelling 1)
- Driveway/landscaping width

Site Coverage (Dwellings 3 and 4)

The Medium Density Policy Area 12 prescribes maximum site coverage of 100 square metres per dwelling, whereas Dwellings 3 and 4 comprise site coverage of 108.8 square metres each. The excess in building footprint is considered relatively minor in extent and consequence, nonetheless, the following considerations are noted with regard to the discrepancy in site coverage;

(a) The Medium Density Policy Area 12 generally envisages maximum site coverage of 40%. In this regard, the overall site coverage equates to 41.6% of the total site area (including the common driveway), closely aligning with the Council's policies.

(b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space and convenient storage of household waste and recycling receptacles.

(c) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.

(d) 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. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

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

Floor Area Ratio (Dwelling 2)

The Floor Area Ratio of Residence 2 (0.8) exceeds the prescribed maximum of 0.7. As demonstrated above, the excess in floor area does not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwelling is acceptable having regard to the form of development proposed.

Percentage of pervious land area

The Development Plan seeks for at least 20% of the land area to remain pervious in order to reduce levels of stormwater runoff from the land, reduce urban heat loading and improve micro-climatic conditions around sites and buildings as well as allow for effective deep planting. The proposed development fails to satisfy this requirement, with only 162 square metres (16.4%) remaining pervious and undeveloped.

Ordinarily applications propose conservative areas of paving within the POS, enough to accommodate an alfresco area, whereas the subject application incorporates more generous levels of paving to the rear of the dwellings. Were the paving within the POS of each dwelling to be reduced to a more conservative area, the pervious surfaces of the site may increase to exceed 20% of the total site area, slightly below that sought. Whilst this excess is undesirable, it is acknowledged that paving a surface is not development, and may occur on any site to levels exceeding that sought by the Development Plan, without any approval required. Nonetheless the non-compliance in pervious surfaces is noted and considered accordingly with the overall merit of the proposal.

Private open space (Dwelling 1)

Private open space should comprise at least 20% of the site area; whereas the proposed POS of Residence 1 equates to 19.7%, representing a shortfall of 0.7 square metres. This shortfall is considered to be of minor consequence given that the POS of this dwelling nonetheless comprises sufficient area and shape to be functional for likely occupant needs.

Driveway/landscaping width

Driveways servicing between four and seven dwellings should have a minimum width of 5 metres for the first 6 metres, with a width of 3 metres thereafter. In addition, 0.8 metres landscaping strips should be provided on either side of the driveway. The proposal incorporates a driveway width of 3 metres, with a 0.5 metre landscaping strip along the south-western side of the driveway, and landscaping varying in width between 0.5 metres and 1.1 metres (where appropriate) on the north-eastern side of the common driveway.

It is considered that the required width of 5 metres for the first six metres serves to allow two vehicles to pass each other within the driveway. Given that Hazel Street terminates shortly after the subject land, and as such does not provide a through-road, it is considered that vehicles waiting to enter the site (in the event that another vehicle is exiting the site at the same time), will not cause an unreasonable traffic hazard. Accordingly, in my view, a driveway width of 3 metres may be tolerated in this instance.

The total driveway landscaping dimension sought equals 1.6 metres. Whilst the proposal does not strictly adhere to the requirement of two 0.8 metre landscaping strips on either side of the driveway, the total landscaping dimension provided (0.5 metres + 1.1 metres) nonetheless equals that sought.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to fencing and overhanging landscaping are noted. However, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

A N A L Y S I S/C O N C L U S I O N

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Medium Density Policy Area 12, as it achieves an increase in dwelling densities in close proximity to public transport routes, as well as providing further diversity in dwelling types.

Assessment of the proposal against quantitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numeric shortfalls including site coverage, floor area ratio, private open space, percentage of pervious areas and driveway width. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numeric shortfall maintained by the proposal involves site areas. However, despite the more substantial individual deficiencies in site area, the average site areas over the subject land (247 square metres per dwelling) are nonetheless reflective of the 250 square metres prescribed for residential flat dwellings within this Policy Area. Additionally, the proposed site areas are classified as medium density, which accords with the density envisaged to occur within the Medium Density Policy Area 12. Consequently, the proposed site areas and associated density are considered appropriate.

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.

R E C O M M E N D A T I O N

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: 100/2016/1333 for a two-storey residential flat building comprising two dwellings and a single-storey residential flat building comprising two dwellings at 8 Hazel Street, Ascot Park, be GRANTED subject to the following conditions:

C O N D I T I O N S

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1333, except when varied by the following conditions of consent.

2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. The portion of the upper floor windows (except the windows presenting to the primary street frontage) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.

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

6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

8. **The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**

9. **All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**

10. **Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

N O T E S

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

2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

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

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

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.5**
Originating Officer:	**Justin Clisby** **Development Officer - Planning**
Applicant:	**Scope Development Solutions**
Development Description:	**To construct a two storey detached dwelling and a single storey residential flat building comprising two dwellings to the rear with associated car parking and landscaping.**
Site Location:	**87 Lascelles Avenue, Warradale**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 1 / Consent**
Lodgement Date:	**14/04/2016**
Development Plan:	**Consolidated – 03/12/2015**
Application No:	**100/2016/657**
Recommendation:	**That Development Plan Consent be GRANTED, subject to conditions**

CATEGORISATION & DELEGATION

The subject application is required to be assessed by the Development Assessment Panel by virtue of proposed Residence 1 supporting an allotment area of less than the minimum of 375 square metres required for detached dwellings and Residences 2 and 3 supporting allotment areas of less than the minimum of 300 square metres required for Residential Flat Dwellings within Northern Policy Area 13. Council has delegated decisions with respect to undersized allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage should be reduced to more closely align with Council's Development Plan provisions.	No changes made.
Update errors in the area schedules on the plans to truly reflect site coverage and private open space areas shown on the plans to provide consistency.	Changes made as requested.

Increase front setback of Residence 2 & 3 to 1.0 metres from the shared driveway.	No changes made.
Increase the primary street setback of Residence 1 to 6.0 metres and the setback of the associated carport to 6.5 metres.	Primary street setback of Residence 1 increased to 5.5 metres and 6.0 metres to the garage.
Increase rear setback of Residences 2 & 3 to a minimum of 3.0 metres for a maximum of 50% of the boundary width.	No changes made.
Increase the width of the driveway behind the visitor car parking spaces of Residence 2 & 3 to comply with Australian Standard AS 2890.1:2004 and to provide efficient, convenient and safe access and egress to and from off-street car parking spaces.	Reversing area directly behind Residences 2 & 3 increased to 4.5 metres. North east corner of Residence 3 and north west corner of Residence 2 modified to improve vehicle manoeuvrability. In addition to the above, a report complete with vehicle turning path diagrams has been provided by Ben Wilson (Director) of CIRQA Pty. Ltd. in support of vehicle manoeuvrability. *Refer Attachment IV*

SUBJECT LAND & LOCALITY

The subject land is located at 87 Lascelles Avenue, Warradale. The site is a regular shaped allotment with a 19.2 metre frontage, a depth of 45.72 metres and a total site area of 877.82m^2. The site is relatively flat and a single storey dwelling with associated verandas and outbuildings exists on the site. There are no existing significant trees on the site.

A large Celtis Australis street tree with a trunk circumference of approximately 1.9 metres exists within the Council verge.

The locality consists primarily of single storey detached dwellings varying in styles from bungalows and post war housing on large allotments to more recently constructed detached and group dwellings on smaller allotments. While the majority of dwellings have street frontage, there are some buildings in the immediate locality which have shared driveway access leading to a battle axe allotment.

The subject land is within close proximity of a Regional Centre Zone comprising shopping, community services and facilities, employment and good public transport links being within 500 metres of a bus interchange and approximated 650 metres from Warradale Railway Station.

Refer Attachment I

PROPOSED DEVELOPMENT

The proposed development is for one two storey detached dwelling and a single storey residential flat building comprising two dwellings. Residence 1 incorporates primary street frontage with individual access. Residences 2 and 3 are located behind the allotment of Residence 1 with shared driveway access.

The ground floor level of Residence 1 contains a double carport, open plan kitchen/living/dining area, bathroom, laundry and stairs leading to the first floor level. The first floor level comprises three bedrooms (one with ensuite), bathroom and a study area. Residences 2 and 3 contain three bedrooms (one with ensuite), open plan kitchen/living/dining area and laundry facilities within the garage.

The dwellings are to be constructed of face brick with a combination of brick and rendered finish on the façade. The roof of each dwelling is to be Colorbond at a 20 degree pitch with a 500mm eaves overhang.
Landscaping has been provided in front of Residence 1 and along both sides of the shared driveway servicing Residences 2 and 3 to enhance the streetscape appearance and soften the hard-standing areas.

Refer Attachment II

INTERNAL DEPARTMENT COMMENTS

Arborist:	A minimum building setback of 5.0m from the front boundary was recommended to protect the canopy of the existing street tree located within the Council verge adjacent the subject land

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
Objectives *1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.* *2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.*
Northern Policy Area 13
Objectives *1 A policy area primarily comprising low scale, low to medium density housing.* *2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.* *3 Development that minimises the impact of garaging of vehicles on the character of the locality.* *4 Development densities that support the viability of community services and infrastructure.* *5 Development that reflects good residential design principles.* *6 Development that contributes to the desired character of the policy area.*
Desired Character *This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).* *The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.* *The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.*

Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality. *Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.*		
PDC 1	*The following forms of development are envisaged in the policy area:* ▪ *affordable housing* ▪ *dwelling including a residential flat building* ▪ *supported accommodation.*	**Complies**
PDC 2	*Development should not be undertaken unless it is consistent with the desired character for the policy area.*	**Complies**
PDC 3	*Site Area:* *Detached dwelling: 375m²* *Residential Flat Buildings (RFB): 300m² (average).*	**Does Not Comply** Detached Residence 1: 263.1m² RFB Residences 2 & 3: 222.1m² (average)
	Minimum Frontage: *Detached dwelling: 12 metres* *Hammerhead allotment: 4 metres*	**Complies** Detached Residence 1: 14.15m RFB Residences 2 & 3: 4.0m
	Minimum Depth: *Detached dwelling: 20 metres* *Residential Flat Buildings (RFB): 45 metres*	**Does Not Comply** Detached Residence 1: 17.58m **Complies** RFB Residences 2 & 3: 45.72m

A s s e s s m e n t

The proposed development will replace older housing stock at a greater density than that of the original housing with the proposed construction of one two storey dwelling and a single storey residential flat building comprising two dwellings. The dwellings contribute to providing a variety of dwelling types and accommodation needs in an area that is generally dominated by conventional detached dwellings on medium to large allotments.

Further, it is considered that the proposed development will contribute to an attractive residential environment by replacing a dwelling that was in fair condition.

Although it is acknowledged that the allotments supporting the dwellings are undersized, further assessment on the proposal's consistency with the remaining quantitative and qualitative requirements of the Development Plan will assist in determining the merits of the application.

The proposed development will not result in any tree damaging activity to significant trees nor result in the removal of any street trees to accommodate driveways.

It is therefore considered that the proposed development displays consistency with the Objectives 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	
Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6. *Northern Policy Area 13: PDC 4*	**<u>Site coverage:</u>** **Does Not Comply** Detached Residence 1: 48.8% RFB Residences 2 & 3: 65.1% **Excluding alfresco** Detached Residence 1: 43.9% RFB Residences 2 & 3: 58.4% **Total site coverage (including alfrescos)** 417.8m^2 (47.6%) **<u>Floor area ratio:</u>** **Complies** Detached Residence 1: 0.5
Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so: *(a) would not be contrary to the relevant setback and private open space provisions* *(b) would not adversely affect the amenity of adjoining properties* *(c) would not conflict with other relevant criteria of this Development Plan.* *Residential Zone: PDC 9*	**Complies** Despite being marginally over the maximum required site coverage, at 48.8%, Residence 1 maintains the required setback from the primary street frontage and sufficient private open space. Despite being somewhat over the maximum desired site coverage of 40%, at 65.1% Residences 2 and 3 maintain sufficient private open space to the rear of the dwellings and acceptable setbacks to boundaries.
Site coverage should ensure sufficient space is provided for: *(a) pedestrian and vehicle access and vehicle parking* *(b) domestic storage* *(c) outdoor clothes drying* *(d) rainwater tanks* *(e) private open space and landscaping* *(f) convenient storage of household waste and recycling receptacles.* *General Section: Residential Development: PDC 14*	**Complies** The proposal provides sufficient space for pedestrian and vehicle access, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and waste storage.
Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces. *General Section: Residential Development: PDC 15*	**Complies**

Private Open Space

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

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

Residential Zone: PDC 7

Complies
Detached Residence 1: 21.3%
5 x 5 metre POS dimension achieved

Partially Complies
RFB Residences 2 & 3: 20.1%
4.6 x 6.9 metre POS dimension achieved

Complies
Each dwelling has a minimum of 10% of their private open space provision directly accessible from a living room

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

General Section: Residential Development: PDC 16

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

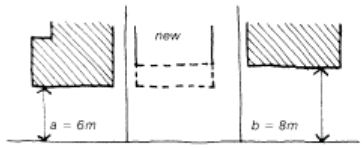
Does Not Comply
g) The proposed POS areas do not maintain a northerly aspect to provide for comfortable year-round use.

Private open space should not include:
(a) any area covered by a dwelling, carport, garage or outbuildings
(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas
(c) common areas such as parking areas and communal open spaces
(d) any area at ground level at the front of the dwelling (forward of the building line)
(e) any area at ground level with a dimension less than 2.5 metres

General Section: Residential Development: PDC 17

Complies

A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas. *General Section: Residential Development: PDC 22*	**Complies** More than 50% of private open space to each dwelling is open to the sky and free from verandas.
Building Setbacks from Road Boundaries	
Except in areas where a new character is desired, the setback of buildings from public roads should: *(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality* *(b) contribute positively to the function, appearance and/or desired character of the locality.* *General Section: Design and Appearance: PDC 21*	**Complies** The subject locality is one where a new character is desired, and the front setbacks of new dwellings are anticipated to be less than the original housing stock. The proposed front setback of 5.5 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:	**Does Not Comply** Residence 1: 5.5 metres (6.0 meters to carport) (Dwellings on adjoining land are set back approximately 8.0 metres and 10.0 metres, representing an average setback of 9.0 metres) PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates reduced front setbacks, and having regard to the setbacks of more recently constructed dwellings in the locality, I am satisfied that PDC 21 is of more relevance in this instance.

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≤ 2, setback of new dwelling = a or b
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 22

Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement. *General Section: Residential Development: PDC 37*	**Complies** Habitable rooms are adequately separated from pedestrian and vehicle movement.
Side Setbacks	
Minimum setback from side boundaries: *Where the wall height is not greater than 3 metres:* *0.9 metres* *Where the wall height is between 3 metres and 6 metres:* *(a) 3 metres if adjacent southern boundary* *(b) 2 metres in all other circumstances.* *Residential Zone: PDC 6*	**Complies** The western wall of Residence 1 is 6.0 metres high and is setback 6.25 metres from the existing western boundary. **Partially Complies** The eastern wall of Residence 1 is 6.0 metres high and is setback 1.0 metres from the new boundary adjacent the shared driveway and 5.0 metres from the existing western boundary. **Complies** The eastern wall of Residence 2 is setback 1.42 metres from the eastern boundary and the western wall of Residence 3 is setback 1.42 metres from the western boundary.

Buildings should be sited with respect to side and rear property boundaries to: *(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight* *(b) minimise the impact of bulk and scale of development on adjoining properties* *(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.* *General Section: Design and Appearance: PDC 2*	**Complies** Although the eastern side setback for Residence 1 does not comply with quantitative criteria, the separation from the existing eastern side boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. In addition, the new boundary to Residence 1 is adjacent the shared driveway servicing Residences 2 and 3. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Rear Setbacks	
Minimum setback from rear boundary: *(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary* *(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres* *Residential Zone: PDC 6*	**Does Not Comply** Residence 1: Setback 2.5 metres for 53% of the width of the rear boundary and 5.6 metres for 41% of the width of the rear boundary. Residences 2 & 3: Setback 2.5 metres for 51% of the width of the rear boundary and 7.0 metres for 34% of the width of the rear boundary.
Buildings should be sited with respect to side and rear property boundaries to: *(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight* *(b) minimise the impact of bulk and scale of development on adjoining properties* *(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.* *General Section: Design and Appearance: PDC 2*	**Complies** Although the rear setbacks do not comply with quantitative criteria, the separation from rear boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfalls in setbacks should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Building Height	
Maximum building height (from natural ground level): *2 storeys of not more than 9 metres* *Residential Zone: PDC 6*	**Complies** Residence 1: 7.94 metres Residences 2 & 3: 4.2 metres
Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties. *General Section: Residential Development: PDC 2*	**Complies** Residences 2 and 3 are single storey.

Garages, Carports, Verandas and Outbuildings

Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling. *General Section: Residential Development: PDC 10*		**Complies**
Garages, carports, verandas and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters: *General Section: Residential Development: PDC 12*		**Complies**
Parameter	***Value***	
Maximum floor area	*60 square metres*	**Complies** Residence 1 carport is 41m^2 Residence 2 and 3 garage is 21.0m^2
Maximum wall or post height	*3 metres*	**Complies** Residence 1 carport: 3.0m
Maximum building height	*5 metres*	**Complies** Residence 1: 4.27 metres Residences 2 and 3: Garage roof is incorporated into the main roof of the dwellings which is 4.2 metres in height.
Maximum height of finished floor level	*0.3 metres*	**Complies** Finished floor level to each dwelling is 0.15 metres above natural ground level.
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling.*	**Complies** The carport to Residence 1 is setback from the primary road frontage at a distance of 6.5 metres and 0.5 metres behind the main face of the dwelling.
Maximum length on the boundary	*8 metres or 45 per cent of the length on that boundary (whichever is the lesser)*	**Complies** The carport to Residence 1 is 6.45 metres deep.
Maximum frontage width of garage or carport with an opening facing the street	*6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)*	**Does Not Comply** The total width of the carport to Residence 1 is 6.2 metres.
Carports and garages should be setback from road and building frontages so as to: *(a) not adversely impact on the safety of road users* *(b) provide safe entry and exit.* *General Section: Residential Development: PDC 13*		**Complies**

Vehicle Parking

Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements. *General Section: Transportation & Access: PDC 34*		**Complies** Residence 1 comprises three bedrooms and provides three on-site car parking spaces, two of which are covered. Residences 2 and 3 comprise a residential flat building of three bedrooms each. Each dwelling provides one undercover car parking space and one additional uncovered off-street car parking space directly to the rear of the garages.
Detached *Semi-detached* *Row*	*2 per dwelling containing up to 3 bedrooms one of which is to be covered.* *3 per dwelling containing 4 or more bedrooms one of which is to be covered.*	
Group *Residential flat building*	*1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.*	

Table Mar/2 - Off-street Vehicle Parking Requirements.	
On-site vehicle parking should be provided having regard to: *(a) the number, nature and size of proposed dwellings* *(b) proximity to centre facilities, public and community transport within walking distance of the dwellings* *(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons* *(d) availability of on-street car parking* *(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).* *General Section: Transportation & Access: PDC 43*	**Complies** a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Public transport is located within walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. **Does Not Comply** d) & e) Only one on-street car parking space 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.* *General Section: Transportation & Access: PDC 44*	**Complies** (a) (b) Sufficient space has been provided to enable vehicles to manoeuvre between the street and all designated car parking areas in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas to Residences 2 and 3 are located to the rear of the site and therefore should maintain an attractive streetscape.
The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should: *(a) not face the primary street frontage* *(b) be located to the rear of buildings with access from a shared internal laneway* *(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.* *General Section: Transportation & Access: PDC 45*	**Complies** The parking areas to Residence 2 and 3 are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.

Access

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

General Section: Residential Development: PDC 39

Complies
The driveway to Residence 1 is served by a 3.0 metre wide driveway crossover.
The shared driveway to Residences 2 and 3 is served by a 3.0 metre driveway crossover.

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

General Section: Residential Development: PDC 40

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

Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:

Dwellings served	***Trafficable width (metres)***			***Minimum landscape strips on both sides of driveway (metres)***
	Intersection with public road and first 6 metres		***Width beyond first 6 metres***	
	Arterial roads	***Other roads***		
1 – 3	*6*	*3*	*3*	*0.5*

General Section: Residential Development: PDC 41

Complies
The shared driveway serving Residence 2 and 3 is 3.0 metres wide.
A landscaping strip of 0.5 metres wide is provided either side of the shared driveway.

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

General Section: Transportation and Access: PDC 28

Complies
Vehicle access points are separated by 11.0 metres.

General Section: Land Division: PDC 8
Allotments in the form of a battleaxe configuration should:
(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)
(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction
(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
(d) be avoided where their creation would be incompatible with the prevailing pattern of development.

General Section: Land Division: PDC 8

Does Not Comply
(a) All allotments are undersized.
(b) Insufficient manoeuvring space provided at the rear of the visitor car parking spaces of Residences 2 & 3.

Complies
(c)(d)

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

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, large glazed areas and render to the front façade
- Eaves overhang and pitched roof form
- Fenestration

The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists. *General Section: Design & Appearance: PDC 3*	The dwellings incorporate a pitched Colorbond roof with rendered facades. The garage of each dwelling features a Colorbond panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists. On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.
Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following: *(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants* *(b) individual entries for ground floor accommodation* *(c) opportunities to overlook adjacent public space.* *General Section: Residential Development: PDC 6*	**Complies** An appropriate landscaping scheme has been included to create an attractive garden area between the street and the façade of Residence 1. The landscaping proposed will also assist in providing privacy to the occupants of Residence 1.
Relationship to the Street and Public Realm	
Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers. *General Section: Residential Development: PDC 8* *Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.* *General Section: Residential Development: PDC 9*	**Complies** The entry to Residence 1 is setback within a dedicated porch giving clear visibility of the entrance from the street and approaches from the footpath. Residence 1 incorporates an open living/kitchen/dining area presenting to the street.
Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated. *General Section: Design & Appearance: PDC 13* *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.* *General Section: Design & Appearance: PDC 14* *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.* *General Section: Design & Appearance: PDC 15* *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.* *General Section: Design & Appearance: PDC 16*	**Complies** Residence 1 is designed so that its main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street. The elevations of the dwellings feature a mixture of render and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.

Overshadowing	
The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of: *(a) windows of habitable rooms* *(b) upper-level private balconies that provide the primary open space area for a dwelling* *(c) solar collectors (such as solar hot water systems and photovoltaic cells).* *General Section: Design & Appearance: PDC 9* *Except where otherwise specified in a zone, policy area or precinct, development should ensure that:* *(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June* *(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:* *(i) half of the existing ground level private open space* *(ii) 35 square metres of the existing ground level private open space* *(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.* *General Section: Design & Appearance: PDC 10*	**Complies** a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June. b) Given that north forms the street boundary to Residence 1, a majority of winter shadow will be cast within the rear yard of that Residence. In addition, proposed Residences 2 and 3 are situated 6.5m from the rear wall of Residence 1 and are unlikely to be negatively impacted by overshadowing. Residences 2 and 3 are single storey only, setback from the rear boundary between 3.0 metres and 7.57 metres and are unlikely to overshadow adjoining land. Consequently, the extent of shadow cast onto the windows of habitable rooms and private open space of adjacent properties complies with PDC 9 and 10.
Visual Privacy	
Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: *(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct* *(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms* *(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.* *General Section: Design & Appearance: PDC 11*	**Complies** The upper level of Residence 1 incorporates high level windows with a sill height of 1.7 metres above finished floor level to the side and rear elevations preventing overlooking to adjoining land and proposed Residences 2 and 3. Upper level windows on the front elevation remain unobscured to provide surveillance to the street and should not result in direct overlooking of habitable areas of adjacent properties. The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.
Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes. *General Section: Design & Appearance: PDC 12*	**Complies**

Noise	
External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from: *(a) active communal recreation areas, parking areas and vehicle access ways* *(b) service equipment areas and fixed noise sources on the same or adjacent sites.* *General Section: Residential Development: PDC 30*	**Complies** Residences 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 0.5 metres and incorporate landscaping and a timber batten privacy screen between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29. 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 located away from dwellings and screened from public view.* *General Section: Residential Development: PDC 31*	**Complies** a) Common letterboxes are featured at the entrance to the common driveway. b) Not applicable, as the development does not contain more than 6 dwellings. c) Each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.
Energy Efficiency	
Development should provide for efficient solar access to buildings and open space all year around. *General Section: Energy Efficiency: PDC 1* *Buildings should be sited and designed:* *(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings* *(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.* *General Section: Energy Efficiency: PDC 2*	**Partially Complies** The dwellings are oriented so that their open spaces and main activity areas are facing south. As such, these areas are likely to receive limited exposure to winter sun. However, the private open space to each dwelling will receive some morning and afternoon winter sun. Residence 1 incorporates a large glazed area to the combined living/kitchen/dining area at ground level which will receive significant winter sun. The only north facing windows to Residences 2 and 3 are to one bedroom in each. As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.
Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by: *(a) taking into account overshadowing from neighbouring buildings* *(b) designing roof orientation and pitches to maximise exposure to direct sunlight.* *General Section: Energy Efficiency: PDC 3*	**Complies** The dwellings incorporate a hipped roof form with north-facing sections upon which solar collectors are indicated.

Landscaping, Fences and Walls	
Development should incorporate open space and landscaping in order to: *(a) complement built form and reduce the visual impact of larger buildings (eg. taller and broader plantings against taller and bulkier building components)* *(b) enhance the appearance of road frontages* *(c) screen service yards, loading areas and outdoor storage areas* *(d) minimise maintenance and watering requirements* *(e) enhance and define outdoor spaces, including car parking areas* *(f) provide shade and shelter* *(g) assist in climate control within buildings* *(h) maintain privacy* *(i) maximise stormwater re-use* *(j) complement existing native vegetation* *(k) contribute to the viability of ecosystems and species* *(l) promote water and biodiversity conservation.* *General Section: Landscaping, Fences & Walls: PDC 1* *Landscaping should:* *(a) include the planting of locally indigenous species where appropriate* *(b) be oriented towards the street frontage* *(c) result in the appropriate clearance from power lines and other infrastructure being maintained.* *General Section: Landscaping, Fences & Walls: PDC 2* *Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.* *General Section: Landscaping, Fences & Walls: PDC 3*	**Complies** Whilst it is acknowledged that there is opportunity to increase landscaping within the front yard of Residence 1, I am of the view that the proposed planting species and distribution combined with the existing mature street tree should appropriately complement the built form and enhance the appearance of the road frontage and parking areas

Land Division	
When land is divided: *(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* *(b) a sufficient water supply should be made available for each allotment* *(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health* *General Section: Land Division: PDC 1*	**Complies** a) Council's Development Engineer has confirmed that the stormwater disposal system is satisfactory. b) SA Water have confirmed that water supply is available (subject to conditions). c) SA Water have confirmed that sewerage connection is available (subject to conditions).
Land should not be divided if any of the following apply: *(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use* *(b) any allotment will not have a frontage to one of the following:* *(i) an existing road* *(ii) a proposed public road* *(iii) access to a public road via an internal roadway in a plan of community division* *(c) the intended use of the land is likely to require excessive cut and/or fill* *(d) it is likely to lead to undue erosion of the subject land or land within the locality* *(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development* *(f) the intended use of the land would be contrary to the zone objectives* *(g) any allotments will straddle more than one zone, policy area or precinct.* *General Section: Land Division: PDC 2*	**Complies** a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use. b) Allotment 1 will achieve direct access to the public road, whilst Allotments 2 & 3 will gain access via the internal driveway. c) Due to the relatively flat topography only minor cut/fill is required. d) Erosion is unlikely. e) The locality is connected to the SA Water sewerage system. f) The intended use of the allotments is consistent with the zone objectives. g) The allotments are located wholly within the zone and policy area.

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. *General Section: Land Division: PDC 3*	**Complies**
Allotments should have an orientation, size and configuration to encourage development that: *(a) minimises the need for earthworks and retaining walls* *(b) maintains natural drainage systems* *(c) faces abutting streets and open spaces* *(d) does not require the removal of existing native vegetation to facilitate that development* *(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.* *General Section: Land Division: PDC 10*	**Complies**
The layout of a land division should provide for efficient solar access. *General Section: Land Division: PDC 11*	**Complies**
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: *(a) the size of proposed allotments and sites and opportunities for on-site parking* *(b) the availability and frequency of public and community transport* *(c) on-street parking demand likely to be generated by nearby uses.* *General Section: Land Division: PDC 21*	**Partially Complies** a) The allotments provide opportunities for adequate on-site car parking. b) Access to frequent bus and train services is readily available within the wider locality. c) 1 on-street car parking space shall be available adjacent the subject land. Whilst this does not comply with Development Plan requirements as discussed earlier in the report, I am of the opinion the number of on-street spaces is considered acceptable.
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*	**Does Not Comply** Only one on-street car parking space is provided for the proposed allotments which is one short of the two spaces required. Shared visitor car parking spaces are not provided on the site. Despite this, Residence 1 provides three car parking spaces when only two are required. It is therefore my opinion that an acceptable number of car parking spaces have been provided.

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:

- Minimum site areas (Residences 1, 2 & 3)
- Minimum site depth (Residence 1)
- Site coverage (Residences 1, 2 & 3)
- Orientation of private open space (Residences 1, 2 & 3)
- Primary street frontage setback (Residence 1)
- Rear setback (Residence 1)
- Energy efficiency (Residences 1, 2 & 3)

Site areas (Residences 1, 2 & 3)

The site area of Residence 1 is calculated at 263m^2, which is a considerable amount (30%) below the Development Plan standard of 375m^2. The allotment however, maintains a frontage width of 15.7 metres, 3.7 metres above the required 12.0 metres for the Policy Area. Therefore, the undersized nature of the allotment will not be apparent from the street as the predominant allotment pattern of wider frontages for detached dwellings will be maintained.

The average site areas of the Residential Flat Building equate to an average site area of 222m^2, which represents a significant shortfall of 78.0m^2 (or 26%) from the Development Plan requirement of 300m^2. This figure excludes the common driveway and manoeuvring area in accordance with Principle 8 (General Section: Land Division) which states:

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

It is noted that if the driveway were to be included in the site areas, the dwellings would maintain an average site area of 292m^2.

In terms of the total site area, the site would numerically be able to accommodate three row dwellings, however, the site displays a shortfall in frontage for this to occur on the subject site itself. Notwithstanding that row dwellings are considered a more efficient use of land (i.e. land is available for the exclusive use of each dwelling with no 'wasted' land for use of the common driveway) it does demonstrate that dwellings on a site this size is a density contemplated within the Policy Area.

It is also worthy to note that there are a number of group/residential flat buildings within the immediate locality, some with similar site areas to the subject development.

As such, providing that the development as a whole functions appropriately and on balance adequately satisfies the majority of Development Plan provisions, the undersized nature of the allotments, in my view, is not fatal to the merits of the application.

Minimum site depth (Residence 1)

The site depth of Residence 1 shows a 2.42 metre departure from the numerical figure of 20m specified in the Development Plan. This is of minor consequence to the overall proposal as it does not compromise the functionality of the development and will not be apparent from the street.

Site coverage (Residences 1, 2 & 3)

The site coverage of Residence 1 being 48.8%, and Residences 2 and 3 being 65.1% represents a significant deviation from the 40% standard identified in the Development Plan. This equates to an additional 23m^2 in floor area for Residence 1 and 54m^2 each for Residences 2 and 3.

Although site coverage for each of the proposed dwellings is significantly greater than the maximum envisaged for dwellings in the policy area and can therefore not be considered a minor departure, each dwelling maintains a sufficient amount of private open space and appropriate setbacks from boundaries. The site coverage for the total site as a whole equates to 48%, which is generally consistent with the majority of new developments within the Council area.

As such, in my view, given that the proposal is deemed to be consistent with the provisions of the Development Plan or its variances not of such a severity that they would warrant refusal, the excess site coverage is not considered to be critical to the overall merits of the application.

Orientation of private open space (Residences 1, 2 & 3)

Although each of the three dwellings meet the requirements for private open space with regard to minimum areas and access, they are all south of the associated dwellings. Due to the northern orientation of the allotment and the overall layout and design of the development, the south facing private open space areas are an unfortunate consequence. The private open space to each dwelling will however receive some morning and afternoon sun in winter, the extent of which will increase throughout the year. Whilst northern orientated private open space areas are a desirable aspect of a development, this non-compliance, in itself, in my view, is insufficient to warrant refusal of the proposal.

Primary street frontage setback (Residence 1)

A setback of 9.0 metres, being the approximate average of the two adjacent dwellings on either side ought to be applied in lieu of the 5.5 metres provided.

I am however, of the view that the setback proposed will not produce detrimental impacts on the streetscape. The majority of the more recently constructed dwellings are setback at a similar distance from the primary street and to this end, the proposed setback is compatible with the overall pattern of development in the locality.

Notwithstanding the above, it is considered that the additional separation provided by the hammerhead driveway as well as the retention of the mature street tree located within the Council verge will relieve the apparent incursion of the front setback.

Furthermore, the *Desired Character* for Northern Policy Area 13 stipulates that new dwellings can incorporate a lesser setback than that of the original housing stock. It is therefore my view that the setback proposed is acceptable given the changing character of the area as old housing stock is replaced by new.

Rear setback (Residences 1)

Residence 1 achieves a rear setback of 2.5 metres for 53% of the width of the rear boundary and 5.6 metres for 41% of the width of the rear boundary. As the wall is 6.0 metres in height, the rear setback should be a minimum of 8.0m. In this instance, the rear boundary to Residence 1 is adjacent the shared driveway serving Residences 2 and 3 and the rear wall to Residence 1 is positioned 8.0 metres from the nearest part of Residences 2 and 3. In addition, high level windows with a sill height of 1.7 metres to the upper level of Residence 1 will prevent overlooking to Residences 2 and 3. It is therefore considered unlikely that the reduced rear setback of Residence 1 will impact negatively on Residences 2 and 3 and is deemed acceptable.

Energy efficiency (Residences 1, 2 & 3)

Residence 1 incorporates a north facing window to the combined open plan dining/kitchen area of the lower level and to bedrooms on the upper level allowing winter sun to penetrate these spaces. In addition, solar collectors are indicated on north oriented roof sections. The south facing lounge area to the lower level and the combined sitting/study area will only receive indirect sunlight.

Residences 2 & 3 incorporate north facing windows to one bedroom of each dwelling only with the main open plan living/kitchen/dining areas facing south and receiving only indirect sunlight. Solar collectors are however indicated on north oriented roof sections.

Given the northern orientation of the allotment and the overall layout and design of the development, the south facing private open space areas and living areas are an unfortunate

consequence. Whilst northern orientated living areas are a desirable aspect of a development, this non-compliance, in itself, in my view, is insufficient to warrant refusal of the proposal particularly in light of solar collectors being provided on north oriented roof sections.

A N A L Y S I S/C O N C L U S I O N

The proposed development, although displaying relatively large shortfalls in site area, site coverage and energy efficiency, is compliant or producing minor shortfalls in the majority of other Development Plan provisions.

In my view, the proposed development is functional, likely to meet the needs of the occupants and presents reasonably to the street. Furthermore, the variances are not considered to compromise the amenity of the adjacent owners and occupiers nor is it likely to have detrimental impacts on the streetscape.

The proposal is considered to be consistent with the Objectives and Desired Character of the Development Plan and has the added benefit of being in close proximity to public transport and the Regional Centre Zone.

As such it is my view that the proposed development is not seriously at variance to the Development Plan. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35(2) of the Development Act, 1993; and

(c) That Development Plan Consent for Development Application No: 100/2016/657 for a two storey detached dwelling and a residential flat building comprising two dwellings to the rear with associated car parking and landscaping at 87 Lascelles Avenue, Warradale be GRANTED subject to the following conditions:

CONDITIONS

1. **The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/657, being 16-016.SK01.H, 16-016.SK02.K & 16-016.SK04.H, prepared by Alexander Brown Architects except when varied by the following conditions of consent.**

2. **A fully engineered site works plan detailing top of kerb level, proposed finished floor levels, any cut/fill and/or retaining walls proposed, shall be provided to Council for consideration and approval, prior to Development Approval being issued.**

3. **All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of Council.**

4. **Stormwater from all structures 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 Sheet "Stormwater Detention" to the reasonable satisfaction of the Council (copies of relevant documents are attached).**

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. **All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).**

8. **The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**

9. **All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**

10. **Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

11. **All 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.**

N O T E S

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. **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, stobie poles, SEP's, pram ramps etc.**

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

Attachments

Attachment I: *Certificate of Title*
Attachment II: *Aerial Photograph & Site Locality Plan*
Attachment III: *Proposal Plan and supporting documentation*
Attachment IV: *Report by CIRQA in support of vehicle manoeuvrability*

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.6**
Originating Officer:	**Rhiannon Hardy** **Development Officer - Planning**
Applicant:	**Apex Home Improvements (SA)**
Development Description:	**Freestanding Shed**
Site Location:	**262-264B Sturt Road, Marion**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 1 / Non-Complying**
Lodgement Date:	**15/11/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/2127**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions and subject to concurrence from the Development Assessment Commission (DAC)**

CATEGORISATION & DELEGATION

The proposed shed falls within the definition of a “store” pursuant to Schedule 1 of the Development Regulations 2008 (being a building or enclosed land used for the storage of goods, and within or upon which no trade (whether wholesale or retail) or industry is carried on).

“Store” is listed as a Non-Complying form of development in the Residential Zone.

The proposed shed is deemed to be form of development that is minor in nature given that:

- The shed is a modest size of 22.75 m² (6.5 x 3.5) and 2.44 metres high.
- The structure should not be visually prominent when viewed from the streetscape or adjoining land, as it is located in between similar sized sheds on the land.
- The shed is proposed to be used in a manner which is ancillary to and in association with the use of the existing building (Marion Sports and Community Club) and which would facilitate the better enjoyment of the existing use of the existing building (by providing a dedicated storage area for sporting equipment).

As such, Council staff have categorised the application as a Category 1 form of development pursuant to Schedule 9 - Part 1 - 3(b) of the Development Regulations 2008.

Given that the development is a non-complying form of development, Council has delegated authority to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The subject land is located at 262-264B Marion Road, Marion (Lot: 2 FP: 7883 CT: 6063/665). The subject allotment is 5.501 hectares, with a frontage width of 150.06 metres to Sturt Road to the south, and a frontage of 99.97 metres to Norfolk Road to the north.

The subject land features the Marion Sports and Community Club and sporting oval located centrally within the site, and a Basketball Stadium and tennis club adjacent to Norfolk Road. The land also accommodates the Marion Bowling Club on the southern portion of the site, with a frontage to Sturt Road. The Marion Croquet Club adjoins the subject land to the west. All of these facilities are owned by the City of Marion.

The subject land is surrounded by residential dwellings, which reflects the locality's zoning in the Northern Policy Area 13 of the Residential Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a freestanding shed on the subject land. The shed is to be positioned on the north-eastern side of the oval, adjacent to an internal road of the aged care accommodated at 30A Norfolk Road, Marion. Two other freestanding sheds are located to the north and south of the proposed shed's location.

The structure maintains a length of 6.5 metres, width of 3.5 metres, and height of 2.44 metres.

The applicant has confirmed that the shed will be used for storage purposes associated with the Marion Sports and Community Club; to store sporting equipment.

Refer Attachment III

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	
Principles of Development Control *1 The following forms of development are envisaged in the zone:* ▪ *affordable housing* ▪ *outbuilding in association with a dwelling* ▪ *domestic structure* ▪ *dwelling including a residential flat building* ▪ *dwelling addition* ▪ *small scale non-residential uses that serve the local community, for example:* *- child care facilities* *- consulting rooms* *- health and welfare services* *- offices*	**Partially Complies** The proposed shed relates to the existing use of the land for the Marion Sports and Community Club, which falls within the scope of "recreation area" and "open space" envisaged uses.

- open space *- primary and secondary schools* *- recreation areas* *- shops* *▪ supported accommodation.*	
2 Development listed as non-complying is generally inappropriate.	**Does Not Comply** The proposed shed is classified as a "store", which is listed as non-complying.
4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that: *(a) primarily serves the needs of the local community* *(b) is consistent with the character of the locality* *(c) does not detrimentally impact on the amenity of nearby residents.*	**Complies** a) The proposed shed, and the related Marion Sports and Community Club, should continue to serve the needs of the local community. b) The size and location of the shed are consistent with the character of the locality, as it is sited near other similar-sized sheds. c) Given that the proposed shed is located 5.13 metres from the eastern property boundary, and approximately 14.5 metres from the nearest residential property to the east, it should not detrimentally impact on the amenity of nearby residents.
5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.	**Partially Complies** The shed (although arguably not an "outbuilding") is not ancillary to a dwelling, but is ancillary to the Marion Sports and Community Club building.
Northern Policy Area 13	
Objectives *1 A policy area primarily comprising low scale, low to medium density housing.* *3 Development that minimises the impact of garaging of vehicles on the character of the locality.* *4 Development densities that support the viability of community services and infrastructure.* *5 Development that reflects good residential design principles.* *6 Development that contributes to the desired character of the policy area.*	**Generally complies** The proposed shed does not directly relate to the provisions of the Northern Policy Area 13, as the policy area only anticipates residential land uses. That being said, the proposed shed should not result in unreasonable visual impact to the character of the locality, and therefore complies with PDC 3. The shed shall provide better storage options for the sporting activities held at the Marion Sports and Community Club, and therefore will assist in supporting the viability of community services. The development will not result in the removal of mature vegetation.
Desired Character *The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.* *Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.* *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.*	

DEVELOPMENT ASSESSMENT

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

Residential Development

Garages, Carports, Verandas and Outbuildings

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

Parameter	***Value***	
Maximum floor area	*60 square metres*	Complies: 22.75 square metres
Maximum wall or post height	*3 metres*	Complies: 2.44 metres wall height
Maximum building height	*5 metres*	Complies: 3.04 metres building height
Minimum setback from a primary road frontage	*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street.* *Outbuildings should not protrude forward of any part of the associated dwelling.*	Complies: set back approximately 128 metres from Norfolk Road
Minimum setback from side or rear boundaries (when not located on the boundary)	*0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall*	Complies: Set back 5.127 from eastern side boundary

Note: Although the proposed shed is not associated with residential development, it is considered appropriate to have regard to the relevant parameters for garages/sheds for residential development given that the subject land is located in the Residential Zone.

Design & Appearance

1 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.

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

Complies
Although the shed does not feature any articulation or design elements, its minor size suggests that it would not result in excessive visual bulk/scale.

The shed incorporates a gable roof set at a pitch of 12 degrees.

The shed's roof and walls are to be "Mangrove" colour, which should appropriately minimise glare.

Landscaping, Fences and Walls

1 Development should incorporate open space and landscaping in order to:
(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)
(b) enhance the appearance of road frontages
(c) screen service yards, loading areas and outdoor storage areas
(d) minimise maintenance and watering requirements
(e) enhance and define outdoor spaces, including car parking areas
(f) provide shade and shelter

Complies
The area where the shed is proposed to be placed does not feature any vegetation or landscaping. Sufficient open space and landscaping is featured throughout the subject land.

(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.*	
Interface Between Land Uses	
1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following: *(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants* *(b) noise* *(c) vibration* *(d) electrical interference* *(e) light spill* *(f) glare* *(g) hours of operation* *(h) traffic impacts.*	**Complies** The shed is proposed to be located approximately 15 metres from the closest residential property. As such, impacts to residential amenity should be minor in nature.
Transportation and Access	
Vehicle Parking *34 Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.*	**Complies** The proposed shed will not result in a loss of on-site car parking, and should not generate demand for additional on-site car parking. The shed is to be positioned away from the site's vehicle parking and manoeuvring areas, so that it should not interfere with existing vehicle access throughout the site.

ANALYSIS/CONCLUSION

The proposal accords with a number of principles contained within the Marion Council Development Plan. The Zone and Policy Area table in this report has demonstrated that there are limited principles and objectives relevant to the proposed form of development because it is located in a Residential Zone, which primarily anticipates residential dwellings and small-scale non-residential development to serve the local community. Even so, the proposed shed is ancillary to the Marion Sports and Community Club, which is a legitimate and anticipated land use, as it serves the local community by providing open space and recreational facilities.

The proposed shed should enhance the use and function of the Club's operations by providing a dedicated space for storage of sporting equipment. Although a "store" is listed as a non-complying form of development in the Residential Zone, this categorisation is not considered to reflect the true merits of the proposal, as the proposed "store" essentially comprises a small scale storage area in association with an existing and legitimate land use.

The shed should not result in detrimental impacts to the locality as a result of the following attributes:

a) appropriate siting in a vacant area of land near existing sheds;
b) substantial separation from nearby residential properties; and
c) minor floor area of 22.75 square metres and height of 2.44 metres (such that it would not require Development Plan Consent if it were constructed in association with a dwelling).

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 and the granting of concurrence from the Development Assessment Commission (DAC).

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: 100/2016/2127 to construct a freestanding shed at 262-264B Sturt Road, Marion, be GRANTED, subject to concurrence from the Development Assessment Commission (DAC) and the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2127.

2. The shed shall be used only for the storage of sporting equipment associated with the existing use of the land for sporting and recreational purposes.

3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

4. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.7** ***Previously deferred at DAP021116***
Originating Officer:	**Kristen Sheffield** **Development Officer - Planning**
Applicant:	**Cavallo Forest & Associates Pty Ltd**
Development Description:	**Residential land division (Torrens Title- 1 into 3 allotments) as well as three two-storey row dwellings**
Site Location:	**75 Castle Street, South Plympton**
Zone:	**Residential Zone**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Category 1 / Consent**
Lodgement Date:	**05/07/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/1200 (DAC Ref. 100/D140/16)**
Recommendation:	**Development Plan Consent (Granted)**

BACKGROUND

As members will recall, the subject application was considered by the Panel at its meeting of 02 November 2016, whereby a decision upon the application was deferred for the following reason;

"To seek advice from Council's traffic department of the current traffic volumes on this section of Castle Street/Towers Terrace/Chitral Terrace".

Council's traffic department has since undertaken a traffic count on Castle Street, between Towers Terrace and Chitral Terrace. The traffic data was collected from 22 November 2016 to 30 November 2016.

DISCUSSION

As noted in the previous report to this Panel, the subject land is positioned at the 'head' of the intersection of Castle Street and Towers Terrace, with a continuation of Chitral Terrace through to Towers Terrace via a portion Castle Street. This serves as a collector road for local traffic, and as such, sees relatively high traffic flows during peak hours. Consideration is given to the fact that the proposed development may result in an increased number of vehicles required to reverse onto this section of Castle Street, which sees higher traffic volumes than other portions of Castle Street.

Principle of Development Control 26 (General Section: Transportation and Access) seeks for development with access from roads with traffic volumes exceeding 6000 vehicles per day to avoid the need for vehicles to reverse onto the road. The recent traffic count undertaken by Council's traffic department notes Annual Average Daily Traffic (AADT) of 5006 vehicles per day, on this portion of Castle Street.

In the previous report to this Panel, it was considered that the continuation of Chitral Terrace and Towers Terrace onto Castle Street, may result in vehicles travelling at greater speeds than would be expected for regular T-junction intersections (where vehicles come to a stop before turning onto the perpendicular street). The traffic survey noted that vehicles on this portion of Castle Street travel at an average speed of 29 kilometres per hour, with an 85th percentile speed of 32 kilometres per hour. While this is faster than would be expected for regular T-junction intersections (where vehicles need to come to a stop), it may be notably slower than that which is expected along the 'straight portions' of Chitral and Towers Terrace, both of which expect similar traffic volumes and incorporate numerous driveways requiring vehicles to reverse onto the road. While this portion of Castle Street incorporates a lesser sight distance than that of the straight portions of Chitral and Towers Terrace, this may be compensated due to the need for vehicles to slow down in order to manoeuvre perpendicular turns.

A N A L Y S I S / C O N C L U S I O N

The traffic survey undertaken by Council's traffic department has indicated that traffic volumes on this portion of Castle Street do not exceed 6000 vehicles per day. While the need for vehicles to reverse onto this portion of Castle Street is not ideal, this is nonetheless required of the existing dwelling on the subject land (albeit for only one crossover). Furthermore, traffic volumes do not exceed that which would require the need to avoid reversing as prescribed by PDC 26 (General Section: Transportation an Access). In my respectful view, it is not reasonable to refuse development which would otherwise be expected on this basis alone.

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 and Land Division Consent for Development Application No: 100/2016/1200 for residential land division (Torrens Title- 1 into 3 allotments) as well as three two-storey row dwellings at 75 Castle Street, South Plympton, be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. **The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No.100/1200/2016 (100/D140/16), except when 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.**

4. **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.**

5. **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

6. **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.**

7. **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.**

8. **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.**

9. **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.**

10. **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.**

11. **Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

Land Division Consent

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

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

   SA Water advises on receipt of the developer details and site specifications an investigation will be carried out to determine if the connection/s to the development will be costed as standard or non-standard.

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

3. **Payment of $12976 into the Planning and Development Fund (2 allotments @ $6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.**

4. **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.**

N O T E S

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 vehicle crossovers must be constructed a minimum 1.7 metres from the existing street tree, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**

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

6. **Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

7. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**

8. **The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 2.8** ***Previously deferred at DAP161116***
Originating Officer:	**Rob Tokley** **Team Leader - Planning**
Applicant:	**Raja Salha**
Development Description:	**To construct four, two storey row dwellings, one of which incorporates a garage wall on the western side boundary.**
Site Location:	**15 Beaumont Street, Clovelly Park**
Zone:	**Residential**
Policy Area:	**Northern Policy Area 13**
Application Type:	**Consent / Category 2**
Lodgement Date:	**30/11/2015**
Development Plan:	**Consolidated – 19 March 2015**
Application No:	**100/2015/2243**
Recommendation:	**That Development Plan Consent be GRANTED subject to conditions**

B A C K G R O U N D

As members will recall, the subject application was considered by the Panel at its meeting of 16 November 2016, whereby a decision upon the application was deferred for the following reason;

1. **To enable the applicant an opportunity to provide greater articulation to the facades of the building to provide an improved streetscape outcome and to minimise visual impact upon adjacent land.**
2. **To increase the setback of the dwellings from the rear (southern) boundary of the land.**

The applicant has revisited the design of the proposal in light of the Panel's position, and amended the proposal where practicable.

For all other relevant plans for this proposal, please refer to the Agenda of 16 November 2016, or contact the author of this report.

D I S C U S S I O N

Whilst the footprint of the dwellings have not altered, the applicant has amended the proposal by incorporating the following changes to the building façade;

- Increasing the roof pitch to 20 degrees and providing a separate roof form between Dwellings 2 and 3;
- Proposing 'Ash' brick to a majority of the dwelling facades;
- Providing clear glass balustrade to the balconies on the northern elevation;
- Introducing 'Scyon' stria panels on the front (northern) elevation and eastern (secondary street) elevation (in lieu of 'charcoal' coloured render); and
- Introducing small 'charcoal' coloured weatherboard sections on the rear elevation.

In my view, the amendments achieves the intent of the Panel's reason for deferral by providing greater variation to the front, secondary street and rear elevations.

It is appreciated the rear setback has not been increased as per part 2 of the Panel's reasons for deferral, however, it is noted the rear setback of the single storey portion of the building generally satisfies the applicable Development Plan control, whilst the upper level satisfies the rear setback criteria, save for the minor incursion of the linen area, which comprises a width of 2.2 metres for each dwelling.

As such, in staff's view, amendments to proposal reasonably satisfy the Panel's reasons for deferral and adequately satisfy the applicable design criteria of Council's Development Plan.

ANALYSIS/CONCLUSION

The applicant has sought to address the Panel's reasons for deferral where practicable. This has resulted in an improvement to the front, secondary street and rear façades of the building via the increase in materials employed and the lightening of colours chosen.

The proposed dwellings provide a staggered front setback from Thirza Avenue to help break up the bulk and scale of the dwellings and to ensure some level of articulation is achieved when viewed from the street. The proposed dwellings also incorporate a varied mix of materials and finishes along the front, side and rear elevations to provide a satisfactory level of articulation and streetscape presentation.

Whilst the front elevation incorporates sufficient articulation and a mix of materials, it is acknowledged the proposal will result in considerable visual impact upon the adjoining land to the south. Related to this, was the Panel's concern regarding rear setback.

The impact of the building as viewed from the rear, however, in my view, is of an acceptable degree, in part due to the eastern 'half' of the rear boundary adjoining a common driveway; an area primarily used for the traversing of vehicles. Furthermore, two-thirds of the western 'half' of the rear boundary adjoins the 'side path' of the adjacent dwelling; an area providing no function for residents (apart from locating waste bins, air-conditioning plant and the like), whilst any north-facing windows on that elevation will receive more than the minimum number of direct sunlight hours in winter months.

As such, it is considered that the design and appearance of the proposed development to be acceptable.

As plans on A3/A4 paper could not be supplied by the applicant prior to the close of the agenda, a copy of the relevant plans will be provided to Panel Members under separate cover.

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

R E C O M M E N D A T I O N

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

(a) The Panel note this report and concur with the findings and reasons for the recommendation;

(b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and

(c) That Development Plan Consent for Development Application No: 100/2015/2243 to construct four, two storey row dwellings, one of which incorporates a garage wall on the western side boundary at 15 Beaumont Street, Clovelly Park be GRANTED subject to the following conditions:

C O N D I T I O N S

1. **The development shall proceed in accordance with the amended plans and details prepared by ALIGN Design and Drafting dated as received 9 December 2016, except where varied by the following conditions of consent.**

2. **A revised, fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, stormwater disposal details, and the location of all existing street infrastructure and street trees.**

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

4. **All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**

5. **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

6. **The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**

7. **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.**

8. **Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

9. **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.**

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

N O T E S

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.**

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 December 2016

Agenda Ref No:	**DAP211216 – 3.2**
Originating Officer:	**Rhiannon Hardy** **Development Officer - Planning**
Applicant:	**Bell Architecture**
Development Description:	**Building for the purpose of pre-school (child care facility), with a maximum capacity of 108 children, with associated car parking, landscaping and shed**
Site Location:	**571 Marion Road, South Plympton**
Zone:	**Commercial Zone**
Policy Area:	**Marion Road Policy Area 1**
Application Type:	**Category 3 / Non-Complying**
Lodgement Date:	**22/11/2016**
Development Plan:	**Consolidated – 28 April 2016**
Application No:	**100/2016/2191**
Recommendation:	**The report be noted**

BACKGROUND

The subject application is a Category 3 / Non-complying form of development by virtue of the Procedural Matters section of the Commercial Zone, where a pre-school is listed as a non-complying form of development.

The City of Marion's Schedule of Delegations and Sub-Delegations prescribes that the Manager of Development and Regulatory Services may determine to proceed with further assessment with a non-complying development, but such decisions shall be reported to the next meeting of the DAP.

The Manager of Development and Regulatory Services resolved to proceed to the full assessment of the subject application on 31 November 2016.

PROPOSAL

The applicant seeks to develop the land by constructing a building for the purpose of a pre-school (child care facility), with a maximum capacity of 108 children, with associated car parking, landscaping and outbuilding.

INITIAL ASSESSMENT

It is staff's view that the proposal displays sufficient merit to proceed with assessment given that:

a) "Community uses" are an envisaged form of development in Marion Road Policy Area 1;

b) There are a limited number of childcare (pre-school) facilities in the suburbs of South Plympton and Plympton Park, especially to the west and along Marion Road;

c) The proposed land use may result in lesser impacts to adjoining sensitive land uses (residential dwellings and primary school) than the current use as a service trade premise, which includes vehicle repairs, detailing and servicing;

d) Marion Road, which is classified as a high frequency public transport corridor, would provide a convenient location for childcare services to serve the local community;

e) The rear boundary of the site adjoins Forbes Primary School. Childcare and primary education are considered to be compatible land uses, and may provide convenience for parents of children attending these complementary facilities; and

f) The new contemporary building design and increased landscaping throughout the site should improve the visual appearance of the land and enhance streetscape presentation.

APPLICATION STATUS

The applicant has provided a brief statement of support and Statement of Effect, pursuant to Section 39(2)(d) of the Development Act, 1993 and Regulation 17(4) of the Development Regulations, 2008.

Category 3 / Non-Complying public notification is currently occurring.

In due course, the application will be presented to the Development Assessment Panel for a decision.

RECOMMENDATION

The Panel note this report and resolve that the determination of the Manager – Development Services to proceed with the further assessment of Non-complying Development Application No: 100/2016/2191 to construct a building for the purpose of a pre-school (child care facility), with a maximum capacity of 108 children, with associated car parking, landscaping and outbuilding at 571 Marion Road, South Plympton, be NOTED.

Attachments

Attachment I: Certificates of Title
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan