

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 21 JANUARY 2015**

- 1. OPENING OF MEETING**
- 2. APOLOGIES**
- 3. APPLICATIONS:**
  - 3.1 17 GERTRUDE STREET, GLANDORE**  
A single storey detached dwelling, incorporating a garage wall on the eastern side boundary  
DAP210115 – 3.1.....1
  - 3.2. 3 KAPPLER COURT, GLENGOWRIE**  
Alterations and additions to the existing dwelling, including a wall, 5.09 metres in length on the northern side boundary  
DAP210115 – 3.2.....26
  - 3.3 6 BAROSSA CRESCENT, HALLETT COVE**  
Carport forward of the associated dwelling  
DAP210115 – 3.3.....52
  - 3.4 3 WESTERN AVENUE, PARK HOLME**  
A freestanding sign, 4.9 metres in height (replacing existing Swim Centre sign)  
DAP210115 – 3.4.....67
  - 3.5 10 PINE AVENUE, WARRADALE**  
Residential Land Division (Torrens title) 2 into 5 allotments  
DAP210115 – 3.5.....79
  - 3.6 10 PINE AVENUE, WARRADALE**  
Three two storey row dwellings and a pair of two storey semi-detached dwellings with associated garages  
DAP210115 – 3.6.....92
  - 3.7 8 SHERWOOD AVENUE, STURT**  
To vary Development Application 100/2012/1844 - retention of existing dwelling and a single storey dwelling to the rear of the site - To construct a single storey detached dwelling at the front of the site  
DAP210115 – 3.7.....125

<b>3.8</b>	<b>48 ENGLISH AVENUE, CLOVELLY PARK</b>	
	Single storey detached dwelling, carport associated with existing dwelling and 1.8m high fencing forward of the existing dwelling	
	DAP210115 – 3.8.....	<b>146</b>

**4. OTHER BUSINESS:**

**4.1 APPEALS UPDATE**

**4.2 POLICY OBSERVATIONS**

**5. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL  
HELD ON 21 JANUARY 2015**

**6. CLOSURE**

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 21 January 2015**

**Agenda Ref No:** DAP210115 – 3.1

**Originating Officer:** Joanne Reid  
Development Officer - Planning

**Applicant:** Fairmont Homes Pty Ltd

**Development Description:** A single storey detached dwelling, incorporating a garage wall on the eastern side boundary

**Site Location:** 17 Gertrude Street, Glandore

**Zone:** Residential Zone

**Policy Area:** Residential Character Policy Area 17

**Application Type:** Category 2 / Consent

**Date Lodged:** 23/07/2014

**Development Plan:** Consolidated – 13 March 2014

**Application No:** 100/2014/1266

**Recommendation:** Development Plan Consent (Granted)

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**CATEGORISATION & DELEGATION**

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

**BACKGROUND**

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

Amendments Requested	Amendments Made
Reduce total width of garage.	Garage door width reduced from 7m to 6m
Provide additional treatment to façade and garage to reduce overall dominance of garage.	Additional habitable room window incorporated into façade and decorative windows inserted into garage door.
Consider incorporating bull-nose verandah in front of garage door.	The available area in front of the garage and the construction type does not facilitate a bull-nose verandah to be erected.

## SUBJECT LAND & LOCALITY

The subject site is located on the northern side of Gertrude Street in Glandore. The site is generally rectangular in shape, save for the front boundary, which has a slight 'kink' to follow the curve in the road, making the western boundary slightly longer than the eastern boundary. The total site area is approximately 772m<sup>2</sup> with a width of 15.24m and an average depth of around 51m.

The site contains a single storey detached dwelling and several large outbuildings to the rear. The locality is predominantly made up of single storey detached dwellings on large allotments. Aged care units are located one street to the north on Glengarry Avenue. South Road is located to the east with service trade premises located at the end of the street within the Commercial Zone.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application consists of a single storey detached dwelling incorporating an under main roof double garage with a wall to be constructed on the eastern boundary.

The dwelling comprises three bedrooms (one with ensuite and walk-in-robe), a study, a computer/media room and an open plan kitchen/living/dining area and associated wet areas.

The dwelling is to be constructed of face brick with quoining around the edges and a rendered façade. A decorative feature appears above the front window and windows incorporated into the panel lift door. The roof is colorbond with gable and dutch gable elements and is proposed to maintain a pitch of 27.5 degrees.

The existing crossover will be altered for access for the newly constructed driveway.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	9 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation was received by Council P Lawson – 18 Gertrude Street, Glandore
<b>Persons wishing to be heard:</b>	The representor has not indicated a desire to be heard by the Panel.
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>Reference made to 'Residential Development' brochure with following statement underlined:- <i>"Garages and carports will be discreetly located well behind the main face of the associated dwelling or the rear of the dwelling, with design and materials to complement the dwelling".</i></li><li>The development does not meet the requirements of the "Residential Character Policy Area 17.</li></ul> <p><i>Refer Attachment IV</i></p>

<b>Applicant's response:</b>	<ul style="list-style-type: none"> <li>When designing the home, the following elements have been incorporated into the dwelling which are typical of homes in the area, including: <ul style="list-style-type: none"> <li>High roof pitch of 27.5 degrees</li> <li>Gable and dutch gable</li> <li>Pelmet and Truss</li> <li>Eaves</li> <li>Timberwork on barge</li> <li>Front portico</li> <li>Brick and rendered masonry</li> </ul> </li> <li>Incorporating the garage under the main roof line makes it an attractive part of the dwelling.</li> <li>Our street has many houses with garages located in line with the front of the dwelling including 16 Getrude Street which has a double garage as part of the front façade.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>
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## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Residential Character Policy Area 17 are listed in the following table and discussed in further detail below:

Residential Zone
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.  2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
Residential Character Policy Area 17
<p><b>Objectives</b></p> <p>1 Preservation of the existing development patterns and built form.  2 Infill development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape.  3 Development that contributes to the desired character of the policy area.</p>
<p><b>Desired Character</b></p> <p><u>Edwardstown, Glandore and Glengowrie</u></p> <p>New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore and Glengowrie will reinforce the attractive established character of the predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings.</p> <p>Replacement dwellings will be appropriately designed modern interpretations of the pre-1950's buildings remaining in the area in the locality of the development site. Buildings will be sited on an allotment in a manner that will complement the siting of adjoining buildings and in such a way that the landscape character of private open space is retained and enhanced. Dwellings will incorporate elements typical of homes in the area, including articulated roof</p>

forms comprising combinations of gable, Dutch-gable and hips, chimneys, projecting front verandas/porches/porticos, timber-framed windows and external walls constructed of a mixture of brick, painted brick, stone, and rendered masonry. Garages and carports will be discreetly located well behind the main face of the associated dwelling or the rear of the dwelling, with design and materials to complement the dwelling.

Alterations and additions to dwellings will occur without significantly altering the dwelling's appearance from the street unless it involves the removal of unsympathetic additions/alterations to the front facade or will improve the appearance of a building as viewed from a street frontage. Alterations and additions will reinforce and complement the existing scale, elevational treatments, and use of materials of the associated dwelling, particularly with respect to the design of roof form, the use of front verandas and porticos, building materials, colours, proportions of windows, the use of window shading devices and elevational detailing.

Alterations and additions in the form of adding a second storey will only occur where the addition is within the roof space of the dwelling and the external appearance of the dwelling as viewed from surrounding streets takes the form of a single storey plus attic form. Similarly, new two storey dwellings will take the form of a single storey plus attic in order to reinforce the attractive, low-scale character of the policy area.

Fences on or near the street frontage will be low and of a construction and style that complements those existing in the locality.

The density of development and siting of all buildings will not erode the landscape character of the site or locality derived from mature vegetation in front and rear yards, along side boundaries or within the public road reserve.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie.</li> </ul>	<b>Complies</b>
PDC 3	<p>Except where located in the suburb of Marion, development should be limited to one storey unless a dwelling faces a public road (ie is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:</p> <ul style="list-style-type: none"> <li>(a) sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling</li> <li>(b) in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)</li> <li>(c) dormer windows with a total length less than 30 per cent of the total roof length along each elevation.</li> </ul>	<p><b>Complies</b> Dwelling is single storey</p>
PDC 4	<p>Development should preserve and enhance streetscapes by:</p> <ul style="list-style-type: none"> <li>(a) the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</li> <li>(b) limiting the number of driveway crossovers.</li> </ul>	<p><b>Complies</b> Front fencing is not proposed as part of the application.</p> <p>One driveway crossover will be used with the driveway reducing in width to narrow at the boundary.</p>
PDC 5	<p>Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.</p>	<p><b>Complies</b> The building maintains a size, scale and proportions and design elements similar to existing buildings in the locality.</p>

## Assessment

The proposed dwelling is of a size and scale that is consistent with other new and old dwellings in the locality, being single storey and compliant in site coverage, setbacks and private open space and maintains the large open landscaped character that enhances the locality.

The dwelling's façade takes in several elements of the character homes within the Glandore area including quoining, a pelmet over the bedroom window, return gutters and exposed timber beam to the verandah.

The roof is well articulated incorporating a gable pitch above the bedroom and two additional ridges with dutch gables. The 27.5 degree roof pitch is also characteristic of the pre-1950s dwellings.

The garage is setback 1m further back than the main face of the dwelling and a habitable room. Whilst it is still a notable element on the building, in my view, treatments made to the façade and the garage doors reduce the dominance of the garage and make it an integrated feature within the dwelling as opposed to a stand-out element.

The garage takes up 42 per cent of the front façade with the remaining 58 per cent of the main façade incorporating varied setbacks, three habitable room windows and entrance and portico to 'draw the eyes' away from the garage element.

The garage itself includes a panel lift door with window features to enhance the attractiveness of this part of the dwelling.

It should be noted that the Desired Character is satisfied with replacement dwellings being 'modern interpretations'. In my view, the dwelling has incorporated several features on the dwelling to meet the criteria of the Character Zone and the garage element will sit comfortably as a modern feature without dominating the dwelling.

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Residential Character Policy Area 17: PDC 7</i>	<b>Complies</b> 31%
<i>Maximum floor area ratio: 0.5</i> <i>Residential Character Policy Area 17: PDC 7</i>	<b>Complies</b> 0.25
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i>  <i>General Section: Residential Development: PDC 13</i>	<b>Complies</b>

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

North facing POS is available with access from the family room

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

Minimum area of POS: 20% of the site area

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

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

General Section: Residential Development: PDC 17

### Complies

397m<sup>2</sup> (51.4%)

Includes an area that is greater than 10% of the site area, with a gradient no more than 1-in-10 and is accessible from a living room.

## Street Setbacks

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

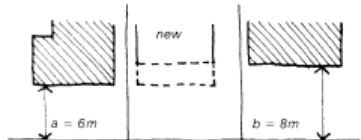
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
- (b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

### Complies

The dwelling proposes to maintain a similar setback to the adjacent dwelling to the east.

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

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

General Section: Design and Appearance: PDC 25

### Complies

The proposed dwelling is set back no further forward than the adjacent dwelling to the west.



<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p><b>Complies</b></p> <p>Habitable rooms are adequately setback from pedestrian and vehicle movement.</p>
<p><b>Side Setbacks</b></p>	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>1m to western side boundary.</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Partially Complies</b></p> <p>(a) Complies</p> <p>(c) (i) <b>Does not comply</b></p> <p>(c) (ii) <b>Does not comply</b> – 6.4m in length</p> <p>(c) (iii) <b>Complies</b> – 2.7m in height</p> <p>(c) (iv) <b>Complies</b> – Is sited in excess of 2.5m to a habitable room window.</p> <p>The failure of the proposal to comply with all four tests relating to walls on boundaries is not considered to result in unreasonable impacts on the adjacent dwelling.</p> <p>The neighbouring dwelling to the east has no habitable room windows on the side of the dwelling adjacent the proposed boundary wall and therefore the wall will not create overshadowing or visual impacts that will negatively impact on the occupiers of the adjacent dwelling.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The wall is not in close proximity to the habitable room window nor is it adjoining the POS area of the property, therefore it is unlikely to create unreasonable overshadowing or visual impacts.</p>

## Rear Setbacks

*6 metres for a single storey dwelling*

*Residential Zone: PDC 7*

**Complies**  
23m

## Building Height

*Maximum building height (from natural ground level):*

*(i) within the suburb of Marion, 2 storeys of not more than 9 metres*

*(ii) in all other areas, one storey with an ability to provide a 2 storey addition within the roof space subject to Principles of Development Control within the policy area*

*Residential Zone: PDC 7*

**Complies**  
Single storey, 5.2m high

## Garages, Carports and Outbuildings

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

*Minimum setback from primary road frontage:*

*8 metres for a freestanding structure.*

*5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.*

*Residential Zone: PDC 8*

**Complies**  
7m

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

*(a) not adversely impact on the safety of road users*

*(b) provide safe entry and exit.*

*General Section: Residential Development: PDC 12*

**Complies**

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

*General Section: Residential Development: PDC8*

**Complies**  
The garage is located underneath the main roof and integrated with the associated dwelling.

*Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.*

*Residential Zone: PDC 6*

**Complies**  
Width of garage is 6m.

## Car Parking

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

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

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

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

*Residential Zone: PDC 7*

**Complies**  
4 car parking spaces, 2 of which are covered.

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <li><i>(a) the number, nature and size of proposed dwellings</i></li> <li><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></li> <li><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></li> <li><i>(d) availability of on-street car parking</i></li> <li><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></li> </ul> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p> <p>One on-street car parking space is available in front of the site.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <li><i>(a) 3 metres wide for a single driveway</i></li> <li><i>(b) 5 metres wide for a double driveway.</i></li> </ul> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>5m</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b></p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Complies</b></p> <p>One access point is proposed.</p>
<h2>Design &amp; Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) building height, mass and proportion</i></li> <li><i>(b) external materials, patterns, colours and decorative elements</i></li> <li><i>(c) roof form and pitch</i></li> <li><i>(d) façade articulation and detailing</i></li> <li><i>(e) verandas, eaves, parapets and window screens.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Complies</b></p> <p>As discussed within the Desired Character Statement, the dwelling's height, scale, mass and proportion is commensurate with what currently exists within the locality.</p> <p>The construction detail and decorative elements are reflective of the traditional dwellings which form part of the character zoning and the roof, with its pitch, articulation and gable elements typical of the older homes in the Policy Area.</p> <p>The finishes proposed on the building, comprising brick, render and colorbond are in keeping with existing dwellings and will not reflect or result in glare.</p> <p>The remaining sides of the building are 'broken up' with windows and provide visual relief on the building when</p>

	<p>viewed from the adjoining properties.</p> <p>The proposed development, in my view, adequately complies with the Design and Appearance Principles of the Development Plan.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p><b>Complies</b></p> <p>The dwelling presents wholly to the street with the entrance apparent and directly accessible from the street.</p> <p>All living rooms have an external outlook to the POS of the dwelling.</p>
<b>Overshadowing</b>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design &amp; Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 10</i></p>	<p><b>Complies</b></p> <p>The single storey nature of the dwelling combined with the setbacks proposed will mean that the proposal is unlikely to result in overshadowing that will not comply with Design and Appearance Principles 9 and 10.</p>

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### **Complies**

The dwelling's POS area is orientated to the north as is the family room area that it is accessed from.

400mm eaves are provided around the façade to assist in shading the dwelling in the summer months and the roof is pitched to facilitate the installation of solar panels.

The proposed application is considered to comply with the Energy Efficiency Principles of the Development Plan.

## REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the design and appearance of the dwelling when assessed against the Desired Character Statement, have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

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## ANALYSIS/CONCLUSION

The proposed dwelling meets the majority of quantitative requirements for the dwelling's layout and siting with respect to setbacks, site coverage, private open space and car parking. There are minor variances in relation to the location and length of wall on the boundary, however, I am satisfied that this will not result in unreasonable overshadowing or visual impacts.

The appearance of the dwelling, in my view, satisfies the Desired Character as a modern interpretation of the traditional buildings in the locality. The building incorporates several features within the roof form and the building façade that are typical of the pre-1950s dwellings in the locality and these decorative elements, combined with other treatments to the garage, result in an attractive dwelling that will sit comfortably within the context of its surroundings.

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.

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## 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: 100/2014/1266 for a single storey detached dwelling, incorporating a garage wall on the eastern side boundary at 17 Gertrude Street Glandore 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. 100/2014/1266, being Job no. 85778-B, prepared by Fairmont Homes, and received by Council on 11 November 2014, except when varied by the following conditions of consent.
- 2. An amended, fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
- 7. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 8. 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.

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. 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.
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

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



**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 21 January 2015**

**Agenda Ref No:** DAP210115 – 3.2

**Originating Officer:** Joanne Reid  
Development Officer - Planning

**Applicant:** Amy Leanne Schaefer

**Development Description:** Alterations and additions to the existing dwelling, including a wall, 5.09 metres in length on the northern side boundary

**Site Location:** 3 Kappler Court, Glengowrie

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 2 / Consent

**Lodgement Date:** 17/09/2014

**Development Plan:** Consolidated – 13 March 2014

**Application No:** 100/2014/1629

**Recommendation:** Development Plan Consent (Granted)

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**CATEGORISATION & DELEGATION**

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

**BACKGROUND**

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

Amendments Requested	Amendments Made
Requested finished floor levels to be raised to 100.75 and the perimeter path on the southern side of the dwelling to be set down 250mm.	Acknowledged request however chose to not to make changes.

## SUBJECT LAND & LOCALITY

The subject site is located at 3 Kappler Court in Glengowrie and located towards the end of the cul-de-sac. The site almost has a triangular appearance with the northern and western boundaries running perpendicular to each other at right angles, and the southern boundary diverting at a 77 degree angle from the western boundary and the eastern boundary angled at 158 degrees from the southern boundary, joining the northern boundary at a vertex.

The total site area is approximately 586m<sup>2</sup>, with a maximum depth of 48.51m and a front boundary width of 21.84m.

The site contains a single storey brick dwelling, detached carport forward of the dwelling, a pergola, and a swimming pool in front of the dwelling with a 1.8m high colorbond fence on the front boundary to screen the pool.

The site maintains no discernable slope and there are no regulated or significant trees on the land.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application comprises alterations and additions to the existing dwelling which incorporate an additional two bedrooms at the rear of the dwelling, which will replace the existing structure currently located in that position. The total additional living area consists of 92.4m<sup>2</sup>.

A new family room will be constructed to the southern side of the building with a new internal access created from the family room.

An upgrade to the façade of the building is proposed by incorporating an extended portico, 'squaring up' the front of the existing building to the northern side boundary and altering the appearance through the use of different building materials and roof form.

A new single carport (20m<sup>2</sup>) and verandah (29.2m<sup>2</sup>) is also proposed in front of the building, which will facilitate the style change in the roof to a skillion appearance with a 7 degree pitch to the carport and 10 degree pitch to the verandah. A deck is also proposed underneath the verandah.

The extensions to the dwelling will be finished in render, the porch extension will be a painted finish and a mixture of sycon cladding and hardwood slats will be used to clad the front façade and roof infill.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	5 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation was received by Council G Karutz – 75 Baker Street, Glengowrie
<b>Persons wishing to be heard:</b>	G Karutz has elected to be heard by the Development Assessment Panel.

<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>Does not approve unless the proposed extension at the back of the property's wall is 1.63m away from the boundary line.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<ul style="list-style-type: none"> <li>Our neighbour already has an existing shed structure which has been built on the said boundary.</li> <li>He also has a very large shed/pergola built in the same back corner of his property and the timber screening which has been built into the pergola on the southern side means that from their house there would be no view to our proposed boundary wall.</li> <li>For the most part, no one would see the boundary wall since the shed/pergola extends out to the east a lot further than our boundary wall would.</li> <li>We have never shared any concerns with our neighbours sheds being so close to our boundary as all of the property that converge on that corner are already built up or are relatively unused spaces of the yards.</li> <li>We cannot push our building further to the south as it would block the view from our back neighbour coming out past his existing shed which has also been built on the boundary.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	To minimise the potential for inundation in a 1 in 100 year flood event, the finished floor level of the extension should be raised 250mm to 100.75 and the perimeter path needs to be set down 250mm below the finished floor level on the southern side.
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## ZONE & POLICY AREA ASSESSMENT

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

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

## Northern Policy Area 13

### Objectives

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

### Desired Character

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"><li>▪ <i>affordable housing</i></li><li>▪ <i>detached dwelling</i></li><li>▪ <i>group dwelling</i></li><li>▪ <i>residential flat building</i></li><li>▪ <i>row dwelling</i></li><li>▪ <i>semi-detached dwelling</i></li><li>▪ <i>supported accommodation.</i></li></ul>	<b>Complies</b>
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## Assessment

The application proposes to improve the internal and external function and appearance of the existing dwelling, which, the applicants have considered is in good condition.

The proposed additions are considered to enhance the dwelling's presentation to the street whilst seeking to meet the needs of the occupants for their enjoyment for years to come.

The additions will not result in the removal of significant or regulated trees on the site, nor will there be changes to the access which will result in the removal of street trees.

In my opinion, the proposal displays consistency with the desired character of Northern Policy Area 13.

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b> 43.8%</p> <p>This is considered to be only a minor departure from the Development Plan and does not impact on the dwelling's ability to comply with Residential Development, Principle 13 below</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposed additions will, in my view, still allow sufficient space for outdoor clothes drying, rainwater tanks and open space whilst improving opportunities for storage of household items.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(d) to minimise overlooking from adjacent buildings</i></li> <li><i>(e) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(f) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(h) to be partly shaded in summer</i></li> <li><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Partially Complies</b></p> <p>The site supports two POS areas, both of which will have access from a living room, one to the south western corner of the property and the other in front of the dwelling. Neither is proposed to change.</p> <p>The POS to the front of the site has been located there for some time and it was apparent that the area was in use for this reason when the swimming pool was approved in 2012.</p> <p>Whilst POS forward of the dwelling is not generally supported, the irregular shape of the allotment, which narrows quite severely at the front of the site and the placement of the existing dwelling, has created a substantial amount of space at the front.</p> <p>Given the location of the dwelling at the end of a cul-de-sac, which is generally accessed only by residents and their visitors, it is deemed acceptable for the area in front of the dwelling to be included as POS.</p> <p>Additionally the POS at the front of the site is north facing, whilst the rear POS is south facing, therefore the front POS is more useful during the winter months.</p>

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

Minimum area of POS: 20% of the site area

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

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

General Section: Residential Development: PDC 17

**Complies**

213m<sup>2</sup> (36%)

Includes an area with a minimum dimension of 5m x 5m accessible from a living room.

**Street Setbacks**

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

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

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

General Section: Design and Appearance: PDC 23

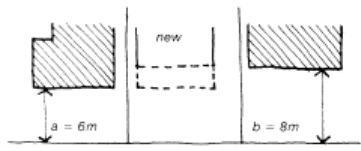
**Complies**

The main face of the building will not extend past the existing front setback with the extended portico coming approximately 1m further forward.

The proposed verandah is a relatively bulky element on the building despite being an open structure. However, the structure is still setback approximately 10m at the closest point to the front boundary and there is still an acceptable setback transition from the dwelling at No. 2 Kappler and No.4 Kappler.

To this end, the proposed setback, in my view, does not offend Design and Appearance Principles 23 and 25.

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

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

General Section: Design and Appearance: PDC 25

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

General Section: Residential Development: PDC 36

**Complies**

All habitable rooms are considered to be setback an acceptable distance to afford the occupants with adequate visual privacy.

**Side Setbacks**

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

additional setback equal to the increase in wall height above 6 metres.

Residential Zone: PDC 7

Neither side wall (proposed living and verandah)

**Complies**

1.13m

Southern side walls

**Complies**

Family room – 1.1m

Master bedroom – 6.3m

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Complies</b> (a), (b) (i), (iii)</p> <p><b>Does not comply</b> (b) (ii)</p> <p>The wall slightly exceeds the length of the abutting wall on the northern side by approximately 2.2m which is a little under half of the building's length.</p> <p>However, I do not expect that the proposed wall will produce unreasonable visual impacts.</p> <p>To the east of the neighbour's shed is a verandah, which is partially enclosed by timber slats. This will minimise the visual impact of the proposed boundary wall.</p> <p>Notwithstanding this, the length and height of the wall complies with the requirements pursuant to Schedule 4, 2A for dwelling walls on boundaries, which could be built 'as or right' without any consideration as to the impacts on the adjoining land.</p> <p>The wall will be assessed for fire rating in accordance with the Building Code of Australia during Building Rules Consent stage.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>As mentioned above, I am satisfied that the wall on the boundary will not create unreasonable visual impacts to the adjoining property.</p> <p>Being located on the southern side of the affected adjoining property, the neighbouring property will not be affected by overshadowing by the proposed development.</p>
<h2>Rear Setbacks</h2>	
<p><b>6 metres for a single storey dwelling</b></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b> 1m</p> <p>Whilst it is noted that the proposal substantially exceeds the rear setback, the impacts on adjoining properties will be negligible.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>The structure will effectively replace the existing building which is also located in close proximity to the boundary, therefore the appearance of the built form will not change significantly.</p> <p>Furthermore, the wall will sit adjacent two structures on the adjoining property to the northern side and rear western side which will mitigate the visual impacts of the wall in the proposed location.</p>

	Therefore, in my view, the lesser rear setback is considered to be inconsequential to the overall merits of the proposal.
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b> Single storey of no more than 3.8m.</p>
<b>Garages, Carports and Outbuildings</b>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Carport is setback 8.045m</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p><b>Complies</b> The proposed carport will be constructed with a roof form and pitch to match the façade of the dwelling additions proposed for the remainder of the building.</p> <p>The roof will be skillion, similar to the roof form proposed for the verandah and the roof line will continue over the new family room addition behind, resulting in an integrated appearance with the dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b> 3.5m wide.</p>



## Car Parking

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

*Residential Zone: PDC 7*

### **Does Not Comply**

2 car parks, one of which is covered for proposed 4 bedroom dwelling.

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

See 'table discussion' below

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

*General Section: Land Division: PDC 22*

### **Complies**

One on-street car park exists directly in front of the site.

## Access

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

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

*General Section: Residential Development: PDC 39*

### **Complies**

3m

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

*General Section: Residential Development: PDC 40*

### **Complies**

Existing crossover to be utilised.

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

*General Section: Transportation and Access: PDC 28*

### **Complies**

One vehicle access point will remain.

## 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) verandahs, eaves, parapets and window screens.*

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### Complies

The proposed additions will provide a new modern appearance to the existing dwelling.

The façade incorporates a variety of materials and finishes to provide visual interest to the building and improve the dwelling's functionality by providing access to the existing POS at the front of the site, improving the energy efficiency of the dwelling and enhancing the internal layout for improved liveability.

The materials proposed for the additions and the roof are not likely to result in reflection or glare.

Where there are walls exposed to public view, there are structures on the adjoining properties that will limit views of these walls, or they are setback from the boundary a sufficient distance to ensure that they will not result in substantial visual impacts to neighbouring properties.

To this end, the proposal is considered to adequately comply with the Design and Appearance Principles in the Development Plan.

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 5*

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

*General Section: Residential Development: PDC 6*

### Complies

The entrance of the dwelling will still be apparent from the street, with a parapet portico providing some definition to the entry.

Both the lounge room and the family room have an external outlook to the POS areas that they provide access to.

The proposal therefore sufficiently complies with the Residential Development Principles 5 and 6 and Design and Appearance Principles 15 and 18.

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### Complies

With the location of the boundary wall being on the southern side of the adjoining property, the heights of the additions being single storey and the setbacks proposed, there should not be any unreasonable overshadowing caused by the proposed development.

The majority of shadow that will be caused by the development during the winter months will be on the subject property itself.

Where the building is proposed closer to the boundary on the southern and western sides, any shadow caused will not affect POS areas or habitable room windows.

To this end, the proposal is acceptable in this regard.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### Complies

The proposed additions will improve the energy efficiency of the existing dwelling.

Whilst the north facing POS at the front of the site already exists, the proposed development will improve the usability of this area by creating outdoor living and providing sliding door access from the lounge room.

Skylights are proposed to be installed above the lounge room, providing opportunities to gain northern sunlight in winter and can be shaded during summer to reduce the summer heat load.

The existing roof form will remain and is appropriately pitched to cater for solar panels.

The proposal adequately addresses the Development Plan Principles relating to Energy Efficiency.

## Flooding

*Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.*

*General Section: Hazards: PDC 4*

*Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:*

- (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*
- (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.*

*General Section: Hazards: PDC 5*

### **Does Not Comply**

Council data indicates that the subject property is located within an area that could be subject to inundation in the event of a 1-in-100 year flood event.

Council's engineer has reviewed the proposal and suggested that to protect the extension from flood inundation, the finished floor levels need to be raised an additional 150mm and the perimeter path along the southern boundary set down 250mm.

This suggestion was put the applicants, however, they were unwilling to compromise the continuity of the floor plan by placing the extension on different floor levels.

As they have been made aware of this risk, it was not considered that this aspect should result in a refusal of the proposal as the existing rooms of the dwelling would still be at risk of inundation.

Accordingly, Council has accepted the finished floor level as proposed.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

There will be no significant changes to the existing landscaping on the site, the majority of which will not be seen from the street due to the existing fencing.

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>All existing fencing will remain and no additional fencing that is classified as 'development' pursuant to the Development Act and Regulations is proposed.</p>
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## TABLE DISCUSSION

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

- Car parking

The dwelling provides two car parking spaces, one of which is covered for the proposed 4 bedroom dwelling when it ought to provide three spaces.

The subject dwelling has always existed with two vehicle parking spaces, however, it is acknowledged that the proposed additions seek to increase the number of bedrooms from 3 to 4, which then requires an additional car parking space.

I am of the view however that this is not such a significant departure from the Development Plan that it would result in serious impacts on the street. The site has several options for on-street parking. There is one space in front of the dwelling and the dwellings directly on the opposite side of the road do not have Kappler Court as their primary street frontage, leaving it uninterrupted by driveways and most likely free from vehicles associated with these dwellings.

Furthermore, the street is a cul-de-sac and the number of vehicles using the street would generally be limited to occupiers and their visitors. As such, vehicles parked on the street should not severely restrict vehicle movements as the street is not a thoroughfare to get to other parts of the suburb.

It is worthy to note that Complying development pursuant to Schedule 4 of the Development Regulations 2008 permits a dwelling to provide two car park spaces (one of which is undercover) "as of right" (i.e. without an assessment against Development Plan criteria), without regard to the number of bedrooms within the dwelling.

To this end, having regard to the availability of on-street car parks, I am satisfied that this variance is not of such as severity that there will result in unreasonable impacts upon adjoining owners and occupiers.

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the wall on the boundary have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

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## ANALYSIS/CONCLUSION

The proposed additions will, in my view, improve the appearance, the internal function of the dwelling for the enjoyment of the occupants and the energy efficiency of the building.

The proposal is compliant with the majority of the Development Plan Principles and where there are variances, particularly in relation to the length of the wall on the boundary, car parking and flooding, I am satisfied that this will not cause unreasonable impacts upon neighbouring 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.

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## 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: 100/2014/1629 for Alterations and additions to the existing dwelling, including a wall, 5.09 metres in length on the northern side boundary at 3 Kappler Court Glegowrie 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. 100/2014/1629, being drawing numbers A01, A02 and A03, prepared by James Rutt Design, and project titled 'Proposed Extension @ 3 Kappler Crt Glengowrie', except when varied by the following conditions of consent.
2. The external appearance, materials and finishes of the new structure/building shall match or complement those of the existing building, to the reasonable satisfaction of the Council.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. Any walls on the property boundary are to be finished in a professional manner, similar to other external walls on the subject dwelling.
6. 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.

## NOTES

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



2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.

#### Attachments

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

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 21 January 2015

<b>Agenda Ref No:</b>	<b>DAP210115 - 3.3</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Aldinga Home Improvements</b>
<b>Development Description:</b>	<b>Carport forward of the associated dwelling</b>
<b>Site Location:</b>	<b>6 Barossa Crescent, Hallett Cove</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Southern Policy Area 18</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>11/06/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/963</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Refused)</b>

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## BACKGROUND

The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2 (20) of the Development Regulations 2008, which assigns development that involves a carport that is constructed closer to a street frontage than the wall of the dwelling as a Category 2 development.

There was one representation, in favour of the application, received by Council during the public notification of the application.

## SUBJECT LAND & LOCALITY

The subject site is located at 6 Barossa Crescent, Hallett Cove. The land currently contains a single storey detached brick dwelling, typical of the locality and was likely constructed in the 1970s. A single width driveway leads to an under-main-roof carport located on the northern side of the dwelling. The land incorporates a reasonable grade from the rear boundary to the street, although various earthworks throughout the site have augmented the slope of the land. Whilst the site is substantially landscaped, there are no regulated or significant trees present.

The immediate locality is characterised by single storey and occasional double storey detached dwellings on medium to large allotments. Dwellings have large setbacks from the road boundary, some with attractively landscaped front yards. The majority of dwellings in the street have garages located underneath the main roof and not any further forward than the main face of the dwelling.

*Refer Attachment I*

## PROPOSED DEVELOPMENT

The applicant seeks approval to construct a carport forward of the dwelling, adjacent the existing under-main-roof carport, bedroom windows and front entry door. The structure measures 8.91 metres in width and 5.2 metres in depth, with a gutter height of 2.2 metres and total roof pitch height of 3.32 metres. The structure will maintain a setback of 2.97 metres (at the closest point) to the front boundary.

The carport design has been altered during the processing of the application to incorporate brick piers to match/complement the dwelling. The roof is to incorporate 'colorbond' material, with colours of 'Woodland Grey' on top and 'Paperbark' on the underside.

*Refer Attachment II*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	7 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	One representation, in favour of the application, was received by Council.

## DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed in further detail below:

### Principles of Development Control

### Assessment

Garages, Carports and Outbuildings	
<i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i>  <i>Residential Zone: PDC 8</i>	<b>Does Not Comply</b> Street setback of 2.97 metres and located 3.2 metres forward of the main face of dwelling
<i>Maximum floor area: 30 square metres where the site is less than 400 square metres. 40 square metres for a site between 400 and 600 square metres. 60 square metres for a site greater than 600 square metres.</i>  <i>Residential Zone: PDC 8</i>	<b>Complies</b> Floor area of 46.3 square metres (site area = 660 square metres)
<i>Maximum building height (from natural ground level) 4.5 metres.</i>  <i>Residential Zone: PDC 8</i>	<b>Complies</b> Maximum 3.6 metres above ground level
<i>Maximum wall height (from natural ground level): 2.4 metres if sited on the boundary. 3 metres in all other circumstances.</i>  <i>Residential Zone: PDC 8</i>	<b>Complies</b> Maximum post height of 2.5 metres above ground level (due to sloping nature of driveway)

<p><i>Maximum height of finished floor level (from natural ground level): 300 millimetres.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Existing driveway levels to remain</p>
<p><i>Minimum setback from side and rear boundaries: 600 millimetres for an open structure. 1 metre for a solid or enclosed wall.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> 900mm setback from side boundary</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i>  <i>(a) not adversely impact on the safety of road users</i>  <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b> Carport is to be located over an area already used for vehicle parking and will not compromise vehicle turning or safety for the residents or road users</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b> 8.91m width</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PCD 8</i></p>	<p><b>Partially Complies</b> See Table Discussion</p>
<p><i>Outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.</i></p> <p><i>General Section: Residential Development: PCD 9</i></p>	<p><b>Complies</b></p>
<b>Site Coverage</b>	
<p><i>Maximum site coverage: 35%</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p>	<p><b>Does Not Comply</b> 50%</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i>  <i>(a) pedestrian and vehicle access and vehicle parking</i>  <i>(b) domestic storage</i>  <i>(c) outdoor clothes drying</i>  <i>(d) rainwater tanks</i>  <i>(e) private open space and landscaping</i>  <i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b> Ample area to the rear of the dwelling exists for the items listed in (a)-(f)</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>

## Building Setbacks from Road Boundaries

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

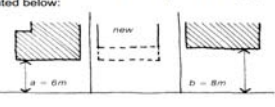
- (a) *Be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) *Contribute positively to the function, appearance and/or desired character of the locality*

*Design and Appearance: PDC 23*

### Does Not Comply

Setback of 2.97 metres is substantially forward of dwellings on adjoining land and within the locality, which are generally setback 8 metres.

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

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

*Design and Appearance: PDC 25*

### Does Not Comply

See above and Table Discussion

## Car Parking

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

*Residential Zone: PDC 7*

### Complies

Proposal would result in 3 undercover car park spaces.

*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

No change to on-street parking as a result of the proposal

## TABLE DISCUSSION

The proposal satisfies a number of the applicable quantitative criteria contained within the Marion Council Development Plan, however the proposal fails to comply with the following provisions:

- Setback in relation to the dwelling;
- Street setback; and
- Site coverage

### Setback of carport in relation to the dwelling

Council's Development Plan seeks for carport and garage structures to be set behind the main face of the dwelling by a minimum 500mm to ensure the residential portion of the dwelling is the most prominent and visible, and not dominated in appearance by car parking structures; which should be subservient and ancillary to the main building.

The proposed structure will extend forward of the dwelling by approximately 3.2 metres and be setback 2.97 metres from the front boundary at its closest point.

Whilst the pitched roof complements the built form of the dwelling, the 'colorbond' material is inconsistent with the tiled roof of the associated dwelling. The open nature of the carport will display less dominance than a similar structure with enclosed sides and/or with a roller door, however, the human eye will nonetheless be drawn to the carport, rather than the habitable elements/function of the dwelling, due to the structure being situated at such a close proximity to the front boundary. Further, the height of the carport above street level will exacerbate the prominence of the structure; the underside of the carport also being visible from the street.

The applicants have altered the proposal to incorporate brick piers to complement the dwelling, which provides some continuity with the associated building, however, in my view, this is inadequate to dilute the prominence of the proposed structure and the impact it has upon the presentation of the dwelling.

In addition to the above, the proposed carport will be located entirely forward of the front entry door of the dwelling; finding variance to Design and Appearance Principle 18 and Residential Development Principle 6 (repeated below).

**Design and Appearance Principle 18: Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.**

**Residential Development Principle 6: Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.**

In conclusion, the proposal is considered to be at variance with Residential Zone Principles 6 and 8 as the structure, forward of the dwelling, in my view, does not complement the building nor result in a positive streetscape outcome.

### **Street setback**

The setback of the proposed carport does not comply with that sought by Council's Development Plan, as the structure fails to meet the average setback of the adjacent dwellings, being 2.97 metres at its closest point, where it ought to be setback approximately 8.0 metres.

In my view, the subject locality comprises a consistent and attractive streetscape, with the majority of dwellings incorporating similar setbacks in the order of 8.0 metres. There is little variance in the setback of the majority of dwellings located within the street, with the exception of those located on the northern and southern bends in the road, where parts of the dwellings are setback in the order of 6 – 8 metres.

If constructed, the carport would be situated forward of the majority of dwellings that have a primary frontage to Barossa Crescent. It is acknowledged however, that given the street is a small local cul-de-sac road, not highly trafficked and would not be used for thoroughfare purposes compared with typical streets, it will have limited exposure, accessed mainly by residents and their visitors to the street.

In conclusion, the placement of such a structure substantially forward of the building line is nonetheless discouraged by Council's current design criteria and in my opinion, will not result in an attractive streetscape and further, will upset what is generally a consistent and attractive setting of existing buildings/structures within the street.

### **Site coverage**

The proposal will increase the amount of site coverage on the land to approximately 50%. Whilst this is significantly above the 35% sought for the Policy Area, the excess in site coverage will not compromise the function of the dwelling or unreasonably impact upon the privacy or amenity of adjoining land.

As such, site coverage alone is not a reason to refuse the application.

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## ANALYSIS/CONCLUSION

The proposed carport is to be situated substantially forward of the dwelling and will be located with a front setback of 2.97 metres, which in my opinion is not similar to, or compatible with the setbacks of the majority of buildings within the immediate and wider locality.

In my opinion, the proposed structure fails to adequately integrate into the dwelling's façade which is considered to have a detrimental impact on the streetscape and will further upset the consistent and attractive setting of existing buildings/structures within the street.

Whilst 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, it nonetheless does not sufficiently accord with the relevant provisions of the Development Plan, and it is recommended that Development Plan Consent be refused.

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## 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: 100/2014/963 for a carport forward of the associated dwelling at 6 Barossa Crescent, Hallett Cove be **REFUSED** for the following reasons:

## REASONS FOR REFUSAL

- (1) The proposal fails to achieve a setback of 5.5m and be located 0.5m behind from the main face of the dwelling in accordance with Residential Zone Principle 8.
- (2) The width of the carport is greater than 6.0 metres, detracting from the appearance of the associated dwelling; at variance to Residential Zone Principle 6.
- (3) The carport does not have a roof form and pitch, building materials and detailing that complement the associated dwelling which does not accord with Principle 8 of the General Section: Residential Development.
- (4) The setback of the proposed carport is not consistent with, or compatible to the setback of the majority of dwellings and buildings in the street and is considered have a detrimental impact on the appearance and character of the locality. The proposal therefore fails to comply with the General Section: Design and Appearance Principles 23 and 25.

## Attachments

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



## DEVELOPMENT ASSESSMENT PANEL

Wednesday 21 January 2015

<b>Agenda Ref No:</b>	<b>DAP210115 - 3.4</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>City Of Marion</b>
<b>Development Description:</b>	<b>A freestanding sign, 4.9 metres in height (replacing existing Swim Centre sign)</b>
<b>Site Location:</b>	<b>3 Western Avenue, Park Holme</b>
<b>Zone:</b>	<b>Open Space</b>
<b>Application Type:</b>	<b>Category 3 / Non-Complying</b>
<b>Lodgement Date:</b>	<b>25/11/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/2142</b>
<b>Recommendation:</b>	<b>To seek concurrence from the Development Assessment Commission for the Granting of Development Plan Consent</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development as it is listed as a non-complying form of development in the Open Space Zone as does not satisfy either of the three tests within subsection 3, Part 1 of Schedule 9 of the Development Regulations 2008 to constitute a Category 1 form of development.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal is for a non-complying form of development and comprises an outdoor advertising sign of a freestanding/pylon design where the face of the advertising structure exceeds 5m<sup>2</sup> in area (each side when double sided).

### BACKGROUND

The applicant's representative has advised that the existing sign is in poor condition and following receipt of a report from a structural engineer, removal of the sign was deemed necessary.

### SUBJECT LAND & LOCALITY

The land is a large parcel known as 3 Western Avenue, Park Holme, and comprises (recently listed) Local Heritage-listed vineyards (directly adjacent the proposed sign) and the Marion Outdoor Swimming Centre (approximately 80 metres to the north). The land is bound by

Duncan Avenue to the north, Western Avenue to the east, Oaklands Road (an arterial road) to the south and Hendrie Street to the west.

The land is relatively flat and whilst a number of Regulated Trees are situated on the land, no trees will be affected by the proposed sign.

Residential land uses are located north, east, south and west of the site, with a mix of the original housing stock and more recently developed housing, typically on smaller allotments and comprising single and double storey detached, semi-detached and row dwellings.

A Local Centre Zone (comprising a restaurant, hairdresser and clothing alterations) is situated on the southern side of Oaklands Road, 40 metres south-east of the proposed sign. The recently-constructed Oaklands Wetlands is situated south-west of the site. A recreation area, comprising a skate park, basketball court and associated amenities is currently being developed adjacent the Oaklands Road frontage of the Wetlands site.

*Refer Attachment I & II*

## PROPOSED DEVELOPMENT

The application proposes to remove the existing freestanding sign and construct a new sign in the same position.

The proposed sign will incorporate a maximum height of 4.9 metres above ground level and a width of 1.92 metres.

The sign will incorporate the City of Marion logo towards the top of the structure, with directional wording in the centre, with three lines for interchangeable letters to announce opening times, community events and the like.

The sign will be generally blue in colour and will not be internally, nor externally illuminated.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	8 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	No representations were received by Council.

## GOVERNMENT AGENCY REFERRAL

<b>Development Assessment Commission:</b>	Concurrence of the Development Assessment Commission will be sought in the event the Panel support the application
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*Refer Attachment VI*

## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Open Space Zone are listed in the following table and discussed in further detail below:

Open Space Zone	
<p><b>Objectives</b></p> <p><i>1 A zone in which the open space character is preserved to provide a visual contrast to the surrounding urban area.</i></p> <p><i>2 Land within the zone developed for a range of passive and active outdoor recreation activities, community and educational facilities and open space development, conservation and revegetation, in a parkland setting</i></p>	<p><b>Partially Complies</b> See comments below</p>
<p><b>Principles</b></p> <p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"><li>▪ community facilities</li><li>▪ conservation works, including wetlands</li><li>▪ education establishment</li><li>▪ recreation area</li><li>▪ sports grounds and associated facilities</li><li>▪ toilet blocks and barbeque facilities.</li></ul> <p><i>2 Development listed as non-complying is generally inappropriate.</i></p> <p><i>3 Development should be of a high standard of co-ordinated design with an emphasis on the creation of pedestrian areas.</i></p> <p><i>4 Buildings, site landscaping (using locally indigenous plant species where possible), paving, car parking and signage should have a co-ordinated appearance and integrated layout.</i></p>	<p><b>Partially Complies</b> See comments below</p>

### Assessment

Despite the non-complying status of the application, in my view, the proposal displays merit as it relates to an existing lawful use of the land, which is a land use encouraged in the Zone. Further, the sign is replacing an existing structure of similar dimensions.

The sign performs a role of identifying the location of the land use as well as opening times and upcoming events to passers-by and visitors.

The sign is located a substantial distance from the nearest building, and as such, achieving a co-ordinated appearance for the site has less importance. Nonetheless, the sign incorporates the corporate logo and colours of the Council, which is replicated on the associated Swim Centre building, located some 200 metres to the north.

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## DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Advertisements

<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Partially Complies</b></p> <p>Whilst there is no predominant character within the locality, the signage nonetheless comprises a simple form. The sign is not considered to detract from the heritage value of the adjacent vines, given the sign is replacing an existing structure which has been in existence prior to the (recent) heritage listing of the vines.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>The proposed sign will be the only structure in the immediate vicinity and will replace an existing sign of similar dimensions.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i></p> <p><i>(b) a road, median strip or traffic island</i></p> <p><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> <p><i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p><b>Does Not Comply</b></p> <p>Whilst the supporting posts are visible, they are not a substantial element in the overall appearance of the sign.</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p><i>General Section: Advertisements: PDC 13</i></p>	<p><b>Complies</b></p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p>	<p><b>Complies</b></p> <p>The sign is unlikely to create a hazard for motorists given the setback to the road carriageway, ability to ensure motorists can view in all directions along Hendrie Street and Oaklands Road and non-illuminated nature.</p>

<p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p>General Section: Advertisements: PDC 15</p>	
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p>General Section: Advertisements: PDC 16</p>	<b>Complies</b>
<p><b>Freestanding Advertisements</b></p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p>General Section: Advertisements: PDC 18</p>	<b>Complies</b>
<p><b>Advertising along Arterial Roads</b></p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p>General Section: Advertisements: PDC 24</p>	<p><b>Complies</b></p> <p>Oaklands Road has a maximum speed limit of 60km/h</p>

## ANALYSIS/CONCLUSION

The proposed sign is listed as a non-complying development in the Zone, as it is not attached to an existing building. Nonetheless, the sign is replacing an existing structure of similar dimensions and relates to an existing lawful use of the land, which is an envisaged land use within the Zone.

The proposed sign is not illuminated and is unlikely to result in a detrimental impact to the appearance of the locality or street safety.

The sign is located adjacent the recently Local Heritage-listed vineyards. In my view, the heritage value of the vines will not be compromised as a result of the proposal, given the current sign was in existence prior to the heritage listing of the vines, whilst the predominant view of the vines from public land will remain free from obstruction.

The proposed sign comprises a simple form, with clear and concise lettering and messages. The sign will be used to identify the location of the associated land use as well as opening times and upcoming events to passers-by and visitors.

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 the seeking of concurrence from the Development Assessment Commission for the granting of Development Plan Consent, subject to conditions.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That concurrence be sought from the Development Assessment Commission for the GRANTING of Development Plan Consent for Development Application No: 100/2014/2142 for a freestanding sign, 4.9 metres in height (replacing existing Swim Centre sign) at 3 Western Avenue, Park Holme, 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. 100/2014/2142, except when varied by the following conditions of consent.**
- 2. The proposed sign shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.**

## Attachments

*Attachment I: Aerial Photograph and 'Street View' image of existing sign*  
*Attachment II: Proposal Plan and supporting documentation*

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 21 January 2015**

<b>Agenda Ref No:</b>	<b>DAP210115 – 3.5</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>State Surveys</b>
<b>Development Description:</b>	<b>Residential Land Division (Torrens title) 2 into 5 allotments</b>
<b>Site Location:</b>	<b>10 Pine Avenue, Warradale</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>11/12/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/2267</b>
<b>Recommendation:</b>	<b>Development Plan Consent and Development Approval (Granted)</b>

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## **BACKGROUND**

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a land division that does not change the nature of an existing road as a Category 1 development.

Council staff did not request modifications to the proposal plans during the assessment process as the proposed division related to a land use application (100/2014/1788) being concurrently assessed by administration and is to be considered by the Panel at the same meeting.

## **SUBJECT LAND & LOCALITY**

The subject land is situated at 10 (Lots 84 and 85) Pine Avenue, Warradale. The whole of the land incorporates a frontage width of 36.58 metres, a depth of 41.15 metres providing a total site area of 1505.2 square metres.

Lot 84 (eastern allotment) currently comprises a vacant single storey dwelling, with attached carport and detached rumpus room. The dwelling appears to have been constructed in the 1960s. The second property comprises a disused tennis court. Various species of vegetation exists at the front and rear of both properties; none of which are classified as Regulated.

A large street tree (*Angophora costata* – Smooth-barked Apple-myrtle) is situated within the road reserve, approximately 8.0 metres from the eastern side boundary of the property.



The land is relatively flat with no discernible slope. The Certificate of Title confirms the land is free from any easements and/or rights of way.

The locality consists primarily of the original housing stock; single storey detached dwellings constructed in the 1950s and 60s on large allotments. More recent development is evidenced west of the subject land, and further afield to the north and east, typically comprising single storey detached and semi-detached dwellings.

Diagonal Road is located 90 metres to the west, with Morphet Road, comprising a Local Centre Zone, located 350 metres to the east.

*Refer Attachment I and II*

## PROPOSED DEVELOPMENT

The application seeks to divide the existing allotment to create a total of 5 (five) Torrens Title residential allotments. Party wall easements are included on the plan of division, which nominate the use of the land for two semi-detached and three row dwellings (100/2014/1788).

A greater level of detail regarding how the land will be developed is detailed in Development Application 100/2014/1788, which is to be considered by the Panel at the same time as the subject application.

*Refer Attachment III*

## DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed and discussed in further detail below:

### Residential Zone

#### **Objectives**

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

### Northern Policy Area 13

#### **Objectives**

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

#### **Principles of Development Control**

- 1 The following forms of development are envisaged in the policy area:
  - affordable housing
  - detached dwelling
  - group dwelling
  - residential flat building
  - row dwelling
  - semi-detached dwelling
  - supported accommodation.
- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

**Desired Character**

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

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

<b>PDC 1</b>	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building (buildings between one and three storeys)</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
<b>PDC 3</b>	Development should not be undertaken unless it is consistent with the desired character for the policy area.	<b>Complies</b>
<b>PDC 7</b>	<p>Minimum Site Area: Semi-detached dwellings: 320 square metres Row Dwellings: 250 square metres</p>	<p><b>Complies</b> Lot 3: 291.17m<sup>2</sup> Lot 4: 291.17m<sup>2</sup> Lot 5: 315.86m<sup>2</sup></p> <p><b>Does Not Comply</b> Lot 1: 291.17m<sup>2</sup> Lot 2: 315.86m<sup>2</sup></p>
	<p>Minimum Frontage: Semi-detached dwellings: 9.0 metres Row Dwellings: 7.0 metres</p>	<p><b>Complies</b> Lot 3: 7.076m Lot 4: 7.076m Lot 5: 7.676m</p> <p><b>Does Not Comply</b> Lot 1: 7.076m Lot 2: 7.676m</p>
	<p>Minimum Depth: Semi-detached dwellings: 20.0 metres Row Dwellings: 20.0 metres</p>	<b>Complies</b> All Lots 41.15m

The subject division seeks to create allotments for residential purposes, and to this end, the nature of the division is consistent with the zoning of the land.

Despite the shortfall in site area allocated to Lots 1 and 2, the total area of the land (1505m<sup>2</sup>) exceeds the minimum required for five row dwellings (1250m<sup>2</sup>). As discussed in the report for the proposed dwellings, it was considered appropriate by staff and the applicant that Dwellings 1 and 2 (to be constructed on Lots 1 and 2) were to be separated from the remainder to provide variation in the streetscape appearance of the development.

To this end, the proposal is considered to satisfy the Desired Character for Northern Policy Area 13, as the allotments will enable the construction of “one and two storey, low-to-medium density dwellings of a variety of architectural styles.”

## Land Division

### OBJECTIVES

*1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.*

**Complies**

*2 Land division that creates allotments appropriate for the intended use.*

#### **Partially Complies**

Despite the shortfall in site area for Lots 1 and 2, the proposed site areas are appropriate for the dwellings proposed in Development Application 100/2014/1788.

*3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.*

#### **Complies**

The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of bus routes.

### PRINCIPLES OF DEVELOPMENT CONTROL

*1 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*
- (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

#### **Complies**

The proposed development is likely to result in stormwater being drained safely from the land. Water and sewer supply will be available.

*2 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 Torrens 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.*

#### **Complies**

- a) The proposed site areas are appropriate for the intended use of the allotments for dwellings.
- b) The allotments maintain a frontage to a public road
- c) Excessive cut/fill is unlikely
- e) The area is sewerred
- f) The intended use of the land for semi-detached and row dwellings is consistent with the zone objectives.
- g) The allotment will not straddle more than one zone, policy area or precinct

### **Design and Layout**

*3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.*

#### **Does Not Comply**

As identified in the report for the associated dwellings, the depth of the allotment does not compromise the function of the dwellings, the appearance of the streetscape or amenity of adjoining land.

<p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and Torrens transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p><b>Complies</b></p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p><b>Complies</b></p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p><b>Does Not Comply</b> All rear yard areas will have a southerly orientation.</p>
<p><b>Roads and Access</b></p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and Torrens transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p><b>Complies</b> Based upon the land use application (100/2014/1788), no less than two (2) on-street visitor car park spaces are available in front of the subject allotments.</p>
<p>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p>	<p><b>Does Not Comply</b> Whilst three on-street car parking spaces should be provided, each dwelling site comprises three on-site spaces (refer DA 100/2014/1788). As such, there should not be an excessive amount of on-street parking generated as a result of the proposal.</p>

## ANALYSIS/CONCLUSION

The subject proposal seeks land division for residential purposes. Given the site is situated within the Residential Zone, has access to sewer and potable water and will not result in substantial earthworks, the proposal finds support in Council's Development Plan.

Despite the shortfall in site area allocated to Lots 1 and 2, the total site area of the land (1505m<sup>2</sup>) exceeds the minimum required for five row dwellings (1250m<sup>2</sup>), and as such, it can be argued the proposal does not seek for more dwellings than that envisaged by Council's Development Plan.

Further, the shortfall in frontage width and site area for Lots 1 and 2 is a result of separating these dwellings from the remainder to provide separation between the dwellings and to provide a more attractive streetscape outcome.

To this end, the proposal is considered to satisfy the Desired Character for Northern Policy Area 13, as the allotments will enable the construction of "one and two storey, low-to-medium density dwellings of a variety of architectural styles."

As such, it is my view that the proposed development is not seriously at variance with the Development Plan and the proposed land division warrants Development Plan Consent and Development Approval, subject to conditions.

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## 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; and
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/2267 (100/D277/14) for a residential land division (Torrens title) 2 into 5 allotments at 10 Pine 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. 100/2014/2267 (100/D277/14), except when varied by the following conditions of consent.
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division 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. 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.
- 4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

## LAND DIVISION CONSENT

### GRANTED

#### Conditions of Consent

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.  
The alteration of internal drains to the satisfaction of SA Water is required.  
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.
- (2) Payment of \$19464 into the Planning and Development Fund (3 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

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

**Note:** The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding the details of the above condition No 1.

**NOTES:**

**General:**

- (1) This approval has been granted on the basis of the suitability of the land for two semi-detached dwellings and three row dwellings as demonstrated in Development Application No: 100/2014/1788. Existence of party walls should therefore be shown on the plan of division to be lodged with the Land Titles Office. However should the proposed allotments be created and sold without the construction of that development occurring or different dwellings are proposed, new applicants/owners should be aware that new Development Application(s) need to be lodged with and assessed by the Council, noting that the proposed allotments may not meet Council's standard minimum allotment sizes for other forms of dwellings (e.g. the Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or group dwellings) and other dwelling layouts may be difficult to site on the proposed allotments.
- (2) 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**

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan</i>

**DEVELOPMENT ASSESSMENT PANEL**  
Wednesday 21 January 2015

<b>Agenda Ref No:</b>	<b>DAP210115 – 3.6</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Mike Sugars</b>
<b>Development Description:</b>	<b>Three two storey row dwellings and a pair of two storey semi-detached dwellings with associated garages</b>
<b>Site Location:</b>	<b>10 Pine Avenue, Warradale</b>
<b>Zone:</b>	<b>Residential</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>08/10/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/1788</b>
<b>Recommendation:</b>	<b>Development Plan Consent be Granted, subject to the deposit of the Plan of Division for associated Land Division 100/D277/14</b>

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#### **CATEGORISATION & DELEGATION**

In accordance with the judgement of Her Honour, Judge Cole, following the deposit of the Plan of Division (for the associated land division) with the Lands Titles Office, the subject application will comprise semi-detached dwellings and row dwellings (and therefore a Category 1 form of development), pursuant to Schedule 9 (Part 1: 2(a)(iii) and 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of 1 or more sets of semi-detached dwellings and three or more row dwellings, where no such dwelling is more than two storeys high, as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of proposed Dwellings 1 and 2 supporting allotment areas less than the minimum of 320 square metres required for semi-detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

#### **BACKGROUND**

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



Amendments Requested	Amendments Made
Increase in available on-street parking spaces required	Two on-street parking spaces provided (increased from nil)
Increase in landscaping street-side of dwellings required	Driveways tapered in design to increase landscape areas, whilst variety in landscape species will complement the built form
Greater variety in colours and materials of dwellings required	Street façade of dwellings amended to provide greater variety in colours and materials

## SUBJECT LAND & LOCALITY

The subject land is situated at 10 (Lots 84 and 85) Pine Avenue, Warradale. The whole of the land incorporates a frontage width of 36.58 metres, a depth of 41.15 metres providing a total site area of 1505.2 square metres.

Lot 84 (eastern allotment) currently comprises a vacant single storey dwelling, with attached carport and detached rumpus room. The dwelling appears to have been constructed in the 1960s. The second property comprises a disused tennis court. Various species of vegetation exists at the front and rear of both properties; none of which are classified as Regulated.

A large street tree (*Angophora costata* – Smooth-barked Apple-myrtle) is situated within the road reserve, approximately 8.0 metres from the eastern side boundary of the property.

The land is relatively flat with no discernible slope. The Certificate of Title confirms the land is free from any easements and/or rights of way.

The locality consists primarily of the original housing stock; single storey detached dwellings constructed in the 1950s and 60s on large allotments. More recent development is evidenced west of the subject land, and further afield to the north and east, typically comprising single storey detached and semi-detached dwellings.

Diagonal Road is located 90 metres to the west, with Morphet Road, comprising a Local Centre Zone, located 350 metres to the east.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a total of five, two storey dwellings in the form of a pair of semi-detached dwellings (Dwellings 1 and 2) to the west of the site and three, two storey row dwellings (Dwellings 3, 4 and 5) to the centre and east of the site.

Each dwelling comprises a double garage (Dwelling 1 with carport), main bedroom with ensuite and WIR, toilet, laundry, open plan kitchen/living/dining area and terrace ('alfresco') on the ground floor. The upper floor contains two bedrooms, a bathroom and retreat.

The driveway servicing each dwelling is to be tapered to reduce the extent of hard-stand area, increasing landscaping opportunities and to provide two on-street parking spaces between Dwellings 1 and 2 and Dwellings 4 and 5.

The design of the dwellings are very similar to that constructed by the applicant at 92 Bowker Street, Warradale. These dwellings also display a shortfall in frontage width similar to that proposed in this application. Panel members are encouraged to visit this site to gain an appreciation for the built form proportions and appearance of the proposed dwellings.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Open Space:</b>	If driveways are to be located on both sides of the tree, both driveways should be no less than 3.0 metres from the tree. The proposal satisfies the setback distances sought.
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	The following forms of development are envisaged in the policy area: ...▪ row dwelling ▪ semi-detached dwelling...	Complies
PDC 3	<p>Minimum Site Area:</p> <p>Semi-detached dwelling: 320 square metres (Dwg 1 and 2) Row dwelling: 250 square metres (Dwg 3, 4 and 5)</p>	<p><b>Complies</b> Dwg 3: 291.17m<sup>2</sup> Dwg 4: 291.17m<sup>2</sup> Dwg 5: 315.86m<sup>2</sup></p> <p><b>Does Not Comply</b> Dwg 1: 291.17m<sup>2</sup> Dwg 2: 315.86m<sup>2</sup></p>

	<i>Minimum Frontage:</i>	<b>Complies</b> Dwg 3: 7.076m Dwg 4: 7.076m Dwg 5: 7.676m  <b>Does Not Comply</b> Dwg 1: 7.076m Dwg 2: 7.676m
	<i>Minimum Depth:</i>	<b>Complies</b> All Dwgs: 41.15m

## Assessment

The Northern Policy Area 13 encourages redevelopment of properties at greater densities than that of the original housing, whilst seeking the establishment of a range of dwelling types to meet a variety of accommodation needs. The proposed development embodies these aims, as it will increase the residential density of the subject land to deliver five new three-bedroom dwellings.

Although the development will not deliver smaller dwelling options (ie. one or two bedroom dwellings), the fact that the subject land is somewhat removed from centres and public transport stations suggests that this form of medium density development is not ideally located in the subject locality. As such, the proposed three bedroom dwellings are considered to form an appropriate contribution to new housing stock in the area.

The shortfall in site area for two of the five dwellings is a result of Dwellings 1 and 2 constituting semi-detached dwellings. If all five dwellings were to adjoin, the proposal would be for five row dwellings, where the minimum site area of 250 square metres would be satisfied.

Following from administration and the Panel's support for a similar development undertaken by the applicant at 92 Bowker Street, Warradale, where the originally-proposed four row dwellings were split to two pairs of semi-detached dwellings (with undersized frontages and site areas), it was considered appropriate that a level of separation was provided between the dwellings.

As such, the shortfall in site area and frontage is a result of providing a break in the built form; the applicant has intentionally separated Dwellings 1 and 2 from the remainder, and provided a differing colour and material schedule for the dwellings to provide variety and visual interest in the streetscape design.

The proposal does not result in an excessive number of dwellings on the land, and given the level of compliance with a number of Council's design criteria, the shortfall in site area and frontage is not considered to be a fundamental failing of the proposal.

The proposed semi-detached and row dwellings are an envisaged form of development by Principle 1, whilst the Desired Character encourages both one and two storey dwellings. The application proposes an average net site area of 301 square metres per dwelling, which is reflective of the low-to-medium density sought for new dwellings in the Policy Area.

No significant trees or street trees require removal to facilitate the proposed development.

As a result of these considerations, the proposed development is deemed to accord with the Objectives, Principles and Desired Character of the Northern Policy Area 13.

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## DEVELOPMENT ASSESSMENT

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

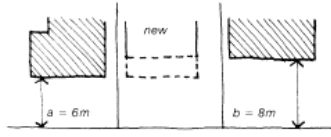
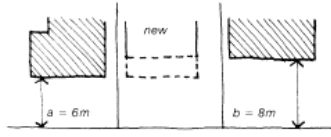
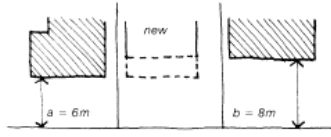
### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>Dwg 1: 59.58%</p> <p>Dwg 2: 54.93%</p> <p>Dwg 3: 59.58%</p> <p>Dwg 4: 59.58%</p> <p>Dwg 5: 54.93%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>Dwg 1: 0.665</p> <p>Dwg 2: 0.613</p> <p>Dwg 3: 0.665</p> <p>Dwg 4: 0.665</p> <p>Dwg 5: 0.613</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>Adequate area within the private open space exists to contain the items in (a)-(f) inclusive</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <p>(a) All POS areas are directly accessible from the living area</p> <p>(b) All POS areas are located to the rear of the dwelling</p> <p>(c) N/A</p> <p>(d) All POS areas will not be overlooked by the proposed or existing dwellings</p> <p>(e) All POS areas are adequately separated from adjacent bedrooms</p> <p>(g) The POS areas of Dwg 1 and 5 are likely to receive adequate solar access in the late afternoon and early morning hours, respectively</p> <p>(h) All POS areas incorporate an 'alfresco' roof to provide summer shade</p> <p>(i) All POS areas will not be affected by traffic, industry or business activities</p> <p>(j) All POS areas are considered to have appropriate dimension and area</p> <p><b>Does Not Comply</b></p>

	<p>(f) All POS areas are south-facing</p> <p>(g) The POS areas of Dwg 2, 3 and 4 are likely to experience shadow for a majority of the day in winter months</p>
<p><b>Site Area 250 m<sup>2</sup> or greater:</b></p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Does Not Comply</b></p> <p>Dwg 1: 19.54% (56.89m<sup>2</sup>)</p> <p>Dwg 2: 19.54% (61.71m<sup>2</sup>)</p> <p>Dwg 3: 19.54% (56.89m<sup>2</sup>)</p> <p>Dwg 4: 19.54% (56.89m<sup>2</sup>)</p> <p>Dwg 5: 19.54% (61.71m<sup>2</sup>)</p>

## Street Setbacks

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p><b>Complies</b></p> <p>The dwellings are setback 7.5 metres from the primary street boundary (measured to upper level retreat); similar to, and compatible with a majority of dwellings in the street and immediate locality.</p>						
<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b - a \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b - a \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p><b>Does Not Comply</b></p> <p>Dwellings at 6 Pine Avenue are setback 8.0 metres, dwelling at 12 Pine Avenue, setback 9.5 metres.</p> <p>As such, the proposed dwellings should be setback 8.0 metres to comply with the adjacent Table.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b - a \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						

<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p><b>Complies</b></p>
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## Side Setbacks

<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Min setback 1.2m</p> <p><b>Complies</b></p> <p>Min setback 2.2m</p>
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Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>8.04m setback for all dwellings</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>8.04m setback for all dwellings</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b></p> <p>8.04m setback for all dwellings</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Maximum height of dwellings equates to 7.3 metres</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Garages are setback 0.5 metres behind the main face of the upper level (retreat)</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p><b>Complies</b></p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b></p> <p>A majority of garages represent approximately 80% of the frontage width.</p>

## Car Parking

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

*Residential Zone: PDC 7*

### **Complies**

Each dwelling incorporates a double-wide garage and at least one, on-site 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 (eg an increase in number of driveway crossovers).*

*General Section: Transportation & Access: PDC 43*

### **Complies**

*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**

Two on-street parking spaces have been made available in front of the site, where three is sought by Principle 22.

## Access

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

*General Section: Residential Development: PDC 39*

### **Complies**

All driveways incorporate a width of 3.5 metres servicing a double garage.

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

*General Section: Residential Development: PDC 40*

### **Complies**

Adequate separation is provided to both existing street trees to ensure their ongoing health and stability

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Partially Complies**

The dwellings incorporate a modern, contemporary design, comprising an attractive mix of colours and materials. The roof pitch above the upper level and garage assist in softening the appearance of the dwellings, which is considered important given this is one of the first incursions of two storey development within the locality.

(Discussed further below)

The walls and roofs of the dwellings will not result in glare/reflection.

The upper level side walls of the dwellings are stepped and incorporate an appropriate level of fenestration to avoid uninterrupted walling

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

### **Complies**

All dwellings provide an appropriate presentation to the street; incorporating upper level habitable room windows and an entry door and portico facing the street.

Both living areas of the dwellings have an external outlook.



## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

The upper level setback of Dwellings 1 and 5, at 2.2 metres, exceed the minimum sought for two storey walls less than 6.0 metres in height (2.0 metres).

Given the relatively limited length of the upper storey, and the fact the upper levels are situated towards the front of the site, the extent of overshadowing of adjoining properties should be during the early morning or late afternoon hours.

All adjacent dwellings will be provided with no less than 3 hours of direct sunlight to north-facing habitable rooms and no less than 2 hours to a majority of their private open space areas.

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 12*

### **Complies**

All upper level windows incorporate fixed, obscure glazing up to 1.7 metres above the upper floor level.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### **Complies**

An appropriate amount of sunlight will be available to habitable rooms and private open space areas of adjoining properties

### **Does Not Comply**

The private open space of each proposed dwelling is sited south of the building and likely to experience a reasonable amount of shadow during winter months.

### **Complies**

A small amount of north-facing roof areas are available to the front of each dwelling for the siting of solar collectors

## Landscaping, Fences and Walls

*Development should incorporate open space and landscaping in order to:*  
*(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)*

*(b) enhance the appearance of road frontages*

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

*(d) minimise maintenance and watering requirements*

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

*(f) provide shade and shelter*

*(g) assist in climate control within buildings*

*(h) maintain privacy*

*(i) maximise stormwater re-use*

*(j) complement existing native vegetation*

*(k) contribute to the viability of ecosystems and species*

*(l) promote water and biodiversity conservation.*

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

*Landscaping should:*

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

*(b) be oriented towards the street frontage*

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

### **Partially Complies**

Due to the narrow frontages of each allotment and double garage proposed, the amount of landscaping areas street-side of the dwellings is reasonably limited.

Having said this, the proposal plans do identify a tree to be planted in the front yard area, which when mature will complement the height of the associated building.

Shrubs and ground covers are proposed either side of each driveway to further assist in reducing the apparent extent of hard-stand area forward of the dwellings.

## TABLE DISCUSSION

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

- Site coverage and Floor Area Ratio;
- Private open space;

- Front setback;
- Percentage of garage to property frontage;
- On-street parking; and
- Private open space orientation

### **Site coverage and Floor Area Ratio**

The site coverage demonstrated for each dwelling significantly exceeds that sought in the Policy Area. The Floor Area Ratio for Dwellings 1, 3 and 4 is also substantially above that sought, with Dwellings 2 and 5 incorporating a Floor Area Ratio marginally above the 0.6 maximum.

Site coverage for Dwellings 1 and 3 equals 59.58%, while Dwellings 2, 4 and 5 maintain site coverage at 54.93%. Maximum site coverage of 40% applies in the Northern Policy Area 13, and therefore all dwellings exceed provisions by between 14.93% and 19.58%.

It is noted that this proportion of site coverage includes an under-main-roof alfresco area to all dwellings, whereas the roof area of the dwelling itself equals, on average, 52% of the individual site areas. Incorporation of an alfresco area within these dwellings reduces the need for owners/occupiers of the land to construct a verandah in the future, and therefore the higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space which is integrated within the design of the dwelling.

Principle 25 (General Section: Residential Development) prescribes that site coverage should be limited to ensure that sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking*
- (b) domestic storage*
- (c) outdoor clothes drying*
- (d) a rainwater tank*
- (e) private open space and landscaping*
- (f) front, side and rear boundary setbacks that contribute to the desired character of the area*
- (g) convenient storage of household waste and recycling receptacles.*

The dwellings each support:

- a) adequate areas for vehicle access/parking;
- b) room for domestic storage in the dwellings, garages and rear yards;
- c) opportunity for clothes drying in the rear yards;
- d) ample area to accommodate rainwater tanks;
- e) sufficient private open space and landscaping throughout the site;
- f) appropriate setbacks; and
- g) opportunity for bin storage down the side path of each dwelling.

Given that these desired features are adequately accommodated in the proposal, the excess in site coverage is not considered to detract from the merit of the application.

Although a maximum of 40% is prescribed by the Development Plan, it is also 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. Given that this proportion of site coverage could feasibly be constructed on the subject land “as of right” (i.e. without an assessment against Development Plan criteria), this suggests that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity.

As a result of these considerations, the excess in site coverage above Development Plan criteria is not considered to be fatal to the merit of the subject application.

## Private open space

The area of private open space (POS) equals 19.54% of each allotment. This equates to a shortfall of between 1.34 square metres (Dwellings 1, 3 and 4) to 1.45 square metres (Dwellings 2 and 5).

Given the dimensions of the rear yards, where all POS is located in one large usable area, it is my view that the POS provided is appropriate having regard to likely occupant needs. Whilst the orientation of the POS is not ideal (discussed below), the shortfall in area is not considered to compromise the function of this space, nor the amenity of the residents.

## Front setback

The eastern adjacent building is set back approximately 9.5 metres from the front boundary, while the dwellings west of the site area setback 8.0 metres. Accordingly, to comply with Principle 25, a setback of 8.0 metres applies for the proposed dwellings. Evidently, the proposed front setbacks are similar to adjoining properties, and whilst not technically meeting the average, nonetheless satisfy Principle 16 (General Section: Design & Appearance), in that they 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 streetscape character of the locality; and*
- (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.*

## Percentage of garage to property frontage

The proposed dwellings feature a double garage on the ground floor, which equates to approximately 80% of the allotment widths. However, PDC 6 of the Residential Zone prescribes that garaging should comprise a maximum 50% of the width of the allotment. As a result of this shortfall, the applicant has designed the buildings to minimise the visual dominance of the garaging through the following treatments:

- Hipped roofs and eaves overhang on the upper floor to assist in reducing bulk and improving articulation;
- Substantial and attractively-proportioned upper level windows that present to the street;
- A mix of colours and materials on the front façade, including brick on the ground floor, render on the upper floor and a sandstone-clad blade wall;
- The upper level incorporates a cantilevered overhang forward of the garaging on the ground floor;
- Side walls of the upper level are stepped-in from the ground floor;
- A substantial portico element, which extends forward of the garaging;
- The front door of the dwelling is sited equal to the inner garage door;
- Attractive panel-lift garage doors;
- Feature masonry front fence;
- Reduced driveway width to minimise paving and increase landscaping opportunities; and
- Landscape plantings, as opposed to lawn/turf, to assist in reducing visibility of driveway.

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

### **On-street parking**

The application was amended during processing to increase the separation of driveways of Dwellings 1 and 2 and 4 and 5 to provide a clearance of greater than 6.0 metres; this permits two on-street parking spaces in front of the site.

Whilst Council's Development Plan does seek for 2.5 (rounded up to 3.0) on-street spaces, each site provides one additional on-site parking space than sought by the Development Plan. As such, the proposal should not result in an excess of vehicles being parked on the street.

### **Private open space orientation**

The POS associated with each dwelling is located south of the dwellings. Whilst the POS of Dwellings 1 and 5 are likely to receive adequate afternoon and morning sun, respectively, the POS of Dwellings 2, 3 and 4 are likely to be in shadow for a majority of winter months.

Whilst this is not an ideal outcome, this is a result of the location of the site on the southern side of an east-west running street. Locating the POS with a northerly orientation would be to the detriment of the streetscape and offend several other Development Plan provisions.

As such, the proposal fails Council's Development Plan in this regard.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as the proposed two-storey semi-detached and row dwellings are an envisaged form of development. However, the proposal maintains a number of considerable quantitative shortfalls in relation to site areas, frontage width, site coverage and garaging width.

The proposed site areas and frontage widths of Dwellings 1-2 each fall short of the minimum prescribed. However, this has arisen due to the separation of the garages to Dwellings 2 and 3, which has changed their classification from row dwellings to semi-detached dwellings. This procedural shortfall should not jeopardise the merit of the proposal, particularly given that the allotments nevertheless maintain functional dimensions. Moreover, the shortfall in site areas does not compromise the ability of the proposed dwellings to comply with a majority of other design criteria, and in my view, the proposed site areas do not jeopardise the overall merit of the proposal, nor result in a detrimental impact to the character or amenity of the locality.

The separation of Dwellings 1 and 2 (from the remainder) follow from administration and the Panel's support for a similar development undertaken by the applicant at 92 Bowker Street, Warradale, where the originally-proposed four row dwellings were split to two pairs of semi-detached dwellings (with undersized frontages and site areas), to provide a level of separation was provided between the dwellings. Panel members are encouraged to see this site (fully completed) to gain an appreciation for the as-built appearance of the proposed dwellings.

The excess in site coverage of all dwellings is not considered to detract from the function or layout of the proposal given that appropriate setbacks and areas of open space are provided. The garaging width is deemed acceptable as a result of the high level of articulation in the building design and treatments to enhance the streetscape presentation of the subject land.

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

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## 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: 100/2014/1788 for three two storey row dwellings and a pair of two storey semi-detached dwellings with associated garages at 10 Pine Avenue, Warradale be GRANTED following the deposit of the Plan of Division (for Land Division 100/D227/14) with the Lands Titles Office and 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. 100/2014/1788, 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

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

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

## NOTES

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

## Attachments

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



**DEVELOPMENT ASSESSMENT PANEL**  
Wednesday 21 January 2015

<b>Agenda Ref No:</b>	<b>DAP210115 – 3.7</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Fairmont Homes Pty Ltd</b>
<b>Development Description:</b>	<b>To vary Development Application 100/2012/1844 - retention of existing dwelling and a single storey dwelling to the rear of the site - To construct a single storey detached dwelling at the front of the site</b>
<b>Site Location:</b>	<b>8 Sherwood Avenue, Sturt</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>18/08/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/1435</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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#### CATEGORISATION & DELEGATION

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

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwelling supporting an allotment area less than the minimum of 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

#### BACKGROUND

Development Application 100/2012/1844 was granted Development Approval in September 2013, which sought to retain the existing dwelling (previously part of a maisonette building) at the front of the site and construct a detached carport and single storey dwelling to the rear. Both dwellings were to share the driveway adjacent the western side boundary.

Since this time, construction of the dwelling to the rear of the site has commenced (and is nearing completion) and the existing dwelling at the front of the property has been demolished (consent granted).

## SUBJECT LAND & LOCALITY

The subject land currently comprises the whole of the land known as 8 (Lot 16) Sherwood Avenue, Sturt, comprising a frontage width of 14.67 metres, a depth of 47.28 metres and a total site area of 693 square metres.

The subject land incorporates a gentle grade from south to north of approximately 1:45, falling 1.2 metres over the length of the property.

There are no Regulated Trees located on the property.

The current access point will be retained in order to service the dwelling at the rear of the property. A new access point is proposed to service the proposed dwelling adjacent the eastern side boundary.

The locality has experienced a high degree of redevelopment in the past decade; a majority of new dwellings comprising detached, semi-detached and group dwellings.

Diagonal Road is located 65 metres to the east of the site, whilst two small Neighbourhood Centre Zones are located approximately 80 metres and 170 metres, south-east and north-west of the land, respectively.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The proposed development seeks to vary Development Application 100/2012/1844. That application sought to retain the existing dwelling at the front of the site and construct a detached carport and dwelling to the rear of the site. These dwellings were to be 'group dwellings' pursuant to Schedule 1 of the Development Regulations, and consequently exceeded the minimum site area for such dwellings in the Policy Area.

The existing dwelling has since been demolished, and as such, the current application seeks to construct a new detached dwelling in its place. The new dwelling is proposed to maintain independent vehicular access to Sherwood Avenue, and as such, the subject dwelling and the dwelling currently being constructed on the land will become detached dwellings, pursuant to Schedule 1 of the Development Regulations 2008.

The proposed dwelling incorporates three bedrooms (main with ensuite and WIR), separate lounge, open plan kitchen/living/meals area, typical wet areas and under-main-roof garage.

Whilst the driveway servicing the proposed dwelling necessitates the pruning of some eastern-leading limbs of the existing street tree, Council's Arborist has advised that the tree is not a species no longer planted by Council, whilst roots can 'sucker' profusely (send up new growth) when cut. As such, it was recommended by the Arborist that the tree be removed. The applicant has confirmed acceptance to pay the relevant amount for the tree's removal and replacement if consent is granted.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Council's Development Engineer has advised that the Finished Floor Level should be increased to 100.20, with paving levels set 150mm below.
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	It has been included as a recommended condition of consent that amended plans be provided in the event the Panel support the application.
<b>Open Space:</b>	The proposed driveway is located an acceptable distance from the existing street tree, however, a low-level limb on the eastern side of this tree will require removal. As Council does not plant this species of tree, and the propensity for this tree to 'sucker' if roots are disturbed, removal of the tree, at the cost of the applicant, should be sought.

## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	Complies
PDC 3	Minimum Site Area: 375m <sup>2</sup>	<p><b>Does Not Comply</b></p> <p>Proposed Dwelling: 301m<sup>2</sup></p>

		Existing Dwelling: 272m <sup>2</sup> (excluding hammerhead driveway)
	<i>Minimum Frontage:</i> <i>Detached dwellings: 12.0m</i> <i>Hammerhead allotments: 4.0m</i>	<b>Complies</b> Existing Dwelling: 5.0m  <b>Does Not Comply</b> Proposed Dwelling: 9.67m
	<i>Minimum Depth: 20m</i>	<b>Complies</b> Proposed Dwelling: 28.7m  <b>Does Not Comply</b> Existing Dwelling: 18.53 (No change to depth of this allotment, however)

## Assessment

As a result of the proposed dwelling maintaining independent street access, both dwellings are to become detached dwellings; resulting in a shortfall in site area for both proposed allotments.

Whilst the whole of the land, at 693 square metres, is less than that sought for two detached dwellings, it is nonetheless greater than that required for two group dwellings (600 square metres). By virtue of Development Application 100/2012/1844, two dwellings were approved for the land. As such, despite the shortfall in site area, the proposal does not result in a density over that sought by Council's Development Plan. Further, the current proposal represents a more efficient use of the land; reducing the area of land given over to vehicle manoeuvring and enabling a more generously-proportioned dwelling at the front of the site.

In addition to the above, it is of worth to note the Medium Density Policy Area 12 is located on the northern side of Sherwood Avenue. This Policy Area permits detached dwellings with site areas of 300 square metres. As such, the proposed dwelling is sited on an allotment consistent with this Policy Area, whilst the rear dwelling and allotment, despite being significantly less, remains consistent with that previously approved; the shortfall in site area does not result in detrimental impacts upon adjoining land, the function of either dwelling or compliance with Council's design criteria.

The frontage width of the proposed dwelling, at 9.67 metres, is some 2.33 metres less than that sought for detached dwellings in the Northern Policy Area. Despite this, the dwellings presents well to the street, with a habitable room window and entry portico providing appropriate street address. It is also of value to note that a frontage width of 10.0 metres is sought for detached dwellings in the Medium Density Policy Area, whilst 9.0 metres can be permitted for complying detached dwellings, pursuant to Schedule 4 of the Development Regulations, 2008. For these reasons, the shortfall in frontage width is considered acceptable.

The depth of the allotment servicing the dwelling currently under construction, at 18.53 metres, is 1.47 metres less than the minimum 20 metres sought. However, the subject variation application does not alter the depth of this allotment, and as such, no regard can be had to this element.

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>Proposed site coverage equates to 47.6%.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling provides sufficient space for the location of the mentioned items.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(d) to minimise overlooking from adjacent buildings</i></li> <li><i>(e) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(f) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(h) to be partly shaded in summer</i></li> <li><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Partially Complies</b></p> <p>The proposed POS area is located to the rear of the dwelling and is directly accessible from the family/living area. Due to the orientation of the property, it is difficult to provide north-facing POS areas. However the proposed dwelling has a staggered setback on the eastern side which will allow for morning light to the POS area.</p>
<p><b>Site Area 250 m<sup>2</sup> or greater:</b></p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Does Not Comply</b></p> <p>The proposed dwelling provides 19.54% (58.8 square metres) POS, marginally less than the 20% (60.2 square metres) sought. The shortfall of 1.4 square metres is not considered detrimental to the function or amenity of the property and the area provided is nonetheless appropriate for the likely occupant needs.</p>

## Street Setbacks

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

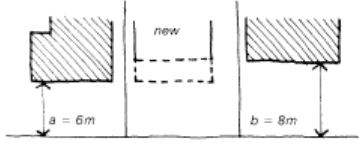
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

*General Section: Design and Appearance: PDC 23*

### Partially Complies

Whilst the setback of the proposed dwelling is not on average with buildings on adjoining land, it is nonetheless consistent with a number of recently constructed dwellings in the street and locality. As such, the setback of the proposed dwelling will not have a detrimental impact upon the streetscape.

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

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

*General Section: Design and Appearance: PDC 25*

### Does Not Comply

The neighbouring dwelling to the east is setback 8.0m, whilst the dwelling to the west is setback 5.0 m; as such, a setback of 6.5 metres would satisfy Principle 25.

Whilst the setback of 5.5 metres does not comply with this Principle, the increased setback of the garage, at 6.45 metres from the street, does provide a reasonable transition from the dwelling to the west to the adjacent dwelling to the east.

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

*General Section: Residential Development: PDC 36*

### Complies

## Side Setbacks

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

*Residential Zone: PDC 7*

### Partially Complies

Due to the irregular alignment of the eastern side boundary (a result of the original partywall easement between the original maisonette building), the garage is setback a minimum distance of 600mm.

The remainder of the dwelling is setback no less than 920mm from the side boundaries, with a majority of the building setback over 1.0 metre.

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

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

*General Section: Design & Appearance: PDC 2*

### Complies

The visual impact on the adjacent property to the east is reduced by the staggered setback of the dwelling.

As the proposed dwelling is single storey the impacts of overshadowing would be relatively minor and will only occur in late afternoon hours.

Rear Setbacks	
<p>6 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p><b>Does Not Comply</b></p> <p>The proposed dwelling is setback 2.8m at the closest point to the rear boundary, measured to the 'corner cut-off'.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p>General Section: Residential Development: PDC 37</p>	<p><b>Partially Complies</b></p> <p>A majority of the dwelling is setback greater than 3.0 metres from the rear boundary. However, there is no part of the building setback 6.0 metres from the rear boundary.</p>
Building Height	
<p>Maximum building height (from natural ground level):</p> <p>2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 7</p>	<p><b>Complies</b></p> <p>Maximum height 4.5 metres</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Minimum setback from secondary road frontage:</i></p> <p><i>5.5 metres for a single-width structure.</i></p> <p><i>Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p>Residential Zone: PDC 8</p>	<p><b>Complies</b></p> <p>The garage is setback 6.45m from the primary road frontage and a further 950mm from the main face of the dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p>General Section: Residential Development: PDC 12</p>	<p><b>Complies</b></p> <p>The proposed garage is not likely to impact the safety of road users as the garage is setback further than the proposed dwelling. There is adequate area for a vehicle to park within the driveway, ensuring appropriate safety for residents and pedestrians.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p>General Section: Residential Development: PDC8</p>	<p><b>Complies</b></p> <p>Garage is situated under the main roof of the dwelling and incorporates materials and detailing complementing the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p>Residential Zone: PDC 6</p>	<p><b>Complies</b></p> <p>Garage width is 3.7m with an opening width of 3m which is also less than 50% of the dwelling.</p>

## Car Parking

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

*Residential Zone: PDC 7*

### Complies

The proposed dwelling comprises 3 bedrooms, with 2 on-site car parking spaces, one of which is undercover.

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

*General Section: Transportation & Access: PDC 43*

### Complies

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

*General Section: Land Division: PDC 22*

### Complies

One on-street parking space will be available in front of the subject site.

## Access

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

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

*General Section: Residential Development: PDC 39*

### Complies

Driveway crossover is proposed to be 3m as the property has a single driveway.

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

*General Section: Residential Development: PDC 40*

### Complies

The proposed driveway is located 1.7 metres from the existing street tree. However, removal of the tree has been supported by Council's Arborist and commitment provided by the applicant for payment for the tree's removal.

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

<b>No. of dwellings served by driveway</b>	<b>Width at front property boundary &amp; for first 6 metres</b>	<b>Width beyond first 6 metres</b>	<b>Widening required for passing</b>	<b>Minimum landscaped strip either side of driveway (metres)</b>
1-2	3	3	-	0.5

### Partially Complies

Access to rear dwelling is via an access point of 4m in width which complies with the requirements for the number of dwellings serviced by driveway.

However the siteworks plan does not detail landscaping on either side of the driveway.

(The previous approval for the land did include 500mm of landscaping on both sides of the (then) common driveway).

It has been included as a recommended condition of consent that 500mm of landscaping be provided on both sides of the hammerhead driveway, prior to the occupation of the dwelling.

*General Section: Residential Development: PDC 41*



## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Complies**

The height of the proposed dwelling is in proportion with the remainder of the streetscape.

The front façade provides articulation through the varied setbacks with the garage, portico and bedroom 2 all being setback different distances.

The external materials of the building are consistent and/or complementary to other dwellings within the locality.

Eaves are incorporated into the majority of the dwelling excluding the side of the garage which is located only 0.71m from the boundary.

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

### **Complies**

The pedestrian entry point of this dwelling is clearly visible with the portico extending further than the remainder of the dwelling.

While the dwelling provides a lounge room that faces the western boundary fence with a setback of only 1.01m the main family dining and living area faces onto the rear POS.

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

The proposed dwelling is likely to result in an extent of overshadowing to the adjoining property to the east in late afternoon hours.

Given the single storey nature of the proposed dwelling, and relatively compliant side setbacks, the extent of shadow will not result in a detrimental impact upon the amenity of the adjoining property.

Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 3</i></p> <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 5</i></p>	<p><b>Partially Complies</b></p> <p>As previously mentioned, northern orientation of the living rooms is difficult given the location of the property on the southern side of an east-west running street.</p> <p>The dwelling provides 450mm-wide eaves overhang to limit heat entry during summer, but allow low winter sun access.</p> <p>The dwelling provides opportunity for solar panels to be installed in the future, with some (limited) north-facing roof area.</p>
Flooding	
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p style="text-align: right;"><i>General Section: Hazards: PDC 4</i></p> <p><i>Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:</i></p> <p><i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i></p> <p><i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p style="text-align: right;"><i>General Section: Hazards: PDC 5</i></p>	<p><b>Complies</b></p> <p>Council's Development Engineer has advised that the Finished Floor Level should be increased to 100.20, with paving levels set 150mm below.</p> <p>It has been included as a recommended condition of consent that amended plans be provided in the event the Panel support the application.</p>

## TABLE DISCUSSION

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

- Site coverage of 47.7% is sought; and
- Rear setback 2.8m at closest point.

### Site Coverage

The site coverage proposed equates to 47.7%. Whilst this exceeds that sought (40%), a reasonable amount of private open space has been provided, whilst the setbacks proposed generally comply with Council's Development Plan.

As such, the excess in floor area does not result in detrimental impacts to the function of the property, the amenity of adjoining land or the streetscape.

### Rear Setback

The rear setback of the dwelling is less than the 6.0 metres sought, measuring 2.8m at the closest point. Whilst this is the case, the building is adjacent the vehicle manoeuvring area of

the adjoining property, and as such, will not have a detrimental impact upon that property by way of visual impact or overshadowing.

Given an acceptable amount of private open space is provided to the rear of the dwelling, the rear setback proposed is considered acceptable.

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## ANALYSIS/CONCLUSION

The proposal seeks to vary a previous Development Application (100/2012/1844), to replace the existing dwelling at the front of the site with a single storey detached dwelling.

The variation results in an improved streetscape (replacing a tired, part maisonette building) and a more efficient use of the land, reducing the amount of area dedicated for vehicle manoeuvring and enabling a more generously-proportioned dwelling.

The proposed dwelling provides an acceptable amount of private open space, generally complies with Council's setback criteria and achieves appropriate on-site car parking, energy efficiency and street presentation.

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.

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## 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: 100/2014/1435 for To vary Development Application 100/2012/1844 - retention of existing dwelling and a single storey dwelling to the rear of the site - To construct a single storey detached dwelling at the front of the site at 8 Sherwood Avenue, Sturt be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1435, except when varied by the following conditions of consent.
- 2. An amended Drainage Plan shall be provided to Council, for consideration and approval, prior to Development Approval being issued, detailing an increased finished floor level to 100.20, with pave levels set at a minimum of 150mm below floor level.
- 3. Landscaping of no less than 500mm in width shall be provided to both sides of the hammerhead driveway, servicing the rear dwelling. Amended plans, detailing the above, shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. 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.

## 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 January 2015**

<b>Agenda Ref No:</b>	<b>DAP210115 – 3.8</b>
<b>Originating Officer:</b>	<b>Joanne Reid Development Officer - Planning</b>
<b>Applicant:</b>	<b>Rossdale Homes Pty Ltd</b>
<b>Development Description:</b>	<b>Single storey detached dwelling, carport associated with existing dwelling and 1.8m high fencing forward of the existing dwelling</b>
<b>Site Location:</b>	<b>48 English Avenue, Clovelly Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>07/11/2013</b>
<b>Development Plan:</b>	<b>Consolidated – 19 January 2012</b>
<b>Application No:</b>	<b>100/2013/1905</b>
<b>Recommendation:</b>	<b>Advise the Environment, Resources and Development Court that Council supports the compromise plans</b>

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**BACKGROUND**

The subject proposal was previously presented to the Development Assessment Panel (DAP) at the meeting held on 20 August 2014 and was refused for the following reasons:

1. The proposed development is not in accordance with the proper planning of the Residential Zone and Northern Policy Area 13, and will not result in an attractive residential environment or promote cohesive streetscapes as sought by the Desired Character, Objective 3 and Principle 2 of the Policy Area.
2. The allotment accommodating the proposed dwelling does not comply with Principle 3 of the Policy Area as it does not maintain a size of 375 square metres or a depth of 20 metres as a result of retaining the existing dwelling.
3. The allotment associated with the existing dwelling fails to comply with Principle of Development Control 1 of the General Section (Residential Development) as it does not have an appropriate area to accommodate the siting of the existing dwelling, provide appropriately located landscaping, private open space and car parking.
4. The carport associated with the existing dwelling maintains a setback and location that is inconsistent with Residential Zone Principle 8, General Section (Residential Development)

Principles 13 and 20 (a) and (d) as the structure dominates the appearance of the dwelling from the street and does not contribute to the desired character of the area.

5. The proposal fails to comply with Objective 1 of the General Section (Design and Appearance) where the alterations to the existing dwelling do not respond and reinforce the positive aspects of the local environment and built form.
6. The front boundary fencing associated with the existing dwelling is at variance to Principles 5 (b), 5 (c) and 5 (e) of the General Section (Landscaping, Fences and Walls) as is not compatible with the existing predominant, attractive fences and walls within the locality and reduces the visibility of buildings from and to the street.

*Refer Attachment I*

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court. A preliminary conference was held on 2 October 2014 and a conciliatory conference held on 9 December 2014 where the applicant identified that amended plans would be submitted to Council for consideration. A third preliminary conference is scheduled to be held on 27 January 2015.

The applicant has provided amended plans for consideration as a compromise prior to the conference. The original plans have been included as an attachment to this report. The original report can be found in the Member's agenda from the 20 August 2014 meeting, or by contacting the author of this report.

The compromise submitted by the applicant incorporates the following amendments to the previous proposal:

- Single carport on the northern side detached from dwelling and sited closer to the eastern boundary fence.
- Driveway removed for visitor car park and replaced with landscaping.
- Fencing along western boundary removed and set further back from street to be no further forward than the building on the western side.
- Proposed dwelling moved forward 0.5m to increase rear setback.

*Refer Attachment II*

The amended plans maintain the retention of the existing dwelling and the internal alterations proposed to provide access from a living room to the private open space are also not proposed to change.

The dwelling currently has dual street presentation. The site's address is English Avenue, with the building's street presentation on this side comprising habitable room windows and porch. The main entrance doorway, porch and habitable room windows face Windsor Avenue. The applicant still seeks to 're-orientate' the dwelling so that the dwelling presents to Windsor Avenue and enclose the northern side of the site with fencing to create a new POS area to the side of the dwelling.

The below table shows the assessment of the previous application and identifies changes when assessed against the amended proposal.



		ORIGINAL PROPOSAL	COMPROMISE PROPOSAL
PDC 1	<i>The following forms of development are envisaged in the policy area:</i> ▪ detached dwelling	<b>Complies</b>	No change
PDC 3	<i>Minimum Site Area: 375m<sup>2</sup></i>	<b>Complies</b> Existing dwelling – 385m <sup>2</sup> <b>Does Not Comply</b> Proposed Dwelling – 326.22m <sup>2</sup>	No change
	<i>Minimum Frontage: 12m</i>	<b>Complies</b> Existing dwelling – 23.24m Proposed dwelling – 19.46m	No change
	<i>Minimum Depth: 20m</i>	<b>Does Not Comply</b> Existing dwelling – 16.76m Proposed dwelling – 16.76m	No change
<b>Site Coverage</b>			
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>		<b>Complies</b> Existing dwelling – 30%  <b>Does Not Comply</b> Proposed dwelling – 47.4%  This is a relatively minor variation to the Development Plan, however, whilst the building maintains adequate POS and front and side setbacks, the rear setback of the proposed dwelling fails to satisfy the minimum standard for a significant proportion of the building.	There is no change to the site coverage of the existing and proposed dwelling.  The rear setback has increased for the proposed dwelling by reducing the front setback of the dwelling. The reduction in front setback still complies with the front setback provisions of the Development Plan.
<i>Site coverage should ensure sufficient space is provided for:</i> (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) front, side and rear boundary setbacks that contribute to the desired character of the area (g) convenient storage of household waste and recycling receptacles  <i>General Section: Residential Development: PDC 25</i>		<b>Complies</b>  Whilst site coverage for both sites allows for provision of the items listed in Principle 25, the location of the private open space areas and car parking forward of the building line of the existing dwelling compromises the streetscape and the desired character of the area.	<b>Complies</b> The proposed plans identifies items such as clothes drying areas, bins and rain water tanks can be stored in the area directly to the eastern side of the dwelling and will not be exposed to the street.  The carport has been moved closer to the English Avenue street frontage and the open car park from Windsor Avenue removed to allow for greater landscaping.  In my view, the proposed amendments will contribute to an improved streetscape appearance.

## Private Open Space

<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living area of the dwelling</i></p> <p><i>(b) to be generally at ground level to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjoining sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be shaded in summer</i></p> <p><i>General Section: Residential Development: PDC 27</i></p>	<p><b>Complies</b></p> <p>Proposed dwelling</p> <p><b>Partially Complies</b></p> <p>Existing dwelling</p> <p>The private open space area complies with all but item (b) in that it is located forward of the building line.</p>	<p><b>Partially Complies</b></p> <p>The fencing proposed to enclose the POS area for the existing dwelling is technically still forward of the building line given that the current primary street is English Avenue.</p> <p>However, the fencing has been reduced so that it is no further forward than the building line on the western side.</p> <p>Should the Panel accept the POS in the proposed location to the side of the building, the POS for the existing dwelling would comply with item (b).</p>
<p><b>Site Area 250 m<sup>2</sup> or greater:</b></p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 29</i></p>	<p><b>Complies</b></p> <p>Existing dwelling – 85.8m<sup>2</sup> (22.3%) with the entire space directly accessible from a (proposed) living room.</p> <p>Proposed dwelling - 72.6m<sup>2</sup> (22%) with a 5.5m x 7.1m area directly accessible from a living room.</p>	<p><b>Complies</b></p> <p>Existing dwelling – 81.3m<sup>2</sup> (21.12%) with the entire space directly accessible from a (proposed) living room.</p> <p>Proposed dwelling - 75.6m<sup>2</sup> (23%) with a 5.5m x 6.5m area directly accessible from a living room.</p>

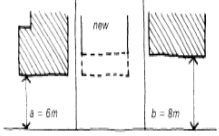
## Street Setbacks

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
- (c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

General Section: Design and Appearance: PDC 16

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

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

General Section: Design and Appearance: PDC 18

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

### Complies

Proposed dwelling – 3.5m (adjacent dwelling to south set back at 3m).

### Complies

Proposed dwelling – 3m (adjacent dwelling to south set back at 3m)

### Complies

Existing dwelling – 4.5m to Windsor Avenue

No change

## Side Setbacks

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

Residential Zone: PDC 7

### Complies

Proposed dwelling – 1m (southern side)

### Complies

Existing residence – 1.8m

No change

Where a building is sited on or close to a side or rear boundary, the boundary wall should be sited and limited in height to minimise:

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

General Section: Design & Appearance: PDC 2

### Complies

The setbacks proposed are not considered to be visually imposing or result in overshadowing of adjacent properties.

No change

## Rear Setbacks

*Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:*  
*(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary*  
*(b) a minimum of 8 metres for two storey components of dwellings*

*General Section: Residential Development: PDC 21*

### Does Not Comply

Existing dwelling – 1m with 600mm incursion.

This setback is from the newly created boundary, however, this will be the side boundary for the proposed dwelling, where its carport will sit adjacent a portion of it. As such it is unlikely that the proximity of the wall to the boundary will result in unreasonable visual impacts.

Proposed dwelling - 5.5m for 38% of rear boundary with 2.7m incursion for 56% of rear boundary.

Whilst it is noted that the rear setback is greater than that provided by the adjacent southern dwelling, the dwelling still maintains a rear setback less than the minimum requirement of 3m for a length greater than 50% of the rear boundary.

This highlights that the floor area of the proposed dwelling is excessive in that it does not respond to the shortfall in site area and site depth and will have greater visual impacts to the eastern neighbour than was intended by the Policy.

### Does not comply

Existing dwelling – No change

### Partially Complies

Proposed dwelling

The rear setback has increased from 2.5m to 3m for a portion of the dwelling, now achieving the maximum incursion that is desired in the Development Plan.

The setback still does not achieve the 6m setback for the remaining portion of the dwelling and the 3m setback extends along the western boundary for a length of greater than 50% of the rear boundary, this being 58%.

However, the increase in rear setback is an improvement and will provide greater visual relief for occupants of the dwelling at 46 English Avenue.

## Building Height

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

*Residential Zone: PDC 7*

### Complies

Proposed dwelling – Maximum height is 5m

No change

## Garages, Carports and Outbuildings

<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Minimum setback from secondary road frontage: 5.5 metres for a single-width structure. Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Proposed dwelling – setback 5.5m from the street and 1.2m behind the main face of the dwelling.</p> <p><b>Does Not Comply</b> Existing dwelling – 3.4m for a single width carport from the secondary road frontage.</p> <p>The newly proposed carport for the existing dwelling, in my view, fails to satisfactorily comply with the Residential Zone Principle 8, due to its setback from the secondary street boundary and Residential Development Principle 12 and 13 as a result of its lack of integration with the dwelling and location forward of the building line.</p> <p>The location of the structure in front of the bedroom window reduces the amount of natural light into the room and severely disrupts the outlook from inside the room.</p> <p>Whilst it is acknowledged that although structures to the side of the dwelling are preferred over structures forward of the dwelling, the proposed carport would be the only built form clearly visible to the street, as a result of the 1.8m high front fence proposed to the side and front boundaries of the front yard.</p> <p>Therefore, whilst the carport sited forward of its associated dwelling does not solely in itself create a dominant element on the streetscape, the framing of the front yard with a fence will cause the carport to be the only visible element to present wholly to the street, thus forming a dominant element on the dwelling.</p> <p>Furthermore, the carport will extend in front of the building line and will be the only aspect of the dwelling not obscured by the front fence. For this reason, the structure may display some dominance on the street due to the dwelling's inability to draw the eyes away from the structure.</p>	<p><b>Complies</b> Proposed dwelling - No change</p> <p><b>Does Not Comply</b> Existing dwelling</p> <p>900mm to the (proposed) secondary street</p> <p>The carport is proposed to be located closer to the (proposed) secondary street than the previous proposal.</p> <p>See 'Development Assessment' discussion</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b> Proposed dwelling – The carport is located underneath the main roof and integrated with the main dwelling.</p> <p><b>Partially Complies</b> Existing dwelling – The carport incorporates a gable roof pitch which matches that of the main dwelling, however the protrusion of the carport forward of the building line and lack of integration with the dwelling is not</p>	<p><b>Complies</b> Proposed dwelling – No change</p> <p><b>Partially Complies</b> Existing dwelling</p> <p>Flat roof carport</p>

	considered complementary to the dwelling.	
<p><i>Garages and carports facing the street should not dominate the streetscape</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b> Proposed dwelling</p> <p><b>Does Not Comply</b> Existing dwelling</p>	See 'Development Assessment' discussion
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b> Both carports take up less than 50 per cent of the allotment width.</p>	No Change
<b>Car Parking</b>		
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i>  <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i>  <i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i>  <i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b> Existing dwelling – 1 undercover and 1 space in front of dwelling with access from Windsor Avenue.</p> <p>Proposed dwelling – One undercover space with tandem external space.</p>	<p><b>Complies</b> Proposed dwelling – No change</p> <p><b>Does not comply</b> Existing dwelling</p> <p><b>1 on-site undercover car parking space</b></p> <p>See 'Development Assessment' discussion</p>
<p><i>On-site vehicle parking should be provided having regard to:</i>  <i>(a) the number, nature and size of proposed dwellings</i>  <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i>  <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i>  <i>(d) availability of on-street car parking</i>  <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Residential Development: PDC 44</i></p>	<p><b>Complies</b> The proposal meets the numerical standards for on-site parking.</p> <p>A new crossover on English Avenue will eliminate one on-street car park, however, sufficient on-street car parking will still remain.</p>	<p><b>Complies</b></p> <p>See 'Development Assessment' discussion</p>

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p>	<p><b>Complies</b></p> <p>5 on-street car parking spaces are available between the two allotments.</p>
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## Access

<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i>  <i>(a) 3 metres wide for a single driveway</i>  <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 42</i></p>	<p><b>Complies</b> Proposed dwelling</p> <p><b>Does not comply</b> Existing dwelling – The width of the driveway from English Avenue, at 3.22m exceeds the requirement whilst the driveway from Windsor Avenue is 2.5m, falling short of the 3m required. However, the plans could be amended so that the driveways satisfy this requirement without being further impeded by existing street trees or infrastructure.</p>	<p><b>Complies</b> Proposed dwelling – No change</p> <p>Proposed dwelling – 3m</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 43</i></p>	<p><b>Complies</b> The proposed driveways are located at least 1m away from all verge features.</p> <p>A decrease in the English Avenue driveway width to 3m would increase the distance away from the street tree to 1.2m and therefore bringing it closer to the desired setback of 1.5m from the street tree sought by Council's arborist.</p>	<p><b>Complies</b> The distance between the proposed crossover for the existing dwelling and the street tree has increased to 2.5m.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p><b>Does not comply</b></p> <p>The proposed driveways to the existing dwelling are to comprise gravel only.</p> <p>Should the DAP consider support for the proposal is warranted, it is requested that this aspect of the proposal be amended so that the driveway is paved or sealed in bitumen or concrete.</p>	<p><b>Complies</b></p>

## Design & Appearance

<p><i>The design of a building may of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:</i></p>	<p><b>Complies</b> The proposed dwelling uses varied setbacks, alterations in the roof form and fenestration to provide an articulated façade.</p> <p>The dwelling is typical of the locality, being single storey and constructed with face brick and a colorbond roof with a 25 degree pitch.</p> <p>The dwelling's entrance presents to</p>	<p><b>Complies</b> Proposed dwelling – No change</p> <p><b>Partially Complies</b> Existing Dwelling</p> <p>The 1.8m fencing has retreated from the western boundary and now comes no further forward than the western side of the dwelling.</p> <p>The open car parking space located</p>
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<p>(a) articulation (b) colour and detailing (c) small vertical and horizontal components (d) design and placing of windows (e) variations to facades.</p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i> <i>General Section: Design &amp; Appearance: PDC 6</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i> <i>General Section: Design &amp; Appearance: PDC 2</i></p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i> <i>General Section: Design &amp; Appearance: PDC 11</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i> <i>General Section: Design &amp; Appearance: PDC 8</i></p>	<p>the primary street and is apparent and easily identifiable to visitors to the site.</p> <p><b>Partially Complies</b></p> <p>The existing dwelling will still maintain an entrance and façade which presents to the street.</p> <p>However, the proposed 1.8m fence to be erected to the front boundary and the side boundaries of the proposed allotment dwelling will, in my view detract from the presentation of the dwelling to the street and will be a dominant feature on the streetscape.</p> <p>Additionally, the car parking spaces located forward of the dwelling, will further erode the open landscape character and reduce opportunities for landscaping in front of the dwelling.</p> <p>These alterations to the existing dwelling are, in my view, in contrast to Design and Appearance Objective 1 of the Development Plan which seeks for the appearance of buildings to respond to and reinforce positive aspects of the local environment and built form.</p>	<p>forward of the building line on the western side has been eliminated and replaced with landscaping.</p>
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## Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i> <i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i> <i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i> <i>General Section: Energy Efficiency: PDC 3</i></p> <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i> <i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i> <i>General Section: Energy Efficiency: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling incorporates their POS area and a living room window with a northern orientation. Eaves around the dwelling assist in shading the dwelling in summer and the pitched roof facilitates the installation of solar panels.</p> <p><b>Partially Complies</b></p> <p>The POS for the existing dwelling will maintain a northerly aspect and the newly created living room will incorporate windows orientated north for warmth during the winter months. A canopy over the windows is proposed which will assist in shading the area in summer.</p> <p>The gable roof on the northern side of the dwelling will however, limit the installation of solar panels for the most efficient collection of sunlight.</p> <p>The carport located in front of the bedroom window of the existing dwelling will restrict light into the room and will remove the opportunity to warm the room during the winter months.</p>	<p><b>Complies</b> Proposed dwelling – no change</p> <p><b>Complies</b> Existing dwelling</p> <p>The proposed undercover carport is now detached from the building, providing greater opportunity for northern light to enter the dwelling and warm the room during the winter months.</p>
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## Landscaping, Fences and Walls

<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <li><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></li> <li><i>(b) enhance the appearance of road frontages</i></li> <li><i>(c) screen service yards, loading areas and outdoor storage areas</i></li> <li><i>(d) minimise maintenance and watering requirements</i></li> <li><i>(e) enhance and define outdoor spaces, including car parking areas</i></li> <li><i>(f) provide shade and shelter</i></li> <li><i>(g) assist in climate control within buildings</i></li> <li><i>(h) maintain privacy</i></li> <li><i>(i) maximise stormwater re-use</i></li> <li><i>(j) complement existing native vegetation</i></li> <li><i>(k) contribute to the viability of ecosystems and species</i></li> <li><i>(l) promote water and biodiversity conservation.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <li><i>(a) include the planting of locally indigenous species where appropriate</i></li> <li><i>(b) be oriented towards the street frontage</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>The proposal plans show indicative landscaping around the POS area, however no schedule as to what trees are proposed has been provided.</p> <p>The plans show landscaping along the Windsor Avenue boundary in lieu of fencing. Whilst this would soften the appearance when viewed from the street, landscaping cannot solely be relied upon as screening as it is not solid and can be difficult to maintain compared to a fixed object.</p> <p>Whilst it would be appropriate to incorporate landscaping supplementary to fencing, this in my view, would not compensate for the depletion of the open landscaped character around the dwelling.</p> <p>However, should the Panel be of the view that the proposal is acceptable to support, it is recommended a condition be included on the Consent to provide a landscape plan which would incorporate trees of a suitable canopy and height to soften and screen the fencing where appropriate.</p>	<p><b>Complies</b></p> <p>The applicant has included a landscape plan which incorporates a range of native species which grow to a variety of heights.</p> <p>The plantings are to be located in front of the building and the fence to soften and screen the appearance of the fencing and to reinforce the landscaped character of the locality.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Partially Complies</b></p> <p>The fencing around the corner of the site to create the POS area is of a height that will maintain the privacy for the occupants, however, it is not considered to be compatible with the existing low level fencing within the locality and reduces the visibility of the building and the associated open landscape character of the site.</p> <p>To this end, the proposal fails to satisfy aspects of Principle 5 and will not result in an enhanced streetscape outcome.</p>	<p><b>Partially Complies</b></p> <p>The fencing has been reduced to minimise the extent of fencing directly exposed to the street.</p> <p>The applicants have agreed to use timber slat fencing in lieu of colorbond.</p>

## DEVELOPMENT ASSESSMENT

The proposed compromise plans are assessed in relation to the DAP's reasons for refusal, as detailed below:

### **Site area and allotment dimensions**

The size of the allotments have not be altered in the amendments primarily due to the fact that the applicants are intent on retaining the existing dwelling and the proposed allotment size is restricted by this. Therefore, reason for refusal 2 has not been addressed.

The applicant has sought to amend the proposal to address the DAP's other reasons for refusal, primarily by increasing landscaping and altering the car parking on the site to create a more attractive streetscape presentation and contribute to addressing reason for refusal 1.

For the Panel's reference, the size and frontage width of the proposed new allotment would comply with the requirements for Complying development pursuant to Schedule 4, 2B of the Development Regulations, 2008.

Further consideration on whether the amendments are sufficient to warrant support of the proposal is discussed below.

### **Private Open Space**

Although the fencing to enclose the private open space for the existing dwelling has been reduced, this has not seen a significant reduction in the amount of open space provided.

The water metre has been moved closer to the eastern boundary, allowing the carport to be pushed closer towards the boundary fence and detaching the carport from the dwelling results in less area taken up by driveway.

The removal of the fencing extending forward of the western side of the dwelling, is an improvement and allows for greater landscaping to be exposed to the street, which is more typical of the locality.

It is acknowledged that creating POS on the northern side does disrupt the pattern of development where all the dwellings along that street have English Avenue as their primary frontage.

However, the Development Plan encourages POS that is north facing and a new dwelling which presents to English Avenue will have limited opportunities to achieve this. Given the existing dwelling incorporates elements that present to Windsor Avenue, enclosing the northern yard will nonetheless enable the more attractive façade of the building to remain visible from the street.

Additionally, the fencing proposed to be erected, could be undertaken without Development Approval being obtained. Furthermore, if the dwelling was to be demolished and two new dwellings proposed, the two dwellings could be sited in a manner where they both present to Windsor Avenue. In both these scenarios, the streetscape outcome would not be significantly different to what is currently being proposed (albeit it is unlikely that a detached carport with access to English Avenue would be erected as proposed).

To this end, in my view, the amended outcome is acceptable and will restore some of the open landscaped character that would have been eroded in the previous proposal.

## **Front Setback**

The front setback for the proposed dwelling was reduced by 0.5m and will provide for an increased setback and POS for the dwelling. The setback proposed is the same as the adjacent dwelling to the south and therefore still complies with Residential Zone Principle 7.

## **Rear setback**

The rear setback for the existing dwelling has increased by 0.5m creating greater separation and improving POS areas for the proposed dwelling. Whilst the dwelling's front setback has reduced, the dwelling is still compliant with the front setback provisions of the Development Plan.

## **Garages, Carports and Outbuildings**

A carport is still proposed to be located with access from English Avenue, which is sought to become the secondary street.

The carport is proposed to be freestanding and setback 2.6m from the dwelling. This improves the ability for light to enter the dwelling.

Whilst it is acknowledged that the carport is closer to the street than previously, the structure is sited in a manner that is more commonly seen on secondary street boundaries. The carport is proposed to incorporate a flat roof and has been reduced to 2.4m in height, making the structure less dominant as it will only be slightly higher than the fence and its height more akin to being at eye level.

The 900mm setback from the street boundary, whilst significantly less than the 5.5m sought, will provide some relief on the street, rather than have the structure located on the boundary. This setback is regarded as a reasonable standard, given that structures that do not require Planning Consent pursuant to Schedule 1A of the Regulations can be located at this distance from the secondary street boundary.

Accordingly, it is my view that reason for refusal 4 has been sufficiently addressed and the carport will be a less dominant feature on the street than what was previously proposed.

## **Car parking**

The number of on-site car parks provided for the existing dwelling has reduced from the previous proposal from two down to one.

Having said this, the loss of the on-site car park on the western side has resulted in an on-street car park being gained.

It was my view that the car parking space located on the western side as shown in the previous proposal appeared out of place, eroded opportunities for landscaping and did not result in an enhanced streetscape outcome.

The loss of one car park to provide increased landscaping at the front of the site, is in my opinion, a worthy compromise given that being a corner site, there is a greater number of on-street car parks available in front of the site.

As such, whilst the proposal does not comply with Residential Principle 7, having regard to Residential Principle 44, I am satisfied that the number of on-site car parks provided will not result in detrimental impacts on the locality but result in an improved outcome with respect to the appearance of the dwelling from the street.

## **Design and Appearance**

The proposal still incorporates internal works to the dwelling to convert an existing bedroom to a living room that links to the POS area. Whilst it continues to be staff's view that the internal function of the dwelling will be diminished, this nonetheless does not significantly impact on the external appearance of the building.

The increased landscaping in front of the site is an improved outcome and will assist in maintaining the open landscaped character that is typical of the locality.

The timber slat fence is a more attractive material than colorbond and in my view, will be less harsh and obtrusive in its appearance.

It is acknowledged that the dwelling has a greater presence to the Windsor Street side than to English Avenue. Therefore, whilst I am not of the view that retaining the existing dwelling, reinforcing its presence to Windsor Avenue and fencing the front will necessarily result in an enhanced streetscape outcome, I also do not believe that there will be serious streetscape implications within the context of its surroundings.

As such, the proposed amendments, in my opinion, adequately address reasons for refusal 4 and 5.

## **Landscaping, Fences and Walls**

As has been mentioned throughout the report, the refinement of the proposal to reduce the amount of fencing proposed and increase the landscaping has in my view, resulted in the proposal being an acceptable outcome.

The landscaping will soften the fencing that is located forward of the northern side of the building and assist in creating a new frontage for the site on Windsor Avenue.

A landscape plan has been provided which include Diosmas, Melaleuca trees and Diannellas which are hardy native species and range in height to provide variation and interest.

The timber slat fence will provide a softer finish than colorbond, whilst also satisfying the requirements to provide privacy and security to the POS area of the dwelling.

To this end, the proposed changes are considered to be an improvement to the previous proposal and address reason for refusal 6.

## ANALYSIS/CONCLUSION

The proposed compromise plans have attempted to address some, but not all the reasons for refusal.

The changes made to allotment containing the existing dwelling including decreasing the amount of fencing forward of the dwelling, providing timber slat fencing, the relocation of the carport on the secondary street boundary and altering the style to a flat roof and the increased landscaping at the front of the site will result in an improved streetscape outcome, with less built form forward of the dwelling and providing a more open presentation that is characteristic of the locality.

Notwithstanding this, I am of the view that the proposal is still finely balanced. The retention and re-orientation of the existing dwelling and the fencing along English Avenue does disrupt the pattern of development in the street where English Avenue is the primary street for all the surrounding dwellings. Furthermore, the internal alterations to the existing dwelling will not be an improvement to how the dwelling functions, removing the continuity between the kitchen, dining and lounge area (which also currently has access to its POS) and creating a lounge in lieu of a bedroom away from the communal areas of the kitchen/dining.

However, I am of the view that the changes proposed are an improvement on the original proposal and will not have such a severe streetscape impact or impact of the liveability of the existing dwelling to the extent that the site will appear significantly at odds with the surrounding environment and will still maintain features that are appropriate within a residential area.

In my view, the proposal satisfies with the majority of the Principles of the Development Plan and displays consistency with the Desired Character of the Policy Area, providing an increase in the density, retaining an existing dwelling, that in the applicant's opinion is in good condition and providing a variety of accommodation needs.

Accordingly, it is staff's view that the amendments to the proposal have sufficiently addressed the Panel's reasons for refusal, and therefore respectfully suggest that the Panel advise the Environment, Resources and Development Court of its support for the compromise plans, subject to conditions.

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## RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;
- (b) The 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 the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the compromise proposal submitted by Rossdale Homes Pty Ltd for Development Application No: 100/2013/1905 and recommends the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2013/1905, being Job No. L48-A02, Project Title "*New Proposed Refurbishment and Boundary Adjustment*", Sheets 2 of 6 to 6 of 6 (inclusive), prepared by 'Looka' and document titled '*Proposed Residence for R. Burton and V. Burton*' At Lot 98 Windsor Ave, Clovelly Park', all received by Council on 13 January 2015, except when varied by the following conditions of consent.
2. The alterations proposed to the existing dwelling, the carport servicing the existing dwelling and fencing and landscaping shall be constructed and completed prior to the occupation of the proposed dwelling.
3. A fully engineered site works and drainage plan for the proposed dwelling 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.
4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of 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](http://www.marion.sa.gov.au/page.aspx?u=181)

6. All approved landscaping as identified in the landscape plan titled '*Landscape*', including planting all trees, shrubs and ground covers, shall be completed prior to the occupation of the proposed dwelling, 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. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
  10. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
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#### Attachments

<i>Attachment I:</i>	<i>Decision Notification Form</i>
<i>Attachment II:</i>	<i>Compromise Proposal Plans and Supporting Documentation</i>
<i>Attachment III:</i>	<i>Original Proposal Plans</i>