

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 5 AUGUST 2015**

**1.1 PRESENT**

**1.2 APOLOGIES**

**1.3 IN ATTENDANCE**

**1.4 COMMENCEMENT**

**2. APPLICATIONS:**

- 2.1 807 MARION ROAD, MITCHELL PARK**  
Change of use from bulky goods outlet to shops, including demolition of existing shed, installation of car parking at the rear of the site, and modification of existing driveway  
DAP050815 – 2.1.....1
- 2.2 3 WARREN COURT & 308 DIAGONAL ROAD, OAKLANDS PARK**  
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- 2.3 3 WARREN COURT & 308 DIAGONAL ROAD, OAKLANDS PARK**  
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- 2.4 73 CONDADA AVENUE, PARK HOLME**  
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## DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 August 2015

<b>Agenda Ref No:</b>	<b>DAP050815 – 2.1</b>
<b>Originating Officer:</b>	<b>Rhiannon Hardy Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr David Lam</b>
<b>Development Description:</b>	<b>Change of use from bulky goods outlet to shops, including demolition of existing shed, installation of car parking at the rear of the site, and modification of existing driveway</b>
<b>Site Location:</b>	<b>807 Marion Road, Mitchell Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Medium Density Policy Area 12</b>
<b>Application Type:</b>	<b>Category 3 / Non-Complying</b>
<b>Lodgement Date:</b>	<b>15/04/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/640</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be granted, subject to concurrence from the Development Assessment Commission</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 3 Non-Complying form of development pursuant to the Procedural Matters of the Residential Zone, which lists a “shop or group of shops” as a non-complying form of development (given that the site fronts an arterial road, exceptions do not apply).

Council has delegated authority to the Development Assessment Panel for the subject application given that:

- a) the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans; and
- b) the development has been classified as non-complying.

### BACKGROUND

Council’s archives indicate that, prior to 1985, the building on the subject land was used as a hair dressing salon, video store and office in association with the existing dwelling at 805 Marion

Road. The applicant has observed that the building was also used as a deli (although there are no records to verify this). Council's records also indicate that there were three separate tenancies at this time, which is demonstrated by the fact that there are 3 separate entrance doors on the building. It appears that the land commenced operating as a single bulky goods outlet/retail showroom for the sale and repair of refrigeration and laundry equipment "Discount Laundry Equipment" in the early 1990's.

In 2010, a Development Application was lodged with Council which proposed a change of use to a shop/industry involving digital sign manufacture and sales. This application was withdrawn during the assessment process.

Discount Laundry Equipment ceased operating in approximately 2011.

In recent years, the premises has been reinstated into three separate tenancies, operating as a hair dressing salon, roller shutter sales, solar panel sales and clothing store. These shops did not gain Development Approval for change of land use, and as such have been operating without development authorisation.

The applicant originally lodged the subject application for change of use to operate a sandwich shop at the centre tenancy only. However, upon learning that the other two land uses did not have authorisation, the subject application has been amended to include all three tenancies within the subject change of use application.

During the assessment process, Council staff and the Department of Planning, Transport and Infrastructure (DPTI) requested the following modifications to the proposal plans:

Amendments Requested	Amendments Made
DPTI: Remove car parks along the Marion Road frontage of the site	Car parks along the Marion Road frontage removed.
DPTI: Modify the common driveway to provide a 6 x 6 metre wide access inbound from the property boundary	A two-way ingress and egress provided around the existing advertising sign and Telstra pit, because widening the driveway to 6 metres wide would conflict with the location of the existing building.
Council: Provide a disabled car park in accordance with Australian Standards	Two car parks proposed at the rear of the property merged to provide an accessible parking space.
Council: Provide a Traffic Engineer's Report to discuss the suitability of the existing parking and access arrangement	Report not provided. Instead, proposal amended to address DPTI's concerns.

## SUBJECT LAND & LOCALITY

The subject land is located at 807 Marion Road, Mitchell Park (Lot: 104 CT: 5391/459). The allotment maintains a width of 15.24 metres, depth of 43.59 metres and total site area of 664.3 square metres. A right of way is registered on the Certificate of Title, which relates to the existing driveway that accesses the rear of the property. This right of way / driveway runs through both 805 and 807 Marion Road.

The subject land features a building toward the front of the site. This building comprises three separate tenancies, each with their own entry door on the front façade, with separate service yards and a freestanding toilet block at the rear of the building.

Five car parks are located forward of the building, facing Marion Road. A vehicle crossover runs along the front of the property, which provides vehicle access to the front car parks and driveway. This driveway runs along the northern side boundary of the subject land (partially encroaching within 805 Marion Road) to provide vehicle access to the rear of the site.

A garage/storage shed is located in the south-east corner of the land. The remainder of the land at the rear of the site is surfaced with concrete, but is not formally line marked for car parking.

The locality is primarily residential in nature, and features a mixture of single storey detached dwellings at low densities and medium density unit development. A majority of dwellings in the immediate locality are the original dwelling stock from the 1960's, however examples of recent redevelopment are evident further to the east.

Hamilton Secondary College is located approximately 50 metres south of the land. The Noarlunga train line is located approximately 140 metres north of the land, and the Park Holme Shopping Centre is located approximately 220 metres north.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to operate three (3) shops on the subject land; a hairdresser, hair extensions shop and sandwich shop.

The shops are proposed to operate between the hours of 8:30 am and 5:30 pm Monday to Friday and 8:30 am to 1:00 pm Saturday.

The application originally proposed to retain the 5 car parks facing Marion Road, and to demolish the existing garage/shed to install an additional 6 car parks at the rear of the site. However, as a result of DPTI's requirements, the application has been amended to delete all 5 car parks at the front of the site, to install a total of 9 car parks at the rear of the site, and to widen the existing driveway to provide a two-way access/egress arrangement.

In response to the concerns raised in the representations received through Category 3 notification, the application also proposes to replace the existing fencing along the southern side boundary with a 2.0 metre high fence, and replace the eastern rear boundary fencing with a 1.8 metre high fence.

The application does not propose any additional signage, but does propose to replace the existing signage along the front verandah façade and freestanding pylon sign. This replacement signage does not comprise "development" and therefore does not require consent as part of the subject application.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	9 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	3 representations were received by Council: 2 in favour and 1 primarily against the application
<b>Persons wishing to be heard:</b>	Yunos Rahman of 809 Marion Road, Mitchell Park
<b>Summary of representations:</b>	The current tenanted stores work outside the range of 9 am to 5 pm. The addition of the car park and snack bar would increase traffic flow, noise and truck pollution to the vicinity. If they do get approval, I ask that the existing

	<p>fence we share is removed and a higher 2 metre [high] fence be erected so that their visitors cannot look into my property and the lights from the cars and car park don't enter into our windows.</p> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<p>Agree to replace the fence to height requested in the representations.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure (DPTI):</b>	<p>16/06/2015: DPTI does not support the application in its current form. It is strongly recommended that amended plans be provided showing:</p> <ul style="list-style-type: none"> <li>• The removal of the car parks along the Marion Road frontage of the site;</li> <li>• The common driveway being modified to provide a 6.0 metre wide access and to incorporate a clear area of 6.0 metres by 6.0 metres inbound from the property boundary; and</li> <li>• Turning paths for the largest expected vehicle showing forward entry and exit.</li> </ul> <p>17/07/2015 DPTI does not object in-principle to the proposed development subject to the following conditions.</p> <ol style="list-style-type: none"> <li>1. The split access point shall have a minimum ingress width of 3.5 metres and a minimum egress width of 4.0 metres in width at the property boundary incorporating an off-street vehicle storage area to allow simultaneous two-way movements.</li> <li>2. All vehicles shall enter and exit the site in a forward direction.</li> <li>3. Any redundant part of the existing access shall be reinstated to Council standard kerb and gutter at the applicant's cost prior to operation of the development.</li> <li>4. Signage associated with the development shall be limited to a low level of illumination (&lt;200cd/m<sup>2</sup>) so as to minimise distraction to motorists.</li> <li>5. Any non-illuminated signage on the site shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.</li> <li>6. Signage associated with the development shall not contain any element that flashes, scrolls, moves or changes.</li> <li>7. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.</li> <li>8. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Marion Road. Any alteration to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.</li> </ol>
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*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	<p>29/06/2015: The property has functioned with the existing car park and driveway access configuration for some time. Although it would appear that the land use has changed, from a service point of view there has been no change to the front of property car parking arrangement. However, the frequency of access and additional conflicts at Marion Road crossover as a result of the significant increase in rear of property car parks does pose a concern. I suggest that the applicant provide a Traffic Engineer's Report to assess the increased traffic risks and respond to DPTI's concerns. I am of the view that, although the existing use rights no longer apply, there is an argument that the existing car parking and access arrangements have remained largely unchanged.</p> <p>17/07/2015: Satisfied that the proposed access changes will substantially improve the existing situation and accordingly would support the application. All car park dimensions satisfy the Australian Standards. However, the disabled car park will need to be line marked and provide bollards to comply with the relevant Australian Standard. [Conditioned in recommended condition of consent 4.]</p>
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	Assessment
<p><b>Objectives</b></p> <p><i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p>	<p><b>Not applicable</b></p> <p>Does not specifically comply nor fail to comply with the Objectives</p>
<p><b>Principles of Development Control</b></p> <p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ domestic structure</li> <li>▪ dwelling</li> <li>▪ dwelling addition</li> <li>▪ supported accommodation.</li> <li>▪ small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> <li>- child care facilities</li> <li>- health and welfare services</li> <li>- open space</li> <li>- primary and secondary schools</li> <li>- recreation areas</li> <li>- shops, offices or consulting rooms</li> </ul> </li> </ul>	<p><b>Complies</b></p> <p>Application proposes small-scale shops that would serve the local community. The proposed division of the building into 3 separate tenancies for use as shops achieves greater compliance with PDC 1 than the existing land use of a single bulky goods outlet.</p>

<p><i>2 Development listed as non-complying is generally inappropriate.</i></p>	<p><b>Does Not Comply</b> Shop or group of shops fronting an arterial road are listed as a non-complying form of development in the Residential Zone.</p>
<p><i>4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</i> (a) serves the needs of the local community (b) is consistent with the character of the locality (c) does not detrimentally impact on the amenity of nearby residents.</p>	<p><b>Complies</b> The proposed shops are of a nature and scale that should serve the needs of the local community. The proposed built form should be consistent with the character of the locality given that the built form already exists, and the built form is of a similar scale to residential dwellings. For these reasons, and the assessment of interface between land uses discussed further in this report, the nature and scale of the proposed shops should not detrimentally impact on the amenity of nearby residents.</p>
<p><b>Medium Density Policy Area 12</b></p>	
<p><b>Objectives</b></p> <p><i>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes. 2 Development that minimises the potential impact of garaging of vehicles on the character of the area. 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles. 4 Development that contributes to the desired character of the policy area.</i></p>	<p><b>Not applicable</b> Proposal does not specifically comply nor fail to comply with the Objectives of the Medium Density Policy Area 12. Likewise, the desired character and principles of development control of Policy Area 12 are silent on non-residential development.</p>

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Design & Appearance	
<p><b>Relationship to the Street and Public Realm</b></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p>	<p><b>Partially Complies</b> Each tenancy incorporates its own entry door facing Marion Road, and therefore provides perceptible access from the public street frontage. However, these entry points are not directly accessed from the proposed vehicle parking area at the rear of the site. Further, due to the requirement of DPTI to delete the parking areas at the front of the site, there will be no on-site car parking spaces with direct access to the public entrance points.</p> <p>Although the absence of clear pedestrian access from the rear parking areas to the public entries is not ideal, it is considered equally important to ensure safe vehicle movements adjacent Marion Road. This is demonstrated by the requirements of DPTI.</p> <p>Furthermore, it is noted that:</p> <p>a) The rear car park may be predominantly utilised by delivery vehicles and staff car parking. Staff can access the tenancies by the rear service yards, and therefore direct access is provided.</p>



	<p>b) Short-term visitors to the shops may be more predisposed to parking on the street due to greater convenience and direct access to the front entry doors. Evidently, DPTI are satisfied that the increased tendency for on-street parking is a superior outcome for road traffic safety than maintaining the current car parks at the front of the site.</p> <p>As such, the resultant car parking situation is considered satisfactory.</p>
<p><b>Outdoor Storage and Service Areas</b></p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <p>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</p> <p>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</p> <p>(c) sited away from sensitive land uses.</p> <p>General Section: Design &amp; Appearance: PDC 22</p>	<p><b>Complies</b></p> <p>The existing outdoor storage and service areas are to be maintained, which are screened from public view by fencing and their location to the rear of the building. The location of the service areas should not unreasonably obstruct manoeuvring of delivery vehicles. Although the service area for Tenancy C abuts the southern adjacent residential property, the applicant has agreed to install higher fencing to further minimise impacts to this dwelling.</p>
<b>Interface Between Land Uses</b>	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</p> <p>(b) noise</p> <p>(c) vibration</p> <p>(d) electrical interference</p> <p>(e) light spill</p> <p>(f) glare</p> <p>(g) hours of operation</p> <p>(h) traffic impacts.</p> <p>General Section: Interface Between Land Uses: PDC 1</p>	<p><b>Complies</b></p> <p>(a) The proposed shops should not result in the unreasonable emission of effluent, odour, smoke, fumes, dust or other airborne pollutants.</p> <p>(b) The proposed shops should not result in increased noise impacts above that of the previous bulky goods outlet land use.</p> <p>(c-f) The proposed shops should not produce vibration, electrical interference, light spill or glare.</p> <p>(g) The hours of operation are proposed to be limited to normal business hours, and therefore should not cause unreasonable impact.</p> <p><b>Partially Complies</b></p> <p>(h) The proposed formalisation of car parking at the rear of the site (as required by DPTI) may result in increased traffic movements at the rear of the site, which abuts residential properties on 3 sides. Whilst the additional traffic movements within this area is not ideal, it is not considered to result in unreasonable impacts given that:</p> <p>a) The existing fence height is proposed to be increased on the eastern and southern boundaries, thereby minimising visual and noise impacts.</p> <p>b) The northern adjoining property features outbuildings and vegetation adjacent the subject land, and therefore impacts from the car park will be minimised.</p> <p>c) The hours of operation are limited to normal business hours, and therefore vehicles should not be frequenting the car park during sleeping hours.</p> <p>d) The utilisation of the rear car park will result in improved road safety on Marion Road.</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p>General Section: Interface Between Land Uses: PDC 2</p>	<p><b>Complies</b></p> <p>The design and siting of the existing building and proposed car park is considered to adequately minimise negative impacts on existing and potential residential land uses desired in the locality (as discussed above).</p>

<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p><b>Complies</b></p> <p>As discussed above, noise impacts should be appropriately limited by the proposed operating hours and fencing.</p>
<h2>Transportation and Access</h2>	
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p><b>Complies</b></p> <p>The proposed deletion of the car parks adjacent Marion Road, installation of car parks at the rear of the site in accordance with Australian Standards, and improved dimensions of the driveway ingress/egress should provide safe and convenient access for all modes of transport. These proposed works should deliver improved safety and convenience for all anticipated modes of transport.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p><b>Complies</b></p> <p>Reinstatement of upright kerbing which previously accessed the front car parks should provide increased opportunities for on-street parking (although noting that a bike lane operates between 4:30 and 6 pm Monday to Friday).</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p>	<p><b>Does Not Comply</b></p> <p>Commercial vehicle movement will still occur at the rear of the site, where the proposed passenger car parks are located. However, given the limited size of the site and small-scale nature of the shops, this is not considered to result in unreasonable safety impacts.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p><b>Complies</b></p> <p>DPTI are satisfied with the dimension of the car park to cater for all likely vehicles.</p>
<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <ul style="list-style-type: none"> <li><i>(a) showers, changing facilities and secure lockers</i></li> <li><i>(b) signage indicating the location of bicycle facilities.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 19</i></p>	<p><b>Does Not Comply</b></p> <p>It is not considered necessary to provide end of journey facilities given the small scale nature of the shops, and the fact that no alteration to the existing building is proposed.</p>
<p><b>Access</b></p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p><b>Complies</b></p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <li><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></li> <li><i>(b) provides appropriate separation distances from existing roads or level crossings</i></li> <li><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i></li> </ul>	<p><b>Complies</b></p> <p>The proposed access:</p> <ul style="list-style-type: none"> <li>a) avoids interference with the flow of traffic on Marion Road as a result of the proposed separate ingress and egress arrangement which satisfies the requirements of DPTI;</li> <li>b) is not located in proximity to level crossings</li> <li>c) accommodates the type and volume of traffic likely to be generated by the land use; and</li> </ul>

<p><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>d) is sited and designed to minimise any adverse impacts on neighbouring properties, given that the proposed increased driveway width is sited adjacent the subject building, not adjacent residential properties.</p>
<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i>  <i>(a) limited to local roads (including rear lane access)</i>  <i>(b) shared between developments.</i></p> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p><b>Complies</b>  The subject land abuts an arterial road shown on Overlay Maps – Transport. The proposed development will reduce the number of access points onto the arterial road, as it proposes to close the access points to each of the 5 existing car parks at the front of the site.</p>
<p><i>Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 26</i></p> <p><i>Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 27</i></p>	<p><b>Complies</b>  Removal of the car parks at the front of the site will avoid the need for vehicles to reverse onto or from Marion Road. Sufficient space is provided in the car park at the rear of the site for vehicles to manoeuvre and exit the site in a forward direction.</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i>  <i>(a) follow the natural contours of the land</i>  <i>(b) minimise excavation and/or fill</i>  <i>(c) minimise the potential for erosion from surface runoff</i>  <i>(d) avoid the removal of existing vegetation</i>  <i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p><b>Complies</b>  Council's Development Engineer has confirmed that the proposed parking areas are consistent with Australian Standards.</p>
<p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p>	<p><b>Complies</b></p>
<p><b>Access for People with Disabilities</b></p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p><b>Complies</b>  A disabled car park is provided. Condition of consent 4 ensures that it shall be designed in accordance with Australian Standards.</p>
<p><b>Vehicle Parking</b></p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p><b>Does Not Comply</b>  Table Mar/2 prescribes a rate of 7 car parks per 100 square metres of gross leasable floor area for shops or groups of shops. The subject building maintains a gross leasable floor area of 151 square metres and therefore ought to provide <u>10.6</u> spaces to satisfy PDC 34.</p> <p>9 on-site car parking spaces are proposed to be provided at the rear of the site. It is noted that the proposal originally proposed 11 on-site car parks, but the number of car parks was reduced in accordance with DPTI's request to delete the front car parks. Evidently, DPTI are satisfied that a slight shortfall in on-site car parking is an</p>

	<p>acceptable outcome as a result of the benefit derived from improving access arrangements.</p> <p>The applicant's supporting documentation details that the hairdresser operates by appointment only with staff of 1.5 full time equivalent. The hair extension shop operates with one employee only. Assuming that the sandwich shop maintains a similar sole trader arrangement, there may be 3-4 employees present at any given time. This provides 5-6 spaces left over for visitors to the site. Assuming there are a maximum of 2 visitors to each shop at any given time, sufficient on-site car parking would be provided. Furthermore, as mentioned above, visitors may be more pre-disposed to parking on the street (irrespective of whether there are car parks available at the rear of the site) due to greater convenience of access.</p> <p>As a result of these considerations, it is my view that sufficient on-site car parking is provided to cater for likely demand.</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p><b>Complies</b></p> <p>Council's Engineer has confirmed that the proposed parking areas are consistent with the relevant Australian Standards.</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <li><i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i></li> <li><i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></li> <li><i>(c) not inhibit safe and convenient traffic circulation</i></li> <li><i>(d) result in minimal conflict between customer and service vehicles</i></li> <li><i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i></li> <li><i>(f) minimise the number of vehicle access points onto public roads</i></li> <li><i>(g) avoid the need for vehicles to reverse onto public roads</i></li> <li><i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i></li> <li><i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i></li> <li><i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i></li> <li><i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p><b>Does Not Comply / Partially Complies</b></p> <ul style="list-style-type: none"> <li>(a) (b) The proposal does not provide safe pedestrian linkages from the car parking area to the entry doors. However users of the pedestrian and bicycle linkages along Marion Road will be able to access the property conveniently.</li> <li>(d) Customer vehicles and service vehicles will access the property via the same driveway. However, given the small scale nature of the shops, this should result in a relatively low level of potential conflict.</li> <li>(j) The proposal does not include any landscaping in the vehicle parking areas. However, this area is already sealed with no landscaping. Additionally, the car park layout nominated maximises the use of all areas at the rear of the site for required car parks and manoeuvring areas. As such, there is limited space available for landscaping. It is considered preferable to maximise the number of on-site car parking spaces at the rear of the site in lieu of landscaping, in order to compensate for the required deletion of car parking at the front of the site.</li> </ul> <p><b>Complies</b></p> <ul style="list-style-type: none"> <li>c) The proposed amendment to the car park layout and driveway access will improve the safety and convenience of traffic circulation.</li> <li>(f) Number of access points onto the public road will be reduced.</li> <li>(g) The proposal avoids the need for vehicles to reverse onto the public road</li> <li>(h) All three shops will share the same car parking area and access point</li> <li>(i) The car parking areas are located at the rear of the site and therefore should not dominate the appearance of the site when viewed from the public road.</li> </ul>
<p><i>Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.</i></p> <p><i>General Section: Transportation and Access: PDC 37</i></p>	<p><b>Complies</b></p> <p>Recommended condition of consent 6 states that a sign shall be provided at the front of the property advising customers of the location of car parking spaces at the rear of the site.</p>

<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p><b>Complies</b></p> <p>It is unlikely that the vehicle parking areas will be used during non-daylight hours, as demonstrated by the proposed operating hours of the premises. As such, lighting is not considered necessary.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p><b>Complies</b></p> <p>The area at the rear of the site is already sealed, however this is reinforced by recommended condition of consent 7.</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p><b>Complies</b></p> <p>This is conditioned by recommended condition of consent 5.</p>
<b>Waste</b>	
<p><i>Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.</i></p> <p><i>General Section: Waste: PDC 6</i></p>	<p><b>Complies</b></p> <p>All three tenancies feature a service yard within which waste bins may be stored efficiently.</p>
<b>Crime Prevention</b>	
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p><b>Complies</b></p> <p>Recommended condition of consent 6 requires that a sign be provided at the front of the property advising customers of the location of car parking spaces at the rear of the site.</p>
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>General Section: Crime Prevention: PDC 10</i></p>	<p><b>Does Not Comply</b></p> <p>The only pedestrian access from the car parking area to the entries at the front of the site is along the driveway. Whilst this configuration is not ideal, limited alternative options are available due to the location and layout of the existing building. However, this is not considered to result in unreasonable risk to safety and entrapment spots given that the subject premises will not operate beyond 5:30 pm, and therefore should only be used during daylight hours.</p>
<b>Landscaping, Fences and Walls</b>	
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>A 2.0 metre high fence is proposed along the southern side boundary, and a 1.8 metre high fence along the eastern rear boundary. This is considered to be of sufficient height to minimise potential impacts of headlight glare, noise, privacy, etc. without adversely affecting visual amenity or access to sunlight of adjoining land.</p>

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to noise, traffic impacts and fencing have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

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## ANALYSIS/CONCLUSION

The proposed change of use to shops accords with PDC 1 and 4 of the Residential Zone, which encourage small-scale non-residential land uses which serve the local community. Although listed as non-complying, this is due to the fact that the site fronts an arterial road. This location on an arterial road is not considered to detrimentally affect the merit of the proposal given that noise impacts are lessened in such a locality, and therefore non-residential uses are likely to have lesser impact on nearby residential properties than in a typical residential area.

As per the request of DPTI, the proposed change of use involves deletion of car parking spaces at the front of the property and modification of the driveway to allow for two-way vehicle movements. These changes should substantially improve access arrangements to minimise potential vehicular conflict on Marion Road. However, in doing so, several non-compliances have been created, including:

- 9 on-site car parks provided, where 11 should be maintained to satisfy a ratio of 7 car parks per 100 square metres of floor area.
- There is not defined pedestrian access from the rear car park to the front entry doors.
- The proposed rear car park is located adjacent to residential properties.

As discussed in the above table, each of these shortfalls is considered acceptable when considered on balance with the merit of the proposal, and given that these shortfalls are necessitated in order to improve the existing access and car parking arrangement. The fact that the building already exists somewhat restricts the layout of the site and limits opportunities for pedestrian linkages, landscaping, change facilities, etc. However, the small scale nature of the proposal, and similarity with the existing bulky goods outlet use, suggests that it would be unreasonable to insist on such changes being enforced simply due to a change in the type of merchandise being sold from the premises.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/640 for a change of use from bulky goods outlet to shops, including demolition of existing shed, installation of car parking at the rear of the site, and modification of existing driveway at 807 Marion Road, Mitchell Park, be GRANTED subject to concurrence from the Development Assessment Commission and the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/640, being Sheets 1 and 2 prepared by Andrew Harper stamped "received" by Council on 13 July 2015, except when varied by the following conditions of consent.
- 2. A 2.0 metre high fence shall be erected along the southern side boundary within 3 months of Development Approval being issued.
- 3. The split access point shall have a minimum ingress width of 3.5 metres and a minimum egress width of 4.0 metres in width at the property boundary incorporating an off-street vehicle storage area to allow simultaneous two-way movements.
- 4. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 – 2003, including line marking and bollards.
- 5. All car parking spaces shall be line-marked or delineated in a distinctive fashion within 3 months of Development Approval being issued, with the marking maintained in a clear and visible condition at all times.
- 6. A directional sign indicating the location of car parking spaces at the rear of the site shall be provided at the front of the site (in accordance with AS1742) within 3 months of Development Approval being issued and maintained in a clear and legible condition at all times.
- 7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
- 8. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
- 9. Wheel stopping devices shall be placed within each parking bay within 3 months of Development Approval being issued, so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.



10. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
11. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
12. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
13. All deliveries to and from the site shall be restricted to the following times:
  - 8:30 am and 5:30 pm Monday to Friday; and
  - 8:30 am to 1:00 pm Saturday.
14. The hours of operation of the premises shall be restricted to the following times:
  - 8:30 am and 5:30 pm Monday to Friday; and
  - 8:30 am to 1:00 pm Saturday.
15. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.

## NOTES

1. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
2. The 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.
3. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
4. 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.
5. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 August 2015

<b>Agenda Ref No:</b>	<b>DAP050815 – 2.2</b>
<b>Originating Officer:</b>	<b>Emily Nankivell Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>Cavallo Forest &amp; Associates Pty Ltd</b>
<b>Development Description:</b>	<b>Land Division Residential Torrens Title 2 into 3 allotments &amp; Land Division Residential Community Title 1 into 5 allotments</b>
<b>Site Location:</b>	<b>3 Warren Court &amp; 308 Diagonal Road, Oaklands Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Regeneration Policy Area 16</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>27/04/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/725/2015 &amp; 100/724/2015</b>
<b>DAC Ref No:</b>	<b>100/D067/15 &amp; 100/C068/15</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Refused)</b>

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### CATEGORISATION & DELEGATION

The Torrens title land division is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(f)) of the Development Regulations 2008, which assigns the division of land which creates not more than 4 additional allotments as Category 1 development. The Community title land division is a Category 1 development pursuant to Schedule 9 (Part 2: 21) as the land division will result in a use of the proposed allotments that is consistent with the zone and will not change the nature and function of an existing road.

The subject applications are required to be determined by the Development Assessment Panel by virtue of the proposed allotments supporting an allotment area less than the minimum 200 square metres average site area per dwelling required for two storey residential flat dwellings within the Regeneration Policy Area 16.

Both land division applications relate to development application 100/2322/2014, for the associated land use of the site, which is presented to the Development Assessment Panel for a decision in Item 3 of this agenda.

## SUBJECT LAND & LOCALITY

The subject land comprises two irregular shaped allotments located at 3 Warren Court and 308 Diagonal Road, Oaklands Park. Diagonal Road is an arterial road and Warren Court is a small cul-de-sac accessible from Diagonal Road with five dwellings and a medical centre facing onto the court. The subject land is located in close proximity to the Sturt Road and Diagonal Road intersection.

Due to the subject land's proximity to the intersection of Diagonal Road and Sturt Road the land is subject to road widening. Requirements of which are discussed in detail below in the DPTI referral.

308 Diagonal Road is located on the corner of Diagonal Road and Warren Court. It has a total frontage to Diagonal Road of 19.71 metres and an irregular secondary frontage to Warren Court of 23.27 metres. 3 Warren Court has frontage to and is accessible from Warren Court. The frontage to Warren Court is 12.19m. Combined the two allotments have a total area of 1356 square metres.

Each allotment currently contains a single storey detached dwelling with associated structures. There are no regulated trees on either allotment. Both allotments currently gain primary access from Warren Court. There is one vehicle access point onto Diagonal Road.

The subject land is bordered by Marion Shopping Centre in the Regional Centre Zone to the west, residential development and a small scale medical centre to the north, residential development to the east and Goodlife gym and carpark to the south.

The pattern of division in the locality is variable and comprises a mixture of original allotments and a number of newly divided allotments at higher densities.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

Application 100/725/2015 proposes the Torrens title division to create three allotments from two, an increase of one additional allotment.

Application 100/724/2015 proposes the community title division to create five allotments from one, an increase of four allotments, and common property. These allotments will be created from the balance of land created in application 100/725/2015 identified as lot 100 on this plan of division.

These land divisions will result in the two existing allotments at 3 Warren Court and 308 Diagonal Road being amalgamated and then divided to create a total of seven allotments; two Torres title allotments, five community title allotments and common property.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure:</b>	<p>DPTI have provided the following response to the land division application:</p> <ul style="list-style-type: none"><li>• The Metropolitan Road Widening Plan (MRWP) shows a possible requirement for a strip of land up to 4.5 metres in width from the Diagonal Road frontage of the site, together with a 4.5m x 4.5m cut-off at the Diagonal Road/Warren Court corner, for future upgrading of the Diagonal Road/Sturt Road intersection.</li></ul>
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	<ul style="list-style-type: none"> <li>• The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act (MARWP ACT) is required to all building works on or within 6.0 metres of the possible requirement.</li> <li>• This application proposes a complete redevelopment of the subject site, with balance Allotment 100 subject to a further division in related LD 100/C068/15.</li> <li>• As per DPTI's comments in letter dated 19 February 2015 regarding related DA 100/2322/14, the vehicular access arrangements for the development of balance Allotment 100 (via shared driveway onto Warren Court) is in keeping with this department's policy to minimise access points onto arterial roads in the interest of road safety and is thereby supported. The obsolete Diagonal Road crossover should be closed and reinstated to the Council standard kerb &amp; gutter at the applicant's response.</li> </ul>
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*Refer Attachment VI*

## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.  2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
Regeneration Policy Area 16
<p><b>Objectives</b></p> <p>1 Integrated re-development of poor quality housing stock and under utilised land.  2 Improved quality of living environments.  3 Improved quality of housing.  4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.  5 Improved environmental outcomes.  6 Increased dwelling densities and population.  7 More efficient use of land.  8 Improved community services and infrastructure.  9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.  10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.  11 Development that contributes to the desired character of the policy area.</p>
<p><b>Desired Character</b></p> <p>...The desired character of the policy area is derived from high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock in the area. It will be characterised by integrated development at low-medium and medium densities, with a wide range of dwelling types to meet a variety of accommodation needs for public housing tenants and the private housing sector.</p> <p>Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity.</p>

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

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ student accommodation</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 2	<p>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</p> <p>(a) within 400 metres walking distance of a neighbourhood, district or local centre</p> <p>(b) within 800 metres walking distance of a regional centre</p> <p>(c) close to public transport or major employment nodes</p> <p>(d) adjacent to public open space.</p>	<b>Complies</b>
PDC 4	<p>Minimum Site Area: Two-storey residential flat buildings 200m<sup>2</sup> average per dwelling</p>	<p><b>AVERAGE OF ALLOTMENTS (excluding the driveway area)</b> 170.5m<sup>2</sup> (shortfall 29.5m<sup>2</sup> per site or 14.75%)</p> <p><b>TORRENS TITLE DIVISION</b> <b>Does Not Comply</b> Lot 1: 177m<sup>2</sup> (shortfall 23m<sup>2</sup> or 11.5%) Lot 2: 168m<sup>2</sup> (shortfall 32m<sup>2</sup> or 16%) <b>Complies</b> Lot 100 (balance of allotment): 1011m<sup>2</sup></p> <p><b>COMMUNITY TITLE DIVISION</b> <b>Does Not Comply</b> Lot 3: 158m<sup>2</sup> (shortfall 31m<sup>2</sup> or 15.5%) Lot 4: 166m<sup>2</sup> (shortfall 34m<sup>2</sup> or 17%) Lot 5: 163m<sup>2</sup> (shortfall 37m<sup>2</sup> or 18.5%) Lot 6: 170m<sup>2</sup> (shortfall 30m<sup>2</sup> or 15%) Lot 7: 192m<sup>2</sup> (shortfall 8m<sup>2</sup> or 4%)</p>
	<p>Minimum Frontage: To arterial and non-arterial roads 18m</p>	<p><b>Complies</b> Frontage to Diagonal Road: 19.5m Frontage to Warren Court: 29.09m</p>
	<p>Minimum Depth: 45m</p>	<p><b>Does Not Comply</b> Depth of existing allotments varies from 19.5m to 29.58m. Site at greatest depth of 36.02m</p>

## Assessment

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

The division seeks allotments varying in size from 168 to 177 square metres, or an average of 170.5 square metres (excludes the common driveway area) an average percentage shortfall of 14.75%. As identified in the above table, and in the report for the land use application, these site areas are significantly less than the minimum 200 square metres average per dwelling for two-storey residential flat dwellings sought in the Regeneration Policy Area 16.

The Desired Character of the Regeneration Policy Area 16 envisages low-medium to medium density dwellings at a higher density compared to that typical of the original dwelling stock in the area. Whilst the proposed allotments could be classified as medium density, and results in a higher density compared to that of the original dwelling stock, the undersized site areas coupled with the number of applicable design criteria failed to be satisfied by the associated dwellings (see report for DA 100/2322/2014) suggests that the density is unsuitable for the subject land.

Objective 2 of the Policy Area does encourage increased dwelling densities in close proximity to centres, public transport and public open spaces. Whilst the subject land is located adjacent the Regional Centre Zone, Marion shopping centre and associated public transport on Diagonal Road and Sturt Road, it is not located in close proximity to a railway station or an area of open space. Therefore, it is questionable whether the subject land is suitable for medium density. The lack of nearby public open space is particularly concerning given the size of the proposed dwellings, density of the development and small areas of private open space proposed in relation to each dwelling. In this regard it is also relevant to consider the constraints of the site and future likely needs of the allotments for road widening. Should DPTI require the identified 4.5m strip of land adjacent Diagonal Road, allotments 6 and 7 will be severely compromised, losing the primary area of private open space. The lack of public open space in proximity to the site exacerbates this issue in relation to the proposed development.

In this regard, and for the reasons outlined further in the report for the land use application (refer Item 3), it is considered that the proposed division is unsuitable for its intended use given its apparent conflict with the Policy Area provisions and a number of other applicable assessment criteria.

As such, the proposal fails to satisfy Policy Area Objective 2 of the Residential Zone and Objectives 4, 7 and 11, the Desired Character and Principle 4 of the Regeneration Policy Area 16.

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Land Division	
<b>OBJECTIVES</b>  <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i>	<b>Complies</b>
<i>2 Land division that creates allotments appropriate for the intended use.</i>	<b>Does Not Comply</b> The proposed site areas are insufficient for the intended use of the allotments for dwellings in a residential flat building form.
<i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i>	<b>Partially Complies</b> The land is likely to be supported by the necessary infrastructure, and is located within walking distance of shopping centre, bus routes, and other community facilities but is not integrated with the existing railway transport network.
<b>PRINCIPLES OF DEVELOPMENT CONTROL</b>  <i>1 When land is divided:</i> <i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> <i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i>	<b>Complies</b> The proposed land division is likely to result in stormwater being drained safely from the land. Water supply will be available.
<i>2 Land should not be divided if any of the following apply:</i> <i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i> <i>(b) any allotment will not have a frontage to one of the following:</i> <i>(i) an existing road</i> <i>(ii) a proposed public road</i> <i>(iii) access to a public road via an internal roadway in a plan of community division</i> <i>(c) the intended use of the land is likely to require excessive cut and/or fill</i> <i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i> <i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i> <i>(f) the intended use of the land would be contrary to the zone objectives</i> <i>(g) any allotments will straddle more than one zone, policy area or precinct.</i>	<b>Does Not Comply</b> a) The proposed site areas are insufficient for the intended use of the allotments for the intended dwellings.  <b>Complies</b> b) The allotments maintain a frontage to a public road and access to a public road c) Excessive cut/fill is unlikely e) The area is sewer f) The intended use of the land for residential flat buildings is not contrary to the zone objectives g) The allotment will not straddle more than one zone, policy area or precinct.

<p><b>Design and Layout</b></p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p><b>Complies</b></p>
<p>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 community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p><b>Complies</b></p> <p>(a) The layout of the division provides roads and thoroughfares that result in safe and convenient linkages.</p> <p>(b) The land divisions will result in safe and convenient access from each allotment.</p> <p>(d) Not applicable.</p> <p>(e) The land division will provide for services to the proposed development.</p> <p>(f) Subject land is not a place of natural or historical significance</p> <p>(g) Proposal will not impact drainage lines or existing vegetation.</p> <p>(i) There are no significant or regulated trees on the site.</p> <p><b>Partially Complies</b></p> <p>(c) Although some separation is provided from Diagonal Road and the gym car park it is not considered adequate to protect the development from the impacts of these areas, particularly from Diagonal Road.</p> <p>(h) The proposal does result in the amalgamation of two smaller allotments which is recommended by the Development Plan. However, the constraints of the land and shape of the allotments does not ensure an efficient site development.</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p><b>Complies</b></p> <p>(a) The flat nature of the land will minimise the need for earthworks and retaining walls. However, the site is identified within Council's flood risk area which may require slightly increased finished floor levels for flood mitigation (refer land use proposal in Item 3).</p> <p>(b) Proposal will maintain natural drainage systems.</p> <p>(c) Allotments 1, 2, 6 and 7 have frontage to a public street (associated dwellings for lots 6 and 7 do not face the street).</p> <p>(d) Proposal will not impact on native vegetation.</p> <p>(e) The land division on its own will not dominate or result in overshadowing of the surrounding locality. The associated land use will have some impact but not considered unreasonable.</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p><b>Partially Complies</b></p> <p>The orientation of the allotments does not facilitate the best opportunities for solar orientation. However, all allotments will provide intended rear yard areas that can capture a northern aspect.</p>



<p><b>Roads and Access</b></p> <p><i>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:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p>	<p><b>Partially Comply</b></p> <p>Only one on-street visitor car park is available for the proposed allotments. This is not considered to serve the on street parking needs given the increase in site density with a net increase of 5 dwellings. This lack of on-street visitor parking is not compensated by additional on-site parking, and therefore the anticipated demand for on-street parking is likely to exceed supply.</p>
<p><i>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).</i></p>	<p><b>Does Not Comply</b></p> <p>On-street parking is not permitted on Diagonal Road and due to the nature of Warren Court limited on-street car parking is available adjacent the subject land. Accordingly, a minimum of three, 4 (rounded up), on-street parking spaces should be provided for the proposed seven dwellings, where one is available.</p>

## ANALYSIS/CONCLUSION

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

However, the preceding analysis has identified the proposed division results in a density which exceeds that sought for the Regeneration Policy Area 16. The shortfalls in site area lead to a failure to satisfy the level of density envisaged by the Objective 2 and Principle of Development Control 4 of the Regeneration Policy Area 16.

The proposal fails to satisfy Objective 2 and Principle of Development Control 2 of the General Section: Land Division, given that the proposed site areas are not appropriate for their intended use for two residential flat buildings comprising seven dwellings (refer development application 100/2322/2014 Item number 3).

The plans submitted as part of Development Application 100/2322/2014 demonstrates that each dwelling will provide one undercover car parking space and one open visitor car parking space. No independent visitor car parking spaces are provided for the development. Given that the applications propose a total of seven allotments, Council's Development Plan seeks a minimum of 3.5 on-street parking spaces (4 rounded up), unless separately defined shared visitor parking spaces exist on-site and at the same ratio.

The proposal does not provide any separately defined shared visitor parking spaces on the site. Given the location of the site and density proposed, this is considered to be a significant failing of the proposed division and is likely to lead to the unsafe parking of motor vehicles and/or the parking of visitor's vehicles some distance from the site of the development.

As such, it is my view that whilst the proposed development is not seriously at variance with the Development Plan, the proposed land division warrants refusal given the numerous shortfalls identified during the assessment of the application against the relevant provisions of the Development Plan.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed land divisions are not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993;
- (c) That Development Plan Consent for Development Application No: 100/2015/725 for Land Division Residential Torrens Title 2 into 3 allotments at 3 Warren Court & 308 Diagonal Road, Oaklands Park be REFUSED for the following reasons;
  - 1. The land division fails to result in allotments that are consistent with the Desired Character and Objectives 4, 7 and 11 of the Regeneration Policy Area 16.
  - 2. The site areas fail to satisfy the minimum of 200 square metre average per dwelling in a two storey residential flat building configuration prescribed by Principle of Development Control 4 of the Regeneration Policy Area 16.
  - 3. The proposed site areas are not suitable for their intended use, and therefore the proposal fails to satisfy Objective 2 and Principle of Development Control 2(a) in General Section: Land Division.
  - 4. The proposal fails to provide any independently-accessible visitor parking spaces, whilst on-street parking is restricted. The proposal therefore is at variance to Land Division Principles 21 and 22.
- (d) That Development Plan Consent for Development Application No: 100/2015/724 for Land Division Residential Community Title 1 into 5 allotments at 3 Warren Court & 308 Diagonal Road, Oaklands Park be REFUSED for the following reasons:
  - 1. The land division fails to result in allotments that are consistent with the Desired Character and Objectives 4, 7 and 11 of the Regeneration Policy Area 16.
  - 2. The site areas fail to satisfy the minimum of 200 square metre average per dwelling in a two storey residential flat building configuration prescribed by Principle of Development Control 4 of the Regeneration Policy Area 16.
  - 3. The proposed site areas are not suitable for their intended use, and therefore the proposal fails to satisfy Objective 2 and Principle of Development Control 2(a) in General Section: Land Division.
  - 4. The proposal fails to provide any independently-accessible visitor parking spaces, whilst on-street parking is restricted. The proposal therefore is at variance to Land Division Principles 21 and 22.

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 August 2015

**Agenda Ref No:** DAP050815 – 2.3

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

**Applicant:** AMG Investment Holdings Pty Ltd

**Development Description:** Two, two storey residential flat buildings, one comprising five dwellings and one comprising two dwellings with associated garages and porticos, a wall located on the northern boundary of the land, front fence and landscaping.

**Site Location:** 3 Warren Court & 308 Diagonal Road Oaklands Park

**Zone:** Residential Zone

**Policy Area:** Regeneration Policy Area 16

**Application Type:** Category 3 / Consent

**Lodgement Date:** 19/12/2014

**Development Plan:** Consolidated – 5 December 2013

**Application No:** 100/2014/2322

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

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### CATEGORISATION & DELEGATION

Due to the unusual shape of the allotments and resulting layout of the dwellings, legal advice was sought on the correct definition and categorisation of the development. Following this advice the subject application was processed as a Category 3 form of development by virtue of the proposal not falling within a prescribed form of development as defined in Parts 1 or 2 of Schedule 9 and the proposal is not considered to be of a minor nature.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed allotments having an area less than the minimum 200 square metre average site area per dwelling required for two storey residential flat buildings within the Regeneration Policy Area 16.

Torrens and Community title land divisions have been lodged for the site are also presented to the Panel in Item 2 of this agenda.

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

Amendments Requested	Amendments Made
Reduction in the density and number of dwellings.	No changes made.

Change in built form to Dwelling 1 to 5 to remove narrow walkways, abut two storey walls together or increase setback between the dwellings.	No changes made.
Changes to the built form to improve setbacks, articulation and bulk and scale issues.	Increases to some of the upper level setbacks and incorporation of façade treatments to provide articulation.
Reorientation of Dwellings 6 and 7 to face/present to Diagonal Road with car parking and POS areas located towards the rear of the dwellings.	Added articulation to the dwellings to improve their appearance and presentation to Diagonal Road. POS still located adjacent Diagonal Road. Dwellings still front onto common driveway.
Balconies to the front of the dwellings overlooking the common driveway and greater windows/balconies provided to Dwellings 5, 6 and 7 to provide greater opportunities for passive surveillance over the public roads and gym car park.	Juliette balconies provided to the upper level of the west facing elevation for Dwellings 6 and 7.
Reduction in site coverage and floor area ratio.	No changes made.
Increase pervious areas.	Grassed areas proposed in the rear yard of dwellings 1 to 5.
Additional landscaping throughout the site.	Additional landscaping provided to Diagonal Road frontage and end of common driveway.
Increase of onsite car parking to provide each dwelling with 2 spaces	2 spaces provided to each dwelling.

## SUBJECT LAND & LOCALITY

The subject land comprises two irregular shaped allotments located on Warren Court and Diagonal Road in close proximity to the Diagonal Road and Sturt Road intersection. Diagonal Road is an arterial road and Warren Court is a small cul-de-sac only accessible from Diagonal Road which currently provides access to 5 dwellings.

Due to the subject land's proximity to the intersection of Diagonal Road and Sturt Road the land is subject to road widening. Requirements of which are discussed below.

The allotment identified as 308 Diagonal Road is Lot 6 of Deposited Plan 8023 CT Volume 5739 Folio 112. 308 Diagonal Road is located on the corner of Diagonal Road and Warren Court. It has a total frontage to Diagonal Road of 19.71 metres and an irregular secondary frontage to Warren Court of 23.27 metres. The allotment at 3 Warren Court is identified as Lot 5 on Filed Plan 147239 CT Volume 5302 Folio 290. 3 Warren Court has frontage to and is accessible from Warren Court. The frontage to Warren Court is 12.19m. Combined, the two allotments have a total area of 1356 square metres.

Each allotment currently contains a single storey detached dwelling with associated structures. There are no regulated trees on either allotment. 3 Warren Court has vehicle access from Warren Court and 308 Diagonal Road has dual vehicle access from Warren Court and Diagonal Road.

The subject land is bordered by the Regional Centre Zone and Marion Shopping Centre to the west, residential development and a small scale medical centre to the north, residential development to the east and Goodlife gym and associated car park to the south.

Notwithstanding the non-residential development in the locality, the built form predominantly comprises residential development. There is a representation of both the original housing stock and examples of newer higher density development throughout the locality. The newer built

form throughout is single and two-storey in scale. It is anticipated over time that the area will continue to undergo redevelopment at higher densities given that it is located within the Regeneration Policy Area 16 and due to its proximity to the Marion Shopping Centre, other community facilities such as the aquatic centre and public transport.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes the construction of two, two-storey residential flat buildings comprising a total of seven dwellings. Residential flat building 1 is located towards the eastern side of the subject land and comprises five dwellings. Residential flat building 2 is located towards the western side of the site and comprises Dwellings 6 and 7. The rear boundary and POS areas for Dwellings 6 and 7 is adjacent Diagonal Road.

While varying somewhat in layout, the size and features of each dwelling is largely the same. All of the proposed dwellings contain a kitchen/dining/living area, three bedrooms, bathroom, ensuite to bedroom 1, laundry and under main roof garage.

Although defined as residential flat buildings by virtue of each of the dwellings being connected by party wall, each dwelling is provided with a clearly delineated site area.

In addition to the seven dwellings, the proposal also includes fencing around the site with lightweight render and brickwork fence to the Diagonal Road frontage and 1.8m high colorbond fence to the southern boundary adjoining the gym car park. Landscaping is proposed throughout the site with concentrations of landscaped areas along the Diagonal Road frontage, at the end of the common driveway and along the eastern boundary of the site.

Dwellings 1 and 2 have individual vehicle access from Warren Court with Dwellings 3 to 7 utilising the proposed common driveway also accessed from Warren Court.

There are two street trees located in front of the site close to the Warren Court/Diagonal Road corner of the allotment, these trees are proposed to be retained.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	9 properties were notified and advertisement placed in the Messenger newspaper during the Category 3 public notification process.
<b>Representations:</b>	No representations were received by Council.
<b>Persons wishing to be heard:</b>	Nil
<b>Summary of representations:</b>	Nil
<b>Applicant's response:</b>	Nil

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure:</b>	DPTI provided the following comments in relation to the proposal: <ul style="list-style-type: none"><li>• Access to proposed dwellings should be from Warren Court.</li></ul>
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	<ul style="list-style-type: none"> <li>• DPTI support the location of the proposed access points.</li> <li>• Metropolitan Road Widening Plan (MRWP) shows a possible requirement for a strip of land up to 4.5 metres in width from the Diagonal Road frontage for future upgrading of Diagonal Road/Sturt Road intersection.</li> <li>• Consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0m if the possible requirement.</li> <li>• The plans show building work clear of the 4.5 metre (road widening requirement) but within the consent area.</li> <li>• Should Council approve the development in its current form, the applicant must fill out consent form and return it to DPTI.</li> <li>• DPTI does not object in principle to the development subject to conditions.</li> </ul>
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*Refer Attachment IV*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	<p>The application has been referred to Council's Development Engineer who has advised:</p> <ul style="list-style-type: none"> <li>• That there are no issues with vehicle access or onsite manoeuvring.</li> <li>• Would prefer 3000L rainwater tanks be fully plumbed into the toilet and laundry instead of the proposed dual retention/detention tanks.</li> </ul>
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## ZONE & POLICY AREA ASSESSMENT

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

### Residential Zone

#### **Objectives**

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

### Regeneration Policy Area 16

#### **Objectives**

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

### **Desired Character**

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

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

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

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

<b>PDC 1</b>	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"><li>▪ affordable housing</li><li>▪ dwelling including a residential flat building</li><li>▪ student accommodation</li><li>▪ supported accommodation.</li></ul>	<p><b>Complies</b></p> <p>The proposal will result in residential flat buildings comprising dwellings.</p>
<b>PDC 2</b>	<p>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</p> <p>(a) within 400 metres walking distance of a neighbourhood, district or local centre</p> <p>(b) within 800 metres walking distance of a regional centre</p> <p>(c) close to public transport or major employment nodes</p> <p>(d) adjacent to public open space.</p>	<p><b>Complies</b></p> <p>The subject site aims to concentrate dwellings within walking distance of the Regional Centre Zone.</p>
<b>PDC 4</b>	<p>Minimum Site Area:</p> <p>Two-storey residential flat building – 200m<sup>2</sup> average per dwelling</p>	<p><b>Does Not Comply</b></p> <p>Average Area (excluding the common driveway): 170.5m<sup>2</sup> (shortfall 29.5m<sup>2</sup> per site or 14.75%)</p> <p><b>For the Panel's reference</b></p> <p>The average area (including the common driveway): 193.7m<sup>2</sup> (shortfall of 6.3m<sup>2</sup> per site or 3.15%).</p> <p>The allocated area per dwelling is:</p> <p>Dwelling 1: 177m<sup>2</sup> (shortfall 23m<sup>2</sup> or 11.5%) Dwelling 2: 168m<sup>2</sup> (shortfall 32m<sup>2</sup> or 16%) Dwelling 3: 158m<sup>2</sup> (shortfall 31m<sup>2</sup> or 15.5%) Dwelling 4: 166m<sup>2</sup> (shortfall 34m<sup>2</sup> or 17%) Dwelling 5: 163m<sup>2</sup> (shortfall 37m<sup>2</sup> or 18.5%) Dwelling 6: 170m<sup>2</sup> (shortfall 30m<sup>2</sup> or 15%) Dwelling 7: 192m<sup>2</sup> (shortfall 8m<sup>2</sup> or 4%)</p>



	<b>Minimum Frontage:</b> <i>To arterial and non-arterial roads - 18m</i>	<b>Complies</b> Frontage to Diagonal Road: 19.5m Frontage to Warren Court: 29.09m
	<b>Minimum Depth:</b> 45m	<b>Partially Complies</b> Depth of existing allotments varies from 19.5m to 29.58m. Site has greatest depth of 36.02m when measured from Warren Court. When measuring the total distance over the two allotments from the Diagonal Road boundary to the eastern boundary of the subject land then the overall depth is 47 metres.

## Assessment

The Objectives of the Residential Zone and Regeneration Policy Area 16 seek increased densities, particularly in close proximity to centres and public transport, and integrated development of under-utilised land. It is considered the proposal achieves the objective of the Zone and Policy Area, however, when read in conjunction with other Objectives, Principles of Development Control and Desired Character of the Policy Area it is considered the proposal fails to achieve a form of development sought in the Regeneration Policy Area 16.

The concern with the proposal is the site density in association with the built form outcome on the site, which seeks to construct 7 dwellings; a net increase of 5 dwellings, on land that is irregular in shape. The proposal also fails to provide *a range of dwelling types to meet a variety of accommodation needs* with all seven dwellings presenting a similar size, number of bedrooms and design. While the proposal is seeking to amalgamate properties this is only *desirable where it will facilitate appropriately designed medium-density development*. The proposal is not considered to result in a suitable or appropriate redevelopment of the land.

In terms of numerical density each allotment demonstrates an average site area of 170.5 square metres (this calculation excludes the driveway area). The average site area for each dwelling results in a 29.5 square metre or 14.75% shortfall of the minimum site area per allotment. On a numerical standard alone, one may be able to reach a favourable conclusion on the proposed density, however, due to the site's proximity to an arterial road (which may be widened – details below), the lack of variety in housing form, poor streetscape outcomes and lack of onsite and on street parking, the density proposed is considered to result in an inefficient use of the land and poor development outcome for the site.

The overall width of allotments 1, 2 and 3 are around 6 metres (or less) wide, the narrow width of which is exacerbated by the design of the dwellings incorporating a two storey wall on the proposed side boundaries of each dwelling site. This is considered to provide a further indication that the allotments do not result in a suitable size and shape to accommodate the intended development.

Turning attention to allotments for Dwellings 6 and 7, these two allotments have frontage to Diagonal Road, Warren Court with allotment 6 also adjoining the gym car park. Of particular concern with these allotments is the area of land that could potentially be used for road widening. At present a 4.5 metre strip of land is assigned for road widening; approximately 45 square metres for allotment 6 and 50 square metres for allotment 7. The primary area of POS for Dwellings 6 and 7 is located in this area of road widening. This is particularly concerning when considered in the context of the site and lack of public open space in close proximity to the land. Should the road widening area be required Dwellings 6 and 7 will be left with POS areas of 20.1 square metres and 24 square metres respectively, these areas are nominated as secondary POS on the site plan. The secondary POS for Dwelling 7 is located to the north of the dwelling adjacent Warren Court. The secondary POS for Dwelling 6 is located to the south of the dwelling

adjacent the gym car park, a majority of this area will be shaded by the dwelling in winter months. In the scenario that these dwellings were constructed and road widening was required Dwellings 6 and 7 would be left with an inadequate area of POS and Dwelling 6 having a POS area that would be completely shaded.

The second issue that would arise should road widening occur is a reduced setback and site area for Dwelling 6 and 7. Should the land be required Dwellings 6 and 7 would have a setback from Diagonal Road of 0.5 metres and an average site area of 123 square metres (averaged out over all seven dwellings is 160 square metres per dwelling) and an assigned site area of 125 square metres and 142 square metres respectively, all of which are significantly below the minimum standard of the Development Plan.

Ultimately, the density of the development is considered to exceed the minimum standards of the Development Plan beyond a reasonable amount given impacts resulting from road widening, streetscape outcomes and demand for and lack of onsite visitor and on-street parking. It is not disputed that the site is suitable for some form of infill development. However, in my view, the development has failed to have regard to the unusual shape of the existing allotments, the relationship of the land to the arterial road, surrounding development and other restrictions in terms of on-site and street car parking.

As such, the proposal fails to satisfy Objectives 4, 7 and 11 and Principle of Development Control 4 of the Regeneration Policy Area 16.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control

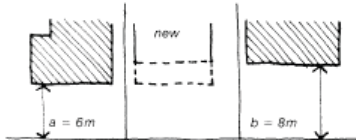
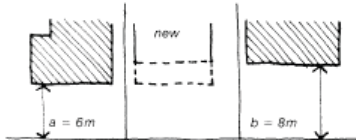
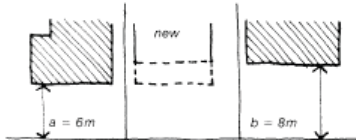
Assessment

Site Coverage	
<p><b>Maximum site coverage:</b> Site area less than 220 m<sup>2</sup>: 80 m<sup>2</sup> or 45% (whichever is the greater)</p> <p>80m<sup>2</sup> is the applicable standard calculated on the average site area of 170.5m<sup>2</sup></p> <p>Regeneration Policy Area 16: PDC 5</p>	<p><b>Does Not Comply</b> Dwelling 1: 87.25m<sup>2</sup> (51.1%) Dwelling 2: 81.85m<sup>2</sup> (48%) Dwelling 3: 82.1m<sup>2</sup> (48.1%) Dwelling 4: 93.75m<sup>2</sup> (54.9%) Dwelling 5: 102.65m<sup>2</sup> (60.2%)</p> <p><b>Complies</b> Dwelling 6: 74.2m<sup>2</sup> (43.5%) Dwelling 7: 74.2m<sup>2</sup> (43.5%)</p> <p><b>For the Panel's reference:</b> The site coverage over the whole of the land is 596m<sup>2</sup> or 43.9%. This does not comply with the Development Plan as the applicable site coverage standard for the whole of the subject land is 40%.</p>
<p><b>Maximum floor area ratio:</b> Site area less than 270 m<sup>2</sup>: 0.7</p> <p>Calculated using average site area of 170.5m<sup>2</sup></p> <p>Regeneration Policy Area 16: PDC 5</p>	<p><b>Does Not Comply</b> Dwelling 1: 0.76 (130.2m<sup>2</sup>) Dwelling 2: 0.785 (134m<sup>2</sup>) Dwelling 3: 0.79 (135.3m<sup>2</sup>) Dwelling 4: 0.76 (129.9m<sup>2</sup>) Dwelling 5: 0.85 (145.5m<sup>2</sup>) Dwelling 6: 0.75 (128.2m<sup>2</sup>) Dwelling 7: 0.75 (128.2m<sup>2</sup>)</p>

	<p><b>For the Panel's reference:</b> The FAR over the whole of the land is 0.68 (931.3m<sup>2</sup>). This does not comply with the Development Plan as the applicable FAR standard for the whole of the subject land is 0.6.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i>  <i>(a) pedestrian and vehicle access and vehicle parking</i>  <i>(b) domestic storage</i>  <i>(c) outdoor clothes drying</i>  <i>(d) rainwater tanks</i>  <i>(e) private open space and landscaping</i>  <i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b> The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b> 28.4% of the site will remain pervious and comprises areas of landscaping and unpaved back and front yard areas.</p>
<p><b>Private Open Space</b></p>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i>  <i>(a) to be accessed directly from a habitable rooms of the dwelling</i>  <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i>  <i>(c) to take advantage of, but not adversely affect, natural features of the site</i>  <i>(d) to minimise overlooking from adjacent buildings</i>  <i>(e) to achieve separation from bedroom windows on adjacent sites</i>  <i>(f) to have a northerly aspect to provide for comfortable year round use</i>  <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i>  <i>(h) to be partly shaded in summer</i>  <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i>  <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>(a) All POS areas are directly accessible from habitable rooms of the associated dwelling.</li> <li>(b) For Dwellings 1 to 5 all POS is located at ground level to the rear of the dwellings and capable of being screened for privacy.</li> <li>(c) The subject land does not maintain natural features which warrant preservation.</li> <li>(d) The POS areas for Dwellings 1 to 5 will not be directly overlooked by adjacent buildings.</li> <li>(e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>(f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</li> <li>(h) POS areas are capable of being shaded during summer.</li> <li>(i) The POS areas for Dwellings 1 to 5 will not be unreasonably affected by traffic, industry or other business activities.</li> <li>(j) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul> <p><b>Does Not Comply</b></p> <ul style="list-style-type: none"> <li>(b) There is opportunity for reciprocal overlooking into the private open space between Dwellings 6 and 7 (see Visual Privacy section for further discussion).</li> <li>(i) The primary areas of POS to dwellings 6 and 7 will be adjacent Diagonal Road and as a result will be impacted by noise and air quality from traffic.</li> <li>(f) If road widening was to occur the remaining POS area for Dwelling 6 will have no northerly aspect and will be completely shaded.</li> <li>(j) If road widening was to occur Dwellings 6</li> </ul>

	<p>&amp; 7 will be left with an insufficient area and shape of POS.</p> <p><b>Partially Complies</b></p> <p>(g) The POS areas of dwellings 6 and 7 will be shaded during the morning by the proposed dwellings. The POS areas of dwellings 2 to 5 will be shaded in the afternoon to varying degrees by the proposed dwellings.</p>
<p><b>Site area less than 250 m<sup>2</sup>:</b>  20% of the site area or 35 m<sup>2</sup>, whichever is the greater  Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.  One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>35m<sup>2</sup> is the relevant standard based on average site area of 170.5m<sup>2</sup>. If the allotments were achieving the minimum average standard of 200m<sup>2</sup> then the requirement would be 40m<sup>2</sup>/20% of the site.</p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Complies</b></p> <p>Dwelling 1: 44.3m<sup>2</sup>  Dwelling 2: 39.6m<sup>2</sup>  Dwelling 3: 38.8m<sup>2</sup>  Dwelling 4: 37.7m<sup>2</sup>  Dwelling 5: 39.5m<sup>2</sup>  Dwelling 6: 48m<sup>2</sup> (this area of POS is located within the 4.5m area allocated for road widening). 24m<sup>2</sup> If road widening was to occur.  Dwelling 7: 54.5m<sup>2</sup> (this area of POS is located within the 4.5m area allocated for road widening). 21m<sup>2</sup> If road widening was to occur.</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>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p><b>Complies</b></p> <p>The subject locality is one where a new character is desired. Also relevant to considering setback is the shape of the subject land and surrounding development. Therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.0 metres to Dwelling 1 is similar to that of new dwellings in the locality. As such, the proposed front setback is considered acceptable.</p>						
<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p><b>Partially Complies</b></p> <p>Dwelling 1: 6.0 metres  Dwelling 2: 6.4 metres</p> <p><i>(Dwelling on adjoining land set back approximately 7.6 metres)</i></p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						

<p>All setbacks from the road frontage should be additional to the road widening setback established under the Metropolitan Adelaide Road Widening Plan Act 1972.</p> <p><i>Design &amp; Appearance: PDC 26</i></p>	<p><b>Does Not Comply</b></p> <p>The proposal fails to provide an additional setback from Diagonal Road to take into account the 4.5m area assigned for road widening. Should the land be acquired Dwellings 6 and 7 will be left with a setback from Diagonal Road of 0.5 metres.</p>
<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p> <p>Dwelling 7 is located 1.5m and 2m at its closest points to Warren Court. Due to the unusual shape of the allotment the secondary street frontage has been taken to be Warren Court where it relates to Dwelling 7. This is due to this being the original layout of the dwelling on this site which identified Warren Court as the secondary frontage and Diagonal Road as the primary frontage and due to the layout of the proposed dwelling which faces into the new common driveway.</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>

## Side Setbacks

<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i>  <i>(a) 3 metres if adjacent southern boundary</i>  <i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i>  <i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i>  <i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p> <p><b>Dwelling 1:</b>  Walls between 3m and 6m = 1m from the northern boundary and on the boundary.  Walls greater than 6m = 2m from the northern boundary and on the southern boundary.</p> <p><b>Dwelling 2:</b>  Walls between 3m and 6m and walls greater than 6 metres = 1m from the northern boundary and on the southern boundary.</p> <p><b>Dwelling 3:</b>  Walls between 3m and 6m and walls greater than 6 metres = 1m from the northern boundary and on the southern boundary.</p> <p><b>Dwelling 4:</b>  Walls between 3m and 6m = 1m on the northern boundary and on the southern boundary.  Walls greater than 6m = 1m from the northern boundary and on the southern boundary.</p> <p><b>Dwelling 5:</b>  Walls between 3m and 6m = On the northern boundary and 1m from the southern boundary at closest point.  Walls greater than 6m = on the northern boundary and 2m from the southern boundary at closest point.</p> <p><b>Dwelling 6:</b>  Walls between 3m and 6m and walls greater than 6m = 2.15m from the southern boundary at closest point and on the northern boundary.</p> <p><b>Dwelling 7:</b>  Walls between 3m and 6m and walls greater than 6m = on the southern boundary and 1.5m to northern boundary at closest point.</p>
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	<p>Although the internal boundaries have not technically been created, they do form the boundaries for each site. Subsequent land divisions have been lodged and are presented with this application to the DAP for a decision indicating an intention to create these boundaries. Given the layout of the development, particularly Dwellings 1 to 5, the two storey walls situated on the boundaries are not considered appropriate given the design and relationship to the adjoining dwelling, impact from overshadowing and visual appearance of these walls.</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Complies</b></p> <p>(a) Both residential flat buildings are setback from the external side boundaries with the exception of the garage wall which abuts the northern side boundary</p> <p>(b) No wall is located on the external adjoining side boundary</p> <p>(c)(ii) the wall does not exceed 6 metres in length</p> <p>(c)(iii) the wall does not exceed 3 metres in height</p> <p>(d) the wall is not adjoining communal open space</p> <p><b>Does Not Comply</b></p> <p>(b)(i)(ii) &amp; (c) The walls of Dwellings 1, 2 and 3 are considered to fail this principle where two storey walls are proposed on the southern side boundaries of Dwelling 1, 2 and 3 allotments. The walls do not abut each other and are considered to result in a poor visual and built form outcome that will unreasonably impact the adjoining dwellings.</p> <p>(c) (i) the garage wall on the northern boundary is not setback 2m behind the adjoining dwelling, is positioned forward of it.</p> <p>(c)(iv) the garage wall is located closer than 2.5 metres to the wall of the neighbouring dwelling.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>(a) Generally the visual impact of the dwellings has been softened through increased setbacks from side and rear boundaries. However, the development is still considered to have a visual impact when viewed from adjoining properties. Particularly from properties located to the east of the site where the development demonstrates large areas of uninterrupted walls (refer to Design and Appearance section of this report for further discussion).</p> <p><b>Complies</b></p> <p>(b) The proposed development does not result in unreasonable overshadowing of adjacent properties and will allow adequate natural light into neighbouring dwellings.</p> <p><b>NOTE:</b></p> <p>While this provision relates to properties on adjacent land it does provide some direction</p>

	<p>when considering walls on boundaries and impacts on adjacent dwellings. In this regard it is relevant to consider this in relation to Dwellings 1 to 4 where two storey walls are intended to be built up to the new allotment (southern) boundaries for Dwellings 1, 2 and 3. It is considered that these walls will unreasonably impact on the new dwellings being constructed both visually and by way of overshadowing</p>
<b>Rear Setbacks</b>	
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>  Dwelling 1: 6.6m  Dwelling 2: 6.4m</p> <p><b>Partially Complies</b>  Dwelling 3: 5.74m (at closest point) increasing to 6.77m  Dwelling 4: lower level 5.69m, upper level 8.23m  Dwelling 6 : lower level 5m, upper level 6m  Dwelling 7: lower level 5m, upper level 6m</p> <p><b>Does Not Comply</b>  Dwelling 5: 5.08m increasing to 5.99m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Partially Complies</b>  Refer details above</p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>  Dwelling 1: maximum building height of approx. 6.8 metres  Dwelling 2: maximum building height of approx. 6.7 metres  Dwelling 3: maximum building height of approx. 6.8 metres  Dwelling 4: maximum building height of approx. 7 metres  Dwelling 5: maximum building height of approx. 7 metres  Dwelling 6 &amp; 7: maximum building height of approx. 7.4 metres</p> <p>All dwellings have a height less than the maximum permitted in the Policy Area.</p>

## Garages, Carports and Outbuildings

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

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

*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**

All dwellings incorporate a garage which is situated under the main roof of the dwelling. Dwellings 1 and 2 are the only dwellings that incorporate garages directly accessible and visible from a public road (Warren Court). These garages are setback the required 5.5 metres from the public road but are not setback 0.5m behind the main face of the associated dwelling. The remaining garages are all accessed from the common driveway.

*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**

All car parking areas and garaging for the proposed development will be accessed from Warren Court either directly for Dwellings 1 and 2 or via the common driveway for Dwellings 3 to 7. The vehicle movements resulting from the development are not considered to impact on the safety of other road users and will provide safe entry and exit from the site.

*In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:*

- (a) when located on side or rear allotment boundaries:*
  - (i) be constructed at least 6 metres from any existing structure on the same site and the same boundary*
  - (ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:*
    - (A) 7 metres for structures with enclosed side walls*
    - (B) 8 metres for structures with open side walls*
    - (C) 7 metres where there are both enclosed and open sided structures*
  - (iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres*

*General Section: Residential Development: PDC11*

### **Complies**

Dwelling 1 proposes to have its associated garage located on the northern boundary of the site.

- (i) Garage on boundary is not located within 6 metres of any existing structure on the same site and same boundary*
- (ii) Enclosed side wall for a length of 5.8 metres on the boundary*

### **Does Not Comply**

- (iii) the wall will have a height of 2.8 metres greater than 2.4 metres.*

*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 incorporates a roof form, materials and detailing which complement the associated dwelling.

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

*Residential Zone: PDC 6*

### **Complies**

Dwelling 1: Garage is 50% (based on 3m wide garage and 6m wide allotment)

### **Does Not Comply**

Dwelling 2:  
Calculated by Site Width - Garage is 53.5% of site width (based on 3m wide garage and 5.6m wide allotment)  
AND  
Calculated by Site Frontage to Warran Court – 76.9% (based on 3m wide garage and 3.9m site frontage to Warren Court)



## Car Parking

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

*Residential Zone: PDC 7*

### Partially Complies

Each dwelling is provided with 2 vehicle parking spaces, a total of 14 spaces within the site, which exceeds the standard of 1.5 per dwellings for a residential flat building. Dwelling 5 is provided with a double garage with Dwellings 1, 2, 3, 4, 6, 7 provided with a single width garage and one uncovered parking space. The proposal does not provide any allocated visitor spaces. Where the provision seeks for 3 visitor spaces (rounded up) to be provided on the site.

*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 (egg an increase in number of driveway crossovers).*

*General Section: Transportation & Access: PDC 43*

### Partially Complies

(a) While two car parking spaces have been provided for each of the dwellings. This car parking is only considered sufficient to serve the needs of the occupants of the dwellings given that they are all three bedroom dwellings. The development fails to provide additional car parking that takes into account the density of the development, limited on street car parking and likely visitors to the site. Therefore, the proposal is not considered to fully address this requirement.

### Complies

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

### Does Not Comply

(d) & (e) The one on-street car parking space which shall remain available adjacent the subject land is considered inadequate for the density of development and lack of onsite visitor parking provided.

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

*General Section: Land Division: PDC 22*

### Does not Comply

1 on-street car parking space is provided for the proposed development, which fails to satisfy PDC 22 which seeks a total of 4 on street car parking spaces (rounded up) for the seven dwellings/allotments being proposed. No designated on site visitor spaces are provided.

## 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

Dwellings 1 and 2 are provided with vehicle crossovers from Warren Court that are less than 3 metres in width.

### Partially Complies

The crossover driveway servicing allotments 3 to 7 is 4 metres in width with the driveway being 5.5m in width where it abuts the footpath.

<p>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.</p> <p>General Section: Residential Development: PDC 40</p>					<p><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
<p>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.</p> <p>General Section: Transportation and Access: PDC 28</p>					<p><b>Does not Comply</b></p> <p>A total of three vehicles access points are proposed and these access points are separated by 2m and 1m respectively.</p>
<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:</p>					<p><b>Partially Complies</b></p> <p>The common driveway will service a total of 5 dwellings and meets the minimum width requirement being approximately 5.5 metres. The width of the driveway beyond this point exceeds 3 metres. The total length of the driveway is no greater than 25 metres. However, landscaping of 0.8m is not provided on either side of the common driveway.</p>
<p>No. of dwellings served by driveway</p>	<p>Width at front property boundary &amp; for first 6 metres</p>	<p>Width beyond first 6 metres</p>	<p>Widening required for passing</p>	<p>Minimum landscaped strip either side of driveway (metres)</p>	
<p>4-7</p>	<p>4.5</p>	<p>3</p>	<p>Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter</p>	<p>0.8</p>	
<p>General Section: Residential Development: PDC 41</p>					

## 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> <ul style="list-style-type: none"> <li><i>(a) building height, mass and proportion</i></li> <li><i>(b) external materials, patterns, colours and decorative elements</i></li> <li><i>(c) roof form and pitch</i></li> <li><i>(d) façade articulation and detailing</i></li> <li><i>(e) verandas, eaves, parapets and window screens.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Does Not Comply</b></p> <p>The proposed dwellings are not considered to provide an attractive presentation to the street.</p> <p>Considering firstly Residential flat Building 1 containing Dwellings 1 to 5. It is acknowledged that these dwellings incorporate features that do provide a level of articulation to the front façade. It is also acknowledged that the upper level setbacks from both the north and south external boundaries of the site have been increased to provide greater articulation to these side walls. However, the two storey walls built to the boundary between Dwellings 1, 2, 3 &amp; 4 which also requires the removal of eaves from the southern side of Dwellings 1, 2 and 3 in my view results in a lopsided appearance and long narrow spaces between the dwellings which are particularly noticeable when viewed from the rear (or east) of the subject land. Development of two storey walls on boundaries prevents the appropriate articulation of the building via the stepping of walls, fenestration and eave overhang that all assist in reducing the bulk of two storey dwellings. The rear elevations of Dwellings 1, 2 and 3 is considered to result in an expanse of wall between the</p>
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	<p>upper and lower levels of the dwelling that is only broken up by the high level window.</p> <p><b>Partially Complies</b> Residential Flat Building 2 is considered to provide more articulation with a mixture of materials, cladding and window openings to break up the external walls. However, it is considered that the relationship from Dwellings 6 and 7 to Diagonal Road could be improved and passive surveillance over the car park area and street areas could also be improved. Overall these dwellings are considered to result in a more balanced design a better streetscape outcome than Dwellings 1 to 5.</p>
<p><i>Balconies should:</i> (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.</p> <p>General Section: Design &amp; Appearance: PDC 5</p>	<p><b>Partially Complies</b> Dwellings 6 &amp; 7 have incorporated a Juliette balcony to the upper level of the West facing elevation that can overlook Diagonal Road. However, this balcony does not provide a meaningful, accessible or useable outdoor space. It is considered that there would be opportunities to incorporate balconies into all of the dwellings, particularly to the front facades of the dwellings to provide an additional area of outdoor space, increase visual interest and articulation to the built form and improve passive surveillance of the common property.</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 &amp; 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 &amp; 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>	<p><b>Partially Complies</b> Dwellings 6 &amp; 7 are located on an allotment has a primary frontage to Diagonal Road. The dwelling entries do not face onto the road. It is acknowledged that this provision does allow exclusion for buildings on allotments with a battle axe configuration. However, given the dominance of the site within the locality and its relationship to the associated road network, better integration with the street would be to its benefit.</p> <p><b>Complies</b> The development is considered to result in pedestrian entry points that are obvious and accessible from the public street. The living rooms of the dwellings have an outlook into their designated areas of POS. The entry points for Dwellings 1 and 2 will be clearly visible from the public street. Entry points for Dwellings 3 to 7 are from the common driveway but this is considered to be adequately delineated.</p>
<b>Overshadowing</b>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i> (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).</p> <p>General Section: Design &amp; Appearance: PDC 9</p>	<p><b>Complies</b> The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:</p>

<p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p>General Section: Design &amp; Appearance: PDC 10</p>	<p>(a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>(b) Given that south forms the side boundary adjoining the gym car park, a majority of winter shadow will be cast over the car park area and within the front yard and common driveway of the proposed dwellings. Some shadow will be cast into the rear yards of the proposed dwellings, in the morning for Dwellings 6 &amp; 7 and in the afternoon for Dwellings 2 to 5. Shadow will be present throughout the entire day between the walkways of Dwellings 1, 2, 3 and 5 and along the southern side of Dwelling 5.</p> <p>Shadow cast into Dwellings 6 &amp; 7 will subside throughout the morning, such that all areas of private open space and habitable windows will be mostly free from shadow by midday. Likewise, shadow cast into the rear yards of Dwellings 2 to 5 only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.</p> <p>If road widening was to occur the remaining POS of Dwelling 6 would be in shadow for majority of the day.</p>
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## Visual Privacy

<p><i>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:</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(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.</i></p> <p>General Section: Design &amp; Appearance: PDC 12</p>	<p><b>Partially Complies</b></p> <p>Dwellings 1 to 5 incorporate fixed obscure glazing to bathroom and toilet windows on the side and rear elevations. However, only provide high level windows at a height of 1.5m above the internal finished floor level. Dwellings 6 &amp; 7 provide obscuring to the bathroom windows on the western elevation but otherwise have unobscured windows and Juliette balconies with the opportunity for reciprocal overlook.</p> <p>Upper storey windows on the front elevation and on the side elevations to Dwellings 5, 6 and 7 that overlook the gym car park and public roads remain unobscured to provide surveillance to the common driveway and public realm, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The dwellings have been designed to minimise direct overlooking of habitable rooms and private open spaces, but should incorporate window sill heights of 1.7 metres above internal finished floor level. The reciprocal overlooking that may occur between Dwellings 6 &amp; 7 has to be considered in the context of also providing passive surveillance to Diagonal Road. When considered in the context of this development the benefit of passive surveillance over Diagonal Road is considered to outweigh the necessity of privacy. However, if the POS areas of the dwellings were located on the opposite side</p>
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	<p>of the dwellings from Diagonal Road and the front of these dwellings were facing directly onto the street then this would be a far better outcome for the locality and for the proposed development.</p> <p>As such the development is considered to partially meet the requirements of this provision.</p>
<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><i>General Section: Design &amp; Appearance: PDC 14</i></p>	<p><b>Does Not Comply</b></p> <p>Whilst the proposed dwellings incorporate some privacy treatments to protect privacy of adjoining properties the extent of the privacy treatments are not considered to go far enough (discussed above). More critically all of the dwellings are two-stories in height on a battle-axe allotment shape and therefore the proposal fails to meet PDC 17.</p>
<b>Noise</b>	
<p><i>Residential development close to high noise sources (egg 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><i>Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade. 2</i></p> <p><i>General Section: Residential Development: PDC 27</i></p>	<p><b>Does Not Comply</b></p> <p>Dwellings 6 &amp; 7 are considered to be most impacted by noise due to their proximity to Diagonal Road (an arterial road) and relationship to Warren Court and the gym car park. There are limited features surrounding the subject land that will protect the proposed development from the impacts of the arterial road. Furthermore, these dwellings have positioned their primary area of POS adjacent to Diagonal Road and as well as one of the bedrooms. Front and side fencing is proposed around the site but this is considered to do little by way of noise attenuation for the areas of POS. It is considered that the impact from traffic noise will be significantly and unreasonably detrimental to the POS areas of Dwellings 6 &amp; 7. Furthermore, should DPTI acquire the 4.5m area allocated for road widening these dwellings will be within less than a metre from the road boundary. This is considered an unacceptable outcome.</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><b>Complies</b></p> <p>The bedrooms of all seven dwellings are located on the upper level of each dwelling. As such, these rooms are separated from the common driveway area, public roads and car park and from associated light spill from these areas.</p>
<b>Site Facilities and Storage</b>	
<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><b>Partially Complies</b></p> <p>(a) Common letterboxes are featured at the entrance to the common driveway.</p> <p><b>Does Not Comply</b></p> <p>(c) No common waste storage area provided away from dwellings.</p> <p>(b) The proposal has not allocated an area for bicycle parking.</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*

### **Partially Complies**

Dwellings 1 to 5 are orientated so that their open spaces face east and Dwellings 6 & 7 are orientated with their open spaces facing west. Although not directly north facing it is considered that the POS areas will gain a northerly aspect for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

The living areas of the dwellings are not provided with the same access to northern light with Dwellings 1 & 7 being the only dwellings that incorporate a north facing window to living areas. The remaining dwellings living areas are orientated east/west, which should nonetheless receive some northern winter sunlight.

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

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### **Complies**

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

## Flooding

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

*General Section: Hazards: PDC 4*

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

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

*General Section: Hazards: PDC 5*

### **Complies**

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of between 100.35 to 100.6; finished paving level of between 100.25 and 100.5; and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Partially Complies**

The proposed planting species and distribution will provide some reduction in the visual impact of the built form and enhance the appearance of the road frontage and parking areas. However, given the density and two-storey nature of the development and minimal landscaping within the site along the common driveway, it is considered that the proposed landscaping does not fully address this principle of development control. Nor is the landscaping considered to be of a scale that will complement the built form.

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

- (a) not result in damage to neighbouring trees*
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street*
- (e) assist in highlighting building entrances*
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
- (h) be constructed of non-flammable materials.*

*General Section: Landscaping, Fences & Walls: PDC 5*

### **Complies**

The application proposes the construction of a 1.8m high lightweight render and brick fence along the Diagonal Road boundary and extending around the corner of Warren Court and a 1.8m high good neighbour colorbond fence along the southern boundary adjoining the Goodlife Gym car park. This fencing is considered appropriate for the site.

## TABLE DISCUSSION

The proposal fails to satisfy a number of the applicable principles of development control contained within the Marion Council Development Plan. In considering the non-compliances of the proposal to the Development Plan consideration has been given to the unusual shape of the subject land. Consideration has also been given to the matters that are likely to be easily resolved through amendment. In this regard not all of the matters identified in the table above warrant discussion. The following is limited to the matters that are considered to be most fundamental to the proposal

- Excess site coverage with Dwelling 1 to 5 exceeding the maximum of 80 square metres.
- Excess floor area ratio over 0.7 for all dwellings.
- Private open space areas are not considered adequate for likely needs of occupants of dwellings and the private open space areas to Dwellings 6 and 7 are located within the road widening of the subject land and will be unreasonably impacted by traffic from Diagonal Road.
- Side setbacks for upper and lower stories of Dwellings 1 to 5 and two storey walls located on internal boundaries.

- Lack of onsite visitor parking and on street visitor parking.
- Overall proposal lacks landscaping and fails to include 0.8m along either side of the common driveway or landscaping sufficient to complement the proposed built form.
- Design and appearance of the development is not considered to result in an attractive outcome for the street with areas of uninterrupted walls and design has not maximised use of balconies or passive surveillance.
- The development results in two storey dwellings on a battle-axe allotment.

#### ***Site coverage and floor area ratio***

The proposed development will result in a site coverage and floor area ratio that exceeds the maximum standards in the Development Plan. In relation to site coverage, Dwellings 1 to 5 exceed the maximum standard of 80m<sup>2</sup> ranging from 81.65m<sup>2</sup> to 102.65m<sup>2</sup> (48% to 60.2%). The floor area ratio demonstrates greater non-compliance with the Development Plan. The FAR has been calculated between 0.75 and 0.85 with an average FAR of 0.78. On average over the whole of the subject land the site coverage is 43.9% and FAR is 0.68. The site coverage and FAR calculations for each dwelling site is considered to demonstrate an overdevelopment of the site which will result in a poor development outcome for the land and is exacerbated due to the undersized nature of the site areas for each dwelling.

#### ***Private Open Space and Noise Attenuation***

Each dwelling has been provided with a minimum of 35m<sup>2</sup> POS which achieves the minimum requirement calculated on the average site area of 170.5m<sup>2</sup>. If the proposed allotments achieved the minimum average site area standard of 200m<sup>2</sup> then the requirement would be 40m<sup>2</sup>, 20% of the minimum site area. While the POS areas provided meet the minimum numerical standard, this is based on a site area smaller than that specified in the Development Plan. When considering the POS in the context of the undersized allotments, excess site coverage and excess floor area ratio, which demonstrates dwellings larger than that envisaged for each site, the POS provided for each dwelling is not considered adequate.

The POS areas for Dwellings 6 & 7 are not considered acceptable. Should DPTI acquire the 4.5 metre strip of land along the Diagonal Road frontage, Dwellings 6 and 7 will lose their primary area of POS (and these dwellings will have little to no setback from Diagonal Road). However, even if this area of land was not to be acquired, the POS located adjacent to Diagonal Road for these two dwellings is not considered acceptable as it will be unreasonably impacted by traffic noise and air pollution; an outcome discouraged by the Development Plan.

#### ***Two Storey on a Battle-axe Allotment & Two Storey Walls on Boundaries***

The proposed development results in two storey development on a battle-axe shaped allotment which is in direct contention with Principle of Development Control 14 which discourages this type of built form. Given the layout of the development, particularly Dwellings 1 to 5, the two storey walls situated on the internal (southern side) boundaries of Dwellings 1, 2 and 3 are not considered appropriate given the design and relationship of these two storey walls to Dwellings 2, 3 and 4. The impact from overshadowing and visual appearance of these walls on the adjoining dwellings is considered unreasonable. It is also considered to result in a poor design outcome when viewing the building from the street or surrounding properties as it will create narrow, shaded corridors between the dwellings.

#### ***On Street & On Site Visitor Parking***

The application proposes the construction of seven residential flat buildings. In accordance with Table Mar/2 – Off Street Vehicle Parking Requirements the car parking requirements for the site are 1.5 spaces per dwelling plus 1 visitor space per 3 dwellings. This equates to a total of 13 spaces on site. In total the proposal provides 14 on site car parking spaces with all spaces allocated to each dwelling, providing 2 spaces per dwelling. However, there are no designated visitor car parks proposed as part of the development.

There are two provisions within the Development Plan that require designated visitor car parks for this type of development being Table Mar/2 and Land Division Principle of Development Control 22. As the proposal fails to meet Table Mar/2, the on-street parking spaces become critical with a requirement that 1 space be provided per every two dwellings, a total of 4 spaces



(rounded up) in relation to this proposal. Currently only one on street vehicle space will remain in front of the site. The lack of onsite visitor car parking, coupled with the significant restrictions for on street parking due to the shape of the cul-de-sac and prevention of parking on Diagonal Road is of concern. It is considered that the increased density of this development and the size of the dwellings being proposed, requires that visitor car parking be provided for the development. In this regard, the proposal is considered to fail in relation to onsite and on-street car parking.

## ANALYSIS/CONCLUSION

The proposed development seeks to achieve seven dwellings on a site that is irregular in shape and that will result in allotments that are below the minimum site area requirement. Coupled with the density and layout of proposal, the development will result in dwellings that exceed a number of other Development Plan criteria most notably in relation to site coverage, floor area ratio, built form (two-storey on a battle-axe, setbacks of two storey walls and design) and functionality in relation to private open space and car parking. Whilst it is acknowledged that some of the non-compliances with the Development Plan may not be fatal to the application individually, when considered as a whole they represent a substantial and unreasonable departure from the Development Plan.

When considering the density of the proposed development with the size of the dwellings proposed, along with the other shortfalls with the Development Plan it is considered that the proposal results in an overdevelopment of the site to an extent that cannot be supported.

While the proposed development is not considered to be seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993, it is considered that it fails to sufficiently accord with the relevant provisions of the Marion Council Development Plan, and should be refused.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/2322 for Two, two storey residential flat buildings, one comprising five dwellings and one comprising two dwellings with associated garages and porticos and a wall located on the northern boundary of the land at 3 Warren Court and 308 Diagonal Road Oaklands Park be REFUSED for the following reasons:
  - 1. The proposal fails to result in a development that is consistent with the Desired Character and Objectives 4, 7 and 11 of the Regeneration Policy Area 16.
  - 2. The proposal fails to satisfy the minimum of 200 square metre average per dwelling in a two storey residential flat building configuration prescribed by Principle of Development Control 4 of the Regeneration Policy Area 16.
  - 3. Dwellings 1 to 5 will result in a site coverage that exceeds the maximum standard of 80 square metres and Dwellings 1 to 7 exceed the maximum floor area ratio of 0.7 as prescribed in Principle of Development Control 5 of the Regeneration Policy Area 16.
  - 4. The proposal fails to provide any independently-accessible visitor parking spaces, while on-street parking is restricted and fails to provide visitor parking to accommodate the increased density of dwellings on the land in accordance with Principle of Development Control 7 of the Residential Zone, Principle of Development Control 43(a) of the General Section: Transportation and Access and Land Division Principle of Development Control 22.
  - 5. The proposal results in a two-storey built form on a battle-axe shaped allotment that demonstrates a lack of articulation and will be visually bulky which is at variance with Principle of Development Control 7(a), (b) and 14 from General Section: Design & Appearance.
  - 6. The private open space areas for Dwellings 6 and 7 is adjacent an arterial road and within the area identified for road widening, and further will be impacted by noise and air quality from Diagonal Road. The private open space for these dwellings fail to accord with Principles of Development Control 15 and 16 in General Section: Residential Development.

## Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment VI:</i>	<i>DPTI Referral Comments</i>

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 5 August 2015**

<b>Agenda Ref No:</b>	<b>DAP050815 – 2.4</b>
<b>Originating Officer:</b>	<b>Kristen Schutte Development Officer - Planning</b>
<b>Applicant:</b>	<b>Diamanti Design</b>
<b>Development Description:</b>	<b>Single storey dwelling addition, incorporating a wall 10.3 metres in length on the western side boundary</b>
<b>Site Location:</b>	<b>73 Condada Avenue, Park Holme</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>04/05/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/764</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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**CATEGORISATION & DELEGATION**

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

**SUBJECT LAND & LOCALITY**

The subject site is located at 73 Condada Avenue in Park Holme and is located on the southern side of the road. The subject land comprises a rectangular allotment with a 17.61 metre frontage to Condada Avenue and a depth of 47.35 metres, providing a total site area of 833.8 square metres.

The subject land is developed with an existing single storey detached dwelling incorporating a garage wall on the western boundary for a length of 7.7 metres, a verandah, and a shed located to the rear of the site. The site maintains no discernible slope and there are no regulated or significant trees on the land.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to demolish the existing laundry and water closet to the rear of the dwelling, the low level porch wall of the front façade and a 1.2 metre portion of the existing wall on the western boundary.

The alterations and additions proposed include a family room, a laundry and a second bathroom to the rear of the dwelling, incorporating a wall on the western boundary of 10.3 metres.

An upgrade to the external appearance of the building is proposed through the use of different building materials and by incorporating an extended portico to the front façade. The extensions to the dwelling will be finished in render, with exception of the boundary wall, which was amended to be finished in face brickwork as requested by the representor during public notification of the application.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	8 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 (valid) representation was received by Council.
<b>Persons wishing to be heard:</b>	n/a
<b>Summary of representations:</b>	<ol style="list-style-type: none"><li>1. Would prefer that the proposed addition is not built directly on the boundary as noise levels could impact upon amenity of home and outdoor living area.</li><li>2. Should the wall be located on the boundary, would prefer this wall not to be rendered so as to match existing boundary wall.</li><li>3. The representor also raised concerns regarding damage to their garden, rainwater tanks, potential for leaf litter and storm water overflow, and the safety of their pets during construction.</li></ol> <p><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<ol style="list-style-type: none"><li>1. The wall to be constructed on the boundary has an external leaf of solid brick, an internal wall of timber frame, 13mm soundproof gyprock lining and R2.5 insulation which would provide adequate sound rating from any noise emanating from the proposed addition.</li><li>2. The wall on the boundary will be built of similar brickwork as the existing house and finished in face brick, not render.</li><li>3. Any damage to existing adjoining gardens will be rectified by the Owners upon completion of building works.</li></ol>

	<p>The existing rainwater tank should not be affected unless it is over the boundary, which is very unlikely, and in any case, all care will be taken to complete the building works without any interference to items on the adjoining property.</p> <p>The boundary gutters will be fitted with a leaf guard system to minimize any overflowing.</p> <p>A mesh fence will be provided by the Owners during the construction of the building works to prevent any escape of animals from the adjoining property.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>
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## ZONE & POLICY AREA ASSESSMENT

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

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

## Assessment

The application proposes to improve the internal and external function and appearance of the existing dwelling, which, the applicants have considered is in good condition. The proposed alterations and additions are considered to enhance the dwelling's presentation to the street whilst seeking to meet the needs of the occupants. The additions will not result in the removal of significant or regulated trees on the site, nor will there be any changes to the access which will result in the removal of street trees.

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

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	<b>Complies</b> 36.9% (307.3m <sup>2</sup> )
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i>  <i>General Section: Residential Development: PDC 13</i>	<b>Complies</b> The proposed additions will, in my view, still allow for sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
<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>  <i>General Section: Residential Development: PDC 14</i>	<b>Complies</b>

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

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

### Does Not Comply

- f) The POS is oriented to the south. Whilst this is undesirable, it is nonetheless common of dwellings on the southern side of east-west running streets. The large dimension of the POS means that a majority of the area will nonetheless receive sunlight on the day of the winter solstice

However, the POS is currently oriented south. And as such, has no bearing upon the merit of the proposed development.

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

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

General Section: Residential Development: PDC 17

### Complies

43.3% (361.4m<sup>2</sup>)

## Side Setbacks

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

Residential Zone: PDC 7

### Complies

Eastern side setback: 1m



<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Complies</b></p> <p>(a) the walls do not abut more than one side allotment boundary.</p> <p>(c)(i) setback 2 or more metres behind the main face of the adjacent dwelling.</p> <p>(iii) does not exceed 3 metres in height.</p> <p><b>Does not comply</b></p> <p>(c)(ii) exceeds 6 metres in length (10.3m).</p> <p>(iv) sited closer than 2.5 metres to a habitable room window (2m).</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Does Not Comply</b></p> <p>(a) As the proposed additions include a wall sited on the western boundary for a length of 10.3 metres, some visual impact upon the adjoining property at 75 Condada Avenue may occur.</p> <p><b>Complies</b></p> <p>(b) Shadow cast into the western adjoining property will subside throughout the morning.</p>
<h2>Rear Setbacks</h2>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>16.8m</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling additions do not exceed the building height of the existing portions of the dwelling.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling additions do not result in additional bedrooms being created, remaining a three bedroom dwelling. Accordingly, two on-site car parking spaces remain available, one of which is covered.</p>

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Complies**

It is considered that the proposed alterations and addition to the dwelling will enhance the streetscape appearance of the dwelling providing the dwelling with a modern appearance that will not look out of character in the locality.

On balance, it is considered that the design and appearance of the proposed additions appropriately satisfy the relevant Development Plan criteria.

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

### **Complies**

The existing dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, porch and habitable windows to the street.

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### Complies

a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June

b) Given that north forms the street boundary, a majority of winter shadow will be cast within the private open space of the subject land. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.

## 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 south. While undesirable, this is nonetheless common of dwellings located on the southern side of east-west running streets. Furthermore, the dwelling maintains a lounge room within the existing portion of the dwelling with northern orientation.

As identified in the Overshadowing section of this table, the proposed additions 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 dwelling incorporates a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

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

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

- (a) not result in damage to neighbouring trees*
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street*
- (e) assist in highlighting building entrances*
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
- (h) be constructed of non-flammable materials.*

*General Section: Landscaping, Fences & Walls: PDC 5*

### **Complies**

No additional fencing that is classified as 'development' pursuant to the Development Act and Regulations is proposed.

## TABLE DISCUSSION

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

- Wall length on the boundary

The proposed wall located on the western boundary comprises a length of 10.3 metres; this length of wall is in addition to the existing garage wall sited on the same boundary, with a resulting total of 16.8 metres. While this substantially exceeds Development Plan criteria, the following points are taken into consideration;

The western boundary of the subject land forms a side boundary of the adjacent dwelling. This dwelling incorporates an enclosed verandah and outdoor living area adjacent to the side boundary (a portion of which is located on the same boundary for a length of approximately 3 metres), as well as two habitable room windows servicing the kitchen and dining room. The enclosed verandah and outdoor living area reduce the potential impacts of the excess length of the proposed boundary wall. The proposed wall will be located 3 metres from the existing garage wall located on the same boundary (as the application seeks to reduce the length of the garage wall by 1.2 metres, from 7.7 metres to 6.5 metres). The kitchen and dining room windows of the adjacent dwelling are located alongside the respite in structure on the boundary, which should allow for adequate natural light to filter into these rooms.

It is of further worth to note that pursuant to Schedule 4- 2A, walls located on a boundary with a length of up to 8 metres can be built 'as of right' without any consideration as to the impacts on the adjoining land. This is in addition to the existing garage wall as the two boundary walls are not located within 3 metres of each other and the resulting length does not exceed 45% of the length of the boundary. Therefore, a total of 14.5 metres could be permitted 'as of right'.

Given the proposed boundary wall is located adjacent to an enclosed verandah and outdoor living area (reducing the potential impacts of the proposal), combined with the consideration that the two habitable room windows of this dwelling will receive adequate daylight from the respite in structures on the boundary, and having regard to the length of wall permitted 'as of right'; I am satisfied that this variance is not of such severity to result in unreasonable impacts upon the occupiers of the adjoining property.

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## REPRESENTOR'S CONCERNS

The concern raised by the representor in relation to noise levels impacting upon the amenity of their home and outdoor living area, were addressed by a letter from the applicant confirming that the wall will be constructed of an external leaf of solid brick, an internal wall of timber frame, 13mm soundproof gyprock lining and R2.5 insulation which would provide adequate sound rating from any noise emanating from the proposed addition. The representor also requested that should the wall to be located on the boundary, that it be constructed of face brick so as to match existing boundary wall and to eliminate the need for upkeep of the rendered façade. The applicant has amended the proposal accordingly. The representor did not raise concerns of visual impact or overshadowing, nevertheless these potential impacts have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor also raised concerns over regarding damage to their garden, rainwater tanks, potential for leaf litter and storm water overflow, and the safety of their pets during construction. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

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## ANALYSIS/CONCLUSION

The proposed additions will, in my view, improve the appearance and internal function of the dwelling for the enjoyment of the occupants. The proposal is compliant with the majority of the Development Plan Principles and where there are variances, particularly in relation to the length of the wall on the boundary, I am satisfied that this will not cause unreasonable impacts upon neighbouring property.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2015/764 for Single storey dwelling addition, incorporating a wall 10.3 metres in length on the western side boundary at 73 Condada Avenue PARK HOLME 5043 be GRANTED subject to the following conditions:**

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/764, except when varied by the following conditions of consent.**
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.**
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.**
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 5. 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.**
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 7. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.**

## NOTES

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

## Attachments

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



## DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 August 2015

**Agenda Ref No:** DAP050815 – 2.5

**Originating Officer:** Kristen Schutte  
Development Officer - Planning

**Applicant:** Mrs Robyn Marion Williams

**Development Description:** One single storey detached dwelling and one single storey residential flat building comprising seven dwellings

**Site Location:** 12 Barry Road, Oaklands Park

**Zone:** Residential Zone

**Policy Area:** Medium Density Policy Area 12

**Application Type:** Category 1 / Consent

**Lodgement Date:** 20/03/2015

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

**Application No:** 100/2015/494

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

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### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings and single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed residential flat dwellings supporting an average land area of less than 250 square metres each, as required within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

### BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage should not exceed 130 square metres for Res 1 and 100 square metres for Res 2-8.	Site coverage of Res 1 reduced from 152.9 to 134.2 square metres and from 105.4 to 97.3 square metres for Res 2-8.
Depth of Res 1 should be increased to a minimum 20 metres.	Depth of Res 1 increased from 16.8 metres to 17.2 metres.

Minimum front setback of 7 metres should be provided.	Front setback increased from 5 to 5.5 metres.
Setback from original rear (eastern) boundary should be no less than 3 metres.	Side setback of Res 8 to the eastern boundary increased from 0.9 metres to 3 metres.
The windows of Bedroom 1 of Res 2-8 should be double glazed to provide noise attenuation from the common driveway.	Double glazing provided to Bedroom 1 windows of Res 2-8.

During correspondence with Council the applicant advised that the dwellings (specifically Res 2-8) were oriented with the POS south facing in order to prevent overlooking from the adjacent two storey development to the north. It was further noted that the two storey residential flat building to the north would nonetheless entirely overshadow the proposed POS during winter months were the dwellings 'flipped'. As such, it was not requested that the proposal be amended to provide north facing private open space.

## SUBJECT LAND & LOCALITY

The subject land is located at 12 Barry Road, Oaklands Park. (Lot: 91 CT: 5683/392). The allotment is rectangular with a width of 22.86 metres, depth of 85.8 metres, and total site area of 1961 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition as well as numerous outbuilding structures to the rear of the site. A driveway is located adjacent the southern side boundary.

The land maintains a minor gradient, falling from the south-east to the north-west corner of the allotment by some 330 millimetres. The land accommodates thirty-nine trees, none of which are classified as regulated pursuant to the current legislation.

The locality contains a mixture of dwelling types and densities, including both single storey and two storey dwellings. Older unit developments are common throughout the area, in addition to detached dwellings on large allotments, and recent residential development at medium densities. Aged care accommodation is also common in the locality, as Oaklands Residential Care is located north of the subject land at 2 Jean Street, while the Southern Cross Care is located south-west of the subject land at 393 Morphett Road.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes to construct eight dwellings on the subject land, in the form of a single storey detached dwelling at the front of the site (Res 1), and a single storey residential flat building comprising seven dwellings to the rear (Res 2-8).

Res 1 features three bedrooms (main with ensuite), a bathroom and laundry and open plan kitchen, meals and family areas. Res 2-8 each feature two bedrooms, a bathroom, separate WC a laundry within the garage, and an open plan kitchen/living area.

Res 1 provides an attached single width carport located abutting the southern boundary which will gain access from a driveway with an offset crossover in order to maintain a 1 metre setback from an existing Telstra Pit. Res 2- 8 each provide a single garage with a crossover proposed adjacent the northern side boundary to provide access from the common driveway to each dwelling.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	<ul style="list-style-type: none"> <li>• Vehicle manoeuvring areas are satisfactory.</li> <li>• The rainwater tanks are of sufficient size but need to specify that they connect to 80% of the roof area and are plumbed to both the toilet and laundry.</li> <li>• FFL's should be increased to 100.45 and the surrounding finished paving/ground level should be set down at least 300mm below the FFL.</li> <li>• Stormwater discharge to the kerb needs to be split into 2 separated (at least 5m apart) outlets to reduce point discharge to the street water table.</li> <li>• Driveway crossover to Res 1 should be perpendicular to the kerb within the very area.</li> </ul>
The application has been amended to address the above to the satisfaction of Council's Development Engineer.	

## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	
<b>Objectives</b>	<p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
Medium Density Policy Area 12	
<b>Objectives</b>	<ol style="list-style-type: none"> <li>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</li> <li>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</li> <li>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</li> <li>4 Development that contributes to the desired character of the policy area.</li> </ol>
<b>Desired Character</b>	<p>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</p>

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 requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

PDC 1	The following forms of development are envisaged in the policy area: ▪ affordable housing ▪ <b>detached dwelling</b> ▪ group dwelling ▪ <b>residential flat building</b> (buildings between one & three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation.	<b>Complies</b>
PDC 4	Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings. (i.e. Site areas between 149.3 and 250 m <sup>2</sup> )	<b>Complies</b>
PDC 6	In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.	<b>Complies</b>
PDC 7	Minimum Site Area: Detached dwelling: 300 square metres Residential flat building: 250 square metres	<b>Does Not Comply</b> Res 1: 296m <sup>2</sup> Res 2- 7: 165m <sup>2</sup> Res 8: 176m <sup>2</sup>  (Res 2-8 comprise an average site area of 166.6m <sup>2</sup> excluding the common driveway and 237.9m <sup>2</sup> when including common driveway)
	Minimum Frontage: Detached dwelling: 10 metres Hammerhead driveway servicing 4-7 dwellings: 6.1m (4.5m driveway + 2 x 0.8m landscaping strips)	<b>Complies</b> Res 1: 17.6m  <b>Does not Comply</b> Hammerhead driveway servicing Res 2-8: 5.26m (4.5m driveway x 1 x 0.76m landscaping strip)
	Minimum Depth: Detached dwelling: 20 metres Residential flat building: 45 metres	<b>Does Not Comply</b> Res 1: 17.2m  <b>Complies</b> Res 2-8: 85.8m

## Assessment

In terms of walking distance, the subject land is located approximately 400 metres from the Oaklands Train Station, 500 metres from the Neighbourhood Centre Zone (including Coles supermarket and the Warradale Hotel), and approximately 900 metres from the Regional Centre Zone (containing the State Aquatic Centre and Westfield Marion). Given that the subject

land is located in close proximity to centres and public transport routes, the proposed increase in dwelling density accords with Objective 2 of the Residential Zone and Objective 1 of the Medium Density Policy Area 12.

The proposed single storey detached dwelling and residential flat building are forms of development envisaged by Principle 1 of the Policy Area. The proposed increase in density is specifically encouraged by the Desired Character, whilst also providing further diversity in housing forms and styles to meet a variety of accommodation needs.

Detached dwellings within the Medium Density Policy Area should comprise a minimum site area of 300 square metres, whereas Res 1 has a site area of 296 square metres, which equates to a shortfall of 1.3%. Detached dwellings should also maintain a minimum depth of 20 metres and frontage width of 10 metres; Res 1 falls short of the required depth, at 17.2 metres, however substantially exceeds the frontage width requirement, at 17.6 metres. In response to these irregular dimensions, the proposed dwelling has been designed to utilise the greater width of the allotment, and consequently achieves an adequate level of compliance with private open space, site coverage and setback provisions (as discussed further below within this report). As such, the shortfalls in site area and depth should not detract from the function or appearance of the proposed dwelling.

The site areas of Res 2-8 have an average site area of 166 square metres, where 250 square metres is prescribed for residential flat dwellings. This equals a shortfall of 84 square metres per dwelling, or 33.6% less than the minimum. While the individual site area of each dwelling falls substantially short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 237.9 square metres per dwelling, or 4.8% less than the minimum sought.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. Were the application to propose eight dwellings in the form of residential flat dwellings or group dwellings, a minor shortfall in average site area of 1.96% would be observed (when including the common driveway) and it is only by the configuration of the site that Res 1 would require 300 square metres. As such, the density of the proposal is largely in-keeping with that envisaged for the Policy Area.

Furthermore, the proposed site areas fall within the category of "medium" residential density, as defined in the handbook *"Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples"* published by the Government of South Australia in October 2011. This remains in accordance with the "low-medium and medium densities" envisaged by the Desired Character.

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

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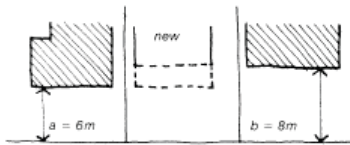
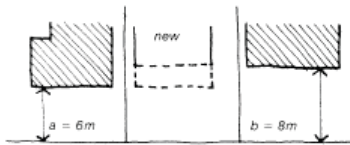
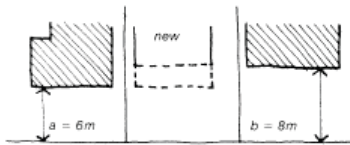
## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><b>Maximum site coverage:</b>  Site area between 270 and 375 m<sup>2</sup>: 130 m<sup>2</sup> or 40%  (whichever is the greater)  Site area less than 270 m<sup>2</sup>: 100 m<sup>2</sup> or 40%  (whichever is the greater)  <b>(130m<sup>2</sup> is applicable for Res 1, 100m<sup>2</sup> for Res 2-8)</b>  Medium Density Policy Area 12: PDC 8</p>	<p><b>Does Not Comply</b>  Res 1: 134.2m<sup>2</sup>    (Discussed further Table Discussion below)</p> <p><b>Complies</b>  Res 2- 8: 97.3m<sup>2</sup></p>
<p>Site coverage should ensure sufficient space is provided for:  (a) pedestrian and vehicle access and vehicle parking  (b) domestic storage  (c) outdoor clothes drying  (d) rainwater tanks  (e) private open space and landscaping  (f) convenient storage of household waste and recycling receptacles    General Section: Residential Development: PDC 13</p>	<p><b>Complies</b>  The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>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.    General Section: Residential Development: PDC 14</p>	<p><b>Complies</b></p>
Private Open Space	
<p>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</p>	<p><b>Complies</b>  a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling  b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy  c) The subject land does not maintain natural features which warrant preservation  d) The POS areas should not be directly overlooked by adjacent buildings  e) POS areas are not located next to bedrooms of dwellings on adjacent sites  g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development  h) POS areas are capable of being shaded during summer  i) Traffic, industry or other business activities should not affect the subject land  j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p><b>Partially Complies</b>  f) The POS of Res 1 is oriented east, which should nonetheless receive some northern winter sunlight.</p>

	<p><b>Does Not Comply</b></p> <p>f) The POS areas of Res 2- 8 maintain a southerly aspect.</p> <p><i>(Discussed further Table Discussion below)</i></p>						
<p><b>Site Area 250 m<sup>2</sup> or greater: (Res 1)</b>  <i>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.</i></p> <p><b>Site area less than 250 m<sup>2</sup>: (Res 2-8)</b>  <i>20% of the site area or 35 m<sup>2</sup>, whichever is the greater  Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Complies</b></p> <p>Res 1: 20.1% (59.52m<sup>2</sup>)  POS is directly accessible from a living room with a minimum dimension of 5 metres and negligible gradient.</p> <p>Res 2-7: 27.7% (45.7m<sup>2</sup>)  Res 8: 55.2% (97.1m<sup>2</sup>)  POS is directly accessible from a living room with a minimum dimension of 4 metres and negligible gradient.</p>						
<p><b>Street Setbacks</b></p>							
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p><b>Complies</b></p> <p>Res 1: The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>						
<p><i>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><i>When b &gt; a &gt; 2, setback of new dwelling = a or b</i></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><i>When b &gt; a &gt; 2, setback of new dwelling = a or b</i></p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p><b>Partially Complies</b></p> <p>Res 1: 5.5 metres</p> <p><i>(Dwellings on adjoining land set back approximately 13.5 and 14.5 metres, which equals an average setback of 14 metres)</i></p> <p>It was originally requested that the front setback be increased from 5metres to 7 metres in order to strike a balance between the generous setbacks of the adjacent development and other existing setbacks in the immediate locality.</p> <p>However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. Given that the Medium Density Policy Area 12 encourages redevelopment of existing dwelling stock at higher densities, PDC 25 has limited weight. Therefore a setback of 5.5 metres is considered acceptable.</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><i>When b &gt; a &gt; 2, setback of new dwelling = a or b</i></p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						

<p><i>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b> Res 1: 5.5 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><b>Complies</b> Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<b>Side Setbacks</b>	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b> Res1: 0.9m (northern side setback, carport located on southern side boundary).</p> <p>The proposed side setback falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.</p> <p><b>Complies</b> Res 8: 3m (eastern side setback).</p>
<b>Rear Setbacks</b>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b> Res 1-8</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Does Not Comply</b> Res 1: 2.5m (58%) and 5.03m (42%) Res 2-7: 3.56m (34%) and 5.7m (66%) Res 8: 3.5m (26%), 5.7m (74%)</p> <p><i>(Discussed further Table Discussion below)</i></p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i> <i>(i) 2 storeys of not more than 9 metres</i> <i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b> The proposed single storey dwellings incorporate a maximum building height of 4.9 metres (Res 1) and 4.4 metres (Res 2-8, which is less than the maximum permitted in the Policy Area.</p>
<b>Garages, Carports and Outbuildings</b>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Res 1 carport: 6m (0.5m 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></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p><b>Complies</b></p> <p>i) Carport on boundary is not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) Open structure length of 6.2 metres on the boundary</p> <p><b>Does Not Comply</b></p> <p>iii) Wall height of 2.7 metres</p> <p><i>(Discussed further Table Discussion below)</i></p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p><b>Complies</b></p> <p>The proposed carport/garages incorporate a roof form, materials and detailing which complement the associated dwellings.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Res 1: 3 metre wide carport faces the street, comprising 17% of the allotment width</p>
<p><b>Car Parking</b></p>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Partially Complies</b></p> <p>Res 1: Provides two on-site car spaces, one within the carport and one within the driveway.</p> <p>Res 2-8: Each dwelling provides one carport/garage space and one open visitor space, which equals a total of 14 on-site parking spaces. However no independently accessible visitor parks are available.</p> <p><i>Note: 1.5 resident spaces x 7 dwellings = 10.5</i></p> <p><i>Plus 2.3 visitor spaces required for 7 dwellings = 12.8 on-site spaces required</i></p> <p><i>(Discussed further Table Discussion below)</i></p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>					<p><b>Does Not Comply</b></p> <p>2 on-street car parking spaces are provided for the proposed allotments where 4 are required by PDC 22.</p> <p><i>(Discussed further Table Discussion below)</i></p>
<b>Access</b>					
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>					<p><b>Complies</b></p> <p>The proposal incorporates a 3 metre wide crossover to Res 1, and a 4.5 metre crossover for the common driveway providing access to Res 2-8.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>					<p><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>					<p><b>Complies</b></p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<p><i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</i></p>					<p><b>Complies</b></p> <p>4.5 metre wide driveway for first 6 metres, 3.0 metres thereafter. Driveway widens after 25 metres for passing.</p> <p><b>Does not Comply</b></p> <p>Landscaping strip of 0.75 provided on the northern side of driveway and 0.76 metres on the southern side of the driveway (where appropriate).</p> <p><i>(Discussed further Table Discussion below)</i></p>
<b>No. of dwellings served by driveway</b>	<b>Width at front property boundary &amp; for first 6 metres</b>	<b>Width beyond first 6 metres</b>	<b>Widening required for passing</b>	<b>Minimum landscaped strip either side of driveway (metres)</b>	
4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8	
<i>General Section: Residential Development: PDC 41</i>					

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Complies**

The front façade of Res 1 reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance its design and appearance:

- Mixture of brick, horizontal cladding and render on the front façade;
- Protruding portico and varied setbacks;
- Eave overhang and pitched roof form at 25 degree slope;
- Fenestration.

The dwellings incorporate a 25 degree Colorbond roof, with rendered facades. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of Res 1, and the front and rear elevations of Res 2-8 feature a render finish to all facades as well as fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

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

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 18*

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

*General Section: Residential Development: PDC 6*

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

*General Section: Residential Development: PDC 6*

### **Complies**

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

### **Complies**

a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June

b) A majority of winter shadow will be cast within the rear yard of the dwellings.

<p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 10</i></p>	<p>However, some shadow will be cast into the front yard of the southern adjoining property from Res 1. Shadows cast into the eastern adjoining properties only begin in afternoon hours.</p> <p>Given that the proposed dwellings are single storey in nature only, and maintain appropriate setbacks from the southern and eastern boundaries, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>
<h2>Visual Privacy</h2>	
<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><i>General Section: Design &amp; Appearance: PDC 14</i></p>	<p><b>Complies</b></p> <p>The residential flat dwellings located on the battleaxe allotment are single storey and designed to maintain the privacy of adjoining residential properties.</p>
<h2>Noise</h2>	
<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><b>Complies</b></p> <p>Res 2 -7 feature bedroom windows sited adjacent the common driveway. The windows servicing Bed 1 are separated from the common driveway by a distance of 0.76 metres and incorporate landscaping between the driveway and bedroom windows. These windows are proposed to include double glazing for noise attenuation. The combination of setback, landscaping and proposed double glazing is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>The windows of Bedroom 2 are separated by a distance of 2.6 metres, and incorporate landscaping between the driveway and bedroom windows. This combination of setback 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

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

*General Section: Residential Development: PDC 30*

### **Complies**

a) Common letterboxes are featured at the entrance to the common driveway.

### **Does Not Comply**

b) Bicycle parking for residents and visitors not provided

### **Partially Complies**

c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden through the garage. As such, bins could be efficiently stored in the private utility areas of each dwelling.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

The main activity area of Res 1 is oriented east, which should nonetheless receive some northern winter sunlight.

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

### **Does Not Comply**

Res 2-8 do not feature any north-facing living area windows, and POS maintains a southern orientation. Accordingly, the energy efficiency of these two dwellings is poor.

*Discussed further Table Discussion below*

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### **Complies**

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

## Flooding

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

*General Section: Hazards: PDC 4*

*Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:*  
*(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*  
*(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.*

*General Section: Hazards: PDC 5*

### **Complies**

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor level of 100.45, finished paving level of 100.15, and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

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

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

- (a) not result in damage to neighbouring trees*
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street*
- (e) assist in highlighting building entrances*
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
- (h) be constructed of non-flammable materials.*

*General Section: Landscaping, Fences & Walls: PDC 5*

### **Complies**

1.8 metre high Colorbond fencing proposed throughout. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

## 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 (Res 1)
- South facing POS (Res 2-8)
- Rear setbacks
- Carport height on boundary (Res 1)
- Car parking
- Landscaping strips

## **Site coverage (Res 1)**

The site coverage of Res 1 should not exceed 130 square metres, whereas site coverage equals 134.2 square metres. This excess in building footprint is considered to be relatively minor in extent and consequence as the proposed dwelling provides setbacks from boundaries and areas of private open space which generally comply with Development Plan criteria. Consequently, the excess in built form should not detract from the functionality of the development or adversely impact upon the amenity of adjoining land.

## **South facing POS (Res 2-8)**

The POS and internal activity areas of Res 2-8 are oriented south, and as such will be shadowed in winter months, resulting in poor solar access and lack of passive thermal comfort. It is noted that were the dwellings to be reoriented to incorporate north facing POS, that the adjacent two storey development to the north would overlook the proposed development, reducing the privacy afforded to the occupants of these dwellings. In addition, if Res 2-8 were to be 'flipped', the two storey residential flat building to the north would also entirely overshadow the POS of the proposed dwellings during the winter months. The proposed dwellings nonetheless provide a hipped roof with a north-facing section over the garages to facilitate the efficient siting of solar collectors. Therefore, although the solar access of these dwellings is not ideal, the proposal achieves a sufficient level of compliance with Energy Efficiency guidelines.

## **Rear setbacks**

The eastern boundary of the existing allotment of 12 Barry Road is currently considered as the rear boundary. The setback of Res 8 from the eastern boundary is proposed at 3 metres. While this setback fails to accord with PDC 7 (Residential Zone) which prescribes a rear setback of 6 metres for single storey dwellings; it nonetheless closely reflects Principle 37 (General Section: Residential Development) which prescribes a rear setback of 3 metres for 50% and 6 metres for the remainder. Perhaps more importantly than the technical classification of side/rear boundaries, PDC 2 (General Section: Design and Appearance) also suggests that, 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.*

The visual impact of Res 8 as viewed from eastern adjoining properties is considered appropriate as a result of a modest wall height of 2.4 metres and a hipped roof form. Given that the dwelling is single storey, the proposed separation from the side/rear boundary is considered adequate to minimise unreasonable overshadowing of adjacent land. Shadows cast to the east will be limited to afternoon hours only, and therefore the extent of overshadowing would comply with criteria specified in PDC 9 (General Section: Design and Appearance).

When applying numerical rear setback criteria to the nominated rear boundary of each Dwellings 1-7, minor discrepancies are noted. Whilst the rear setbacks of each dwelling do not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. This is supported by the fact that each dwelling nonetheless exceeds POS requirements. Furthermore, these discrepancies are unlikely to result in unreasonable visual impacts or overshadowing of adjacent land.

### **Carport height on boundary (Res 1)**

The proposed carport incorporates wall height of 2.7 metres on the boundary, where a maximum height of 2.4 metres is prescribed. Although the Development Plan recommends a maximum gutter height of 2.4 metres where carports are located on the boundary, Schedule 1A of the Development Regulations 2008 permits carports to incorporate a wall height of 3 metres to be constructed on the boundary without requiring Development Plan Consent. As such, this provision of the Development Plan is irrelevant as a result of current standards for “as of right” development.

### **Car parking**

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

### **Landscaping strips**

Driveways servicing between four and seven dwellings should provide landscaping strips on either side of the driveway with a width of 0.8 metres; whereas the proposal incorporates landscaping strips with a width of 0.75 and 0.76 metres. The 0.09 metre shortfall should not result in perceptible impacts to the subject land or locality. The proposed widths should nonetheless enhance and define the driveway and parking areas, and therefore this shortfall does not jeopardise the merit of the proposal. It is noted that the driveway maintains sufficient width for manoeuvring and that further landscaping is provided in the front garden of Res 1 to enhance streetscape presentation.



## ANALYSIS/CONCLUSION

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Medium Density Policy Area 12, as it achieves an increase in dwelling densities in close proximity to centres and public transport routes and provides further diversity in dwelling types.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls, the most significant involving site areas. Whilst the individual site areas fall short of the minimum prescribed by the Development Plan, the overall density of the site remains in accordance with the “medium” level of density envisaged in Policy Area 12.

The proposal also maintains several other quantitative shortfalls, including site coverage and rear setbacks. However, these areas of non-compliance are relatively minor in nature. Further assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The proposal generally accords with applicable qualitative criteria, including visual privacy, overshadowing and design/appearance. However, in relation to energy efficiency, the main activity areas and POS of Res 2 to 8 will be substantially overshadowed by the associated dwellings in winter months. Whilst this solar orientation is undesirable, this ensures that the POS of the proposed dwellings is not overlooked by the adjacent two storey development to the north. Furthermore, the proposed roof pitches could facilitate the efficient siting of solar collectors. Consequently, the proposal sufficiently accords with Energy Efficiency principles.

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

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/494 for one single storey detached dwelling and one single storey residential flat building comprising seven dwellings at 12 Barry Road, Oaklands Park be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/494 except when varied by the following conditions of consent.
- 2. Stormwater from the 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 guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 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.
- 8. The windows of Bedroom 1 of Res 2 to 8 shall be double glazed for sound attenuation 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.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

## Attachments

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

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 August 2015

<b>Agenda Ref No:</b>	<b>DAP050815 – 2.6</b>
<b>Originating Officer:</b>	<b>Rhiannon Hardy Development Officer - Planning</b>
<b>Applicant:</b>	<b>SKS Surveys</b>
<b>Development Description:</b>	<b>To construct one (1) two-storey detached dwelling and two (2) single storey group dwellings with associated parking and landscaping, and to undertake a Community Title land division (1 into 3 allotments)</b>
<b>Site Location:</b>	<b>4 Hendon Street, Clovelly Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>26/06/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1132</b>
<b>Recommendation:</b>	<b>Development Plan Consent and Land Division Consent (Granted)</b>

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## CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of 1 or more detached dwellings or 1 or more single storey dwellings as Category 1 development. Furthermore, Schedule 9 2(f) prescribes the division of land which creates not more than 4 additional allotments as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum of 375 square metres required for detached dwellings and 300 square metres prescribed for group dwelling within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

## BACKGROUND

Development Application 100/2014/1102 was originally lodged with Council on 2 July 2014, which proposed three dwellings on the subject land. Throughout the assessment process, the applicant opted to lodge a combined land use and land division application so that the dwellings could be properly categorised as a detached dwelling and two group dwellings.

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

Amendments Requested	Amendments Made
Due to the shortfall in site areas, recommend that Res 2 and 3 are reduced to in size to provide one or two bedroom dwelling options. Alternatively, the number of dwellings on the land should be reduced in order to satisfy the applicable minimum site area criteria.	Nil
Res 2 and 3 must provide a minimum 20% private open space.	POS of Res 2 and 3 increased from 38.6 m <sup>2</sup> (16.6%) to 56.4 m <sup>2</sup> (25.2%).
The main face of Res 1 (i.e. the wall closest to the primary street) should be set back a minimum 5.0 metres from the front boundary.	Front setback increased from 3.6 to 5.0 metres.
Site coverage should not exceed 40% of the site area.	Site coverage of Res 2 and 3 decreased from 135.45 m <sup>2</sup> (58.4%) to 123.2 m <sup>2</sup> (55.0%)
Res 2 and 3 should provide windows on the northern elevation of the living area to enhance access to winter sunlight.	Windows provided on northern elevation of Living/Meals area.
Upper level windows on the side and rear elevations of Res 1 should incorporate a sill height or obscure glazing to 1.7 metres above floor level (currently 1.6 metres).	Upper storey sill heights of clear windows increased to 1.7 metres above floor level.
The landscaping plan should indicate a mixture of native trees, shrubs and ground covers throughout the front yard of Res 1. This should include taller/broader plantings adjacent the two-storey dwelling to minimise visual bulk.	Two Ornamental Pear trees and a selection of shrubs nominated throughout front yard of Res 1.

## SUBJECT LAND & LOCALITY

The subject land comprises allotment 151 in Deposited Plan 3034 (CT 5317/790), known as 4 Hendon Street, Clovelly Park. The land is rectangular in shape with a width of 18.59 metres, depth of 45.72 metres and total allotment area of 849.9 square metres.

The land currently accommodates a single storey detached dwelling which was constructed circa 1949. A carport is located on the southern side of the dwelling, which obtains vehicle access from a driveway that runs along the southern side boundary.

The land maintains a slight gradient; rising approximately 500mm from the front to the rear boundary. There are no regulated trees on the subject land.

The locality is characterised by a mixture of both original dwelling stock at low densities and new dwelling stock at low-to-medium densities. New dwellings commonly take the form of semi-detached dwellings, although row dwellings and group dwelling developments are also evident in the locality. Three single-storey row dwellings have been constructed on the northern adjoining allotment in 2012, with average site areas of 283.3 square metres per dwelling. The southern adjoining allotment features a two-storey detached dwelling.

The Rosslyn Street Reserve is located approximately 60 metres east of the subject land, while Daws Road is located approximately 130 metres to the north.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to construct three dwellings on the subject land, and to undertake a Community Title land division to create 3 separate allotments for the proposed dwellings.

Res 1 comprises a two-storey dwelling located at the front of the site. Given that this dwelling maintains its own driveway and vehicle access that is not reliant upon the common driveway, it is considered to be held exclusively within the site boundaries indicated in the proposed plan of division, and as such, comprises a detached dwelling.

The ground floor of Res 1 features the main bedroom with ensuite and WIR, WC, laundry, single garage and open-plan kitchen/meals/living area. An alfresco area is proposed to the rear of the dwelling which is accessed directly from the meals area. The upper storey features two bedrooms, bathroom and study nook.

Res 2 and 3 are identical mirror-image single storey dwellings. Both dwellings obtain vehicle access from a common driveway which runs along the southern side boundary; nominated as Common Property on the plan of proposed division. Given that these dwellings form a group of 2 or more detached buildings (given that party walls are not nominated on the proposal plans), each of which is used as a dwelling and 1 or more of which has a site without a frontage to a public road, they are deemed to be group dwellings.

Both Res 2 and 3 feature three bedrooms, single garage (with laundry facilities at the rear), bathroom and open-plan living/meals/kitchen area.

A selection of landscaping is proposed throughout the site. 1.8 metre high Colorbond Good Neighbour fencing is proposed along the side and rear boundaries.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>SA Water:</b>	The financial requirements of SA Water shall be met for the provision of water supply. For SA Water to proceed with the assessment of this application, the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at: <a href="http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.htm">http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.htm</a> . For any queries please contact SA Water Land Developments on 7424 1119. An investigation will be carried out to determine if the connection/s to your development will be costed as standard The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
<b>DAC:</b>	Payment of \$12976 into the Planning and Development Fund (2 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at <a href="http://www.edala.sa.gov.au">www.edala.sa.gov.au</a> or by phone (7109 7018), 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. 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.

*Refer Attachment IV*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Vehicle manoeuvring areas are satisfactory.
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b></p> <p>Application proposes a detached dwelling and two group dwellings</p>
PDC 3	<p>Minimum Site Area: Detached (Res 1): 375 m<sup>2</sup> Group (Res 2 and 3): 300 m<sup>2</sup></p>	<p><b>Does Not Comply</b></p> <p>Res 1: 263 m<sup>2</sup> Res 2 &amp; 3: 224 m<sup>2</sup></p>
	<p>Minimum Frontage Detached (Res 1): 12 metres Battlease allotment (Res 2 and 3): 4 metres</p>	<p><b>Complies</b></p> <p>Res 1: 14.59 m Res 2 &amp; 3: 4.0 m</p>

	<p><i>Minimum Depth:</i>  <i>Detached (Res 1): 20 metres</i>  <i>Group dwellings (Res 2 and 3): 45 metres</i></p>	<p><b>Does Not Comply</b>  Res 1: 18.13 m</p> <p><b>Complies</b>  Res 2 &amp; 3: 45.72 m</p>
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## Assessment

The site area of Res 1 equals 263 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 112 square metres; 29.9% below the minimum requirement. Furthermore, the depth of the allotment equals 18.1 metres, where 20 metres is recommended.

The site areas of Residences 2 and 3 also fall short of minimum criteria at 224 square metres, where a minimum site area of 300 square metres is prescribed. This equates to a shortfall of 76 square metres per dwelling, or 25.3%. It is noted that this figure excludes the common driveway, visitor car parks and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 849.9 square metres; resulting in an average site area of 283.3 square metres per dwelling. This average site area does not meet the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13, but does exceed the 250 square metres required for row dwellings.

It is noted that three row dwellings have been constructed immediately north of the subject land on a site which was identical in size to the subject land (850 square metres). However, it is acknowledged that row dwellings provide a more efficient use of land, as each dwelling has an exclusive frontage to the public road with its own driveway, whereas a considerable portion of the subject land is used for the common driveway and vehicle manoeuvring areas. Hence row dwellings are permitted a smaller site area than detached and group dwellings.

A development with the same dwelling types and layout as that proposed in the subject application has been constructed at 15 Hendon Street (comprising a two storey detached dwelling and two single-storey group dwellings). However, this site maintained a total site area of 905.8 square metres; which is 56 square metres more than the subject land.

Evidently, similar densities/developments to that proposed exist in the locality, but the proposed development maintains greater shortfalls in site areas due to the nature of the proposed dwellings and limited allotment dimensions. Whether the proposed site layout unreasonably detracts from the merit of the proposal will be considered further in the design criteria outlined below.



## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>Res 1: 115.87 m<sup>2</sup> = 44.0%</p> <p>Res 2 &amp; 3: 123.2 m<sup>2</sup> = 55.0%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Complies</b></p> <p>Res 1: 126.1m<sup>2</sup>= 0.48</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <p>a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling.</p> <p>b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings .</p> <p>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) Traffic, industry or other business activities should not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p><b>Partially Complies</b></p> <p>f) The proposed POS areas maintain an eastern aspect, which should nonetheless receive some winter sunlight in morning and early afternoon hours to provide for comfortable year round use.</p>

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

Minimum area of POS: 20% of the site area

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

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

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

20% of the site area or 35 m<sup>2</sup>, whichever is the greater

Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.

One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.

General Section: Residential Development: PDC 17

**Complies**

Res 1: 62.5 m<sup>2</sup> = 23.8%

**Partially Complies**

All POS is directly accessible from the living area with negligible gradient, but with a minimum dimension of 4.5 metres

**Complies**

Res 2 & 3: 56.4 m<sup>2</sup> = 25.2%

**Complies**

All POS is directly accessible from the main living room with a minimum dimension of 5.0 metres and negligible gradient.

## 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

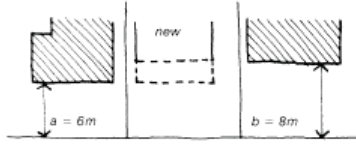
(b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

**Complies**

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.0 metres is similar to that of new dwellings in the locality. For example, new dwellings at 1B and 2 Hendon Street are set back 5 metres from the front boundary. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below:  When $b \leq 2$ , 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

**Partially Complies**

Dwelling 1: 5.0 metres (upper floor) and 5.6 – 6.2 metres (ground floor)

(Dwellings on adjoining land set back 2.5 and 8.0 metres, which equals an average setback of 5.25 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. Given that the dwelling on the southern adjoining property comprises the original dwelling stock with a generous front setback of 8 metres, and the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

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

General Section: Residential Development: PDC 36

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

## Side Setbacks

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

### **Complies**

Res 1: 1.06 m

### **Does Not Comply**

Res 2 & 3: 0.915 m

The proposed side setback falls 0.085 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.

*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**

Res 1: 2.1 m from northern side boundary and 5.5 m from southern side boundary (wall height 5.4 m)

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

*(a) the walls should not abut more than one side allotment boundary*

*...*

*(c) no wall exists on the adjacent boundary:*

*(i) be setback 2 or more metres behind the main face of the adjacent dwelling*

*(ii) not exceed 6 metres in length*

*(iii) not exceed 3 metres in height*

*(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window*

*General Section: Residential Development: PDC 38*

### **Partially Complies**

Res 1:

- a) Wall abuts southern side boundary only
- b) N/A
- c) 6.1 wall length and 2.8 wall height, not adjacent habitable room windows (abutting common driveway)

*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**

## Rear Setbacks

*8 metres for a 2 or more storey dwelling*

*Residential Zone: PDC 7*

### **Does Not Comply**

Res 1: 5.45 metres upper storey setback

*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*

### **Partially Complies**

Res 1: 3.9 (32.9% of lot width) and 4.5 - 4.9 metres

### **Complies**

Res 2 & 3: 5.0 (49.5% of lot width) and 7.6 metres

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setback of Res 1 does not comply with quantitative criteria, it is noted that the rear boundary is sited adjacent the common driveway and manoeuvring areas of Res 2 and 3. As such, the visual impact and overshadowing induced by the shortfall in setback should not affect habitable areas of nearby dwellings.</p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Res 1: 6.8 m</p> <p>Res 2 &amp; 3: 4.55 m</p>
<b>Garages, Carports and Outbuildings</b>	
<p><i>Minimum setback from primary road frontage:</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Res 1: 6.6 metres and 1.6 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></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p><b>Complies</b></p> <p>The proposed garages incorporate a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Res 1 garage is 21.9% of the site frontage width.</p>
<b>Car Parking</b>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Res 1 (3 bedrooms): 2 parking spaces, 1 of which is covered</p> <p>Res 2 &amp; 3: 2 resident spaces and 2 visitor spaces</p>

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Bus routes run along Daws Road, which are located in walking distance of the dwellings.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 2 on-street car parking spaces 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><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 44</i></p>	<p><b>Complies</b></p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking and manoeuvring 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><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 45</i></p>	<p><b>Complies</b></p> <p>The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Does Not Comply</b></p> <p>6.5 metre wide crossover proposed, but this width is considered necessary to access both the common driveway and individual driveway of Res 1.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b></p> <p>The proposed crossovers are not located in proximity to existing street infrastructure or street trees.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Partially Complies</b></p> <p>Two access points are proposed, and located next to one another to maximise on-street parking opportunities.</p>
<p><i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</i></p>	<p><b>Complies</b></p> <p>3.0 metre wide common driveway with 0.5 landscaping strips along both sides.</p>

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					
<b>Design &amp; Appearance</b>					
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(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 &amp; 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 &amp; 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 &amp; Appearance: PDC 17</p>					<p><b>Complies</b></p> <p>Res 1 is finished in “natural white” render, with Sycon Matrix Panel to the feature entry pier and cantilevered canopy above. The dwelling’s roof is Colorbond “shale grey” set at 25 degree pitch with 450 mm eave overhang.</p> <p>The dwelling’s upper storey is cantilevered forward of the ground floor to create articulation, visual interest and enhance streetscape presentation. The dwelling’s various elements, stepping and fenestration are considered sufficient to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>Res 2 and 3 incorporate a 25 degree Colorbond roof in “shale grey”. The dwellings’ front façade is rendered in “natural white” with “pewter” brickwork on the side and rear elevations. The garage of each dwelling features “shale grey” Colorbond panel lift door.</p> <p>These proposed 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 &amp; 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 &amp; 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>					<p><b>Complies</b></p> <p>Res 1 is designed so that its main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

The upper storey of Res 1 is set back 9.5 metres from the southern side boundary; exceeding minimum setback criteria by 6.5 metres. As such, overshadowing of the southern adjoining property in winter months should be sufficiently minimised.

A majority of winter shadow will be cast south from Res 1 over its single-storey roof and over the common driveway. Whilst some of this shadow may reach the habitable windows and POS of the southern adjoining property, this would not exceed the maximum overshadowing prescribed by PDC 10.

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 12*

### **Complies**

All upper level windows on the side and rear elevations of Res 1 incorporate either a sill height 1.7 metres above floor level or glazing. Recommended condition of consent 3 reinforces that these glazed windows shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room, to the reasonable satisfaction of the Council.

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

Res 1 has therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

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

*General Section: Design & Appearance: PDC 14*

### **Complies**

The dwellings (Res 2 and 3) located on battleaxe allotments are single storey and designed to maintain the privacy of adjoining residential properties.

## Noise

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

*General Section: Residential Development: PDC 29*

### Complies

Dwellings 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.2 metres and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

## Site Facilities and Storage

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

*General Section: Residential Development: PDC 30*

### Partially Complies

a) Common letterboxes have not been nominated on the site plan, but given that only two group dwellings are proposed, these letterbox facilities could be easily provided.  
b) Not applicable, as the development does not contain more than 6 dwellings.  
c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. The Site Plan demonstrates that bins could be efficiently stored in the private utility areas of each dwelling.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### Complies

The main activity areas of the dwellings are oriented east. Although not directly north-facing, the eastern aspect should nonetheless receive some northern winter sunlight.

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



<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p><b>Complies</b></p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p><b>Landscaping, Fences and Walls</b></p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <li><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></li> <li><i>(b) enhance the appearance of road frontages</i></li> <li><i>(c) screen service yards, loading areas and outdoor storage areas</i></li> <li><i>(d) minimise maintenance and watering requirements</i></li> <li><i>(e) enhance and define outdoor spaces, including car parking areas</i></li> <li><i>(f) provide shade and shelter</i></li> <li><i>(g) assist in climate control within buildings</i></li> <li><i>(h) maintain privacy</i></li> <li><i>(i) maximise stormwater re-use</i></li> <li><i>(j) complement existing native vegetation</i></li> <li><i>(k) contribute to the viability of ecosystems and species</i></li> <li><i>(l) promote water and biodiversity conservation.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <li><i>(a) include the planting of locally indigenous species where appropriate</i></li> <li><i>(b) be oriented towards the street frontage</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p><b>Complies</b></p> <p>A landscaping plan has been provided which nominates a mixture of groundcovers (Carex Testacea, Purple Foxtail, Nandina and Viburnum) throughout the parking areas, common driveway and front and rear yards of the dwellings. Several Ornamental Peal trees are also proposed in the front and rear yards of the dwellings.</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <li><i>(a) not result in damage to neighbouring trees</i></li> <li><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></li> <li><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></li> <li><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></li> <li><i>(e) assist in highlighting building entrances</i></li> <li><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></li> <li><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></li> <li><i>(h) be constructed of non-flammable materials.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 5</i></p>	<p><b>Complies</b></p> <p>The application proposes standard 1.8 metre high fencing along the side and rear boundaries. Retaining walls should not exceed 100-200 mm height. The resultant maximum fence/retaining height of approximately 2.0 metres is considered to appropriately maintain privacy and security without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

## Land Division

*When land is divided:*

- (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) a sufficient water supply should be made available for each allotment*
- (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health*
- (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

*General Section: Land Division: PDC 1*

### **Complies**

- a) Council's Development Engineer has confirmed that the stormwater disposal system is satisfactory.
- b) SA Water have confirmed that water supply is available (subject to conditions).
- c) SA Water have confirmed that sewerage connection is available (subject to conditions).
- d) Conditioned

*Land should not be divided if any of the following apply:*

- (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use*
- (b) any allotment will not have a frontage to one of the following:*
  - (i) an existing road*
  - (ii) a proposed public road*
  - (iii) access to a public road via an internal roadway in a plan of community division*
- (c) the intended use of the land is likely to require excessive cut and/or fill*
- (d) it is likely to lead to undue erosion of the subject land or land within the locality*
- (e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development*
- (f) the intended use of the land would be contrary to the zone objectives*
- (g) any allotments will straddle more than one zone, policy area or precinct.*

*General Section: Land Division: PDC 2*

### **Complies**

- a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.
- b) All allotments (including their common driveway) will have a frontage to the public road.
- c) Minor cut/fill is required
- d) Erosion is unlikely
- e) The area is sewerage
- f) The intended use of the allotments is consistent with the zone objectives
- g) The allotments are located wholly within the zone and policy area.

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

*General Section: Land Division: PDC 3*

### **Complies**

*The design of a land division should incorporate:*

- (a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities*
- (b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare*
- (c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones*
- (d) suitable land set aside for useable local open space*
- (e) public utility services within road reserves and where necessary within dedicated easements*
- (f) the preservation of significant natural, cultural or landscape features including State and local heritage places*
- (g) protection for existing vegetation and drainage lines*
- (h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development*
- (i) the preservation of significant trees.*

*General Section: Land Division: PDC 7*

### **Complies**

<p><i>Allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)</i></p> <p><i>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</i></p> <p><i>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</i></p> <p><i>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</i></p> <p><i>General Section: Land Division: PDC 8</i></p>	<p><b>Does Not Comply</b></p> <p>a) The area of the allotments of Res 2 and 3 do not met the minimum allotment size for group dwellings (excluding the driveway "handle").</p> <p><b>Complies</b></p> <p>b) Complies</p> <p>c) Complies</p> <p>d) Complies; other battleaxe developments are evident in the locality.</p>
<p><i>Access ways serving allotments in the form of a battleaxe configuration should:</i></p> <p><i>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</i></p> <p><i>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</i></p> <p><i>General Section: Land Division: PDC 9</i></p>	<p><b>Complies</b></p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p> <p><i>General Section: Land Division: PDC 10</i></p>	<p><b>Complies</b></p>
<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>	<p><b>Complies</b></p>
<p><i>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:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>General Section: Land Division: PDC 21</i></p>	<p><b>Complies</b></p> <p>a) The allotments provide opportunities for adequate on-site car parking.</p> <p>b) Bus routes run along Daws Road, which are located within walking distance of the dwellings.</p> <p>c) 2 on-street car parking spaces shall remain available adjacent the subject land. This remains compatible with the nature of nearby residential developments.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p> <p>2 on-street car parking spaces are provided for the proposed 3 allotments, which satisfies PDC 22.</p>

## TABLE DISCUSSION

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

- Site coverage
- Res 1 minimum dimension of POS
- Res 1 rear setback

### **Site coverage**

The site coverage of Res 1 equals 44.0% of the allotment area, while Res 2 and 3 equals 55.0% of the proposed site area. The Policy Area prescribes maximum site coverage of 40%. However, it is noted that the total site coverage of the total site area equals 42.6%, which only marginally exceeds the recommended ratio. Further, it is noted that the proposed dwellings provide areas of private open space (POS) which generally accord with Council's criteria, and which are deemed suitable for likely occupant needs (discussed further below). Additionally, the dwellings achieve adequate setbacks from boundaries. Consequently, the excess in built form should not detract from the functionality of the development or adversely impact upon the amenity of adjoining land.

Further to these considerations, it is also appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60%. This signifies that a new detached or semi-detached dwelling(s) could be constructed on the land "as of right" (i.e. without an assessment against Development Plan criteria) with site coverage of 60%. Whilst it is acknowledged that the proposed group dwellings could not be a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that the proposed overall site coverage of 42.6% is reasonable with respect to standard design criteria for new dwellings in metropolitan Adelaide.

### **Res 1 POS minimum dimension**

The POS of Res 1 maintains a minimum dimension of 4.5 metres, where the Development Plan recommends 5.0 metres. The 0.5 metre shortfall is considered relatively minor in nature, and should not unreasonably restrict the usability of this area; particularly given that this area maintains dimensions of 4.5 x 14.6 metres. Furthermore, the area of POS provided exceeds 20% of the site area. Accordingly, the configuration of POS is nonetheless considered to satisfy the intention of Principle 17, and is deemed appropriate for likely occupant needs.

### **Res 1 rear setback**

The upper storey of Res 1 is set back 5.45 metres from its rear boundary, where 8 metres is prescribed by the Development Plan. However, Res 1's rear boundary is sited adjacent to the common driveway of Res 2 and 3, and therefore the shortfall in setback will not directly impact on habitable areas of adjacent land. Further, it is noted that the upper storey of Res 1 is set back 11.7 metres from the Bed 1 window of Res 2 and 3. This extent of separation is considered sufficient to appropriately minimise visual impact and overshadowing.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it proposes one and two storey group and detached dwellings at greater densities than that of the original housing. However, the proposal maintains a number of shortfalls against applicable quantitative Development Plan criteria, including site areas, site depth of Res 1, site coverage, rear setback of Res 1, and the POS minimum dimension of Res 1.

The most significant shortfall relates to the proposed site areas of the dwellings, which each fall substantially short of the minimum site area prescribed. Whilst this deficiency is acknowledged, the allotments nevertheless maintain functional dimensions, and to this end, the shortfall in site area does not compromise the ability of the proposed dwellings to comply with a majority of other design criteria. Additionally, the proposed site areas are nonetheless classified as medium density, which accords with the low-to-medium density envisaged to occur within the Northern Policy Area 13.

As discussed above, the shortfalls in site coverage, rear setback and POS dimensions are relatively minor in nature and should not result in unreasonable impacts to the subject land, adjacent land or the locality.

Where the proposal fails to satisfy other quantitative criteria, it only does so by a minimal amount. When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the quantitative non-compliances are not of such severity to warrant refusal of the application.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2015/1132 to construct one (1) two storey detached dwelling and two (2) single storey group dwellings with associated parking and landscaping, and to undertake a Community Title land division (1 into 3 allotments), at 4 Hendon Street, Clovelly Park, be GRANTED subject to the following conditions:

## CONDITIONS

### Development Plan Consent

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1132, being drawing numbers 1 to 10 (inclusive) prepared by Jack Pete received on 3 July 2015, Plan of Proposed Division prepared by SKS Surveys Pty Ltd received on 12 June 2015 and Siteworks Plan prepared by RCI Consulting Engineers received by Council on 15 July 2015, 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](http://www.marion.sa.gov.au/page.aspx?u=181)*

- 3. The portion of the upper floor windows of Res 1 (except the west-facing windows presenting to the street) less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room, to the reasonable satisfaction of the Council.
- 4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All 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.
11. The final survey plan shall be available to the Council prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

#### **Land Division Consent**

1. The financial requirements of SA Water shall be met for the provision of water supply. For SA Water to proceed with the assessment of this application, the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at:  
<http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.htm>.  
For any queries please contact SA Water Land Developments on 7424 1119. An investigation will be carried out to determine if the connection/s to your development will be costed as standard  
The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
2. Payment of \$12976 into the Planning and Development Fund (2 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (7109 7018), 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.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

#### Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph &amp; Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>External Agency Referral Comments</i>



**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 5 August 2015**

<b>Agenda Ref No:</b>	<b>DAP050815 – 2.7</b>
<b>Originating Officer:</b>	<b>Dylan O'Brien Development Officer - Planning</b>
<b>Applicant:</b>	<b>Cavallo Forest &amp; Assoc Pty Ltd</b>
<b>Development Description:</b>	<b>Residential Land Division (Torrens Title) 1 into 2 allotments</b>
<b>Site Location:</b>	<b>48 Livingstone Street, Glengowrie</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>09/06/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1005</b>
<b>Recommendation:</b>	<b>Development Plan Consent, Land Division Consent and Development Approval (Granted)</b>

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**CATEGORISATION & DELEGATION**

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

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

Modifications to the proposal were not requested during the assessment process as the proposed division relates to a land use application (100/2014/1906) which was being concurrently assessed by administration and is to be considered by the Panel at the same meeting.

**SUBJECT LAND & LOCALITY**

The subject land is located at 48 Livingstone Street, Glengowrie, at the convergence of Livingstone and Rosslyn Street on the south/eastern inside corner of the streets. The subject land comprises a somewhat irregular shaped allotment with a 23.21 metre frontage to Rosslyn Street, a 13.67 metre frontage to Livingstone Street (proposed secondary street), a depth of

approximately 29 metres (north/south) and an average width of approximately 20 metres (east/west) to provide a total site area of 553 square metres.

The subject land is relatively flat and is developed with an existing single storey detached dwelling. The subject land is devoid of any significant or regulated trees and the certificate of title confirms that the land is clear of any easements or encumbrances.

Livingstone and Rosslyn Streets comprise single storey detached dwellings at low densities, with approximately half of the dwellings being the original housing stock although the greater locality is equally characterised by both detached and semi-detached dwellings and the occasional group dwelling in a hammerhead configuration, at higher densities.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to divide the existing allotment to create two Torrens Title residential allotments.

A greater level of detail of how the land will be developed is detailed in Development Application 100/2014/1906, where the proposed land use is to be considered by the Panel at the same meeting as the subject application.

*Refer Attachment III*

## ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>detached dwelling</i></li> <li>▪ <i>group dwelling</i></li> <li>▪ <i>residential flat building</i></li> <li>▪ <i>row dwelling</i></li> <li>▪ <i>semi-detached dwelling</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b> Semi-detached dwellings
<i>PDC 3</i>	<i>Minimum Site Area: 320m<sup>2</sup> (semi-detached dwellings)</i>	<b>Does Not Comply</b> Lot 1: 275m <sup>2</sup> Lot 2: 287m <sup>2</sup>
	<i>Minimum Frontage: 9m (semi-detached dwellings)</i>	<b>Complies</b> Dwelling 1: 11.46m Dwelling 2: 11.75m
	<i>Minimum Depth: 20m</i>	<b>Does Not Comply</b> Lot 1: 20.24m (southern side) decreasing to 13.67m on the northern side/secondary street boundary.  <b>Complies</b> Lot 2: 20.24m increasing to approximately 23m.

## Assessment

In relation to the above provisions and desired character statement, the proposed land division seeks to create two residential allotments where one currently exists. To this end, the nature of the proposal is consistent with the zoning of the land.

The proposal will result in respective site areas of 275 square metres (lot 1) and 278 square metres (lot 2) where the minimum should be no less than 320 square metres. In addition, Lot 1 features a site depth which decreases from approximately 20.24 metres to 13.67 metres, when the minimum should be no less than 20 metres.

Although the proposed site areas (lot 1 and 2) and depth (lot 1 only) are significantly less than that sought, the associated land use proposal demonstrates a high level of compliance with Council's Development Plan (please refer report). To this end, the subject land is considered to be of an appropriate area, depth and dimension to yield two semi-detached dwellings in the form proposed.

To this end, the proposal is considered to sufficiently satisfy the Desired Character for the Northern Policy Area 13, as the allotments will enable "redevelopment of the site at greater densities than that of the original housing and the construction of appropriately designed, low-to-medium density dwellings of a variety of architectural styles".

## 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

Land Division	
<p><b>Objectives</b></p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i></p>	<p><b>Complies</b></p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p><b>Complies</b> The proposed site areas are considered appropriate for the dwellings as proposed in Development Application 100/2014/1906.</p>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<p><b>Complies</b> The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of a major bus routes, nearby reserve and a neighbourhood centre.</p>
<p><b>Principles of Development Control</b></p> <p><i>1 When land is divided:</i></p> <ul style="list-style-type: none"> <li><i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i></li> <li><i>(b) a sufficient water supply should be made available for each allotment</i></li> <li><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></li> <li><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></li> </ul>	<p><b>Complies</b> The proposed development is likely to result in stormwater being drained safely from the land. Water and sewer supply will be available.</p>
<p><i>2 Land should not be divided if any of the following apply:</i></p> <ul style="list-style-type: none"> <li><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></li> <li><i>(b) any allotment will not have a frontage to one of the following:</i> <ul style="list-style-type: none"> <li><i>(i) an existing road</i></li> <li><i>(ii) a proposed public road</i></li> <li><i>(iii) access to a public road via an internal roadway in a plan of community division</i></li> </ul> </li> <li><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></li> <li><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></li> <li><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></li> <li><i>(f) the intended use of the land would be contrary to the zone objectives</i></li> <li><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></li> </ul>	<p><b>Complies</b></p>
<p><b>Design and Layout</b></p> <p><i>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.</i></p>	<p><b>Complies</b></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 community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p><b>Complies</b></p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p><b>Complies</b></p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p><b>Partially Complies</b></p> <p>Each allotment is provided with a north-facing side boundary. As noted by (DA 100/2014/1906), each dwelling is oriented so that their open space and main activity areas are provided with a degree of north facing exposure to winter sun. To this end, the layout of the land division sufficiently provides for efficient solar access.</p>
<p><b>Roads and Access</b></p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p> <p>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p>	<p><b>Does not comply</b></p> <p>Due to yellow line marking, no on-street parking is available directly in front of the site.</p> <p>As such, visitors to the site that do not park on the driveway of each dwelling will be required to park some distance from the site.</p>

## ANALYSIS/CONCLUSION

The subject proposal seeks a land division for residential purposes. Given the site is situated within the Residential Zone, has access to sewer and potable water and will not result in substantial earthworks, the proposal is considered an acceptable form of development.

Despite the significant shortfall in site area for the two allotments, DA 100/2014/1906 demonstrates that the total site area, depth and dimension is of sufficient area to yield two dwellings in the form of semi-detached dwellings.

Given the benefit of the land use proposal, the proposed land division is considered to reasonably satisfy the Desired Character of Northern Policy Area 13, as the allotments will enable redevelopment of the site at greater densities than that of the original housing and the construction of appropriately designed, low-to-medium density dwellings in a variety of architectural styles.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1005 for a Residential Land Division (Torrens Title) 1 into 2 allotments at 48 Livingstone Street, Glengowrie 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. 100/2014/1005 being drawing reference number 15-138 prepared by Cavallo Forest & Associates (Surveying & Land Division Consultants) 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. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

## LAND DIVISION CONSENT

### Conditions of Consent

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0021678).
- (2) Payment of \$6488 into the Planning and Development fund (1 lots(s) @ \$6488 /lot). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

## NOTES:

- (1) This approval has been granted on the basis of the suitability of the land for the construction of a pair of semi-detached dwellings as demonstrated in Development Application No 100/2014/1906. However should the proposed allotments be created and sold without the construction of that development occurring or different dwellings are proposed, new applicants/owners should be aware that new Development Application(s) need to be lodged with and assessed by the Council, noting that other dwelling layouts may be difficult to site on the proposed allotments.
- (2) The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

## Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph</i>
<i>Attachment III:</i>	<i>Proposal Plan</i>
<i>Attachment IV:</i>	<i>Referral agency comments</i>



**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 5 August 2015**

**Agenda Ref No:** DAP050815 – 2.8

**Originating Officer:** Dylan O'Brien  
Development Officer - Planning

**Applicant:** Mr Maurice Russo

**Development Description:** Pair of single storey semi-detached dwellings with adjoining garages under main roof

**Site Location:** 48 Livingstone Street, Glengowrie

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 1 / Consent

**Lodgement Date:** 28/10/2014

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

**Application No:** 100/2014/1906

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

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**CATEGORISATION & DELEGATION**

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii)) of the Development Regulations 2008, which assigns the construction of single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 320 square metres required for semi-detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

**BACKGROUND**

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

Amendments Requested	Amendments Made
Site areas do not meet that required for semi-detached dwellings	No change
Site depth does not meet minimum 20 metres	No change
Front setbacks to be increased	Front setback increased from 3.7m to 5.0m (min)
Secondary street setback should be increased to 3.0m	Secondary street setback increased from 2.2m to 3.0m

The dimension of private open space should be increased to accommodate a 5m x 5m area	POS areas increased in dimension and in area from 25-26% to 32-35%
Site coverage should be reduced to more closely align with that sought (40%)	Site coverage reduced from average of 48% to 39%

## SUBJECT LAND & LOCALITY

The subject land is located at 48 Livingstone Street, Glengowrie, at the convergence of Livingstone and Rosslyn Street on the south/eastern inside corner of the streets. The subject land comprises a somewhat irregular shaped allotment with a 23.21 metre frontage to Rosslyn Street, a 13.67 metre frontage to Livingstone Street (proposed secondary street), a depth of approximately 29 metres (north/south) and an average width of approximately 20 metres (east/west) to provide a total site area of 553 square metres.

The subject land is relatively flat and is developed with an existing single storey detached dwelling. The subject land is devoid of any significant or regulated trees and the certificate of title confirms that the land is clear of any easements or encumbrances.

Livingstone and Rosslyn Streets comprise single storey detached dwellings at low densities, with approximately half of the dwellings being the original housing stock although the greater locality is equally characterised by both detached and semi-detached dwellings and the occasional group dwelling in a hammerhead configuration, at higher densities.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to develop the land for a pair of semi-detached dwellings (single storey), with associated car parking and landscaping. Both dwellings incorporate three bedrooms, with the main bedrooms located at the front of the dwellings and a third bedroom to the rear. Each dwelling is designed with an open plan kitchen and dining/family room located to the rear with access to respective private open space areas.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has reviewed the proposal and confirmed that the proposed finished floor level of 10.00, and finished paving level of 9.85 and setbacks from boundaries will provide sufficient flood protection and prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b> Semi-detached dwellings</p>
PDC 3	Minimum Site Area: 320m <sup>2</sup> - semi-detached dwellings	<p><b>Does Not Comply</b> Dwelling 1: 275m<sup>2</sup> Dwelling 2: 278m<sup>2</sup></p>
	Minimum Frontage: 9m - semi-detached dwellings	<p><b>Complies</b> Dwelling 1: 11.46m Dwelling 2: 11.75m</p>
	Minimum Depth:	<p><b>Does Not Comply</b> Dwelling 1: 20.24m (southern side) decreasing to 13.67m on the northern side/secondary street boundary.</p> <p><b>Complies</b> Dwelling 2: 20.24m increasing to approximately 23m.</p>

## Assessment

In relation to the above provisions and desired character statement, the proposed development seeks to construct a pair of semi-detached dwellings on land where one dwelling currently exists to provide an envisaged form of housing at a greater density to that which currently exists on the land.

It is acknowledged the proposed allotments (275 and 278 square metres) represent a significant departure from the minimum sought for semi-detached dwellings (13.6%).

Despite this shortfall, it is my view the applicant has reasonably addressed the limited site area by designing two dwellings that appropriately address a majority of Council's design criteria. In this regard, each dwelling is provided with private open space areas that substantially exceed the minimum sought, boundary setbacks are generally compliant, there will be no unreasonable impacts upon adjoining land via visual bulk, walls on boundaries or overshadowing, the dwellings will receive an adequate amount of natural light and a high standard of presentation is provided through the use of different material/finishes and the articulation of the front façade and roofline.

It is also of value to note the subject land is situated in reasonable proximity to public transport links (bus) along Morphet Road to the east. The subject land is also located within walking distance (approximately 700 metres) to a Neighbourhood Centre Zone located at the corner of Morphet Road and Denham Street to the east and a small public open space reserve and tennis courts located diagonally opposite the subject land to the north/west.

The construction of the proposed dwellings will not require the removal of any regulated or significant trees, nor compromise the health of any existing mature vegetation on adjoining land. In addition, no existing Council street trees are to be removed or compromised to facilitate any new access driveways to and from the land.

To this end, I am of the view that despite the shortfall in site area, the proposal does not offend the relevant Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13.

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	<b>Partially Complies</b> Dwelling 1: 38.5% or 105.9m <sup>2</sup> Dwelling 2: 40.9% or 113.8m <sup>2</sup>
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i>  <i>General Section: Residential Development: PDC 13</i>	<b>Complies</b> The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping, waste and recycling bin storage.

*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.*

*General Section: Residential Development: PDC 14*

**Complies**

Dwelling 1: approximately 95m<sup>2</sup> or 34%  
Dwelling 2: approximately 90m<sup>2</sup> or 31%

## Private Open Space

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

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

*General Section: Residential Development: PDC 15*

**Complies**

- a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling.
- b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings.
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- 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.

**Partially Complies**

- f) Whilst the proposed POS areas maintain a predominantly eastern aspect, each area features a portion with a northerly aspect. To this end the proposal should provide a reasonable/acceptable level of comfortable year round use.

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

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

*General Section: Residential Development: PDC 17*

**Complies**

Dwelling 1: 35.6% or 98m<sup>2</sup>  
Dwelling 2: 32.3% or 90m<sup>2</sup>

In this instance, the respective private open space areas are well above the minimum 20% of the proposed site areas.

Notwithstanding the shortfall in site areas, the proposed private open space areas at 90m<sup>2</sup> and 98m<sup>2</sup> are greater than would be required should the minimum site areas of 320m<sup>2</sup> have been achieved.

Furthermore, each dwelling achieves a minimum dimension no less than 5m by 5m and all private open space areas are directly accessible from the internal living areas.

The proposal achieves sufficient compliance with the General Section: Residential Development: PDC 17

## 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.*

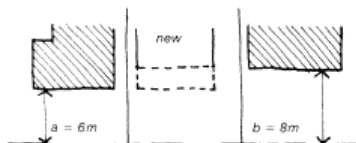
General Section: Design and Appearance: PDC 23

### Complies

The proposed dwellings incorporate a 5m setback to each main face and 5.5m to each garage. Whilst much of the original housing stock in the locality suggests a more generous setback pattern, the proposed setbacks are reflective of newer dwellings on the same side of Rosslyn street directly south of the subject site, where the established setback pattern is closer to 5m.

As such, the proposed front setbacks are similar to and compatible with buildings on adjoining land and considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

### Complies

Dwelling 1 and 2: 5.0 metres.

Dwellings on adjoining land to the south are setback approximately 5m from the Rosslyn Street boundary.

The proposed front setbacks comply with PDC 25.

*Minimum setback from secondary road frontage: 3 metres*

Residential Zone: PDC 7

### Complies

Dwelling 1: 3.0m.

*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

Dwelling 1: 1.0m (internal boundary)  
Dwelling 2: 1.08m

**Note:** proposed wall height = 2.7m

*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

Proposed side/rear setbacks sufficiently comply with quantitative criteria. The separation from side/rear boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the level of

	separation should not result in overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.
<b>Rear Setbacks</b>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Partially Complies</b></p> <p>Whilst each dwelling fails to achieve a consistent 6.0m minimum rear setback across the whole rear width, each dwelling is able to achieve a 6m rear setback for at least 50% of their respective allotment widths and no less than 3.0m for Dwelling 1, and 5m for Dwelling 2, which is a sufficient level of separation from respective rear boundaries. To this end, failure to accord with the Residential Zone: PDC 7 is not deemed fatal to the overall merits of the application.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Partially complies</b></p> <p>The proposal is generally compliant with the quantitative rear setback standards. Where it does fall short (less than 6m) is marginal. Nevertheless, as noted in this report, each dwelling is able to achieve a 6m rear setback for at least 50% of their respective allotment widths and no less than 3.0m for Dwelling 1 and 5m Dwelling 2. To this end, the proposal provides a sufficient level of separation to avoid an unreasonable impact upon adjoining land. Furthermore, considering the single storey nature of the proposal and level of separation between neighbouring dwellings to the rear of the site, the likely visual/overshadowing impacts beyond the property boundaries is considered negligible.</p> <p>The sufficiently reflects PDC 37.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setbacks fall marginally short of the quantitative criteria set out under PDC 7, the overall level of separation from side and rear boundaries is considered sufficient to minimise the visual impact of the building from the adjacent property to the east. Furthermore, the proposed rear setbacks should not result in overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate wall height of 2.7m and a maximum building height of approximately 5.5 metres, which is substantially less than the maximum permitted in the Policy Area.</p>

## Garages, Carports and Outbuildings

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

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

*Residential Zone: PDC 8*

### **Complies**

Dwelling 1 and 2: approximately 5.5m and 0.5m behind main face.

*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**

Each garage which is designed under the main roof and forms the connecting wall (party wall) between dwellings. The roof form over each garage incorporates materials and detailing which complement the associated dwelling.

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

*Residential Zone: PDC 6*

### **Complies**

Each garage is single width only, less than 6m wide or 50% of the allotment frontage.

## Car Parking

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

*Residential Zone: PDC 7*

### **Complies**

Each dwelling comprises no more than three bedrooms while providing two on-site parking spaces, one of which will be under cover.

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
- b) The subject land is situated in close proximity to public transport links (bus) along Morphett Road to the east. The subject land is also located within walking distance (approximately 700 metres) to a Neighbourhood Centre located at the corner of Morphett Road and Denham Street to the east.
- c) The likely occupants are anticipated to have standard mobility and transport requirements.

### **Does Not Comply**

- d) e) on-street parking is currently un-available in front of the subject site (due to yellow line marking). Nevertheless each dwelling is provided with sufficient on-site parking for the



	likely needs of the occupants and up to two on-site parking spaces are available directly opposite the subject land on Rosslyn Street. To this end the non-compliance with PDC 43 (d) and (e) is not deemed fatal, and on balance PDC 43 is sufficiently satisfied
<b>Access</b>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>Each driveway is single width only approximately 3.0m wide.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b></p> <p>In accordance with PDC 40, the proposed crossovers are set back no less than 1 metre from existing street infrastructure (SEP) and no less than 2 metres from any existing street trees.</p>
<b>Design &amp; Appearance</b>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p>The proposed dwellings are single storey, incorporating a mix of a rendered and exposed brick finishes through the main bedrooms and entrances and Colorbond roofing.</p> <p>Each dwelling incorporates a hipped roof form, set at 25° degree pitch, with 300mm wide eaves that offer shading and further articulation.</p> <p>The dwellings feature varying setbacks, between the main face entrance/portico and garages to provide a sufficient level of articulation and visual interest when viewed from Rosslyn street. Dwelling 1 which also faces Livingstone Street, feature varying setbacks between Bedroom 2, 3 and the bathroom to provide a high level of articulation in the secondary street facade.</p> <p>The proposal is considered to accord with the Desired Character of Policy Area 13, incorporating a contemporary design, a mixture of materials and level of articulation which should achieve a sufficiently attractive presentation with adequate visual interest.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p>	<p><b>Complies</b></p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>

*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*

## 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 adjoining property to the south features private open space to the north of the associated dwelling. As such, in winter months there is likely to be an extent of shadow cast by proposed Dwelling 2 upon this area. However, given the single storey nature of the dwelling and level of separation from all boundaries, likely overshadowing is considered negligible. The dwelling exceeds the minimum side setback required for single storey dwellings, whilst the adjacent dwelling also incorporates POS to the east of that building; free of shadow cast by the proposed dwelling until late afternoon hours. To this end, the proposal will not detract from available winter sunlight to adjacent habitable room windows, roof areas that may suit solar collectors or neighbouring private open space areas.

To this end, the proposal accords with General Section: Design & Appearance, PDC 9(a), (c) and PDC 10 (a), (b).

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### **Complies**

The main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.

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

### **Complies**

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

## Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

### Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor level of 10.00, finished paving level of 9.85 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

## 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

Basic landscaping details are included on the Site Plan. The landscape detail comprises lawned areas directly in front of the dwellings and plantings along the side of the driveways which should appropriately complement the built form and enhance the appearance of the road frontage and driveway areas.

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

- (a) not result in damage to neighbouring trees*
- (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
- (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
- (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street*
- (e) assist in highlighting building entrances*
- (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
- (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
- (h) be constructed of non-flammable materials.*

General Section: Landscaping, Fences & Walls: PDC 5

### Complies

The finished floor levels are set approximately 400mm above natural ground level and all paving is set down approximately 150mm below. As such no more than approximately 200mm of retaining would be anticipated.

Therefore whether a standard 1.8 metre high boundary fence is constructed atop of a 200mm retaining wall, or a 2.1m fence is constructed atop of natural ground it would be considered typical for new developments and would sufficiently maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

## ANALYSIS/CONCLUSION

Having considered the proposed deficiencies in relation to minimum site area/depth and on-street parking, it is my view that these shortfalls are not fatal as this report has shown:

- Each dwelling allotment maintains functional dimensions, and to this end, the shortfall in site area does not compromise the ability of the proposal to generally comply with other design criteria, such as private open space and boundary setbacks. Additionally, the proposal offers appropriate setbacks, articulation and transition between adjoining land including primary and secondary streets, and a high standard of presentation through the use of different material/finishes and the articulation of the front façade and roofline; and
- 
- The property is within close proximity well-provisioned reserve directly across the street and bus routes and a neighbourhood centre are within convenient walking distance to the east;

To this end the shortfall in site area and depth have not had a negative influence as the proposal achieves a high level of compliance with the Development Plan and adheres to the Desired Character of the Northern Policy Area 13 of the Residential Zone and will offer improved housing variety.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1906 for a pair of single storey semi-detached dwellings including wall on the south side boundary at 48 Livingstone Street, Glengowrie 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. 100/2014/1906, being documents titled, "Site Plan, Rosslyn Street Streetscape, Livingstone Street Streetscape, Northern/Eastern & Southern Elevation (Dwelling 1) and Northern/Eastern and Southern Elevation (Dwelling 2)" (inclusive), prepared by RDC Russo Design & Construction received by Council on 12/7/2015, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## NOTES

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

## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 August 2015

<b>Agenda Ref No:</b>	<b>DAP050815 – 2.9</b>
<b>Originating Officer:</b>	<b>Stephen Both Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>Planning Solutions</b>
<b>Development Description:</b>	<b>To remove two existing free-standing signs and to erect a new freestanding illuminated sign with a maximum height of 9.0 metres. (Caltex Australia)</b>
<b>Site Location:</b>	<b>1004 - 1008 South Road, Edwardstown.</b>
<b>Zone:</b>	<b>District Centre Zone</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>27/02/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2015/340</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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### CATEGORISATION & DELEGATION

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

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

The proposed advertising sign also exceeds the maximum display area/panel size requirements as prescribed within the relevant zone within the General Section: Advertisements in the Marion Council Development Plan, and therefore sub-delegation (e) relating to the display area of free-standing signage does not apply to the subject application.

### BACKGROUND

Members are advised that the subject land is to be re-developed by Caltex with the redevelopment of the land having been subject to a separate application (DA100/1735/2014) which was granted Development Plan Consent under delegated authority in April 2015. This previous application sought approval to refurbish the existing Service Station site by making

changes to the design and layout of buildings and structures on the land and included the provision for additional on-site car parking and landscaping.

The originally proposed 9 metre high free-standing for the re-developed service station site was separated from Development Application 100/1735/2014 at the applicant's request to allow that application to be approved under delegated authority by Council staff. The report that follows provides a planning assessment in relation to the proposed free-standing sign for the land.

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

Amendments Requested	Amendments Made
To reduce the potential for collisions caused by larger vehicles hitting the sign when leaving the site, DPTI requested the applicant to increase the level of separation between the sign and the edge of the northern driveway.	The site plan has been amended accordingly with the kerbing located at the base of the sign adjusted to create the required level of separation desired by DPTI. This amended plan showing the altered kerbing is attached.

## SUBJECT LAND & LOCALITY

The subject land is located on the western side of South Road at 1004 to 1008 South Road, Edwardstown. The subject land is regular in shape and has a frontage width of 51.76 metres to South Road (including an existing 4 m x 4m corner cut off) and a depth of 28.04 metres to provide a total site area of approximately 1,300 square metres.

The subject land is developed with an existing Caltex Service Station and contains various buildings and structures associated with the storage and dispensing of fuel and includes a large retail shop component and control room. The land also contains a number of ancillary signs which identify the site and provide fuel pricing information for the benefit of passing motorists.

The locality has what could be described as having a commercial character which is largely influenced by a predominance of existing retail and commercial type uses located along both sides of South Road. Land on the western side of South Road comprises the Castle Plaza Shopping Centre which abuts the subject land, whilst development along the eastern side of South Road within the City of Mitcham, comprises mainly individual commercial tenancies and shops of various sizes fronting the road. Associated free-standing and fascia advertising signage also predominates along both sides of South Road in various sizes and forms thereby contributing to the commercial character of the locality.

*Refer Attachment I & II*

## PROPOSED DEVELOPMENT

The application seeks approval to remove two existing free-standing signs comprising a 2.7 metre high by 1.2 metre wide "Price Sign" and a 7.0 metre high by 1.8 metre wide illuminated "ID" Sign and erect a new 9.0 metre high by 2.2 metre wide illuminated "ID" sign on the subject land. The replacement sign will be located adjacent the South Road property boundary just north of the newly approved northern driveway which is to provide egress from the site.

The proposed sign will be double sided and will face in a north-south orientation to gain maximum visual exposure to traffic travelling along both sides of South Road. The sign will incorporate the corporate Caltex logo which will be illuminated (red and green in colour), together with two smaller illuminated advertising panels below, which will be separated by a price sign comprising three separate panels utilising white LED lettering on a black background.



The total display area of the proposed “ID” sign equates to 30.8 square metres or 15.5 square metres per face which includes the illuminated advertising panels and the corporate Caltex logo along the top. Whilst the location of the replacement sign will be situated further south along the front of the subject land, it is to be setback approximately the same distance from South Road as the existing free-standing Caltex sign on the land.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>Department of Transport, Energy and Infrastructure:</b>	<p>Comments received from DPTI are summarised below;</p> <ul style="list-style-type: none"> <li>• DPTI understands that the sign will remain as presently shown however the proposed kerb alignment adjacent the egress point will be modified in order to provide maximum separation from the kerb and pylon sign. DPTI considers this to be a minor variation and further consultation is not required in this instance.</li> <li>• In-principle, DPTI is satisfied with this approach given that there is sufficient area for manoeuvring vehicles to exit the site in a safe manner. DPTI raises no objections to the proposed sign subject to the imposition of certain conditions.</li> </ul>
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*Refer Attachment VI*

## ZONE & POLICY AREA ASSESSMENT

The relevant objectives and principles of development control of the District Centre Zone are listed in the following table and discussed in further detail below:

District Centre Zone		
<i>Objective 1</i>	<i>A centre that accommodates a range of retail facilities, offices, consulting rooms, and cultural, community, public administration, entertainment, educational, religious and residential facilities to serve the community and visitors within the surrounding district.</i>	<p><b>Complies</b></p> <p>The existing Caltex Service Station site has been in operation for many years within the District Centre Zone. The continuation of this use is considered appropriate within the locality and Zone.</p>
<i>Objective 2</i>	<i>Development of a visually and functionally cohesive and integrated district centre.</i>	<p><b>Complies</b></p> <p>The proposed sign will not look out of place within the locality being similar in height, design and appearance to other existing free-standing signs within the District Centre Zone.</p>

<b>PDC 1</b>	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ bank</li> <li>▪ child care centre</li> <li>▪ civic centre</li> <li>▪ consulting room</li> <li>▪ discount department store</li> <li>▪ educational establishment</li> <li>▪ emergency services facility</li> <li>▪ entertainment facility</li> <li>▪ health facility</li> <li>▪ hospital</li> <li>▪ hotel</li> <li>▪ indoor games centre</li> <li>▪ library</li> <li>▪ motor repair station</li> <li>▪ office</li> <li>▪ place of worship</li> <li>▪ playing field</li> <li>▪ pre-school</li> <li>▪ restaurant</li> <li>▪ shop</li> <li>▪ supermarket</li> <li>▪ swimming pool.</li> </ul>	<p><b>Complies</b></p> <p>Whilst the proposed use of the land does not form part of the assessment of this particular application, it is worthy to note that the proposed free-standing signage is associated with an existing service station site which has been in operation on the subject land for a number of years.</p>
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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Complies</b></p> <p>The siting, design and height of the proposed sign is considered to be in keeping with other free-standing signs along the western side of South Road also within the District Centre Zone (i.e. Castle Plaza and Hungry Jacks).</p> <p>As such, it is considered that the proposed replacement sign will therefore not look out of place within the commercial landscape.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>Is it noted that the proposed free-standing sign is to replace two existing signs on the land including an existing 7.0 high free-standing sign situated adjacent South Road.</p> <p>Whilst standing 9.0 metres in height, the proposed sign will form the primary advertisement for the premises thus reducing the number of free-standing signs on the land to minimise clutter and disorder.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p> <p>The proposed free-standing sign is limited to information relating to the legitimate use of the subject tenancy – Caltex Service Station.</p>

<p><i>Advertisements and/or advertising hoardings should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be completely contained within the boundaries of the subject allotment</i></li> <li><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></li> <li><i>(c) not obscure views to vistas or objects of high amenity value.</i></li> </ul> <p><i>General Section: Advertisements: PDC 5</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) The sign will be contained wholly within the bounds of the subject land.</li> <li>b) No existing mature trees and/or landscaping will be affected by the erection of the proposed sign.</li> <li>c) Views of high amenity value will not be obstructed as a result of the erection of the proposed free-standing sign.</li> </ul>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <ul style="list-style-type: none"> <li><i>(a) a public footpath or veranda post</i></li> <li><i>(b) a road, median strip or traffic island</i></li> <li><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></li> <li><i>(d) residential land.</i></li> </ul> <p><i>General Section: Advertisements: PDC 6</i></p>	<p><b>Complies</b></p> <p>The proposed sign is to be erected wholly upon private/commercial land being an existing Caltex Service Station site.</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p><b>Complies</b></p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p><b>Complies</b></p> <p>The proposed free-standing sign is considered typical of the Caltex branding throughout South Australia, using simple, clear and concise layout, text and colours.</p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <ul style="list-style-type: none"> <li><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></li> <li><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></li> <li><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></li> <li><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></li> </ul> <p><i>General Section: Advertisements: PDC 15</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) The level of illumination emitted by the proposed sign will be controlled by way of conditions of approval that have been recommended for inclusion by DPTI.</li> <li>b) The proposed sign should not be mistaken for traffic signals or other control devices. DPTI have recommended that the petrol price numbering utilise white LED lettering on a black background, which should minimise potential visual conflict with the nearby traffic signals.</li> <li>c) The proposed sign should not result in unreasonable driver distraction as it does not involve any moving/flashing elements.</li> <li>d) The proposed sign should not obscure a driver's view of other road features.</li> </ul>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p><b>Complies</b></p> <p>There are no overhead power lines or stobie poles along this section of South Road with all electricity infrastructure having been placed under the ground.</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p><i>General Section: Advertisements: PDC 17</i></p>	<p><b>Does Not Comply</b></p> <p>The proposed sign is to be located 75 metres from the nearest traffic lights to the north and 115 metres to the nearest traffic lights to the south. Although the proposed sign utilises LED technology, this relates only to the petrol price digits, and does not include any imagery or moving/flashing elements.</p>

	As such, the LED component associated with the proposed sign should not result in unreasonable driver distraction. DPTI has confirmed its support for the proposed signage, provided that the petrol price digits are white on a black background to remain distinct from the nearby traffic signals.
<b>Freestanding Advertisements</b>  <i>Freestanding advertisements and/or advertising hoardings should be:</i> <i>(a) limited to only one primary advertisement per site or complex</i> <i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i>  <i>General Section: Advertisements: PDC 18</i>	<b>Complies</b> a) Only one primary free-standing advertising sign is proposed which is to replace two existing free-standing signs on the land. b) The size and scale of the proposed replacement sign is considered compatible with the character of the locality and the development site.
<b>Advertising along Arterial Roads</b>  <i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i>  <i>General Section: Advertisements: PDC 24</i>	<b>Complies</b> The speed limit in the subject section of South Road is 60 km/h.

## TABLE DISCUSSION

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

- **Advertising Display Area**

Although not discussed in the table above, the proposed sign does exceed the maximum display area prescribed by PDC 20 (Advertisements) for free-standing advertising signs located within the District Zone. This principle recommends a total display area of 16 square metres or 8 square metres per side if the sign is double sided. The proposed sign proposes a total advertising display area of 30.8 square metres which equates to 15.4 square metres per side, exceeding the above requirement by 14.8 square metres or 7.4 square metres per face.

Whilst this excess is considered significant, it is noted that other free-standing signs within the locality are of comparable height and dimensions and display similar, if not greater areas of advertising display area along this section of South Road. Such signage is also located along the western side of South Road and includes the two existing free-standing signs for the Castle Plaza Shopping Centre and an existing free-standing pylon sign associated with the Hungry Jacks franchise, located to the north of the subject land.

In having regard to the wider locality and the extent of free-standing advertising signage that is currently on display along this section of South Road, I am of the opinion that the proposed replacement sign will not look out of character with the scale and extent of advertising that is currently exhibited within the locality. In addition, the proposed sign is considered to be clear, concise and orderly in nature without posing a high level of risk to the safety of motorists travelling along South Road. As such, the proposed sign is considered appropriate.

## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed free-standing advertising sign generally accords with the majority of the relevant provisions of the Marion (Council) Development Plan. Whilst the proposed sign will have an overall height of 9.0 metres, 2 metres greater than the existing free-standing sign on the land, it is worthy to note that the maximum height for free-standing signage within the District Centre Zone is prescribed at 10 metres. Given this, it is considered that the height of the proposed sign to be appropriate for the site of the development, being typical of the type of signage that is associated with many existing petrol filling stations located along arterial roads through-out the Adelaide metropolitan area.

In addition to the above, it is also considered the proposed sign will be similar in respect to the design and appearance of other large free-standing signs located along this section of South Road. As such, it is expected that the proposed sign will not visually dominate, nor look out of place within the existing commercial landscape as a result of its overall size and dimensions. Whilst the petrol price display is to utilise LED technology, it is considered that such lighting should not create a hazard for passing motorists given the utilisation of white text on a black background. As discussed above, DPTI has undertaken an assessment of the proposed sign and has raised no safety related issues with the design and location of the sign on the land.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/340 to remove two existing free-standing signs and to erect a new illuminated freestanding sign with a maximum height of 9.0 metres at 1004 - 1008 South Road, Edwardstown be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/340, being the elevation plan stamped dated received 27 February 2015 marked drawing number 44436-S110 (Revision B) and the amended site plan stamped dated received 20 July 2015 marked drawing number 44436-S100 (Revision E), except where varied by the following conditions of consent.
2. The advertisement and supporting structure shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
3. Lighting associated with the sign shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of Council.
4. The proposed sign shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.
5. The illumination of the sign shall be limited to a low level in order to minimise the impact of the sign on the safety and conspicuity of the adjacent traffic signals.
6. The sign, including the LED component, shall be static at all times and shall utilise white LED on a black background only. No element of the sign shall flash, scroll, move or change, to the reasonable satisfaction of Council.
7. The operational system for the signs shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
8. Any portion of the sign that is non-illuminated shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.
9. The illuminated signs shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. The following luminance levels shall be incorporated into an automatic stepped dimming system:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m <sup>2</sup> ) Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

**10. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.**

The following notes provide important information for the benefit of the applicant and have been attached at the request of DPTI:

**DPTI Notes:**

1. In the event that the ID pylon sign is not designed and operated to the satisfaction of DPTI, the Commissioner of Highways, as the delegate of the Minister for Transport and Infrastructure, may undertake action pursuant to Section 31 of the Road Traffic Act 1961 in order to ensure that the hazard is removed.
2. Whilst the site is not directly affected by the Metropolitan Adelaide Road Widening Plan, both State and Commonwealth Governments have indicated clear commitments to develop a non-stop North south corridor for Adelaide. As part of the North-South Corridor planning, on 13 December 2013, the Australian Government approved an \$8.5 million South Road Planning Study from Anzac Highway to the Southern Expressway. This included the planning that resulted in \$620 million of funding being committed towards the Darlington Upgrade Project from both the Australian and South Australian Governments.

**Council Note:**

3. 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: Certificate of Title  
Attachment II: Aerial Photograph & Site Locality Plan  
Attachment III: Proposal Plan and supporting documentation  
Attachment IV: DPTI Referral Comments

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 5 August 2015

## INFORMATION ONLY ITEM

<b>Agenda Ref No:</b>	<b>DAP050815 – 3.1</b>
<b>Originating Officer:</b>	<b>Stephen Both Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr Bruno Carrabs</b>
<b>Development Description:</b>	<b>To change the use of existing upper level warehouse tenancies to offices including the demolition of existing buildings and structures to create additional associated on-site car parking including landscaping and directional signage.</b>
<b>Site Location:</b>	<b>838 - 850 Marion Road, Marion.</b>
<b>Zone:</b>	<b>Industry Zone</b>
<b>Policy Area:</b>	<b>Industry/Commerce Policy Area 4</b>
<b>Application Type:</b>	<b>Category 3 / Non-complying</b>
<b>Lodgement Date:</b>	<b>12/11/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/2036</b>
<b>Recommendation:</b>	<b>That the report be noted.</b>

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## INTRODUCTION

The subject application has been deemed to be a Category 3/Non-complying kind of development by virtue of the Procedural Matters section of the Industry Zone where the proposed change of use from warehouse to offices fails to meet the exceptions listed in (a) and (b) as set out below;

### ***Form of Development*** *Office*

### ***Exceptions***

*Except where either (a) or (b) are satisfied:*

*(a) the office is located within*

***Industry/Commerce Edwardstown Policy Area 5***

*(b) within all other areas of the zone, the office is:*

*(i) ancillary to and in association with industrial development*

*(ii) located on the same allotment.*



The applicant seeks to make a number of changes to the use and layout of the buildings which currently exist on the land situated at 838 – 842 and 844 – 850 Marion Road, Marion. The subject land comprises three separate parcels of land which are located on the western side of Marion Road, directly opposite the Council Depot site which is currently being re-developed.

In respect to the land at 838 - 842 Marion Road (Carrabs Land), the applicant is seeking to change the use of four (4) existing upper level warehouse tenancies to offices as well as make improvements to the existing car parking layout which is to be reconfigured to accommodate 66 car parking spaces together with improved turning areas for cars and service vehicles.

The land to the south at 844 – 850 Marion Road (Fielders Land) contains a number of buildings and structures one of which is to be retained and used as a retail showroom with the balance of this site to be converted for car parking which will be shared with the adjacent office use at 838 – 842 Marion Road. Additional landscaping and directional signage is also proposed.

Whilst office development is listed as a non-complying kind of development within Industry/Commerce Policy Area 4, the subject land has had a history of being used for commercial purposes including retail showroom use and warehousing. The existing warehouse tenancies have become unviable and have consequently remained vacant for many years.

The applicant has mounted an argument to suggest that the existing unviable upper level warehouse tenancies at 838 – 842 Marion Road be converted and used for office development subject to suitable on-site staff and customer car parking being provided for both parcels of land – hence the changes proposed to the land to the south at 844 – 850 Marion Road.

It is staff's view that the proposed development displays sufficient merit to at least proceed further with the assessment of the application. The Manager – Development Services has agreed with staff's position and has consequently resolved to proceed to the full assessment of the application.

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

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

## RECOMMENDATION

**Resolved that the determination of the Manager – Development Services to proceed with the further assessment of the Non-complying Development Application No: 100/2014/2036 to change the use of existing upper level warehouse tenancies to offices including the demolition of existing buildings and structures to create additional associated on-site car parking including landscaping and directional signage at 838 – 850 Marion Road, Marion be NOTED.**

## Attachments

*Attachment I: Certificates of Title*  
*Attachment II: Aerial Photograph*  
*Attachment II: Proposal Plan and supporting documentation*

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 5 August 2015**

**DEFERRED ITEM**

<b>Agenda Ref No:</b>	<b>DAP150715 – 2.10</b> <i>Previously deferred item DAP150715 – 2.1</i>
<b>Originating Officer:</b>	<b>Paul Vivian</b> <b>Consultant Planner</b>
<b>Applicant:</b>	<b>Christopher Alan Fleetwood</b>
<b>Development Description:</b>	<b>A two storey detached dwelling, with balcony, verandah and associated earthworks and retaining walls</b>
<b>Site Location:</b>	<b>73 The Cove Road, Marino</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Hills Policy Area 11</b>
<b>Application Type:</b>	<b>Category 3 / Consent</b>
<b>Development Plan:</b>	<b>Consolidated – 19 January 2012</b>
<b>Application No:</b>	<b>100/2013/1532</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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**RECOMMENDATION**

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35(2) of the Development Act, 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2013/1532 for a two storey detached dwelling, with balcony, verandah and associated earthworks and retaining walls at 73 The Cove Road, Marino 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. 100/2013/1532, being Sections and Details dated 15.01.15, Site Plan/Floor Plans/Elevations dated 17.06.15 Version**

**04 and Dimensioned Plans/Elevations dated 17.06.15 Version 04 except when varied by the following conditions of consent.**

- 2. A revised, 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 issue.**
- 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 devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties, including the verandah, screening, fencing and landscaping shall be installed and in use prior to occupation of the premises.**
- 5. 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.**
- 6. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).**
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

#### **NOTES**

- 1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
- 2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
- 3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
- 4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.**

- 5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**