

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 4 FEBRUARY 2015**

- 1. OPENING OF MEETING**
- 2. APOLOGIES**
- 3. APPLICATIONS:**
 - 3.1 1 CALSTOCK AVENUE, EDWARDSTOWN**
To construct three (3) single storey dwellings and associated
garages and landscaping
DAP040215 – 3.1.....1
 - 3.2. 72 CASTLE STREET, SOUTH PLYMPTON**
Land Division Residential Torrens 1 into 3 allotments and three, 2
storey row dwellings
DAP040215 – 3.2.....46
 - 3.3 43 JERVOIS TERRACE, MARINO**
Two storey detached dwelling and garage
DAP040215 – 3.3.....76
 - 3.4 1/838-842 MARION ROAD, MARION**
To seek retrospective approval for the erection of additional
advertising signage and to establish an outdoor display area to
the front of an existing retail showroom tenancy – The Outdoor
Furniture Specialists.
DAP040215 – 3.4.....107
- 4. OTHER BUSINESS:**
 - 4.1 APPEALS UPDATE**
 - 4.2 POLICY OBSERVATIONS**
- 5. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL
HELD ON 4 FEBRUARY 2015**
- 6. CLOSURE**

DEVELOPMENT ASSESSMENT PANEL
Wednesday 4 February 2015

Agenda Ref No:	DAP040215 – 3.1
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Homestead Homes Pty Ltd
Development Description:	To construct three (3) single storey dwellings and associated garages and landscaping
Site Location:	1 Calstock Avenue, Edwardstown
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	06/08/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1360
Recommendation:	Development Plan Consent (Granted)

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 a dwelling on land located wholly or partly within 30 metres of an Industry Zone as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

The subject land and the adjoining property at 50 Woodlands Terrace have been subject to a boundary realignment (100/D086/11) which received Section 51 Clearance on 4 June 2014. As such, the subject land includes what was formerly the rear yard of 50 Woodlands Terrace, but this adjacent property currently exists on its own allotment, independent of the subject application.

A Community Title Land division application (100/C087/11) proposing three new allotments over the subject land was lodged on 20 May 2011. This application has remained on hold pending the lodgement of the subject dwelling application.

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

Amendments Requested	Amendments Made
Additional manoeuvring area should be provided adjacent Houses 2 and 3 to ensure that vehicles can exit from the proposed garages and visitor parking spaces in a safe and convenient manner.	Additional area provided by relocating boundary fencing and garages
Fencing forward of House 2 should be removed to facilitate easier vehicle manoeuvring and allow the dwelling to present to the common area	Front fencing forward of House 2 reduced in length be sited forward of eastern front façade only
House 1 should provide POS with a minimum dimension of 5 x 5 metres in an area directly accessible from the main living area	Nil
The proposed driveway to House 1 should be set back 2.0 metres from the existing street tree. If this setback cannot be achieved, the tree can be removed subject to payment of \$300 + GST for Council to undertake removal and replacement	Property owner has agreed to pay costs for the street tree removal and replacement
The rear boundary of House 1 should be straightened to provide an orderly boundary configuration and increase the rear setback	Nil

SUBJECT LAND & LOCALITY

The subject land is located at 1 Calstock Avenue, Edwardstown (Lot 297). This property includes what was formerly the rear portion of 50 Woodlands Terrace, Edwardstown (Lot 200). The two properties have recently been amalgamated, such that rear portion of 50 Woodlands Terrace now forms part of the subject land at 1 Calstock Avenue.

The amalgamated property comprises the subject land, supporting a total site area of 1198 square metres, with a frontage to Calstock Avenue of 18.29 metres in width.

There are no regulated trees on the subject land.

A vehicle access point currently exists on Calstock Avenue, adjacent the northern side boundary.

The land maintains a minor gradient of approximately 1%, as the ground level at the street boundary is approximately 500 millimetres lower than the ground level at the rear of the land.

The immediate locality in Calstock Avenue is residential in nature, featuring a mixture of original dwelling stock and new dwellings. New dwellings typically take the form of detached dwellings at low-to-medium densities. A number of properties on Calstock Avenue, Weaver Street (to the south) and Kenilworth Avenue (to the east) feature new dwellings and vacant land which were previously owned by Housing SA, but have been recently redeveloped and/or subdivided at higher densities.

A Council reserve accommodating tennis courts is located in the street reserve on Calstock Avenue, adjacent the subject land.

The Industry Zone is located approximately 18 metres east of the subject land, which features a number of industrial properties along Woodlands Terrace and the eastern side of Kenilworth Avenue.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct three single storey dwellings on the subject land.

House 1 presents to Calstock Avenue, with its own garage and driveway, such that it will be held exclusively on its own site. As such, this dwelling will function as a detached dwelling if/when the new title is deposited with the Land Titles Office through the associated land division application.

Houses 2 and 3 are sited to the rear of the site, with House 2 sited behind House 1, and House 3 within the “L” leg of the allotment. Both of these dwellings obtain access from a common driveway with access from Calstock Avenue, and therefore function as group dwellings.

As a result of this configuration, House 1 has been considered as a detached dwelling and Houses 2 and 3 as group dwellings for the assessment purposes of this report.

House 1 supports a double-width garage, three bedrooms, study and open-plan kitchen/meals/living area.

Houses 2 and 3 both maintain similar floor plans with a single-width garage, three bedrooms and open-plan kitchen/living area.

Minor earthworks are proposed throughout the site to provide a level benched area for the dwellings. Retaining walls along the rear (eastern) boundary maintain a maximum height of 225 millimetres in cut, while retaining walls along the side and rear boundaries retain a combination of cut and fill, but do not exceed a height of 200 millimetres.

The application proposes to remove the existing *Celtis australis* “Nettle Tree” street tree on Calstock Avenue to provide vehicle access to House 1.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	20 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council: 1 in favour of the application, and 1 neutral but noting certain concerns
Persons wishing to be heard:	Michael Edwards of 3 Calstock Avenue
Summary of representations:	<ul style="list-style-type: none">• Site coverage of House 1 exceeds 40%• Rear setback of House 1 equals 2.77 metres, where minimum 3.0 metres is required• Proposed development has two houses along the shared boundary, resulting in no adjacent “backyard”• Intensity of land use will result in loss of privacy and amenity to 3 Calstock Avenue• Existing vegetation along the shared boundary will be removed• Houses 1 and 2 will ‘peer’ into 3 Calstock Avenue; developer should install measures to prevent overlooking

	<ul style="list-style-type: none"> • The developer should install appropriate retaining walls and drainage at their cost along the shared boundary. • The finished floor level of the new dwellings should not be excessively raised. • Street tree should be retained • Landscaping should be provided between the two proposed driveways • Length of battleaxe driveway exceeds 35 metres length; driveway surface should be of a high quality material, not asphalt. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • Two storey development has been avoided to ensure continued privacy. • Boundary setbacks have been maintained to ensure appropriate POS is provided. • Large sliding doors are included in the design that face into the proposed dwellings' own rear yards, not that of the neighbours. • Should any retaining be required, it will be at the cost of the developers. • The existing 1.5 metre high fence (and wild growth of creepers along the fence) will be replaced with 1.8 metre high Good Neighbour fencing. • The properties will be fully landscaped at completion. • Driveway paving will be used and no asphalt will be used on the driveways. • The existing street tree is proposed to be removed and replaced to provide an overall improvement to the streetscape and safe entry and exit points. <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	Vehicle turning profiles can be achieved from all designated parks within the development to a safe and convenient standard.
Open Space:	The existing street tree (<i>Celtis australis</i>) is in average condition, but a selected street tree and part of the streetscape. The developer should be given a choice to pay for the tree's removal. If they do not agree to pay for removal, the driveway must be set back a minimum 2.0 metres from the tree's centre.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 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>Objectives</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>Desired Character</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"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies Application proposes detached and group dwellings</p>
PDC 3	<p>Minimum Site Area:</p> <p>Houses 1: 375 m² (detached) Houses 2 & 3: 300 m² (group)</p>	<p>Complies House 1: 376.2 m² House 2: 321.9 m² House 3: 340.0 m²</p>
	<p>Minimum Frontage: House 1: 12 metres (detached) Houses 2 & 3: 4 metres (group, but with access from a battleaxe driveway)</p>	<p>Complies House 1: 14.3 Houses 2 & 3: 4.0</p>
	<p>Minimum Depth: House 1: 20 metres (detached) Houses 2 & 3: 45 metres (group)</p>	<p>Complies House 1: 26.7 m Houses 2 & 3: 50.9 m</p>

Assessment

The subject application proposes to develop the land to achieve low scale, low-to-medium density housing, which fulfils the Desired Character seeking one and two storey dwellings in a variety of architectural styles. The proposal shall increase the density of the land greater than that of the original housing, which is expressly encouraged in the Policy Area.

The land division application which preceded the current application has resulted in the amalgamation of land to provide for appropriately designed medium-density development.

The proposed site areas and dimensions satisfy that prescribed for the proposed dwelling types, and therefore the density of the proposal is appropriate.

The application proposes to remove an existing street tree located in Council's road reserve. The tree is in average condition and represents a desired species of planting for the streetscape. Although removal of the tree is in contrast to the Desired Character, the proposed development has restricted potential vehicle access locations, as a stobie pole is also sited forward of the subject land on the Calstock Avenue frontage.

Irrespective of these design restrictions, Council's Arborist (Gordon Sykes) has advised that the tree does not necessarily require retention, and has confirmed that the developer should be given the choice to remove and replace the tree if desired. The property owner has confirmed they will pay the cost for the tree to be removed and replaced with an appropriate species if/when Development Approval is granted.

On balance, the proposed development satisfies the Objectives, Desired Character and principles of both the Residential Zone and Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Does Not Comply House 1: 176.8 = 47.0% House 2: 155.4 = 48.3% House 3: 153.4 = 45.1% <i>Note: Overall site coverage of total land area equals 485.6 square metres, or 40.5%</i>
<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>	Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

- a) All POS areas are directly accessible from a habitable area of the associated dwelling.
- b) All POS is located at ground level to the side/rear of the dwellings and is screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings .
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.
- g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- h) POS areas are capable of being shaded during summer.
- i) Industrial buildings are located approximately 18 metres east of the eastern boundary of the subject land. POS areas are separated from this eastern boundary, with the POS of House 3 located in the north-western corner of the site, and House 2's POS located in the south-eastern corner of the land. This spatial separation is considered to appropriately minimise potential noise or air quality impacts that may arise.
- j) The POS areas are considered to have sufficient shape and area to be functional.

Site Area 250 m² 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

House 1: 83.7 m² = 22.3%
House 2: 97.9 m² = 30.4%
House 3: 68.6 m² = 20.2%

Complies

House 2: 6.7 minimum dimension
House 3: 6.2 minimum dimension

Does Not Comply

House 1: 4.0 minimum dimension

Street Setbacks

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

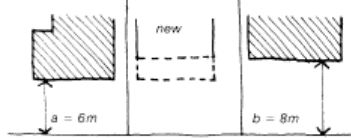
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

Complies

The proposed front setback is considered to be compatible with and similar to the setbacks of buildings on adjoining land and other buildings in the locality, as a number of new dwellings on the eastern side of Calstock Avenue are set back approximately 5 metres from the street boundary, where the proposed House 1 is set back 5.6 metres. As such, the proposed front setback should contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

Complies

House 1: 5.6 metres

Note: Adjoining dwelling at 3 Calstock Avenue is set back 5.6 metres

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

Residential Zone: PDC 7

Complies

House 1: 1.1 m
House 2: 1.1 m
House 3: 1.1 m

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

House 1: 2.8 – 3.1 – 3.6 m
House 2: 4.9 – 7.9 m
House 3: 0.9 – 1.2 – 3.3 m

Note: The rear boundary has been deemed as the eastern boundary of all dwellings, although some ambiguity exists as to what comprises the rear boundary of House 3 due to its irregular configuration.

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

General Section: Residential Development: PDC 37

Does Not Comply

House 1: 2.8 – 3.1 m (64.4% of lot width)
House 3: 0.9 – 1.2 – 3.3 (91.0% of lot width)

Complies

House 2: 4.9 m (41.4% of lot width) increasing to 7.9 m

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

Although the rear setback does not comply with quantitative criteria, the separation from the rear (eastern) boundary is considered sufficient to minimise the visual impact of the buildings from the adjacent properties. It is noted that the two properties adjoining the subject rear boundary (53 Weaver Street and 48 Woodlands Terrace) feature their side boundary adjoining the subject land. Given that the proposed setbacks accord with side

	setback standards, the proposed dwellings should not impose unreasonable visual impacts to adjoining land. Furthermore, the single storey nature of the dwellings, hipped roof form and modest wall height of 2.25 metres further minimises overshadowing and visual impacts to adjacent land.
Building Height	
<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>Complies 1 storey of not more than 4.75 metres</p>
Garages, Carports and Outbuildings	
<p><i>Minimum setback from primary road frontage: 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>Complies House 1: 6.1 metres and 0.5 metres behind the main face of the dwelling</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> (a) not adversely impact on the safety of road users (b) provide safe entry and exit.</p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies The proposed garage of House 1 is adequately set back from the road frontage to provide safe entry and exit and avoid adverse impacts on the safety of road users.</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>Complies The proposed garage is incorporated under the main roof of the dwelling, featuring materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies House 1: Garage 5.6 metres wide = 39.2% of lot width</p>
Car Parking	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> 2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms. 1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies House 1: 4 spaces, 2 covered (3 bedrooms) Houses 2 and 3: 2 resident spaces, 2 visitor spaces</p> <p><i>Note: 1.5 spaces x 2 dwellings = 3 spaces + 1 visitor = 4 spaces required for Houses 2 and 3</i></p>
<p><i>On-site vehicle parking should be provided having regard to:</i> (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).</p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Woodlands Park Railway Station is located approximately 350 metres walking distance from the subject land c) The likely occupants are anticipated to have standard mobility and transport requirements.</p>

	<p>Partially Complies</p> <p>d) e) 1 on-street car parking space shall remain available adjacent the subject land.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a) (b) Council's Engineering Department has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
<p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i></p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Complies</p> <p>Vehicle parking areas servicing Houses 2 and 3 do not face the primary street frontage and are located to the rear of the buildings, with park entries recessed over 0.5 metres behind the main face of the associated dwelling.</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>Partially Complies</p> <p>Only one on-street park is retained for the proposed 3 dwellings. However, separate on-site visitor parking exists for the proposed Houses 2 and 3 (group dwellings), and therefore the proposal can be seen to satisfy this principle.</p>
Access	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Driveway crossovers shall not exceed 5 metres width.</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>Complies</p> <p>The proposed driveways are not located within 1 metre of existing street infrastructure. The existing street tree has been deemed appropriate for removal by Council's Arborist (see preceding discussion in Zone and Policy Area assessment above).</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>Partially Complies</p> <p>2 vehicle crossovers are provided, but are separated by a distance of 2.4 metres. Greater separation cannot be achieved as this would conflict with the existing stobie pole.</p>

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:					Complies Driveway width of 3.0 metres, with 0.5 metres wide landscaping strips along both sides. Widening for passing provided after 24.2 metres, although not required by PDC 41.
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	
1-2	3	3	-	0.5	
General Section: Residential Development: PDC 41					

Design & Appearance

<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(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.</p> <p>General Section: Design & Appearance: PDC 1</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>General Section: Design & Appearance: PDC 3</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>General Section: Design & Appearance: PDC 17</p>	Complies The dwelling façades incorporate the following elements to enhance their design and appearance: <ul style="list-style-type: none"> • Mixture of brick and render • Protruding porticos • Eave overhang and hipped roof form • Fenestration <p>The dwellings incorporate a 22.5 degree roof in black concrete tiles with cream rendered facades and brown brick veneer. The garage of each dwelling features grey panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design & Appearance: PDC 15</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>General Section: Design & Appearance: PDC 18</p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p>General Section: Residential Development: PDC 6</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>General Section: Residential Development: PDC 6</p>	Complies House 1 is designed so that its main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

Visual Privacy

<p><i>Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p>General Section: Design & Appearance: PDC 14</p>	Complies Houses 2 and 3 are located on battleaxe allotments, but are single storey. These dwellings propose a finished floor level (FFL) of 100.575. Existing ground level at the rear of the site varies between 100.3 and 100.6, and therefore the
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	<p>proposed FFL will be sited between 25 mm below and 275 mm above existing ground level. Given that the proposed floor levels are sited relatively close to existing ground level, the dwellings should maintain the privacy of adjoining residential properties.</p> <p>Retaining walls are proposed along the side and rear boundaries to a maximum height of 225mm, with a standard 1.8 metre high fence on top of the retaining sleepers. This fencing/retaining should provide adequate screening to minimise overlooking of adjacent land.</p>
Noise	
<p><i>Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 26</i></p>	<p>Complies</p> <p>The Industry Zone is located adjacent the upper eastern boundary of the subject land. The rear wall of House 3 is sited closest to industrial land. This wall of the dwelling does not feature any bedroom windows, only the garage, laundry, bathroom and kitchen window. The bedrooms and private open space of House3 are oriented toward the north and west of the allotment. As such, the dwelling has been designed to separate noise-sensitive areas as far as possible from adjacent industrial buildings.</p> <p>This being said, the subject land is also separated from industrial buildings by an intervening residential property. This intervening property features substantial vegetation which may further assist in buffering the impact of industrial activities.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 29</i></p>	<p>Complies</p> <p>Houses 2 and 3 feature bedroom windows sited adjacent the common driveway. The windows of House 2 are separated from the common driveway by a distance of 2.5 metres, and House 3 by 0.7 metres, and both dwellings incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Partially Complies</p> <p>a) Although common letterboxes are not indicated on the plan, this could be easily arranged by future property owners given that only 3 letterboxes are required.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</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

Complies

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

As a result of the single storey nature of the dwellings and separation from boundaries, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

The dwellings incorporate a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

The proposed landscaping plan illustrates a mixture of White Gardenia and Kangaroo Grass along the common driveway. The front gardens of the dwellings feature Rock Correa, Hop Bush and Red Parrot Pea plantings.

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

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 200 millimetres, and 1.8 metre high post and rail perimeter fencing. This will result in a maximum structure height of 2.0 metres, which remains below the maximum 2.1 metre fencing height which can be constructed without requiring development approval. Accordingly, this fencing/retaining height is considered to appropriately maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</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:

- Site coverage
- Rear setback of Houses 1 and 3
- Minimum dimension to POS of House 1

The site coverage of Houses 1, 2 and 3 equals 47.0%, 48.3% and 45.1%, respectively, where a maximum of 40% applies. Despite the individual excesses in site area, it is noted that the total site coverage of the overall site equals only 40.5%. This overall proportion of roofed area is considered to satisfy the intention of site coverage provisions. Additionally, the proposed dwellings provide setbacks from boundaries and areas of private open space (POS) which generally comply with Development Plan criteria. Consequently, the excess in built form should not detract from the functionality of the development nor adversely impact upon the amenity of adjoining land.

House 1 is set back 2.8 - 3.1 metres from the rear boundary, while House 3 is set back between 0.9 - 1.2 - 3.3 metres. PDC 37 recommends a minimum staggered setback between 3 to 6 metres. Although the rear setback does not comply with quantitative criteria, the separation from the rear (eastern) boundary is considered sufficient to minimise the visual impact of the buildings from the adjacent properties. It is noted that the two properties adjoining the subject rear boundary (53 Weaver Street and 48 Woodlands Terrace) feature their side boundary adjoining the subject land. Given that the proposed eastern boundary setbacks would accord with side setback standards, the proposed dwellings should not result in unreasonable impacts to adjoining land. Furthermore, the single storey nature of the dwellings, hipped roof form and modest wall height of 2.25 metres further minimises overshadowing and visual impacts to adjacent land.

The POS of House 1 maintains minimum dimensions of 4 x 12 metres, where the Development Plan recommends 5 x 5 metres. Given that the greater dimension substantially exceeds criteria, the overall dimensions of the space should be adequately functional for likely occupant needs. It is also noted that the area of POS provided exceeds 20% of the site area, is directly accessible from the main living area, and maintains a northern orientation for comfortable year-round use. Accordingly, the configuration and layout of POS is considered to satisfy the intention of Principle 29, and is deemed appropriate for likely occupant needs.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to site coverage, rear setback, visual privacy, street tree removal and landscaping have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns regarding the removal of non-regulated vegetation on the subject land and costs for replacement fencing and retaining walls. These concerns are noted, however a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed development satisfies the provisions of the Northern Policy Area 13, as it involves the amalgamation of land to achieve an increase in residential density. The proposed site areas exceed minimum site area criteria, and the dwellings are designed to contribute toward an attractive residential environment.

Although the application proposes removal of a street tree, this has been deemed acceptable by Council's Arborist.

The proposal maintains several shortfalls against quantitative design criteria, including rear setbacks, minimum dimension of POS to House 1 and site coverage. Consideration of these shortfalls has demonstrated that they should not result in unreasonable impacts to the subject land or locality.

Assessment of the proposal against qualitative criteria has demonstrated that the proposal generally achieves the anticipated design, layout and features sought for new residential developments.

When considered on balance, the proposal accords with a majority of applicable Development Plan criteria.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1360 to construct three (3) single storey dwellings and associated garages and landscaping at 1 Calstock Avenue, Edwardstown be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1360, being drawings prepared by H.T.P. Drafting Pty. Ltd. for Homestead Homes Pty. Ltd. and Siteworks Plan prepared by RCI Consulting Engineers, except when varied by the following conditions of consent.
2. 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

3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & 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 4 February 2015

Agenda Ref No:	DAP040215 – 3.2
Originating Officer:	Steve Hooper Manager Development Services
Applicant:	Zaina Stacey Development Consultants
Development Description:	Land Division Residential Torrens 1 into 3 allotments and three, 2 storey row dwellings.
Site Location:	72 Castle Street, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1/Consent
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/2276 (100/D281/2014)
Recommendation:	Development Plan Consent Granted and Land Division Consent Granted

BACKGROUND

Development Application No: 100/294/2014 proposing three 2-storey dwellings with associated garages was refused under delegation for the following reasons:

- 1. The site areas of the proposed row dwellings fail to satisfy the minimum of 250 square metres prescribed by Principle of Development Control 3 of the Northern Policy Area 13.*
- 2. The development will not contribute to an “attractive residential environment” as it is not compatible with the existing low scale, low density housing in the area and is therefore at variance to the Desired Character, Objective 3 and Principle 1 of the Northern Policy Area 13.*
- 3. The siting and design of the buildings will restrict the amount of winter sunlight to the private open space of Residence 2, therefore failing to comply with Residential Development Principles 15 (f) and 15 (g) and Energy Efficiency Objective 1 and Principle 1.*
- 4. The location and length of the upper floor of Residence 3 results in a significant amount of uninterrupted walling exposed to public view, at variance to Design and Appearance Principle 17.*

5. *The driveway servicing Residence 3 does not achieve the minimum width required for a single-width driveway and therefore does not provide safe and convenient access to that dwelling, failing to satisfy Residential Development Principle 39(a) and Transport and Access Principle 30(d).*

The applicant has subsequently submitted the current application which provides for both the proposed row dwellings and the associated land division. In response to the refusal of the previous application, the applicant has made the following changes to the plans:

Reason for Refusal	Amendments Made
Sunlight to the private open space of Residence 2 is restricted excessively.	The upper floor of Residence 2 has been relocated such that the southernmost bedroom now abuts the stairwell, thereby reducing the overall length of the upper floor which had previously shaded the POS of Residence 2.
Location and length of upper floor wall of Residence 3 and uninterrupted view from public land	<p>The western elevation has been altered to include a step with 47% of the wall setback 2.5 metres from the side boundary and 53% of the wall set back 3.0 metres from the boundary.</p> <p>This also provides for consequential alterations to the two-tier elevation façade and roof line.</p>
Driveway for Residence 3 does not satisfy Transport and Access Principle 30(d) with respect to avoiding removal of existing vegetation.	Street tree can be retained by incorporating a driveway crossover setback from the street tree of 1.4 metres which Council's Arborist considers satisfactory.

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv)&(f)) of the Development Regulations 2008, which assigns the construction of row dwellings and land division as Category 1 development.

The subject application is required to be assessed by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The subject land comprises an approximate 689 square metre allotment of land located on the southern side of Castle Street, South Plympton. A small cul-de-sac (Castle Place) with a well vegetated median is located on the western side of the property such that the land effectively has two road frontages.

The land comprises an irregular shaped allotment with a 23 metre frontage to Castle Street, an approximate 25 metre frontage to Castle Place and a depth varying between 26 metres and 35 metres.

A detached dwelling has recently been demolished on the land. The site is now devoid of notable vegetation and relatively flat with no distinguishing features aside from street trees (one dead) on both street frontages.

The locality primarily comprises the original housing stock, namely, single storey and occasional double storey detached dwellings on medium to large allotments. Dwellings typically have large setbacks from the road boundary, with attractive landscaped yards.

Refer Attachment I

PROPOSED DEVELOPMENT

The proposed development contemplates the division of the land into three Torrens title allotments, comprising site areas of 235m², 230m² and 224m². The proposed allotments would have frontages to Castle Street of 7 metres (L3), 7.5 metres (L2) and 9.63 metres (L1 – including corner cut-off).

As the existing rear southern boundary of the allotment is not perpendicular to Castle Street, the proposed allotment depths vary between a maximum of 35.05 metres and a minimum of 26.87 metres adjacent to Castle Place. Reciprocal party wall rights are illustrated on the proposal plans consistent with the party walls forming the proposed row dwellings to be constructed on the land.

The three proposed 2-storey row dwellings front Castle Street. Dwellings 2 & 3 have a single carport (D3) and garage (D2), respectively, with visitor parking in front, accessed via new crossovers to Castle Street. Dwelling 1 would take advantage of the secondary frontage to Castle Place incorporating a garage and associated visitor space to the immediate rear of the dwelling via the existing crossover from Castle Place. In lieu of incorporating private open space to the immediate rear of the dwelling (as occurs with D2 & 3), D1 incorporates private open space to the east adjacent to Castle Place with living areas directly oriented to this open space.

The dwellings are setback between 5 and 5.5 metres from Castle Street, incorporating feature porticos that provide articulation and add visual interest in the design. The upper level setbacks, in being greater than the ground floor setbacks, also add articulation in the design of the dwellings. Each of the dwellings include three bedrooms, living areas with adjacent alfresco areas and the usual wet areas and storage areas.

Perspective plans detailing external colours and finishes are provided for Panel Member's information.

Refer Attachment II

INTERNAL DEPARTMENT COMMENTS

Arborist	Council's arborist has provided comment on the proximity of the driveway servicing Dwelling 3 to an existing "Golden Rain Tree". The tree is required to be retained. Excavation for a new driveway should be no closer than 1.4 metres from the centre of the tree's trunk near ground level and on one side only.
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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>Objectives</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>Objectives</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>Desired Character</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"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	Minimum Site Area: 250m ² (row dwellings)	Does Not Comply 235m ² 230m ² 224m ²
	Minimum Frontage: 7.0m (row dwellings)	Complies 7 – 9.6 metres
	Minimum Depth: 20.0m (row dwellings)	Complies 26.8 metres minimum

Assessment

The proposal contemplates medium density residential development as anticipated in the desired character statement for Northern Policy Area 13. Whilst the nature and style of dwellings are anticipated within the zone, the allotments accommodating each dwelling fall short of the minimum requirement of 250 square metres for row dwellings.

By comparison, row dwellings in the Medium Density Policy Area 12 require a site area of 210 square metres. As such, the proposal results in a density more akin to that policy area, rather than the Northern Policy Area. It is noted that the Northern Policy Area attributes a numerical dispensation in site areas for row dwellings where located adjoining an area of public open space exceeding 2500 square metres. This dispensation cannot be applied in this instance.

The proposal also represents the first intrusion of this form of development within the locality and is noticeably of a different scale, bulk and density than the established housing.

A key consideration therefore is whether the above mentioned observations present as failings to satisfy the Development Plan of a magnitude such as to warrant refusal of the application.

I note (as discussed further within the report) that the undersize nature of the allotments does not, in my opinion, compromise the functionality of the development. If this proposal were in a medium density policy area, it would generally be considered to present as a functional and attractive built form. Further, the proposal does not in my opinion result in adverse amenity impacts on adjoining properties with respect to overshadowing, bulk or scale. The key consideration therefore is the appropriateness of the development in the context of the immediate locality.

I note that the proposal complies with the street frontage requirement. The width of the block is therefore not a planning concern. Likewise, the proposal provides appropriate setbacks from Castle Street. The development therefore does not provide for a crowded street presentation having regard to frontage widths or setbacks.

The established character is one of low scale and low density with generous front gardens. Much of the existing housing stock is ageing and regeneration over the next few years is anticipated and in fact contemplated within the Policy Area.

In my opinion, whilst the proposal presents at a density greater than that anticipated within the Policy Area, it is not fatal to the application for the following reasons:

- Setbacks from Castle Street are consistent with adjoining properties;
- Frontage widths are consistent with the Development Plan provisions;
- The bulk and scale of the development is satisfactory having regard to the amendments made to the application as compared to the previous proposal, and the level of articulation and visual interest in the development results in an attractive residential development.
- The development will provide for a positive contribution to the streetscape by virtue of the commendable design attributes, careful attention to colours and finishes and landscaping provided to the front of the dwellings.

I therefore consider that on balance, the proposal is satisfactory having regard to the above-mentioned provisions.

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

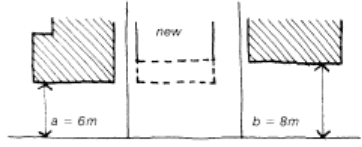
Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply 42-45%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies Residences 1 & 3: 0.55 – 0.59</p> <p>Does Not Comply Residence 2: 0.64</p> <p><i>Note: Overall FAR complies 0.6</i></p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Partially Complies</p> <p>Residences 2 & 3 have south-facing POS, but of sufficient dimensions such that this space will include an area that will not be shaded during winter.</p>
<p>Site area less than 250 m²:</p> <p><i>20% of the site area or 35 m², whichever is the greater</i></p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p>	<p>Complies Res 1: 21% Res 2: 35% Res 3: 43%</p> <p>Complies All dwellings with minimum dimensions exceeding 4 x 4 metres</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

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: 
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Complies

The southern side of Castle Street does not have an established or uniform street setback as most dwellings in the vicinity have a secondary frontage to Castle Street and therefore outbuildings and fencing address the street.

The site is also separated from dwellings to the east by the Castle Place median and associated vegetation.

In this setting a street setback of 5 metres is considered acceptable.

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

Complies

3 metres

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

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

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

Residential Zone: PDC 7

Complies

1 metre minimum (D3)

Complies

2 metres

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 37

Complies

6.3 metres minimum (D1)
 10.5 metres minimum (D1)

Building Height

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

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of 7.4 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings

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

*Minimum setback from primary road frontage:
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

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

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 proposal satisfies the above-mentioned provisions and off-street car-parking is integrated into the design of the dwellings.

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.

Residential Zone: PDC 7

Complies

2 spaces per dwelling

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

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

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

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 design of the proposed dwellings is considered to have architectural merit. The dwellings are well articulated with a mixture of colours and materials and variations to the facades. Coloured perspectives will be available to the Development Assessment Panel meeting.

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 development satisfies side and rear setback requirements. Shadow diagrams have been provided for the winter solstice which demonstrate that the proposed development will satisfy the relevant overshadowing provisions. During the winter solstice there will be some overshadowing of the adjoining properties to the west during the morning. However this shadow has considerably lessened by 10:30am and there is no further overshadowing of this property generated from the subject development.

The generous rear setback distances provide for negligible overshadowing of the adjoining property to the south, confined primarily to the front driveway area.

Shadow impacts on existing dwellings are considered satisfactory.

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

Upper level windows which are oriented onto adjoining properties incorporate raised sill heights such as to prevent direct overlooking of useable open spaces and habitable room windows of other dwellings.

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

Partially Complies

Dwellings 1 and 3 provide primary living areas with either a north or eastern orientation. Dwelling 2 however, has living areas and private open space with a southern orientation. Whilst this dwelling does not achieve ideal natural light to primary living areas, the dimensions of the POS are such that even during the winter solstice there will be some parts of the yard with access to sunlight. Dwelling 2 also provides for a south facing courtyard, however, the dimensions are also sufficient to ensure access to adequate sunlight.

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.

Complies

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*

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 sewerage
- f) The intended use of the land for row dwellings is consistent with the zone objectives.
- g) The allotment will not straddle more than one zone, policy area or precinct

<p>waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	
<p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Does Not Comply</p> <p>The depths of proposed allotments 2 & 3 do not satisfy this requirement, however, as demonstrated further within this report, this will not compromise the achievement of functional dwellings.</p>
<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>Complies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Does Not Comply</p> <p>All rear yard areas will have a southerly orientation.</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>Complies</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>Complies</p>

TABLE DISCUSSION

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

Site area

The site area short-falls suggest that the development is of a density not envisaged within the Northern Policy Area 13. For the reasons outlined in under the heading 'Desired Character Statement', I have clarified, why in this instance, the failure to meet this quantitative provision is not a departure with the Development Plan of a magnitude such as to warrant refusal of the application.

Site coverage

The site coverage for each dwelling is marginally above the 40% provision within the Development Plan. There is no adverse planning consequence resulting from this departure. The proposal comfortably meets private open space requirements and side and rear setbacks. Further, the overall floor area ratio requirement is met. I do not consider this departure to result in any failing of the application such as to warrant refusal.

Further to above, as the Residential Development Code would allow "as of right" site coverage for row dwellings of 70% (for additions and outbuildings), this development's site coverage is in effect, modest when compared to the permitted under other planning requirements.

Floor Area Ratio

Residences 1 & 3 satisfy the maximum 0.6 floor area ratio. Residence 2 marginally exceeds the ratio. This departure is minor and it is noted that the development as a whole complies with the FAR requirement.

ANALYSIS/CONCLUSION

The proposal achieves compliance with most of the relevant provisions of the Development Plan both quantitative and qualitative.

There is however, a notable departure in terms of site area. For reasons explained in the body of the report, I do not consider this fatal to the application. In fact, the proponent has been able to demonstrate that notwithstanding a measurable short fall in site area, other provisions of a Development Plan can be substantially met, a commendable design outcome can be achieved and amenity impacts on adjoining properties minimised.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2014/2276 for Land Division (Residential Torrens 1 into 3 allotments) and three, 2 storey row dwellings at 72 Castle Street, South Plympton 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. 100/2014/2276 (DAC ref. 100/D281/14) except when varied by the following conditions of consent.**
- (2) All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- (3) The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- (4) A fully engineered site works plan detailing top of kerb level, proposed finished floor levels, any cut/fill and/or retaining walls proposed, shall be provided to Council for consideration and approval, prior to Development Approval being issued.**
- (5) Stormwater from all structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's Information Sheet "Stormwater Detention" to the reasonable satisfaction of the Council (copies of relevant documents are attached).**
- (6) All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- (7) All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**
- (8) The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via**

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

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

LAND DIVISION CONSENT

- (1) The financial requirements of SA Water 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 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. 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 4 February 2015

Agenda Ref No: DAP040215 – 3.3

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Mr Diodoro Iuliano

Development Description: Two storey detached dwelling and garage

Site Location: 43 Jervois Terrace, Marino

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 1 / Consent

Lodgement Date: 11/02/2014

Development Plan: Consolidated – 5 December 2013

Application No: 100/2014/200

Recommendation: Development Plan Consent (Refused)

CATEGORISATION & DELEGATION

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

The subject application is being presented to the Development Assessment Panel as a resolution regarding the proposal could not be reached between administration and the applicant. It was resolved between the author of this report and the Manager – Development Services that the application be presented to the Panel for determination.

BACKGROUND

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

Amendments Requested	Amendments Made
The expanse of the building (east-west) should be reduced to lessen the visual impact upon adjoining land	Building reduced by 1.0m (measured east-west)
Any balcony proposed should be no less than 3.0 metres from a property boundary	No change

Any balcony should be oriented to the north-east (over the front yard of adjoining property) or to the direct west	No change – some privacy treatments proposed
The balcony with a direct northern orientation should be deleted from the proposal plans	No change
Balcony screening should prevent view of the adjacent dwelling's windows and rear yard area	Some privacy treatments proposed
North-facing windows should be high-level to prevent direct view over the adjoining property	No change

SUBJECT LAND & LOCALITY

The subject land is situated at 43 (Lot 163) Jervois Terrace, Marino. The land comprises a frontage width to Jervois Terrace of 45.72 metres, a secondary frontage to McConnell Street of 13.97 metres, incorporating a total site area of 876 square metres.

An existing single storey dwelling is currently sited on the eastern 'half' of the property, together with an attached carport to the east, small amounts of decking to the north and 'colorbond' fencing on the property boundaries. The western 'half' of the property has been fenced and comprises overgrown vegetation only.

The land comprising the dwelling is relatively flat, with a minor grade from east to west. The western 'half' of the property is more steeply sloping, with a grade of near 1:10.

There are no Regulated Trees on the land. An easement, 4.57 metres in width, to the Minister for Infrastructure, is located alongside the western side boundary.

There are currently two vehicle crossovers adjacent the site; one single-width crossover accessing Jervois Terrace and a second, triple-width crossover on McConnell Street (currently not being used).

The locality contains a mix of single, split-level and two storey dwellings on large allotments of varying grades. A majority of dwellings appear to have been constructed in the 1950s and 60s, although more recently-constructed dwellings are scattered throughout the locality.

The Boral Marino-Seacliff Park mining operations and Marion Golf Park are located south-east and east of the site, respectively.

A Council reserve, located on both sides of McConnell Street, comprising tennis courts and a playground is located north of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to demolish the existing dwelling and construct a two storey detached dwelling on the eastern 'half' of the land.

The dwelling comprises the following;

Ground Floor

- Triple-width garage;
- Guest bedroom;
- Laundry;
- Bathroom;

- Utility room;
- Gym room; and
- Billiard room.

Upper Floor

- Open plan kitchen/living/dining;
- Four bedrooms (main with ensuite and WIR); and
- Separate bathroom.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	Proximity of proposed driveway to intersection considered appropriate
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Hills Policy Area 11 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
Hills Policy Area 11
<p>Objectives</p> <p>1 A policy area primarily comprising of detached dwellings at low densities. 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts. 3 Development that contributes to the desired character of the policy area.</p>
<p>Desired Character</p> <p><i>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</i></p> <p><i>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites. Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</i></p> <p><i>It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing</i></p>

<p><i>development.</i></p> <p><i>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.</i></p>		
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	Complies
PDC 3	<p><i>Development should be designed and sited to relate to the slope of the land, so that:</i></p> <p><i>(a) the bulk and scale of the buildings do not dominate the landscape</i></p> <p><i>(b) the amount of cutting and filling of the natural ground profile is minimised.</i></p>	<p>Partially Complies</p> <p>See comments below</p>
PDC 4	<p><i>Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.</i></p>	<p>Partially Complies</p> <p>Limited vegetation exists and minimal excavation proposed</p>
PDC 5	<p><i>Development that would be prominently visible from the Adelaide plains should:</i></p> <p><i>(a) achieve a profile that blends with the topography of the land</i></p> <p><i>(b) avoid the use of bright and highly reflective external materials and finishes</i></p> <p><i>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</i></p>	<p>Partially Complies</p> <p>(a) Northern pitch of roof is complementary to the slope of the land.</p> <p>(b) Bright and reflective materials have been avoided</p> <p>(c) Limited vegetation exists. No additional vegetation proposed.</p>
PDC 6	<p><i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:</i></p> <p><i>(a) incorporating stepping in the design in accordance with the slope of the land</i></p> <p><i>(b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</i></p>	<p>Partially Complies</p> <p>The western 'half' of the building incorporates a floor level 500mm below the eastern 'half'. There is no setting-in of the upper floor (see below for further assessment).</p>

Assessment

The application seeks to construct a two storey dwelling on an existing large, gently sloping allotment; finding compliance with Objective 1 of the Zone and Objective 1 and Principle 1 of the Policy Area. The dwelling will incorporate a design and materials that differ to that typically found within the locality, whilst there remains ample undeveloped land to enable landscaped yard areas as sought in Objective 3 of the Policy Area and parts of the Desired Character statement.

The dwelling may be visible from some parts of the Adelaide Plains, however, the applicant has chosen darker tones to the exterior of the building, including light grey and 'monument' (similar to slate grey). As such, bright/reflective colours/materials will be avoided, finding compliance with Policy Area Principle 5(b) and parts of the Desired Character statement.

The dwelling incorporates a small split of 500mm between the eastern and western parts of the dwelling, which assists in reducing the overall extent of earthworks required to accommodate the building. The amount of cutting and filling adequately complies with Policy Area Principles 3(a) and 6(a) and is discussed further in this report under the heading, Sloping Land.

The dwelling is generously proportioned, incorporating a width of 22.3 metres (over 26 metres including the balcony), and given its siting atop the hill, is likely to be a prominent feature within the local landscape. Whilst I do not envisage the building 'dominating' the landscape as discouraged by Policy Area Principle 3(a), greater variation in the built form, including the stepping of the upper level in from the ground floor, would provide a softer appearance, achieving greater compliance with the Desired Character in relation to built form and the impact of the building upon the privacy and amenity of adjoining land.

Policy Area Principle 6(b) seeks for the upper levels of two storey dwellings to incorporate a greater setback from front and side boundaries, to assist in reducing the bulk and scale of the building.

The proposed building fails to achieve compliance with this Principle, as the upper floor is situated directly above the ground floor. Whilst I accept the 'wrap-around' balcony provides a level of articulation to the building, by interrupting the 6.0+ metre-high walls, it is my view (as discussed below) the proximity of the balcony to the northern boundary, combined with the expanse of the building unreasonably compromises the privacy and amenity of the adjoining property.

During the assessment of the application, administration sought for the design of the building to be altered, to minimise the extent and expanse of the building adjacent the northern boundary and for the balconies to be oriented away from the dwelling and private yard areas of the adjoining property.

The Desired Character for the Policy Area seeks for "new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development" (my underline). To this end, it is my view that in the Hills Policy Area, a greater level of importance is placed upon ensuring an appropriate level of privacy and amenity to adjoining properties, given its 'elevated' position within the Desired Character statement.

For Members' reference, the Development Act 1993 defines amenity as "any quality, condition or factor that makes, or contributes to making, the locality or building harmonious, pleasant or enjoyable".

In my opinion, whilst some privacy treatments have been proposed by the applicant, they are insufficient to achieve an appropriate level of privacy and amenity to the adjoining property to the north.

Due to the building's width and proximity to the northern boundary, the proposed dwelling will be apparent from a majority of the adjoining property. With the balcony situated 1.37 metres from the boundary, surrounding the building and oriented directly over the adjoining property, I consider the building will result in a poor level of amenity for the adjoining land via visual bulk and creating a sense of enclosure and surveillance; resulting in a lack of privacy and amenity.

Having had an opportunity to consider the proposed development from the adjoining property, I am concerned that even if direct overlooking can be prevented to the windows and rear yard of the adjoining property, the height and proximity of the building will nonetheless result in an overbearing and somewhat domineering building.

Further, the elevated position of the balcony and its proximity to the boundary will permit noise to easily emanate outwards; reducing the amenity of the adjoining property – in contrast to that sought for new development in the Policy Area.

Whilst I acknowledge an attempt has been made to prevent direct overlooking via an obscure glass balustrade and a louvre/fin system towards the north-western corner of the balcony, I am

not satisfied that an appropriate level of privacy and amenity will be afforded to the adjoining property as sought by the Desired Character.

To this end, whilst the proposal satisfies a majority of the applicable Principles for the Policy Area, and a number of elements of the Desired Character statement are adhered to, the impact the proposed development will have upon the privacy and amenity of the adjoining property, in my view, is unacceptable and the proposal, on balance, does not adequately achieve compliance with the Desired Character and therefore also fails to satisfy Objective 3 and Principle 2 of the Policy Area.

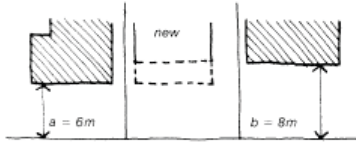
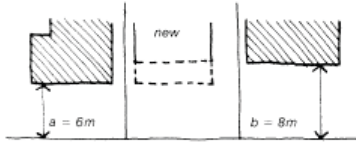
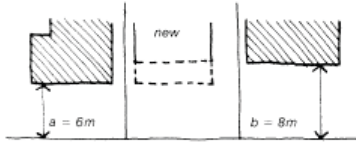
DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from habitable rooms of the associated dwelling b) POS is located at ground level and via balconies to the side/rear of the dwelling. The ground level POS is capable of being screened for privacy c) The subject land does not maintain natural features which warrant preservation d) The POS areas should not be directly overlooked by adjacent buildings f) The proposed POS areas maintain a northern and western aspect to provide for comfortable year round use g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development h) POS areas are capable of being shaded during summer i) Traffic, industry or other business activities should not affect the subject land j) The POS areas are considered to have sufficient shape and area to be functional.

	<p>Does Not Comply</p> <p>e) The northern balcony area is located next to bedrooms of the adjacent dwelling</p>						
<p>Site Area 250 m² or greater:</p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Approximately 78% (690 square metres – including balconies) of the allotment is provided as private open space</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>Complies</p> <p>The proposed front setback is considered to be compatible with and similar to the setbacks of buildings on adjacent land on the northern side of Jervois Terrace (given most dwellings have their secondary frontage to Jervois Terrace). As such, the front setback of 5.9 metres to the main face of the dwelling should contribute positively to the function, appearance and desired character of the locality.</p>						
<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p><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 $b - a \leq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Complies</p> <p>The two adjacent dwellings are sited 2.5 metres and 3.0 metres from Jervois Terrace.</p> <p>The front setback, of 5.9 metres, therefore exceeds the average setback of dwellings on adjacent sites.</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 $b - a \leq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p>Minimum setback from secondary road frontage: 3 metres</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling setback 3.5 metres</p>						
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						

Side Setbacks

Where the wall height is between 3 metres and 6 metres:
 (a) 3 metres if adjacent southern boundary
 (b) 2 metres in all other circumstances.

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

Residential Zone: PDC 7

Complies

Minimum setback of wall with a height of 6.0 metres is no less than 4.376 metres

Complies

Minimum setback of wall with a height of 6.5 metres is no less than 4.376 metres (minimum 3.5 metres required).

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

Does Not Comply

Whilst the proposed dwelling is setback some 4.3 metres from the northern boundary, the balcony incorporates a width of 3.0 metres; providing separation of 1.3 metres from the boundary. This is considered to result in an unreasonable impact upon the adjoining property via visual bulk and loss of privacy amenity (see discussion below).

Complies

The proposed dwelling will not result in unreasonable overshadowing of the adjoining property.

As discussed above in reference to the Hills Policy Area provisions, it is my view that due to the proximity and orientation of the balcony adjacent the northern boundary (therefore providing view over the adjoining property), the proposed building will have a somewhat domineering impact upon the adjoining property. Greater separation from this boundary, increased articulation in the building's footprint and side elevations and balconies with an orientation to the north-east and west only is likely to address concerns relating to the impact upon the adjoining property.

Rear Setbacks

8 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

Rear setback of 4.376 metres

8 metres for a 2 or more storey dwelling

Residential Zone: PDC 7

Does Not Comply

Rear setback of 4.376 metres

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

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

General Section: Residential Development: PDC 37

Does Not Comply

Rear setback of 4.376 metres

Whilst the rear setback of the building, at 4.376 metres is some 3.6 metres less than that sought in the Policy Area, given the site is located at the intersection of two streets, the building could have been oriented to face McConnell Street; enabling a side setback to the northern boundary of 2.0 metres (depending upon wall height).

As there is ample, open rear yard to the western portion of the property, I do not consider the shortfall in rear setback to be significant in its consequence.

Despite my acceptance of the lesser rear setback, I remain of the view that due to the expanse of the building, the orientation of balconies over the adjoining property and the proximity of the balcony, the building will nonetheless have an unreasonable impact upon the privacy and amenity of the adjoining property.

Building Height

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

Residential Zone: PDC 7

Complies

The proposed dwelling incorporates a maximum building height of 9.0 metres, which is equal to the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings

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

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

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

Residential Zone: PDC 8

Partially Complies

The garage is not setback 500mm from the main face of the dwelling, failing to comply with part of Principle 8.

However, the expanse of the front façade is extensive, diluting the prominence of the garage. In addition, the balcony protrusion and stairwell forward of the building aid to draw the eye away from the garage element.

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

General Section: Residential Development: PDC 12

Complies

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

General Section: Residential Development: PDC8

Complies

The proposed garage is located under the upper floor and its façade incorporates materials and detailing which complements 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

Does Not Comply

The garage incorporates a width of some 9.5 metres. Whilst this exceeds the 6.0 metres sought, the window on the eastern side prevents the garage 'reading' as such a dominant element upon the streetscape elevation of the building.

Car Parking

Minimum number of on site car parking spaces (one of which should be covered) :
3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.

Residential Zone: PDC 7

Complies

4 on-site car parks will be available.

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 7
 d) e) A minimum of 4 on-street car parking spaces shall remain available adjacent the subject land

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

General Section: Land Division: PDC 22

Complies

A minimum of 4 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 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

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

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

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

Partly Complies

The proposed dwelling reflects a number of design elements sought by the desired character of the locality, including;

- Horizontal cladding to the building façades;
- Clerestory/dormer window protrusions in the southern roof form;
- Protruding balcony and verandah above;
- Pitched roof form at a 15 degree slope; and
- Fenestration.

The dwelling incorporates a 15 degree colorbond roof in 'Monument' (near slate grey), whilst the weatherboard panelling will incorporate a light grey colour. These materials and colours should not result in glare to neighbouring properties, drivers or cyclists.

The proposal however, does not incorporate a stepping-in of the upper level, which combined with the rectangular footprint, does not result in a level of articulation as sought by the Desired Character of the Hills Policy Area.

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balcony is integrated into the dwelling's design, in that it 'wraps' around the whole of the building. The balcony is to incorporate clear glass balustrading to the east and south elevations that enables line of sight to the street.

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

General Section: Design & Appearance: PDC 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 dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, stairwell, balcony and habitable room windows to the street.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

Principle 9

- a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on 21 June.
- b) Adjacent dwellings do not incorporate balconies.
- c) Solar collectors on adjacent dwellings are unlikely to be affected by the proposed development

Principle 10

- a) See above
- b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the subject land. Early morning shadow will fall upon the undeveloped yard of the site, whilst late afternoon shadow will fall upon McConnell Street.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Does Not Comply

See comments below and refer to Desired Character assessment

As discussed earlier in this report, the applicant has proposed some treatments to limit the extent of privacy loss experienced by the adjoining property, however, in my view, the amendments are inadequate to provide an appropriate level of privacy to the adjoining property, having regard to the relevant provisions in the Council's Development Plan.

The dwelling incorporates a 3.0 metre-deep balcony on the northern façade of the building. This balcony extends for a length of 26.28 metres; setback 2.0 metres from the eastern (McConnell Street) boundary and 1.37 metres from the northern boundary.

The balcony's balustrade will incorporate obscure glazing to the northern side, whilst a louvre screen will be placed at the north-western corner. It is the applicant's position that the proposed privacy treatments are adequate to provide an appropriate level of privacy to the adjoining property. Line-of-sight diagrams have been provided by the applicant – please refer Attachment III.

Whilst the line-of-sight diagrams detail that view from within the upper level of the proposed dwelling into the adjacent dwelling's southern windows will be obscured by the balcony balustrade, it does not demonstrate that such view will be prevented by persons standing on the balcony or that view into the adjacent rear yard will be adequately screened.

The Desired Character for the Policy Area seeks for new development to “pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.” Design and Appearance Principle 12 suggests that ways to achieve this include “off-setting the location of balconies and windows...so that views are oblique rather than direct”, “building setbacks from boundaries...that provide a spatial separation between balconies or windows...” and “screening devices...[that] have minimal negative effect on residents’ or neighbours’ amenity”.

Whilst I accept the obscure balustrade will prevent some view of the adjoining property, particularly when persons are seated on the balcony or within the dwelling, persons standing on the balcony will nonetheless have a clear line-of-sight into the bedroom and bathroom windows on the southern façade of the adjacent dwelling, with view into the rear yard also available.

In my view, the generous extent of the balcony and its proximity to the boundary will result in occupants of the northern adjoining property experiencing a sense of being overlooked. The proposed balcony will dominate the appearance of the dwelling when viewed from adjoining land and will be visible from a high proportion of that property.

Having said this, I accept there are attractive views gained in a northerly direction, and as such, there will be times when occupants of the adjoining property will enjoy the spaces outside the dwelling without being overlooked (as these spaces are north of that dwelling, view of which will be prevented by the roof of the building).

When assessed against the relevant provisions of the Development Plan, it is my view the design of the development has failed to provide “oblique views” over the adjoining property; rather the expanse of the northern balcony is oriented directly over the adjoining property. Further, there is limited separation provided to the boundary, making the balcony and perceived overlooking overly apparent, whilst the extent of screening does not adequately mitigate the extent of view gained into the adjoining property.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

The dwelling is oriented so that the open space and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

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

<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwelling incorporates a hipped roof form set at a 15 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Partially Complies</p> <p>A landscape plan has not been provided, however, adequate area remains outside the dwelling's footprint to enable the planting of appropriate species to satisfy principles (a)-(l) and the Desired Character of the Policy Area.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 800 millimetres. This retaining height is considered necessary to achieve a level development site, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

Sloping Land

Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:

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

General Section: Sloping Land: PDC 2

Complies

The land where the dwelling is proposed to be constructed is relatively flat. A retaining wall with a maximum height of 800mm is proposed along the northern boundary.

Whilst concern remains due to the visual impact of the building, this is not a result of excessive build-up, or a poor relationship to ground level.

The dwelling incorporates a 500mm split between the east and west parts of the building, assisting to reduce the height of fill at the western end of the building.

The proposal is considered to adequately satisfy Principle 2.

The cutting and/or filling of land should:

- (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation*
- (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment*
- (c) only be undertaken if the resultant slope can be stabilised to prevent erosion*
- (d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.*

General Section: Sloping Land: PDC 7

Complies

Retaining walls should:

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

General Section: Sloping Land: PDC 8

Complies

Siting and Visibility

Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:

- (a) the profile of buildings should be low and the rooflines should complement the natural form of the land*
- (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land*
- (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.*

General Section: Siting and Visibility: PDC 4

Partially Complies

- (a) The slope of the land is relatively gentle and as such, the profile of the building will not be at significant variance to the landform.
- (b) The footprint of the dwelling does not incorporate any stepping, however, the façade panelling and balcony assist in reducing the mass of the building. Further, the western portion of the dwelling is stepped lower than the eastern, following the slope of the land.
- (c) The balcony and verandah above create shadowed areas; assisting in reducing the bulk of the building.

The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

General Section: Siting and Visibility: PDC 5

Complies

ANALYSIS/CONCLUSION

The proposal satisfies a number of criteria relating to setbacks, private open space, car parking, energy efficiency and habitable room orientation. Further, the siting of the dwelling will enable the property to be adequately re-landscaped, providing the large, landscaped gardens as sought in the Desired Character statement. To this end, these elements contribute to the proposal representing a form of development envisaged within the Hills Policy Area.

However, the design of the dwelling, understandably, seeks to take full advantage of the attractive views available in a north direction; over the Adelaide Plains and along the metropolitan coastline. This requires view to be gained directly over the adjoining property to the north.

In seeking to achieve these views, the dwelling incorporates a generously-proportioned balcony that 'wraps-around' the whole of the building. This balcony is located 1.37 metres from the northern boundary, for a length of some 26.2 metres.

Due to the building's width and proximity to the northern boundary, the proposed dwelling will be apparent from a majority of the adjoining property. With the balcony situated 1.37 metres from the boundary, surrounding the building and oriented directly over the adjoining property, I believe the building will result in a poor level of amenity for the adjoining land via visual bulk and creating a sense of enclosure and surveillance; resulting in a lack of privacy and amenity.

I remain concerned that even if direct overlooking can be prevented to the windows and rear yard of the adjoining property, the height and proximity of the building will nonetheless result in an overbearing and somewhat domineering building.

Further, the elevated position of the balcony and its proximity to the boundary will permit noise to easily emanate outwards; reducing the amenity of the adjoining property – in contrast to that sought for new development in the Policy Area.

When assessed against the relevant provisions of the Development Plan, it is my view the design of the development has failed to provide "oblique views" over the adjoining property; rather the expanse of the northern balcony is oriented directly over the adjoining property. Further, there is limited separation provided to the boundary, making the balcony and perceived overlooking overly apparent, whilst the extent of screening does not adequately mitigate the extent of view gained into the adjoining property.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993, the proposal nonetheless fails to satisfy a number of provisions relating to privacy and visual impact.

As such, the proposed development is not considered to adequately accord with a number of relevant provisions of the Development Plan, and it is therefore recommended that Development Plan Consent is refused.

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: 100/2014/200 for a two storey detached dwelling and garage at 43 Jervois Terrace, Marino be REFUSED for the following reasons:
 - (1) The proposed dwelling results in an unreasonable visual impact upon the adjoining property to the north, due to the proximity and expanse of the balcony, failing to satisfy Objectives 2 and 3 and Principle 2 of the Policy Area, parts of the Desired Character statement of the Policy Area and Design and Appearance Principle 2(a).
 - (2) The proposed balconies result in the overlooking of the adjoining property, failing to provide adequate privacy and amenity to that land, at variance to parts of the Desired Character and Objective 3 and Principle 2 of the Policy Area and Design and Appearance Principle 12(a), 12(b) and 12(c).
 - (3) The design of the dwelling does not incorporate an appropriate level of articulation, accentuating the bulk and visual impact of the building and failing to satisfy Policy Area Principle 6(b) and Design and Appearance Principle 1(a).

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 4 February 2015

Agenda Ref No:	DAP040215 – 3.4
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Mr Nicholas Budin
Development Description:	To seek retrospective approval for the erection of additional advertising signage and to establish an outdoor display area to the front of an existing retail showroom tenancy – The Outdoor Furniture Specialists.
Site Location:	1/838-842 Marion Road, Marion
Zone:	Industry Zone
Policy Area:	Industry/Commerce Policy Area 4
Application Type:	Category 1 / Consent
Lodgement Date:	02/09/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1545
Recommendation:	Advise the Environment, Resources and Development Court that Council supports the compromise plans.

BACKGROUND

The subject proposal was previously presented to the Development Assessment Panel (DAP) at the meeting held on 5 November 2014 and was refused for the following reasons:

- (1) The proposal fails to satisfy the Desired Character and Objective 4 of the Industry/Commerce Policy Area 4, as the signs do not promote an attractive frontage, nor do they enhance the visual qualities and streetscape of Marion Road;
- (2) The siting and design of the signage is not consistent with the predominant character of the locality, nor coordinated with or complementary to the form and design of the building they are affixed; contrary to Advertisements Objective 3 and Principle 1(a) and 1(c);
- (3) The extent of signage is excessive resulting in a disfigured urban landscape; at variance to Advertisements Objectives 1 and 3;

- (4) The signage extends beyond the parapet and alters the silhouette of the building, and as such, is at variance to the Industry Zone, Principle 7(d) and Advertisements Principles 7 and 9;
- (5) The signage does not contribute to a coordinated approach to signage adopted by other tenants in the building contrary to Advertisements Principle 3.

Refer Attachment I

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court. A preliminary conference was held on 15 December 2014, where the applicant identified that amended plans would be submitted to Council for consideration. A second preliminary conference is scheduled to be held on 9 February 2015. The applicant has provided amended plans for consideration as a compromise prior to the conference. The original report, plans and attachments can be found in the Member's agenda from the 5 November 2014 meeting, or by contacting the author of this report.

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

- All three fascia signs currently advertising "The Outdoor Furniture Specialists" franchise are to be reduced in size from 9.5 metres in length x 2.8 metres in height to 6.74 metres in length x 2.08 metres in height, equating to a reduction in display area of 14 square metres per sign. This effectively reduces the overall display area of all three signs on the building down from 79.8 square metres to 42 square metres in area.
- The amount of blue coloured background behind each sign is to be reduced by painting sections of the blue board fascia a grey colour to match the colour along the primary façade and colonnades along the eastern and northern elevations of the tenancy. The extent of painting proposed is to comprise a band measuring 1.0 metre in height above the existing exterior windows along each elevation extending for the entire length of the walls along the eastern and northern sides of the tenancy.
- To attach a 2.6 metre high panel wall which is to be employed along the top of the southern elevation and extending for the entire length of the wall along the southern boundary. The purpose of this wall is to screen exposed roof elements currently visible on top of the building when travelling in a northern direction along Marion Road. This additional wall will be made from sheet metal cladding and will be painted cream in colour.

Refer Attachment II

DEVELOPMENT ASSESSMENT

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

In respect to the amended changes proposed by the applicant, it is noted that the applicant intends to retain the straight edge fascia hoardings along the eastern and northern facades of the tenancy without making any structural changes to the building. It is understood that to make any structural changes to the shape and design of these panels, in keeping with the curved parapets of the existing two storey showroom/warehouse tenancies to the rear of the site, would come at great financial cost to the applicant.

That having been said, the applicant has made other non-structural changes which will serve to reduce the visual impact of the existing signage that is currently attached to the subject tenancy. As previously mentioned, such changes include reducing the advertising display area of all

three (3) logo signs along the eastern and northern facades of the building by 37.75 square metres in area down from 79.8 square metres to 42.0 square metres in areas. As such, each sign now provides an individual advertising display area of 14 square metres in area, which is considered more appropriate and goes some way in addressing the Panel's reasons for refusal 1, 2 and 3.

In addition to the above, the applicant proposes to reduce the amount of "blue" coloured background associated with the current signage panels along the eastern and northern facades of the subject tenancy. This blue background is excessively reflective adding to the visual bulk of the existing signage panels. To combat this, the applicant proposes to paint over some portion of the blue coloured background at the bottom of each sign in a grey colour, the same colour as the external walls of the tenancy. It is considered this will provide a more balanced composition of colours and further diminish to dominance attributed to the reflective blue panels.

Lastly, it is considered that the inclusion of the upper level panel wall which is to be incorporated along the very top of the southern elevation of the tenancy will help to satisfactorily address the visual concerns raised at the Panel meeting of 5 November 2014. This screen has been included given concerns raised by some Members of the Panel regarding the unfinished appearance of the roof section along the southern side of the building, when travelling in a northern direction along Marion Road.

This screen panel wall is to be made from sheet metal cladding and will adequately obscure a view of the exposed roof elements currently visible from Marion Road. To further reduce the visual appearance of this screen, the applicant proposes to have it painted in a cream colour and not in the corporate reflective blue colouring more commonly displayed along the eastern and northern parapets of the subject tenancy.

ANALYSIS/CONCLUSION

The proposed compromise plans have attempted to address some but not all of the reasons for refusal as specified by the Panel. Whilst the design and outward appearance of the attached unauthorised advertising signage has not been amended to conform with the architectural theme of the overall building (i.e. comprising curved parapets above each tenancy), I am of the opinion that the current signage along the eastern and northern facades of the subject tenancy fits comfortably within the confines of the designated display area without extending beyond the altered parapet of the building.

In respect to the changes proposed to the current signage on the building, the applicant intends to reduce the display area of each logo sign significantly, diminishing the visual impact of these signs on the streetscape. In addition, the percentage of blue panel background which currently presents along the parapet is also to be reduced in area, with sections to be painted a grey colour. It is considered that both these changes represent an appropriate compromise and should help to minimise the visual impact derived from the excessive “blue” panelling that currently presents along the eastern and northern parapets of the subject tenancy.

Whilst the relevant signage provisions within the Council’s Development Plan are devoid of any criteria which help to limit or restrict the display area of fascia signage along the front and side walls of buildings, I am of the opinion that the amended signage proposed by the applicant to be in keeping with the scale and extent of advertising that currently adorns the external walls of many existing commercial tenancies within the immediate locality. Moreover, it is considered that the structural changes made to the building along the southern, eastern and northern elevations will provide the front of the building with a modern and attractive appearance when viewed from Marion Road.

In my view, the compromise proposal achieves a greater level of compliance with the Development Plan and now accords with the Desired Character for Industry/Commerce Policy Area 4. Accordingly, it is staff’s view that the amendments to the proposal sufficiently addresses the Panel’s reasons for refusal, and therefore respectively suggest that the Panel advise the Environment, Resources and Development Court of its support for the compromise plans, subject to conditions.

RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan 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 comprise proposal submitted by Mr Nicholas Budin for Development Application No: 100/2014/1545 and recommends the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the letter of support prepared by URPS Planning Consultants stamped dated 19 January 2015, the amended elevation plan and coloured photographic information stamped dated received 27 January 2015 and the site plan stamped dated received 22 September 2014 all submitted with and forming part of Development Application No. 100/2014/1545, except where varied by the following conditions of consent.**
- 2. A landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings within the external outdoor display area.**
- 3. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.**
- 4. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of Council.**
- 5. All goods and materials placed in the area designated for the outside display of goods and materials shall be kept in a tidy manner and condition at all times.**

NOTES

- 1. The advertising signage hereby approved comprises all text, including the text and symbols outlined within the confines of the orange bordering as illustrated on the approved plans dated received 27 January 2015, and does not incorporate or include any area comprising the blue fascia panelling affixed along the top of the eastern and northern sides of the building.**
- 2. No hoardings, flags, flashing lights, bunting or other advertising devices or signs are to be erected or displayed on the site unless Development Approval is obtained from the Council pursuant to the Development Act 1993.**

Attachments

Attachment I: Decision Notification Form

Attachment II: Compromise Proposal Plans and Supporting Documentation