

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 7 OCTOBER 2015**

**1.1 PRESENT**

**1.2 APOLOGIES**

**1.3 IN ATTENDANCE**

**1.4 COMMENCEMENT**

**2. APPLICATIONS:**

**2.1 215 STURT ROAD, SEACOMBE GARDENS**

Three, two storey residential flat buildings, comprising a total of 8 dwellings for the purpose of student accommodation, with associated car parking and landscaping

DAP071015 – 2.1.....1

**2.2 17 TOWNSHIP ROAD MARION**

A two storey building comprising 3 dwellings with associated car parking and landscaping

DAP071015 – 2.2.....67

**2.3 6 MOCALTA STREET, GLENGOWRIE**

A two storey dwelling, incorporating a garage wall on the northern side boundary and two single storey dwellings to the rear of the site, one of which incorporates a wall on the western (rear) boundary

DAP071015 – 2.3.....115

**2.4 10 RIDGECREST AVENUE, DARLINGTON**

Two storey dwelling addition, which involves increasing the existing western boundary wall height by a maximum 2.4 metres

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**2.5 1/1-3 & 5 SCARBOROUGH TERRACE DOVER GARDENS**

To remove one Regulated Tree (WA Willow Myrtle) adjacent 5 Scarborough Terrace and one Significant Tree (WA Willow Myrtle) adjacent 1-3 Scarborough Terrace, Dover Gardens, due to risk to pedestrians and motorists

DAP071015 – 2.5.....170

- 2.6 752-756 MARION ROAD, MARION**  
One freestanding advertisement incorporating internal illumination to the price board and achieving a total height of 7.02 metres, and a freestanding sign incorporating internal illumination to the price board and achieving a maximum height of 3 metres  
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Freestanding illuminated advertisement  
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- 4. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 7 OCTOBER 2015**
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**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 7 October 2015**

**Agenda Ref No:** DAP071015 - 2.1

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

**Applicant:** WC Projects Pty Ltd

**Development Description:** Three, two storey residential flat buildings, comprising a total of 8 dwellings for the purpose of student accommodation, with associated car parking and landscaping

**Site Location:** 215 Sturt Road, Seacombe Gardens

**Zone:** Residential Zone

**Policy Area:** Regeneration Policy Area 16

**Application Type:** Category 3 / Consent

**Lodgement Date:** 10/06/2014

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

**Application No:** 100/2014/959

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

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**CATEGORISATION & DELEGATION**

The subject application is a Category 3 form of development as the proposal cannot be considered minor in nature and is not a defined as a Category 1 or 2 form of development in Schedule 9 of the Development Regulations 2008. 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, and as the proposal seeks for a residential density exceeding that sought in the Policy Area, Council has delegated authority to the Development Assessment Panel.

**BACKGROUND**

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

Amendments Requested	Amendments Made
Built form presents top-heavy to street with extensive shadowed areas below and should be addressed	No change to 'top-heavy' appearance. Carports enclosed with 'Hardi Plank' cladding
Ground-level streetscape appearance of the	Car park directly to east of site entrance

site is dominated by car parking with limited landscaping and should be addressed	deleted in lieu of landscaping
Density of the proposal for 10 dwellings (average site area of 84.1 sq metres) substantially exceeds that sought for two storey residential flat dwellings (200 sq metres) and should be addressed	Number of dwellings proposed reduced from 10 to 8 to achieve average site area (including driveway and common areas) of 105.1 sq metres
Communal Open Space is not located adjacent high movement areas, is located to the south of the dwellings and does not incorporate shelter for year-round use and should be addressed	Secondary area of Communal Open Space provided between Dwellings 3 and 5. Shade sail provided.
Resident amenity of Dwellings 1 and 2 is considered poor as only area of POS is via balconies in close proximity to a busy arterial road and should be addressed	Ground level POS provided east and west of Dwellings 1 and 2, respectively. No change to balcony setback.
Building length, lack of articulation and proximity to side boundaries will result in an unreasonable sense of enclosure upon adjoining land and should be addressed	Design of development altered to break up built form to three buildings. Side setbacks reduced from 2.6m – 3.0m to 2.0m – 2.5m.

## SUBJECT LAND & LOCALITY

The subject land is located at 215 (Lot 3) Sturt Road, Seacombe Gardens. The land incorporates a frontage to Sturt Road of 19.3 metres, depth of 43.59 metres, providing a total site area of 841.28 square metres.

At present, a single storey detached dwelling, in good condition, constructed in the 1950s, is situated some 11 metres from the front boundary of the property. Vegetation of varying forms and height, none of which are classified as regulated, are situated throughout the property.

The locality east, south and west of the site comprises a mix of housing types. Older dwellings within this part of the locality are reflective of the low density housing constructed in the 1950s - 60s, on large allotments generally between 650 – 800 square metres in area. On other properties however, an increasing mix of single and double storey dwellings have been constructed in recent years. A majority of new dwellings are sited on allotments between 250 – 400 square metres within the Regeneration Policy Area.

On the northern side of Sturt Road, within the Regional Centre Zone, the Westfield Shopping Centre is located; the largest shopping centre within the Adelaide metropolitan area. A bus interchange is situated on the southern side of the centre, whilst to the north comprises a number of complementary businesses, such as Centrelink, GP Plus, SA Aquatic and Leisure Centre, Marion Cultural Centre and Bunnings Warehouse.

Approximately 50 metres to the west of the site, a number of shop and office uses are located on the southern side of Sturt Road.

Further afield, to the east, the Marion Sports and Community Club is located, which incorporates several sporting fields, a number of sporting clubs and a large, two storey clubroom/bar/restaurant.

The Oaklands train station is situated some 1300 metres (walking distance) to the north, the Flinders University sporting grounds is located approximately 2 kilometres (walking distance) to the east, and the Tonsley TAFE and Tonsley Flinders campus are situated some 2.8 kilometres (walking distance) to the north-east.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to construct three two-storey residential flat buildings, containing a total of eight dwellings, to be used for the purpose of student accommodation.

The maximum capacity of each dwelling is not proposed to be capped, however, via the Management Plan (refer below), a maximum of 20 persons are intended to reside on the site.

The northern building contains Dwellings 1-4, the south-eastern building contains Dwellings 5 and 7, and the south-western building contains Dwellings 6 and 8.

Dwellings 1 and 2 are located closest to the street frontage, and are contained on the upper floor; elevated over the car parking areas (with only a stairwell and laundry facilities on the ground floor). Both dwellings feature three bedrooms, open plan living/kitchen area, bathroom and balcony.

All other dwellings feature two storeys, with living/kitchen/meals area on the ground floor and bedrooms on the upper floor. Dwellings 3 and 4 contain three bedrooms (albeit the third bedroom is compromised in dimensions), while all remaining dwellings feature two bedrooms. Dwellings 7 and 8 incorporate a screened balcony to the rear of the associated building.

Two communal open space areas are proposed; one at the rear of the site, and one in the centre of the site, between Dwellings 3 and 5.

The communal open space to the rear of the site features fixed outdoor furniture, bike rack and storage shed, while the central courtyard contains fixed outdoor furniture with shade sail above.

Nine car parking spaces are proposed to be located at the front of the site, with six sited underneath Dwellings 1 and 2. A new double-width driveway is proposed to be installed at the centre of the site, with landscaping featured within the front yard and along the rear boundary of the site.

The proposal plans are accompanied by a Management Plan and 'House Rules'. This document lists the manner in which the site will be operated and managed, which includes (but is not limited to) the following:

- Maximum of 20 persons residing on the site at any one time;
- A caretaker shall manage the premises to ensure "no unreasonable noise, anti-social behaviour or other nuisance is caused to residents living near the subject land";
- Persons living on site shall be;
  - (i) a student enrolled in and undertaking secondary or tertiary educational studies; or
  - (ii) enrolled in and undertaking a course or studies as a prerequisite to admission to a secondary or (sic) tertiary educational establishment in South Australia; or
  - (iii) a recent graduate (completion of studies less than 3 months prior) of a secondary or tertiary educational establishment; or
  - (iv) an enrolled student (commencement of studies within 3 months) of a secondary or tertiary educational establishment.
- Persons shall abide by the House Rules.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	Given the substantial changes made to the application during processing and the length of time between notification and receipt of changes, the Category 3 public notification of the application occurred twice.
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	10 properties were notified, and the public generally through notice in the Messenger Newspaper.
<b>Representations:</b>	<p>3 representations (all against) were received by Council during the first public notification.</p> <p>1 representation (against) was received by Council during the second public notification.</p>
<b>Persons wishing to be heard:</b>	Mr Graham Kalisch, Mrs Fiona Crew and Mrs Mary Schmacher identified they wish to address the Panel.
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• Number of persons on site;</li> <li>• Car parking and limited on-street parking;</li> <li>• Noise;</li> <li>• Privacy;</li> <li>• Air pollution (via smoking);</li> <li>• Visual impact of building;</li> <li>• Management of site;</li> <li>• Fencing and lighting.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	The applicant has provided a response to both sets of representations received – please refer Attachment IV and VII

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure:</b>	<p>Council sought informal advice from DPTI regarding the current plan. An officer from that office advised the proposal has not addressed the previous concerns raised, and the following points previously raised by this agency remain relevant for the current proposal:</p> <ul style="list-style-type: none"> <li>• The Metropolitan Adelaide Road Widening Plan shows a possible (“although unlikely”) requirement for a strip of land up to 4.5 metres in width from the Sturt Road frontage of this site for future upgrading of the Diagonal/Sturt Road intersection;</li> <li>• The access should have a clear area of a minimum of 6.0 metres by 6.0 metres inbound into the property;</li> <li>• The aisle width provided of approximately 4.25 metres is not consistent with AS/NZS 2890.1:2004.</li> <li>• Car park/s in close proximity to the entrance ('visitor park') would require vehicles to manoeuvre within the clear area and potentially into the path of vehicles entering the site...leading to conflict on/adjacent Sturt Road.</li> </ul>
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*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	<p>Council's Development Engineer concurs with the position of DPTI that the aisle width is inadequate, and will result in several vehicle movements to exit the site.</p> <p>Council's Development Engineer has advised the site has been identified as being subject to flooding.</p> <p>As the application is recommended for refusal, an engineered siteworks plan has not been requested of the applicant.</p> <p>In the event the Panel are of the view that Development Plan Consent is warranted, it is respectfully recommended that the provision of an engineered site works plan, detailing top of kerb, existing ground levels, proposed bench and finished floor levels, stormwater disposal and any cut/fill and/or retaining walls is provided and reviewed by Council's Development Engineer to ensure the dwellings are not subject to inundation.</p>
<b>Arborist:</b>	<p>Council's Planning Officer – Arboriculture has advised the 1.0m setback from the driveway to the street tree is tolerable.</p>

## 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>

### **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>	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"><li>▪ affordable housing</li><li>▪ dwelling including a residential flat building</li><li>▪ <b>student accommodation</b></li><li>▪ supported accommodation.</li></ul>	<b>Complies</b>
<b>PDC 2</b>	Residential development should include higher concentrations of dwellings in suitable locations, in particular: (a) within 400 metres walking distance of a neighbourhood, district or local centre (b) within 800 metres walking distance of a regional centre (c) close to public transport or major employment nodes (d) adjacent to public open space.	<b>Complies</b>
<b>PDC 4</b>	Minimum Site Area:  Two storey Residential Flat Dwelling: Average land area of 200m <sup>2</sup>	<b>Does Not Comply</b> Average site area for whole of site: 105.1m <sup>2</sup> . Average site area (excluding car park): 67.41m <sup>2</sup> Average site area excluding common areas: 56.16m <sup>2</sup> .
	Minimum Frontage: Residential Flat Dwellings to an Arterial Road: 18 metres	<b>Complies</b> 19.3 metres
	Minimum Depth: Residential Flat Dwellings: 45 metres	<b>Does Not Comply</b> 43.59 metres

### **Assessment**

The application is consistent with the Objectives and Desired Character of the Policy Area in that it will replace the existing low density dwelling with higher density housing, in close proximity to public open space, public transport and centres. Further, student accommodation is expressly desired within this locality in accordance with Principle 1.



When one is to consider the locational attributes appropriate for student accommodation, proximity to public transport options, shopping and employment facilities are paramount, as well as access to public open space and other recreational facilities.

In my view, the location of the site enables convenient access to such facilities.

As identified in the 'Subject Land and Locality' section of this report, the land is in close proximity to bus routes (on Sturt, Morphett and Diagonal Roads) and shopping and employment facilities (Marion Regional Centre is located directly to the north).

The Marion Sports and Community Club, with large ovals available to the public outside of organised sporting events, is located approximately 310 metres walking distance to the east.

The proposal provides for a building and land use that differs from that typically constructed in the locality; adding to the variety of both built form and accommodation options. To this end, the proposal achieves the desire of the Residential Zone and Regeneration Policy Area for housing and architectural variety.

On a number of occasions, both staff and the Panel have supported undersized allotments as a result of a relatively minor shortfall in site area, locational attributes of the site and/or the general conformity of the development with Council's Development Plan. However, in this case, it is staff's view that the density proposed is excessive and not supportable given the total site area comprises 841.28 square metres; resulting in an average site area in the order of 105.1 square metres. This average site area is 95 square metres, or 47.5%, less than the minimum sought for two storey residential flat dwellings (200 square metres). For comparison, row dwellings in the Regeneration Policy Area 16 should be sited on a minimum site area of 170 square metres, whilst three storey residential flat dwellings (most likely on a larger site than the subject land) should be located on site areas of no less than 150 square metres. As such, the proposal results in a density significantly exceeding that sought for any dwelling type in this Policy Area.

If it were considered that common areas (car parking and Communal Open Space) should be excluded from the calculation of average site area, the proposal equates to an average site area of 56.16 square metres per dwelling. However, it is acknowledged that the COS areas would otherwise typically form private open space for residential flat dwellings, and as such, when excluding the car parking areas only in site coverage and floor area ratio calculations, the figures equate to 81.5% site coverage and a floor area ratio of 1.144.

Whilst it is acknowledged that student accommodation is a separately defined land use (and envisaged in the Policy Area), a minimum site area is not allocated for this use. It is therefore implied that the site area for the dwelling type proposed (residential flat dwellings) is applicable in assessing the density of the proposal. (This is not to flatly say that a greater density would not be supported for student accommodation – rather, that the subject proposal is grossly at odds with the density sought). This approach has been informally endorsed by DPTI in response to Council's proposed student accommodation policies in the (yet to be consolidated) Development Plan Amendment.

Objective 2 of the Regeneration Policy Area seeks improved quality of living environments, while the Desired Character seeks improved living conditions. Four of the eight dwellings (Dwellings 1, 2, 3 and 4) incorporate three bedrooms, or at least the ability for three rooms to be used as bedrooms. This implicates a reduction in the level of amenity afforded to the site's residents, as the living areas, open spaces and storage options are reasonably limited for larger household compositions.

In terms of streetscape, a majority of the area forward of the building is taken up by paved driveway and car park area. This outcome is not ideal, as opportunities for landscaping, greening the site and softening the appearance of the building, are substantially reduced.

Having said this, new development on arterial roads typically comprise greater levels of sealed surface at the front of the site, due to the desire of DPTI and Council for vehicles to have the ability to exit the site in a forward manner.

Whilst the extensive sealing of a site's frontage on an arterial road is somewhat unavoidable (although no doubt a reduction in the density of the proposal would enable an increase in landscaped areas), the design of the development is one of a 'top-heavy' front building, resulting in significant darkened areas below the 'bird mouth' of Dwellings 1 and 2. To prevent view from the street, the applicant has sought to enclose this space with a central roller door, flanked by 'Hardi Plank' walls. This, in my view, results in a poor streetscape outcome by presenting large, blank walls out of character with that which typifies the street and that which is sought in the Residential Zone.

In my view, the large building has not been designed to adequately reduce its visual impact upon adjoining properties, with the upper level being setback between 2.0 metres to 2.5 metres from the side boundaries. Whilst the side setbacks are generally compliant, in my view, the building is likely to have an unreasonable impact upon adjoining land via building bulk and setbacks, resulting in an unreasonable sense of enclosure; exacerbated by the generous length (measured north-south) of the built form (discussed further in this report).

Whilst overlooking from the upper level windows and balconies have been addressed via the provision of external screens to 1800mm above floor level, in my view, such screening would limit the entry of natural light and may unduly 'enclose' the rooms and balconies. It is noted that Design and Appearance Principle 12(c) seeks for screening devices to "have minimal negative effect on residents' or neighbours' amenity".

As such, it is staff's view that the proposed residential density and site areas are substantially at variance with that sought in the Regeneration Policy Area 16. Further to this significant shortfall, the proposal fails to achieve the high quality living environments sought by the Objectives, Principles and Desired Character of the Policy Area, due to the following detrimental attributes; (a) poor streetscape outcome; (b) conventional household size proposed (for Dwellings 1, 2, 3 and 4 (discussed further in this report)); (c) poor POS provision (discussed further in this report); (d) lack of integration of the COS with the high movement areas and adjacent dwellings (and therefore a lack of interaction and sense of community (discussed further in this report)); and (e) the impact upon the amenity of neighbouring properties and that of the residents of the subject site.

## 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></p> <p>Site area less than 220 m<sup>2</sup>: 80 m<sup>2</sup> or 45% (whichever is the greater)</p> <p><b>(80m<sup>2</sup> is relevant in this instance)</b></p> <p>Regeneration Policy Area 16: PDC 5</p>	<p><b>Complies</b> Dwg 3: 45.6m<sup>2</sup> Dwg 4: 44.3m<sup>2</sup> Dwg 5: 30.2m<sup>2</sup> Dwg 6: 30m<sup>2</sup> Dwg 7: 46. m<sup>2</sup> Dwg 8: 29m<sup>2</sup></p> <p><b>Does Not Comply</b> Dwg 1: 101m<sup>2</sup> Dwg 2: 101m<sup>2</sup></p> <p><b>Does Not Comply</b> Whole of site (841.2m<sup>2</sup>): 52.32% Whole of site (excluding car park): 81.5% Whole of site (excluding common areas (449.3m<sup>2</sup>)): 97.96%</p>
<p><b>Maximum floor area ratio:</b></p> <p>Site area less than 270 m<sup>2</sup>: 0.7</p> <p>Regeneration Policy Area 16: PDC 5</p>	<p><b>Complies</b> Dwg 5: 0.57 Dwg 6: 0.57 Dwg 8: 0.67</p> <p><b>Does Not Comply</b> Dwg 1: 0.91 Dwg 2: 0.91 Dwg 3: 0.87 Dwg 4: 0.84 Dwg 7: 0.80</p> <p><b>Does Not Comply</b> Whole of site (841.2m<sup>2</sup>): 0.733 Whole of site (excluding car park): 1.144 Whole of site (excluding common areas (449.3m<sup>2</sup>)): 1.373</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> <li>(a) pedestrian and vehicle access and vehicle parking</li> <li>(b) domestic storage</li> <li>(c) outdoor clothes drying</li> <li>(d) rainwater tanks</li> <li>(e) private open space and landscaping</li> <li>(f) convenient storage of household waste and recycling receptacles</li> </ul> <p>General Section: Residential Development: PDC 13</p>	<p><b>Partially Complies</b> The proposal provides sufficient space for vehicle access and parking, outdoor clothes drying, rainwater tanks and waste storage.</p> <p><b>Does Not Comply</b> The provision of private open space for Dwellings 1 – 6 (inclusive) is considered poor (see POS discussion below).</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.</p> <p>General Section: Residential Development: PDC 14</p>	<p><b>Does Not Comply</b> 18.68% (157.2m<sup>2</sup>/ 841.28m<sup>2</sup>)</p>

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

- (a) All POS areas are directly accessible from a habitable room of the associated dwelling.
- (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.
- (h) POS areas are capable of being shaded during summer.

### Partially Complies

- (b) Most POS areas are located at ground level to the side/rear of the dwellings and capable of being screened for privacy. However, the POS areas of Dwellings 1 and 2 are located forward of the dwelling, are not screened for privacy and may be compromised by their proximity to the arterial road.
- (g) Most POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. However, the POS of Dwelling 7 will receive substantial shadow for a majority of the year.

### Does Not Comply

- (i) Traffic noise and air quality may compromise the amenity of the POS areas of Dwellings 1 and 2.
- (j) The POS areas of Dwellings 1, 2, 3, 4, 5 and 6 are not considered to have sufficient shape and area to be functional for the likely needs of the occupants given these dwellings are capable of accommodating a larger household composition.

### 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.*

**(35 m<sup>2</sup> is relevant in this instance)**

General Section: Residential Development: PDC 17

### Complies

Dwg 7: 44.3m<sup>2</sup>

### Does Not Comply

Dwg 1: 32.8m<sup>2</sup>  
Dwg 2: 32.8m<sup>2</sup>  
Dwg 3: 18m<sup>2</sup>  
Dwg 4: 18m<sup>2</sup>  
Dwg 5: 12m<sup>2</sup>  
Dwg 6: 12m<sup>2</sup>  
Dwg 8: 24.5m<sup>2</sup>

In the case of *Morris v City of West Torrens* (2011 SAERDC32), Commissioner Hamnett stated that:

*"I do not accept... that the provisions of the Development Plan relating to private open space should be applied less strictly in the case of student apartments, on the argument that students have different (that is to say, more limited) needs in this regard... students are entitled to the same level of amenity as anyone else and a reduction in the amount of private open space available to them can only be justified if it is traded off in some way against additional communal space."*

Accordingly, dispensation should not be permitted in relation to private open space simply due to the student status of residents.

The proposal plans have been amended to comply with Principle 17 by providing a minimum dimension of 2.5 metres to all ground-level POS, however, the balconies for Dwellings 1 and 2 do not maintain the appropriate 2.0 metre dimension.

The dwellings provide POS as follows:

Dwelling	POS (square metres)	Percentage of Average Site Area	Percentage of Average Site Area (excluding common areas)
1	32.8	31.2%	58.4%
2	32.8	31.2%	58.4%
3	18	17.1%	32%
4	18	17.1%	32%
5	12	11.4%	21.3%
6	12	11.4%	21.3%
7	44.3	42.1%	78.8%
8	24.5	23.3%	43.6%
<b>Total</b>	<b>194.4</b>	<b>23.1%</b>	<b>43.2%</b>

Evidently, all but one of the dwellings fail to provide the required 35 square metres of private open space prescribed by Principle 17, whilst all fail to provide a minimum dimension of 4 metres.

It is acknowledged the proposal equates to a total amount of private open space (excluding the communal open space) of 23.1% of the total allotment area; exceeding the 20% sought by the Development Plan. However, Dwellings 3, 4, 5 and 6 fail to achieve this figure (5 and 6 by a substantial amount). Further, Dwellings 1, 2, 3 and 4 support three bedrooms each, where a larger number of persons may reside. In fact, the proposal seeks to comprise a maximum of 20 residents, which when divided by eight dwellings, equates to an average of 2.5 persons per dwelling.

As such, it is possible that any dwelling may accommodate more than two people, and highly likely Dwellings 1, 2, 3 and 4 will accommodate more than two people and therefore a household size (in terms of occupants) not too dissimilar to a conventional residential development, where allotment sizes for residential flat dwellings in this Policy Area should be no less than 200 square metres, and as such, POS areas would be significantly greater (40 square metres plus).

Whilst the total POS of Dwellings 1 and 2 equate to 32.8 square metres, 19 square metres of this space is located at ground level; accessed via a gate at the northern end of this space. As such, residents are forced to walk through the car park area in order to access this space. Further, the maximum dimension of the POS equates to 2.5 metres.

The POS areas of Dwellings 3 and 4 equate to 18 square metres; almost half the area sought (35 square metres). These areas comprise a maximum dimension of 2.5 metres, and in my view are not suitable for the likely needs of the residents.

In saying this however, it could be argued that given the use for student accommodation, communal open space in these instances provide a net benefit over and above individual POS areas equating to 20% of the average site area, for reasons of socialisation and providing occupants with an outdoor area comprising dimensions much greater than would be provided in private open space areas.

The ERD Court (2011 SAERDC32) has recognised that communal open space may supplement POS for student accommodation, as per the following observation:

*"There is a trade-off, in other words, between, on the one hand, the typically smaller size of student apartments, often associated with a reduced amount of private open space, and the provision, on the other, of areas of communal space within student accommodation developments which provide opportunities for increased social interaction."*

However, the case continued to stress the importance of communal areas being accessible and in high movement

areas if they were to promote student interaction and thereby a "sense of community". It is noted that the communal open space (COS) on the subject land is located in two areas; a central area of COS between Dwellings 3 and 5 and an area of COS to the rear of the site, adjacent Dwelling 8.

Whilst resident activity adjacent the central COS will be greater than the rear space, the design has failed to provide a relationship with the adjacent dwellings, via habitable room windows/sliding doors overlooking this space as seen in previous proposals presented to the DAP. Further, this space will be in shadow from approximately 11.00am throughout all months of the year.

The rear COS area is not in a particularly high movement area, is likely to receive shadow throughout the day during winter months and is not sheltered for year-round comfortable use.

It is my opinion that the proportions of private open space serving Dwellings 1, 2, 3, 4, 5 and 6 are insufficient for likely occupant needs, and therefore fail to comply with Principle 15, whilst the provision of COS does not offer such a superior alternative space as to compensate for the poor area and dimensions of the POS of these dwellings.

## Communal Open Space

*Private open space may be substituted for the equivalent area of communal open space where:*

- (a) at least 50 per cent of the communal open space is visually screened from public areas of the development*
- (b) ground floor communal space is overlooked by habitable rooms to facilitate passive surveillance*
- (c) it contains landscaping and facilities that are functional, attractive and encourage recreational use.*

*General Section: Residential Development: PDC 23*

### **Complies**

- (a) The COS is located away from the street frontage.

### **Does Not Comply**

- (b) The COS is not overlooked, as Dwellings 3, 5 and 8 do not incorporate any windows overlooking the COS area.

### **Partially Complies**

- (c) Fixed outdoor furniture is available, however, the larger COS area does not incorporate any shelter for year-round use and is likely to be overshadowed throughout winter months due to the location of Dwelling 8.

*Communal open space should be shared by more than one dwelling, not be publicly accessible and exclude:*

- (a) private open space*
- (b) public rights of way*
- (c) private streets*
- (d) parking areas and driveways*
- (e) service and storage areas*
- (f) narrow or inaccessible strips of land.*

*General Section: Residential Development: PDC 24*

### **Complies**

- Communal Open Space (COS) provided centrally within the site adjacent Dwellings 3 and 5 and to the rear of the property and excludes items listed in (a)-(f).

## Street Setbacks

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

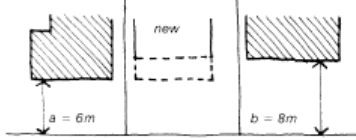
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

*General Section: Design and Appearance: PDC 23*

### **Complies**

- The proposed front setback of 8.0 metres is similar to that of dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

#### Complies

8.0 metres

(Both dwellings on adjoining land set back approximately 7.5 metres)

Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.

Residential Zone: PDC 7

#### Complies

8.0m

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

#### Partially Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement. However, as discussed previously, the location of the POS for Dwellings 1 and 2 are considered to be compromised by their proximity to the adjacent arterial road.

### 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.

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 7

#### Does Not Comply

Dwelling 7: 0.9 m

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.

#### Complies

All walls up to 6.0m in height are setback a minimum of 2.0m from side boundaries.

#### Does Not Comply

Northern 6.0m of wall length of Dwellings 1 and 2 incorporate a height between 6.0m – 6.3m and setback 2.0m, where a setback of 2.3 metres is sought.

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

#### Partially Complies

Whilst the side setbacks generally comply with that sought, the lack of articulation provided to the side elevations, combined with the significant length of the two storey buildings may result in a sense of enclosure experienced by adjoining land, particularly that to the east.

	The height and setbacks of the dwellings will ensure adequate sunlight to neighbouring buildings.
<b>Rear Setbacks</b>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p> <p>Dwelling 7: 3.14m</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Partially Complies</b></p> <p>Dwelling 7: 5.64m</p> <p>Dwelling 8: 6.0m</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>Complies</b></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>The shortfall in rear setback of Dwelling 7, combined with the enclosure of the balcony serving Dwelling 8, setback 4.0 metres from the rear boundary, does not “minimise” the visual impact of the development.</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></p> <p>The proposed dwellings incorporate a maximum building height of 6.5 metres, which is less than the maximum permitted in the Policy Area.</p>
<b>Car Parking</b>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</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>Does Not Comply</b></p> <p>(See comments below)</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) Adequate on-site car parking is available for the likely needs of residents</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><b>Does Not Comply</b></p> <p>(d) (e) One on-street parking space is available in front of the site, where four is sought by the Development Plan. Limited on-street parking is available in proximity of the site.</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>Does Not Comply</b></p> <p>(a) (b) (See discussion below)</p> <p>(c) The streetscape presentation of the site is considered poor due to the domination of the car park area and lack of landscaping street-side of the building (refer Zone and Policy Area assessment)</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>Does Not Comply</b></p> <p>The car parking area is located forward of the associated dwellings</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>One on-street parking space is available in front of the site, where four are sought.</p>
<p>Council's Development Plan does not incorporate a minimum car parking ratio for student accommodation. Having said this, the proposal nonetheless seeks for residential flat dwellings, and as such, arguably, the proposal should be assessed against the applicable Development Plan criteria for such dwelling types.</p> <p>In previous student accommodation proposals, Council relied upon the applicant's traffic engineer to identify an appropriate on-site car parking rate. Based upon interstate surveys and assessment regarding those sites' proximity to public transport routes, a car parking ratio of 1 space for every 4 residents was identified.</p> <p>As Members are likely to be aware, in Council's experience, the rate applied was significantly less than was occurring in reality. As such, earlier this year, Council engaged the services of a traffic engineer to undertake a survey of existing student accommodation facilities to gain a greater understanding as to the likely vehicle ownership rate of students.</p> <p>From that study, it was concluded that a car ownership rate of 0.7 vehicles per person, or where student accommodation is provided in individual dwellings, a rate of 1 space per dwelling, was appropriate to apply in a suburban setting.</p> <p>The subject proposal provides a total of nine car parking spaces on site – a rate of 1.125 spaces per dwelling, or 0.45 per person.</p> <p>This figure exceeds that identified for student accommodation dwellings (1 per dwelling), although it is doubtful three bedroom dwellings were anticipated when determining that 1 space per dwelling was sufficient. Based upon the alternative method of calculating car parking per person, the proposal results in 0.45 spaces per bedroom, 5 spaces less than that sought.</p> <p>It is of value to note the site's position on a bus route (Sturt Road) and within convenient walking distance to a bus interchange (Westfield Marion). Given the proximity of the property to this infrastructure, reliance upon a vehicle may be reduced.</p> <p>DPTI and Council's Development Engineer have advised that the manoeuvring of vehicles is compromised by the limited aisle width and will require the inconvenient movement of vehicles. Further, DPTI have advised the movements out of the visitor park may hamper the safe movement of vehicles into the site.</p>	

Due to the location of the proposed driveway, one on-street parking space will be available in front of the subject land. This is three spaces less than that sought. The student tenure, however, may reduce the demand for visitor and therefore on-street parking.

To this end, the proposal is considered to provide sufficient on-site car parking for the likely needs of the residents, albeit manoeuvring into some spaces is made difficult by the lack of aisle width and proximity of the visitor space adjacent the entrance.

As identified earlier in the Zone and Policy Area assessment, the front of the site is dominated by the driveway and associated car parking area. This results in significant areas forward of the building being taken up by paving, in lieu of landscaping.

Whilst the extent of paving is not ideal, new development on arterial roads typically comprise greater levels of sealed surface, due to the desire of DPTI and Council for vehicles to have the ability to exit the site in a forward manner. In this regard, the balance between landscaping and paving is weighted towards paving, and the proposal therefore fails to satisfy Residential Development Principles 45(c) and 46(b). A reduction in dwelling density would enable a decrease in car parking and therefore an increase in landscaping.

## Access

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

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

*General Section: Residential Development: PDC 39*

### Partially Complies

Whilst the double-width driveway exceeds that sought, DPTI seek a 6.0m x 6.0m ingress/egress to enable the simultaneous movement of vehicles.

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

*General Section: Residential Development: PDC 40*

### Complies

The proposed driveway is situated 1.05m from the existing street tree. Council's Arborist has advised that this separation distance is adequate.

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

*General Section: Transportation and Access: PDC 28*

### Complies

Only one vehicle access point is proposed.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### Partially Complies

The buildings feature a Colorbond roof at 2.5 degrees pitch, with eave overhang of 450 millimetres. The façades shall be rendered.

There appears to be a section on the east and west facades of Dwelling 7 and west façade of Dwelling 8 that incorporate a differing material, however, the plans do not identify the type.

The balconies to Dwellings 1 and 2 are integrated into the design of the buildings, face north, and support an area of 13.1 square metres, however, as noted in the POS assessment, these areas do not comprise the minimum 2.0 metre dimension sought.

The ground level elevation of the development is dominated by the enclosure of the car parking areas located underneath Dwellings 1 and 2. The streetscape presentation of the building results in large

	<p>areas of uninterrupted walling exposed to public view.</p> <p>The design of the building could be improved via increased stepping to the footprint of the buildings, setting the upper level in from the ground floor, providing a greater mix of colours and materials and addressing the streetscape appearance of the development.</p> <p>(See also Zone and Policy Area assessment earlier in this report).</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed balconies are integrated into the dwelling design, with clear glass balustrade that enables line of sight to the street.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p><b>Partially Complies</b></p> <p>The entrances from all dwellings are oriented to the centre of the site; accessed from the walkway.</p> <p>The entry points are not 'emphasised' by way of portico/awning, nor is shelter provided to the entry areas.</p> <p>The living rooms of all dwellings comprise an external outlook.</p>
<b>Overshadowing</b>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design &amp; Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with</i></p>	<p><b>Complies</b></p> <p>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>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on 21 June.</p> <p>b) Given that south forms the rear boundary, a majority of winter shadow will be cast within the POS of Dwelling 7 and the COS adjacent Dwelling 8. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.</p>

<p><i>at least one of the area's dimensions measuring 2.5 metres)</i>  <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>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.</p>
<h2>Visual Privacy</h2>	
<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>  <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>  <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>  <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><i>General Section: Design &amp; Appearance: PDC 12</i></p>	<p><b>Partially Complies</b></p> <p>The dwellings incorporate fixed external screening to 1.8 metres above floor level for windows and balconies on the side and rear elevations.</p> <p>However, it is my view that such screening would limit the entry of natural light and may unduly 'enclose' the rooms and balconies. It is noted that Design and Appearance Principle 12(c) seeks for screening devices to "have minimal negative effect on residents' or neighbours' amenity".</p> <p>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.</p> <p>The balcony on the front façade is oriented to obtain views of the streetscape.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
<h2>Noise</h2>	
<p><i>Residential development close to high noise sources (eg major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, or protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 26</i></p> <p><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>The balconies of Dwellings 1 and 2 are located adjacent the arterial road; setback 6.0 metres from the primary frontage.</p> <p>Given the balconies form the primary area of private open space, the resident's amenity is considered compromised by way of noise and air quality.</p> <p>The POS area of all other dwellings are sufficiently separated from the arterial road.</p>
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i>  <i>(a) active communal recreation areas, parking areas and vehicle access ways</i>  <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>Bedrooms of Dwellings 3 – 8 are adequately separated from vehicle manoeuvring areas. The bedrooms of Dwellings 1 and 2 are located directly above the car parking area. The applicant has not furnished Council plans that demonstrate the amenity and privacy of these rooms would be adequately</p>

	<p>protected from vehicle noise via treatments such as acoustic measures and insulation.</p> <p>In the event the Panel are supportive of the application, it is respectfully suggested that details are requested, prior to Development Approval, that ensure the extent of noise intrusion to Dwellings 1 and 2 is within acceptable levels.</p>
<p>Residential Development Principles 26 and 27 seek for properties with a frontage to an arterial road to “protect these areas [bedrooms, living rooms etc] with appropriate noise attenuation measures” such as a “landscaped buffer...as well as front fences and walls”. The applicant has not sought to provide fencing/walls at the front of the site, although it is acknowledged that such would remove opportunities for landscaping at the front of the site to be visible from the street. Further, there are no ground level habitable rooms in proximity to the street to take benefit from the noise attenuation measures of such a fence/wall.</p>	
<h2>Site Facilities and Storage</h2>	
<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> (See comments below)</p>
<p>The proposal does not incorporate a mail box facility adjacent the front boundary, however, such can be provided within convenient reach of the main pedestrian entrance to the site.</p> <p>Bicycle parking is available adjacent the rear boundary of the site, capable of accommodating approximately 4-6 bicycles.</p> <p>The proposal plans detail waste bin storage within the private open space of each dwelling.</p> <p>External clothes drying is anticipated to occur within the ground level POS of each dwelling.</p> <p>On balance, the proposal incorporates facilities that generally comply with those prescribed by Principle 30.</p> <p>However, there appears to be limited opportunities for the internal and external storage of personal effects and larger items – exacerbated by the likelihood of a number of dwellings being occupied by more than two persons.</p>	
<h2>Energy Efficiency</h2>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p><b>Partially Complies</b></p> <p>The main activity areas of the dwellings are oriented east/west, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p> <p>The communal open space (COS) is located to the rear of the site with a southern orientation, while the central COS is obstructed from northern sunlight by the adjacent two-storey building. As a result, these areas will receive very limited winter sunlight.</p>

	<p>While the COS areas do not feature a direct northern orientation, the ground level POS courtyards should receive some northern sunlight in winter months due to their eastern and western orientation.</p> <p>The living areas of Dwellings 3-8 face east and west. While this orientation is not optimum, the fact that north forms the street frontage to the relatively deep allotment practically prohibits the provision of north-facing living areas to all dwellings within the site. Despite these shortfalls, Dwellings 1 and 2 utilise this orientation by incorporating living areas and balconies with direct northern aspect to the street.</p> <p>The dwellings incorporate eave overhang of 450mm width, which will assist in shading upper floor windows and subsequently alleviating summer heat load.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p><b>Does Not Comply</b></p> <p>The dwellings incorporate a skillion roof pitch at 2.5 degrees, which would require framing structures to accommodate appropriately-oriented solar collectors.</p>
<b>Flooding</b>	
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:</i></p> <p><i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i></p> <p><i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p><i>General Section: Hazards: PDC 5</i></p>	<p><b>Unresolved</b></p> <p>The applicant has not provided an engineered siteworks plan that would identify finished floor levels in relation to existing ground level and top of kerb level. As such, it cannot be determined whether the dwellings have been designed to avoid inundation.</p> <p>In the event the Panel are of the view the proposal warrants consent, it is respectfully suggested that a reserved matter be included to require the provision and assessment of an engineered siteworks plan.</p>
<b>Landscaping, Fences and Walls</b>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><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></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p>	<p><b>Partially Complies</b></p> <p>Landscaping of the property is proposed to occur throughout the front yard of the property (outside the driveway and car parking areas) and adjacent the southern (rear) boundary of the property.</p> <p>The Site Plan nominates a mix of low and medium level planting throughout both the front and rear of the property.</p> <p>The proposed variety of species and projected growing heights will complement the built form, minimise water use (given a</p>

<p><i>(k) contribute to the viability of ecosystems and species</i>  <i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 1</i></p> <p><i>Landscaping should:</i>  <i>(a) include the planting of locally indigenous species where appropriate</i>  <i>(b) be oriented towards the street frontage</i></p> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	<p>number are native species) and assist in shading the front paving, although it is acknowledged the proposal plans suggest only one species (<i>Acacia pycnantha</i>) that will grow taller than 1.0 metre and it is not clear as to the location or density of planting of this species.</p>
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## TABLE DISCUSSION

The proposal does not satisfy a number of the applicable principles of development control contained within the Marion Council Development Plan. In addition, the following matters warrant further discussion:

- Site coverage;
- Floor area ratio; and
- Pervious land area.

Whilst site coverage (52.3%) and floor area ratio (0.73) do not exceed the Development Plan figures by substantial amounts, these calculations include the common areas of the car park and communal open space. Typically, when assessing site coverage and floor area ratio for residential flat dwellings and group dwellings, the common areas are excluded from calculation. By taking this approach, site coverage equates to 97.96% and floor area ratio 1.373.

It is acknowledged that the communal open space areas would otherwise typically form private open space for residential flat dwellings, and as such, when excluding the car park only in site coverage and floor area ratio calculations, the figures equate to 81.5% site coverage and a floor area ratio of 1.144.

The amount of pervious land area (18.68%) is less than the minimum 20% sought by the Development Plan, resulting in limited areas for in-ground landscaping and rainwater infiltration/soakage, whilst increasing the amount of stormwater being directed to the street.

These figures identify the total amount of built form on the land significantly exceeds that envisaged, which when combined with the substantial shortfall in site area, represents a density at odds with that sought in the Regeneration Policy Area.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the number of persons on site, car parking and limited on-street parking, privacy, the visual impact of the building and management of site have been addressed in the body of the report.

The representors have also raised concerns over noise, air pollution (via smoking) and fencing. While these concerns are noted, given the proposal seeks for residential development in a residential zone, 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 preceding assessment has identified that the use is one that is sought in the Policy Area, whilst the location of the site supports increased densities, given the proximity to public transport options, employment and recreation options and public open space.

The proposal provides appropriate on-site car parking for student accommodation, however, inadequate on-street parking is available, whilst DPTI have raised concerns with the location of the 'visitor park' and the aisle width preventing convenient on-site manoeuvring of vehicles.

The buildings generally comply with the setbacks sought in the Development Plan, however, the length of the built form, lack of articulation provided to side walls and the proximity to the rear boundary are likely to result in visual impact and a sense of enclosure experienced by adjoining land.

Four of the eight dwellings incorporate three bedrooms (equating to a likely household size akin to conventional residential development), whilst the dimension and area of private open space available for six of the eight dwellings is considered inappropriate for the likely needs of the residents. Further, there appears to be limited internal and external opportunities for storage of personal effects.

Most notably, the proposal results in a density far exceeding that sought for residential flat dwellings in the Policy Area. The average site area equates to 105.1 square metres, when including all common areas; 45% less than the minimum of 200 square metres sought for two storey residential flat dwellings. Further, site coverage and floor area ratio exceed the maximum sought, whilst there will be inadequate pervious land area remaining following construction. As such, the proposal results in a density at odds with that sought in the Policy Area.

As a result of the above considerations, whilst it is my view 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, the proposal fails to sufficiently satisfy a number of applicable provisions to warrant support and as such, it is recommended that Development Plan Consent is 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: 100/2014/959 for three, two storey residential flat buildings, comprising a total of 8 dwellings for the purpose of student accommodation, with associated car parking and landscaping at 215 Sturt Road, Seacombe Gardens be REFUSED for the following reasons:**
  - 1. The proposal fails to accord with Objective 2 of the Regeneration Policy Area, as it shall not improve the quality of living environments.**
  - 2. The proposal shall not contribute toward improved living conditions, and is therefore at variance with Objective 11, Principle 3 and the Desired Character of the Regeneration Policy Area 16.**
  - 3. The proposal does not create a convenient and pleasant environment in which to live, and therefore fails to fulfil Orderly and Sustainable Development Objective 1.**
  - 4. The number of dwellings result in an average land area substantially less than that sought for two storey residential flat dwellings, and is therefore at variance to Principle 4 of the Regeneration Policy Area 16.**
  - 5. The proposed development does not accord with Orderly and Sustainable Development Objective 4, as the proposal prejudices the achievement of the provisions of the Development Plan.**
  - 6. The proposal does not contribute to the provision of convenient, pleasant and healthy living environments that meet the needs and preferences of the community, and is therefore at variance to Residential Development Objective 1.**
  - 7. The site coverage and floor area ratio exceeds that sought in the Regeneration Policy Area 16, and therefore fails to satisfy Policy Area Principle 5.**
  - 8. The building is likely to have an unreasonable visual impact upon adjoining properties via a lack of articulation and proximity to the rear boundary; failing to satisfy Design and Appearance Principle 2(a).**
  - 9. The screening devices proposed to protect the privacy of adjoining land are considered to have a negative effect upon the residents' amenity, at variance to Design and Appearance Principle 12(c).**
  - 10. The streetscape appearance of the site is dominated by sealed surfaces and uninterrupted walling, at variance to Transportation and Access Principle 36(i) and Design and Appearance Principle 17.**

11. The proposal fails to satisfy Residential Development Principle 29, as the proposed private open space does not comprise 35 square metres, and does not maintain a minimum dimension of 4 metres.
12. The proposal does not comply with Residential Development Principle 28, as the proposed private open space is not of sufficient area and shape to be functional for likely occupant needs.
13. The vehicle parking areas are not designed to enable safe and convenient on-site movements and are not consistent with Australian Standard AS: 2890 – Parking facilities, failing to satisfy Transportation and Access Principles 35 and 26(c).

## 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 (first notification)</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations (first notification)</i>
<i>Attachment VI:</i>	<i>Statement of Representations (second notification)</i>
<i>Attachment VII:</i>	<i>Applicant's Response to Representations (second notification)</i>
<i>Attachment VIII:</i>	<i>External Agency Referral Comments</i>

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 October 2015

<b>Agenda Ref No:</b>	<b>DAP071015 – 2.2</b>
<b>Originating Officer:</b>	<b>Joanne Reid Development Officer - Planning</b>
<b>Applicant:</b>	<b>Fairmont Homes Pty Ltd</b>
<b>Development Description:</b>	<b>A two storey building comprising 3 dwellings with associated car parking and landscaping</b>
<b>Site Location:</b>	<b>17 Township Road Marion</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>04/03/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2015/382</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.

The subject application is also required to be determined by the Development Assessment Panel by virtue of the proposed new dwelling (House 2) supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

It is staff's view that the dwellings should be appropriately classified and assessed for row dwellings as, for all intents and purposes, the dwellings comprise three dwellings, erected side by side with party walls to form a single building each occupying a site that has exclusive frontage to a public road, pursuant to the Schedule 1 definition in the Development Regulations, 2008.

## BACKGROUND

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

Amendments Requested	Amendments Made
Increase front setback by 1m to align the dwellings with the carport of the adjacent northern dwelling.	Setback increased to 6.5m
Increase southern side upper storey setback to 3m.	No change made – overshadowing diagrams provided to demonstrate if setback will result in a shadow being cast that is unreasonable.
Mirror reverse Dwelling 2 to provide 6 metres between Dwelling 1 and Dwelling 2's driveways to provide an on-street car parking space.	Driveway amended to provide 6 metres between Dwelling 1 and Dwelling 2 to accommodate an on-street car park.
Provide 1.5m separation between the driveway of Dwelling 2 and the southern street tree and 2m between the driveway of Dwelling 1 and the northern street tree.	Driveway separation distances from street trees provided as requested.

## SUBJECT LAND & LOCALITY

The subject site is located at 17 Township Road in Marion. The allotment maintains a total site area of 742 square metres and incorporates a frontage width (western boundary) of 21.3m. The northern boundary sits on an 83 degree angle to the front boundary and runs for a length of 39.95m which reduces the rear allotment boundary to a length of 16.15m. The southern boundary runs perpendicular to the eastern and western boundaries for a length of 39.62m.

The site is located on the eastern side of Township Road and contains a single storey detached dwelling with associated outbuildings. There is minimal slope to the land and no regulated or significant trees that would be affected. There is an existing access point on the southern side of the front boundary and two street trees, a Eucalyptus Sidroxyton and a Eucalyptus Saligna, both in good condition and not regulated.

The locality comprises a mixture of building types and land uses. Directly opposite the site is the Resthaven aged care facility which contains single storey retirement units, and two and three storey buildings for supported accommodation. The buildings located at 8 to 10 Township Road (on the aged care site) are local heritage items. The Marion Uniting Church with associated community hall is located to the north of the site and also contains a State Heritage Listed Building on the adjoining property at 9 Township Road. Single storey detached dwellings on medium to large allotments are predominant along the eastern side of Township Road and further east along Church Crescent with the exception of some group dwellings located at 1 Church Crescent.

Further towards the south of Township Road, there are a number of two storey residential flat buildings. The dwellings at 16 Township Road on the western side and 23 Township Road, three allotments from the subject site on the eastern side are both Local Heritage Places. Towards the end of the street is an industry zone, where a number of warehouses accommodate activities of a commercial and industrial nature.

The subject site is closely located to public open space including Marion Oval and the Sturt Creek River Catchment linear trail. Bus transport is available on Marion Road and Finnis Street, whilst Marion Shopping Centre is located approximately 1km away, as the crow flies. Bulky goods shopping is also available on Marion Road directly to the east of the site.

## PROPOSED DEVELOPMENT

The applicant seeks to construct a two storey building comprising three dwellings, which, when subdivided would form row dwellings. The dwellings are made up of a similar floor layout, with an open plan kitchen/meals/family area, laundry and second WC downstairs and three bedrooms (one with ensuite), bathroom and a balcony upstairs.

Each dwelling incorporates a single garage with access from Township Road where the crossovers avoid the existing street trees. Each dwelling is afforded with two car parking spaces with one space stacked behind the garage.

The dwellings are to be constructed using a combination of face brick with a rendered finish to the façade and Sycon 'Matrix' cladding to the porch and balconies. Painted fibre cement cladding is proposed for the upper storey. The roof is proposed to be colorbond with a pitch of 22.5 degrees.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	55 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	5 representations were received by Council F Johnson - In favour R Wilson – In favour R Stone – Primarily against application K Stone – Primarily against application T Peak – Primarily against application
<b>Persons wishing to be heard:</b>	R Stone, K Stone and T Peak all of 19 Township Road, Marion have indicated a desire to be heard personally.
<b>Summary of representations:</b>	<p>A summary of issues raised by the representors are as follows:</p> <ul style="list-style-type: none"><li>• Traffic;</li><li>• Availability of car parking;</li><li>• Safety of vehicles exiting 19 Township Road where proposed dwellings will block line of sight;</li><li>• Overshadowing will limit sunlight into dwelling and over solar panels;</li><li>• Concerns regarding building on boundary;</li><li>• The dwellings will negatively impact on the Heritage Buildings in the area;</li><li>• Front setback;</li><li>• Lack of details provided;</li><li>• Bulk and scale of building not sympathetic with the existing buildings in the area;</li><li>• Stormwater run-off (site coverage);</li><li>• Fencing during development;</li><li>• Street trees;</li><li>• Privacy.</li></ul> <p><i>Refer Attachment IV</i></p>

<b>Applicant's response:</b>	<ul style="list-style-type: none"> <li>• Property boundaries will be surveyed by a licensed surveyor once the site has been cleared with copies distributed to neighbouring properties.</li> <li>• Lower level setback is 1.5m when the Development Plan calls for 900mm and the dwelling is setback at 2.5m on the upper level when the Development Plan calls for 3m.</li> <li>• Overshadowing diagrams provided indicate that an increase in upper level setback will have a minor impact on the neighbouring property.</li> <li>• The plan satisfies the car parking requirement of two car park spaces, one of which is undercover.</li> <li>• The plans are in compliance with the Marion Council's design guidelines and should be supported for Development Plan Consent.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>
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## GOVERNMENT AGENCY REFERRAL

<b>Heritage SA: (Not referred)</b>	<p>It was not deemed necessary to refer the application to the State Heritage Branch in relation to the State Heritage Item at 9 Township Road, Marion.</p> <p>There is approximately 80m between the subject site and the Heritage building with two buildings separating the two sites and it is not considered that the proposed dwellings will have a material impact on the setting or heritage value of the building.</p> <p>There has been significant redevelopment around the heritage item, much of it having no regard to the heritage context of the site. The locality is predominantly made up of conventional 1950/60s style buildings, which, in my view, do not add value within the setting of the State Heritage site.</p> <p>The Northern Policy Area contemplates higher densities and the nature of the proposed development is an envisaged form of development in the Policy Area.</p> <p>Accordingly, the proposal does not require Heritage referral and further, it is not deemed necessary for the design of the dwellings to be sympathetic with the heritage character of the built form given the varied styles of building in the locality and the Desired Character is silent in this regard.</p>
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*Refer Attachment VI*

## INTERNAL DEPARTMENT COMMENTS

<b>Open Space: Planning Officer - Arboriculture</b>	The tree protection zone of 1.5m to the Eucalyptus Sidroxylon is close but surface roots are not visible and the driveway could be achieved if manual excavation is undertaken.
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	The following forms of development are envisaged in the policy area: ▪ row dwelling	<b>Complies</b>
PDC 3	Minimum Site Area:	<p><b>Complies</b> House 1 – 264m<sup>2</sup> House 3 - 255m<sup>2</sup></p> <p><b>Does Not Comply</b> House 2 – 223m<sup>2</sup></p>

	<i>Minimum Frontage:7m</i>	<b>Complies</b> House 1 - 9.256m  <b>Does Not Comply</b> House 2 – 5.64m House 3 – 6.44m
	<i>Minimum Depth:20m</i>	<b>Complies</b> Houses 1 to 3 – 39.624m

## Assessment

The application proposes to replace one dwelling and construct three dwellings in its place. The Desired Character of the Policy Area seeks for the redevelopment of properties to be at greater densities than that of the original housing and for a range of dwelling types to meet a variety of accommodation needs. The three dwellings, in the form of two storey row dwellings, is a different style of dwelling type than that which currently exists in the locality and the proposal is therefore consistent with the Desired Character in this regard.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Occupants would be in walking distance to two areas of public open space namely Marion Oval and the Sturt Creek linear trail. Frequent bus transport is available on Marion Road with services to the City and Flinders University. Centre zones are located slightly further away, however the Regional Centre which contains Westfield Marion is still within 2 km of the site.

The development will not result in the removal of either of the two mature street trees for the access points or the removal of any regulated or significant trees.

The proposal does display some numerical shortfalls with respect to the minimum site area of allotment of House 2 and the frontage width of both allotments of Houses 2 and 3.

### Site area – House 2

The site area of House 2 falls 27 square metres (11%) short of the minimum requirement of 250 square metres. However, I am of the view that this is not fatal to the merits of the proposal.

The distribution between the allotments is disproportionate due to the irregular shape of the allotment. Both Houses 1 and 3 achieve above the minimum allotment size and over the entire site, the allotments maintain an average site area of 247 square metres, which is much closer and only a 3 square metre (1%) shortfall.

Furthermore, it will be shown throughout this report that each of the dwellings achieve relative compliance when assessed against the remaining provisions of the Development Plan and in my view, will not adversely affect the amenity of existing neighbouring properties.

### Frontage widths – Houses 2 and 3

The frontage width of House 2 is 1.36m less than the required frontage width of 7m, whilst House 3's frontage maintains a more minor discrepancy of 560mm.

Similarly to the site area, the total frontage width of the site is 21.3m and would average a frontage width of 7.1m for each of the allotments.

House 2 is the middle dwelling, and as the dwelling is built boundary to boundary it does not require additional separation to existing adjoining properties and therefore does not necessarily



necessitate a wider frontage width. Additionally, the dwelling adequately presents to the street, with an entrance and habitable room windows displaying appropriately in accordance with the Design and Appearance principles.

Notwithstanding that House 3's frontage is only a minor departure from the Development Plan, the frontage width provided does not inhibit the dwelling's ability to achieve the required side setbacks and access within an acceptable distance from the street tree.

To this end, the proposal is considered to display consistency with the Objectives, Desired Character and Principles of Northern Policy Area 13.

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>House 1 – 49%</p> <p>House 2 – 62%</p> <p>House 3 – 52%</p>
<p>Site coverage for Houses, 1, 2 and 3 exceeds the 40% Development Plan standard by 9%, 22% and 12% respectively. Due to the nature of row dwellings being boundary to boundary, site coverage is generally higher than detached or semi-detached dwellings as the dwellings do not provide separation to at least one side boundary (this being a requisite of row dwellings). This is particularly pertinent for House 2, where, being the middle allotment, the allotment is smaller as a result of the dwelling being boundary to boundary and more importantly, its position will not result in visual impacts to the adjoining properties on either side of the subject site.</p> <p>Private open space for all three dwellings is generous and the ground level setbacks generally comply with the requirements of the Development Plan. 80% of the total roof area stormwater will be directed to a retention and detention tank for capture and slow release of water to the street.</p> <p>Each dwelling is also provided with an under main roof alfresco. The removal of the alfresco would reduce site coverage down to 44% (House 1), 53% (House 2) and 46% (House 3) which would bring the figure closer to the prescribed Development Plan requirement. The inclusion of an alfresco is in my view beneficial to the function of the private open space and provides an undercover area which is located underneath the main roof and matches the form and materials of the associated dwelling. Given that a verandah of the size proposed could be granted approval without Planning Consent under Schedule 1A of the Development Regulations, 2008 with up to 70% site coverage, removing the verandah to achieve greater compliance with the Development Plan, in my view, is of no benefit.</p> <p>For the reasons identified above, I am of the view that site coverage is acceptable and will not result in detrimental impacts on adjoining properties or on how the dwellings will function overall.</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>House 1 – 0.56</p> <p>House 3 – 0.59</p> <p><b>Does Not Comply</b></p> <p>House 2 – 0.75</p>
<p>The excess floor area is represented by a 14.5 square metre increase for House 2 beyond that sought by the Development Plan.</p> <p>Whilst a higher FAR can often represent a bulky development, the nature of row dwellings being boundary to boundary where the upper storey is flush with the lower storey can also trigger a higher FAR.</p> <p>Notwithstanding that in terms of floor area, the additional amounts added to the dwelling are not substantial; they also do not contribute to the dwellings being obtrusive or bulky when viewed from existing adjacent properties. The</p>	

setback incursions affect the 'internal boundaries' of the site, with the impacts less likely to be felt by the future occupants of two 'outer' dwellings than if it were adjacent existing established dwellings.

The FAR of House 2, in my view, does not result in a bulk and scale that would unreasonably impact on existing neighbouring properties, nor the future occupants within the subject site.

*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

#### **Complies**

The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

### **Private Open Space**

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

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

General Section: Residential Development: PDC 15

#### **Complies**

- a) All POS areas are directly accessible from a habitable 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.
- 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.

#### **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**

House 1 – 73m<sup>2</sup> (32%)  
 House 2 – 81m<sup>2</sup> (36%)  
 House 3 – 90m<sup>2</sup> (36%)

Each dwelling is provided with an area that is equal to 10% of the allotment size that is accessible from the family room with a minimum dimension of 5m x 5m.

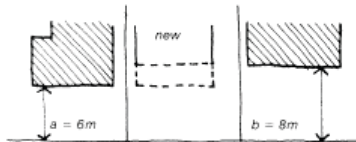
## Street Setbacks

*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**

*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 \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

**Complies**

Houses 1 - 3: 6.5 metres

The adjacent dwelling to the south is setback at approximately 8.5m and the brick garage of the adjacent dwelling to the north is setback at approximately 6.5m.

The proposed dwellings have been set back at 6.5m in line with the adjacent dwelling to the north.

*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.*

*Where the wall height is greater than 6 metres:*

- (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres*  
*(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.*

Residential Zone: PDC 7

**Partially Complies**

House 1 – 880mm minimum

The dwelling exceeds the 1m requirement for approximately 800mm of the dwelling at the rear. This will result in minimal impacts to the adjoining property and complies with the BCA for fire separation.

**Complies**

House 3 – 1.5m

**Complies**

House 1 – between 3.8m and 2.4m adjacent the northern boundary

**Does not Comply**

House 3 – 2.5m adjacent the southern boundary  
 See comments below.

The southern side upper storey setback is 0.5m less than the 3 metres prescribed in the Development Plan. The applicant has provided overshadowing diagrams to provide some justification that the lesser setback will not result in unreasonable overshadowing upon the adjacent dwelling and POS areas.

The adjacent dwelling to the south has no north facing habitable room windows and maintains its driveway and

<p>garage on this side.</p> <p>During the winter months, the impact of the shadow will be greatest in the morning, however, the shadow diagrams indicate that the west facing habitable room window will not be affected at all throughout the day.</p> <p>The lesser side setback is not considered to result in any unreasonable visual impacts as 2m is an acceptable setback on all other sides. More importantly, the setback proposed is not considered to result in unreasonable overshadowing of adjacent properties, as will be further discussed in the Overshadowing section of this table.</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>House 2 wall is located immediately abutting the adjoining walls of Houses 1 and 3.</p> <p>House 3 garage wall</p> <p><b>Partially Complies</b></p> <p>C (i) is not setback 2m or more behind the main face of the adjacent dwellings.</p> <p>C(ii) is 6.4m in length</p> <p>C(iii) is 2.55m in height</p> <p>Although the boundary wall is not set back behind the main face of the adjacent dwelling, the wall will still be some 5m away from the nearest habitable room window of the neighbouring dwelling and is not considered to produce unreasonable visual impacts when viewed from that dwelling.</p> <p>The boundary wall is 400mm greater in length than that sought in the Development Plan. However, the additional length is not considered unreasonable given that the wall does not reach the height limit of 3m.</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 side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<b>Rear Setbacks</b>	
<p><b>6 metres for a single storey dwelling</b></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>House 1 – 14.4m</p> <p>House 2 – 14.4m</p> <p>House 3 – 14.4m</p>
<p><b>8 metres for a 2 or more storey dwelling</b></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>House 1 – 16.8m</p> <p>House 2 – 16.9m</p> <p>House 3 – 15.9m</p>
<b>Building Height</b>	
<p><b>Maximum building height (from natural ground level):</b></p> <p><b>2 storeys of not more than 9 metres</b></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 6.5 metres, which is less than the maximum permitted in the Policy Area.</p>

## Garages, Carports and Outbuildings

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

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

*Residential Zone: PDC 8*

### **Partially Complies**

The garages are setback at a minimum distance of 6.5m.

The garages however, are set in line with the main face of the dwelling when it ought to be 0.5m behind. However, I am of the view that the portico and balcony located forward of the building line will be a distinguishing element that will 'draw the eyes' away from the garage.

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

- (a) not adversely impact on the safety of road users*
- (b) provide safe entry and exit.*

*General Section: Residential Development: PDC 12*

### **Complies**

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

*General Section: Residential Development: PDC8*

### **Complies**

The proposed garages are located underneath the main roof of the dwelling and therefore incorporate a roof form, materials and detailing which complement the associated dwelling.

## Car Parking

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

*Residential Zone: PDC 7*

### **Complies**

Each dwelling is provided with two car parks one of which is undercover.

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
- 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.
- d) e) 1 on-street car parking spaces shall remain available adjacent the subject land.

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

*General Section: Land Division: PDC 22*

### **Does not comply**

1 on-street car parking space is provided for the proposed allotments.

Sufficient on-site car parking has been provided in accordance PDC 7 and I am satisfied that as Transportation and Access Principle 43 has been achieved, the number of on-street spaces is acceptable.

## 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**

Houses 1 and 2 have a 3m wide crossover at the boundary, whilst House 3 will utilise the existing crossover.

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

*General Section: Residential Development: PDC 40*

### **Partially Complies**

House 3 will utilise the existing driveway which has already been created less than 1m away from a stobie pole.

The driveways of Houses 1 and 2 maintain a distance 2m or more from the northern street tree which is the ideal standard set by Council's arborist.

Council's arborist has accepted a distance of 1.5m separation from the southern tree for House 2's driveway. Manual excavation is recommended to ensure the health of the tree is maintained.

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

*General Section: Transportation and Access: PDC 28*

### **Partially Complies**

The access points of Houses 1 and 2 are separated by a minimum of 6m between them.

Less than 6m separates the driveways of Houses 2 and 3, however, due to the retention of the street trees, a shared crossover could not be accommodated.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Complies**

The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of brick, horizontal cladding and render on the front façade
- Stepping of upper and lower storeys to minimise building height, mass and proportion.
- Protruding portico and balcony, with a parapet feature on the upper storey to provide some contrast in the façade.
- Eave overhang and pitched roof form at 22.5 degree slope.
- Fenestration on the upper storey and window inserts on both sides of the entry doorway.
- Recessed upper storey and windows on the side to minimise the extent of uninterrupted walling when viewed from adjacent properties.

Whilst it is acknowledged that the dwellings will be located in a street that contains Local and State Heritage Items, the site is not located directly next to or across from any of the items and in my view will not have a

	<p>material impact on the listed items.</p> <p>The Policy Area seeks for a variety of architectural styles and there is no predominant character within the locality. Two and three storey buildings are present in the locality (on the aged care facility site) and the treatments proposed for the dwellings are considered to be in accordance with the Design and Appearance Principles of the Development Plan.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p>General Section: Design &amp; Appearance: PDC 5</p>	<p><b>Complies</b></p> <p>The proposed balconies are integrated into the portico design, with 1m high balustrades that enables line of sight to the street.</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><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> <p><b>Complies</b></p> <p>Each individual entry points are easily identifiable and directly accessible from the street and vehicle parking areas.</p> <p><b>Complies</b></p> <p>All living rooms have an external outlook into the POS areas.</p>
<b>Overshadowing</b>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p>General Section: Design &amp; Appearance: PDC 9</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><b>Complies</b></p> <p>There are no north facing habitable rooms on the southern adjacent dwelling and the allotment has its driveway, garage and several outbuildings situated on or close to this boundary.</p> <p>It is noted however that the adjacent dwelling has solar panels located on the portion of roof pitched towards the northern side.</p> <p>The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice) and its impact on the southern neighbouring property. These diagrams illustrate that:</p> <ul style="list-style-type: none"> <li>Shadow will be cast over approximately 1m of the solar panels from 3pm. Notwithstanding that this indicates that the panels will still receive sunlight for the majority of the day, further calculations undertaken by administration indicate that the shadow will only reach the floor of the porch area and will not extend to the section of roof where the solar panels are located. An elevational diagram</li> </ul>

	<p>demonstrating this observation will be available to the Panel members on the night.</p> <ul style="list-style-type: none"> <li>• The west facing habitable room window will receive sunlight for greater than 3 hours during the winter months.</li> <li>• The ground level open space of the dwelling will receive over 3 hours of direct sunlight over more than half of their ground level open space.</li> </ul> <p>To this end, despite the lesser southern side setback, the proposal is compliant with Principles 9 and 10 of the Design and Appearance Principles relating to overshadowing and is therefore acceptable in this regard.</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><i>General Section: Design &amp; Appearance: PDC 12</i></p>	<p><b>Complies</b></p> <p>The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The balcony on the front façade is oriented to obtain views of the streetscape.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
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## Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p><b>Partially Complies</b></p> <p>The dwellings are oriented so that their open space areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>The main activity areas of the Houses 1 and 3 incorporate a north facing window, which will provide the opportunity to warm the space in winter. House 2 however, has limited opportunity in this regard due to its siting as the middle row dwelling.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p> <p>For the majority, the proposal complies with Principles 1, 2 and 3 of the Energy Efficiency section with House 2 failing to comply with Principle 2 with respect to its main activity area.</p>
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<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 each incorporate a hipped roof form set at a 22.5 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>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>Any new boundary fencing will not exceed 2.1m in height and does not constitute development pursuant to Schedule 3 of the Development Regulations, 2008.</p>

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to overshadowing, design and appearance, local and state heritage items, setbacks, privacy, stormwater disposal, car parking and street trees have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over boundary surveys and fencing. Concerns have also been raised in relation to existing traffic and visibility of on-coming vehicles due to on-street parking associated with the aged care facility. 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 dwellings display consistency with the Desired Character and Objectives of the Policy Area, in that they are well situated close to open space and public transport and will provide additional accommodation needs at higher densities.

The proposal however, does display some numerical shortfalls, most notably site area (House 2), frontage width (Houses 2 and 3), site coverage (all dwellings) and floor area ratio (House 2). Further consideration of the potential impacts of these shortfalls identifies that they will not jeopardise the function and liveability of the dwellings or result in severe and unreasonable impacts upon adjacent property owners.

The upper storey southern side setback, which is less than its numerical standard, has also been further scrutinised, and it has been determined that this will not result in overshadowing that will unreasonably impinge upon the habitable rooms, POS or solar panels of the neighbouring property, nor will it invoke visual impacts over and above what is deemed to be regarded as acceptable in similar localities.

Despite the abovementioned variances with the development, I am satisfied that they have not compromised the ability for the development to achieve relative compliance with the remaining numerical and qualitative provisions of the Development Plan.

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: 100/2015/382 for a two storey building comprising 3 dwellings with associated car parking and landscaping at 17 Township Road, Marion be GRANTED be 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. 100/2015/382, being drawing number 89530-A, prepared by Fairmont Homes, and documentation titled 'Proposed dwelling for S & M Rusby; At lot No. 10 (No.17) Township Rd, Marion', 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 to northern, eastern and southern elevations (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 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. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 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. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
10. All waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. The proposed crossover/access must be constructed a minimum of 2m from the Eucalyptus Sidroxylon and 1.5m from the Eucalyptus Saligna, with all excavation works being done manually by hand to ensure the health of the tree.
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.
5. 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>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 October 2015

**Agenda Ref No:** DAP071015 – 2.3

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

**Applicant:** Carumag Corporation

**Development Description:** A two storey dwelling, incorporating a garage wall on the northern side boundary and two single storey dwellings to the rear of the site, one of which incorporates a wall on the western (rear) boundary.

**Site Location:** 6 Mocalta Street, Glengowrie

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 2 / Consent

**Lodgement Date:** 19/03/2015

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

**Application No:** 100/2015/474

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

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## CATEGORISATION & DELEGATION

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

## BACKGROUND

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

Amendments Requested	Amendments Made
Front setback should be increased to satisfy the average setback of dwellings on adjoining land	Setback increased from 5.7m – 6.0m to 6.0m – 6.5m
Garage of Residence 1 should be sited no less than 500mm from the main face of the dwelling	Satisfied

Wall height of garage on boundary should be reduced to no greater than 3.0m	Wall height reduced from 3.6m to 3.0m
Balcony (located above to side of dwelling – above garage) should be brought to the street façade to increase passive surveillance and provide greater articulation and visual interest	Balcony brought to front façade. Increased fenestration provided to front façade.
Greater area is required for vehicles to safely and conveniently manoeuvre between the street and garage of Residence 3.	Garage of Residence 3 moved to rear boundary to provide greater area for vehicle swept-paths
The amenity of Bedrooms 2 and 3 of Residence 2 are considered compromised due to the proximity of the vehicle manoeuvring area of Residence 3	Internal room layout of Residence 2 altered. Ensuite of Bed 1 provided between bed 2 and greater separation provided between manoeuvring area and bedrooms.

Information Requested	Information Provided
Confirmation to pay \$450+GST for the removal and replacement of the existing street tree to provide access to Residences 2 and 3	Confirmation that payment will be made in the event Development Plan Consent is granted
An engineered siteworks plan, detailing existing ground levels finished floor levels, cut/fill and any retaining.	Provided.

## SUBJECT LAND & LOCALITY

The subject land is located at 6 (Lot 608) Mocalta Street, Glengowrie. The land is rectangular in shape with a width of 19.82 metres, depth of 52.12 metres and total allotment area of 1033.01 square metres.

The land currently accommodates a single storey detached dwelling which was constructed in the early 1950s. A carport is located on the northern side of the dwelling, which obtains vehicle access from a driveway that runs along the northern side boundary.

A small outbuilding is located directly to the rear of the dwelling. Vegetation of various heights and species are scattered throughout the property; none of which are Regulated pursuant to the Development Act and Regulations.

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 are also evident in the locality.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

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

Residence 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 proposal plans, and as such, for the purposes of assessment is considered to comprise a detached dwelling.

The ground floor of Residence 1 features an open-plan kitchen/meals/living area, garage, laundry and water closet. An small verandah area is proposed to the rear of the dwelling which

is accessed directly from the living room. The upper storey features three bedrooms, two bathrooms and balcony.

Residences 2 and 3 obtain vehicle access from a common driveway which runs along the southern side boundary. Given these dwellings form a group of 2 or more detached buildings, each of which is used as a dwelling and one or more of which has a site without a frontage to a public road, they are deemed to be group dwellings.

Both Residence 2 and 3 feature three bedrooms, single garage, laundry, bathroom and open-plan living/meals/kitchen area.

A selection of landscaping is proposed throughout the site.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	14 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation was received by Council.
<b>Persons wishing to be heard:</b>	The representor did not identify they wish to be heard by the Panel
<b>Summary of representations:</b>	Concern with two storey dwelling and loss of privacy. Removal of vegetation. <i>Refer Attachment IV</i>
<b>Applicant's response:</b>	All upper level windows are fixed and frosted to 1.7m above upper floor level. Balcony overlooks street only and provides passive surveillance. Removal of vegetation is unavoidable. Site will be planted with various vegetation following construction. <i>Refer Attachment V</i>

## INTERNAL DEPARTMENT COMMENTS

<b>Development Engineer:</b>	Vehicle manoeuvring has been amended to provide satisfactory area for vehicle swept-paths. The proposal adequately complies with the Australian Standard.
<b>Open Space:</b>	Payment of \$450+GST should be made for the removal and replacement of the existing 'Golden Rain Tree' situated within the street verge.



## 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>▪ <b>group dwelling</b></li> <li>▪ residential flat building</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 3	<p>Minimum Site Area:</p>	<p><b>Complies</b> Res 3: 301.66 sq m</p> <p><b>Does Not Comply</b> Res 1: 292.8 sq m Res 2: 291 sq m</p>
	<p>Minimum Frontage:</p> <p>Detached dwellings: 12.0m Hammerhead allotments: 4.0m</p>	<p><b>Complies</b> Res 1: 15.82m Res 2 &amp; 3: 4.0m</p>
	<p>Minimum Depth:</p> <p>Detached dwellings: 20m Group dwellings: 45m</p>	<p><b>Complies</b> Res 2 &amp; 3: 52.12m</p> <p><b>Does Not Comply</b> Res 1: 16.5m</p>

## Assessment

The site area of Residence 1 equals 292 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 83 square metres; 22.1% below the minimum requirement. Furthermore, the depth of the allotment equals 16.5 metres, where 20 metres is recommended.

The site of Residence 2 also falls short of minimum criteria at 291 square metres, where a minimum site area of 300 square metres is prescribed for a group dwelling. This equates to a shortfall of 9 square metres, or 3%. It is noted that this figure excludes the common driveway. 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 shortfalls in site area of Residence 1, 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 1033 square metres; resulting in an average site area of 334 square metres per dwelling. This average site area substantially exceeds the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13. As such, it can be concluded that three group dwellings could be constructed on the land, in compliance with Council's Development Plan.

Were Residence 1 to incorporate vehicular access from the common driveway, it would comply with the definition of group dwelling, resulting in a marginal shortfall in site area of 7.2 square metres than that sought for group dwellings.

It is of further value to consider that a number of recent developments within the locality display site areas between 280 – 400 square metres. The subject proposal, in terms of overall average land area is not dissimilar to that which exists in the locality.

Whether the proposed site layout unreasonably detracts from the merit of the proposal will be considered further in the design criteria outlined below.

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## DEVELOPMENT ASSESSMENT

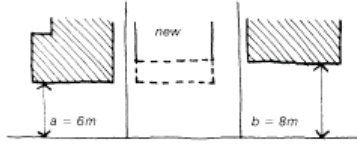
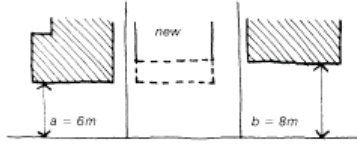
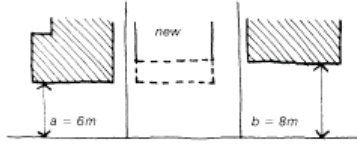
The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

### Principles of Development Control

### Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	<b>Complies</b> Res 1: 38.3%  <b>Does Not Comply</b> Res 2: 51.9% Res 3: 52.2%
<i>Maximum floor area ratio: 0.6</i> <i>Northern Policy Area 13: PDC 4</i>	<b>Complies</b> Res 1: 0.56

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>
<h2>Private Open Space</h2>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <li><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></li> <li><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></li> <li><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></li> <li><i>(d) to minimise overlooking from adjacent buildings</i></li> <li><i>(e) to achieve separation from bedroom windows on adjacent sites</i></li> <li><i>(f) to have a northerly aspect to provide for comfortable year round use</i></li> <li><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></li> <li><i>(h) to be partly shaded in summer</i></li> <li><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></li> <li><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></li> </ul> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from a habitable room of the associated dwelling.</li> <li>b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.</li> <li>c) The subject land does not maintain natural features which warrant preservation.</li> <li>d) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</li> <li>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</li> <li>h) POS areas are capable of being shaded during summer.</li> <li>i) Traffic, industry or other business activities should not affect the subject land.</li> <li>j) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul>
<p><b>Site Area 250 m<sup>2</sup> or greater:</b></p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Complies</b></p> <p>Res 1: 28.8%</p> <p>Res 2: 29.9%</p> <p>Res 3: 23.2%</p>
<h2>Street Setbacks</h2>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></li> <li><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></li> </ul> <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, 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</p>

	<p>setback of 6.0 – 6.5 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>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> Dwelling 1: 6.0 metres</p> <p>(Dwellings on adjoining land both set back approximately 8.0 metres)</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 Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p><b>Complies</b> Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
<h2>Side Setbacks</h2>							
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p>(a) 3 metres if adjacent southern boundary</p> <p>(b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</p> <p>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b> Dwelling 1: 0.9 m</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><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p>(a) the walls should not abut more than one side allotment boundary</p> <p>(c) no wall exists on the adjacent boundary:</p> <p>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</p> <p>(ii) not exceed 6 metres in length</p> <p>(iii) not exceed 3 metres in height</p> <p>(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</p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Complies</b></p> <p>(a) Res 1 abuts one side boundary only</p> <p>(c)(iii) Wall height of 3.0m</p> <p>(c)(iv) Sited no less than 5.0m from habitable room window</p> <p><b>Does Not Comply</b></p> <p>(c)(i) Garage wall is setback 1.5m forward of adjacent dwelling</p> <p>(c)(ii) Wall length of 6.41m</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 side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<b>Rear Setbacks</b>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Partially Complies</b></p> <p>Res 3 is setback; 3.0m for 33.8% of rear boundary, 6.38m for 36.8% and garage wall on the rear boundary for 18%</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>Residence 1 incorporates a maximum building height of 7.6 metres, which is less than the maximum permitted in the Policy Area.</p> <p>Residence 2 and 3 incorporate a maximum building height of 4.6m</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></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p>
<p><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 garage of Residence 1 incorporates 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>

## 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 no more than 3 bedrooms.*  
*1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.*

*Residential Zone: PDC 7*

### **Complies**

Res 1: 2 spaces, one undercover  
 Res 2 & 3: 2 spaces, one undercover

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

*General Section: Transportation & Access: PDC 43*

### **Complies**

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.  
 b) Public transport is located in walking distance of the dwellings  
 c) The likely occupants are anticipated to have standard mobility and transport requirements.  
 d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.

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

*General Section: Transportation & Access: PDC 44*

### **Complies**

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

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

*General Section: Transportation & Access: PDC 45*

### **Complies**

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

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

*General Section: Land Division: PDC 22*

### **Complies**

2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22 when combined with the 2 shared visitor car parking spaces on the site.

## Access

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

*General Section: Residential Development: PDC 39*

### **Complies**

<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 crossover is adequately separated from street infrastructure. (The driveway serving Residence 1 exists in this position, adjacent the stobie pole).</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 12 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>3.0m wide driveway with 500mm landscaping on both sides</p>
<b>No. of dwellings served by driveway</b>	<b>Width at front property boundary &amp; for first 6 metres</b>	<b>Width beyond first 6 metres</b>	<b>Widening required for passing</b>	<b>Minimum landscaped strip either side of driveway (metres)</b>	
1-2	3	3	-	0.5	
<p><i>General Section: Residential Development: PDC 41</i></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><b>Complies</b></p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of render and horizontal 'deco wood' cladding on the front façade</li> <li>• Inclusion of 'deco wood' cladding on southern side elevation to provide visual interest</li> <li>• Protruding portico and balcony</li> <li>• Eave overhang and pitched roof form at 22.5 degree slope</li> <li>• Fenestration</li> </ul> <p>The dwellings incorporate a 22.5 degree Colorbond roof in Medium Grey, with rendered facades of 'off white' and 'sandstone'. The garage of each dwelling features 'deco wood' panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

<p><i>Balconies should:</i></p> <ul style="list-style-type: none"> <li><i>(a) be integrated with the overall form and detail of the building</i></li> <li><i>(b) include balustrade detailing that enables line of sight to the street</i></li> <li><i>(c) be recessed where wind would otherwise make the space unusable.</i></li> </ul> <p>General Section: Design &amp; Appearance: PDC 5</p>	<p><b>Complies</b></p> <p>The proposed balcony of Residence 1 is integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</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>Residence 1 is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico, balcony and habitable windows to the street.</p>
<h2>Overshadowing</h2>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <li><i>(a) windows of habitable rooms</i></li> <li><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></li> <li><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></li> </ul> <p>General Section: Design &amp; Appearance: PDC 9</p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <li><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></li> <li><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> <ul style="list-style-type: none"> <li><i>(i) half of the existing ground level open space</i></li> <li><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></li> </ul> </li> <li><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></li> </ul> <p>General Section: Design &amp; Appearance: PDC 10</p>	<p><b>Complies</b></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 the common driveway aligns with the southern side boundary, a majority of winter shadow will be cast within the driveway area. However, some shadow will be cast into the southern adjoining property during winter months.</p> <p>However, Residence 1 is setback 4.8 metres from the southern boundary, where a minimum of 3.0 metres is required. As such, the extent of shadow cast will be significantly less than that anticipated to occur for a dwelling meeting the minimum southern side setback requirement.</p> <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.</p>
<h2>Visual Privacy</h2>	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private</i></p>	<p><b>Complies</b></p> <p>Residence 1 incorporates fixed obscure</p>



<p><i>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><i>General Section: Design &amp; Appearance: PDC 12</i></p>	<p>glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The balcony on the front façade is oriented to obtain views of the streetscape.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</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>Complies</b></p> <p>Residences 2 and 3 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>During the assessment of the application, the floor plan of Residence 2 was altered and the manoeuvring area of Residence 3 was increased to provide a greater level of amenity to the occupants of Residence 2.</p> <p>Residence 2 features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
<h2>Site Facilities and Storage</h2>	
<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) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

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

*General Section: Energy Efficiency: PDC 2*

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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

The main activity areas of the dwellings are oriented 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 roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

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

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences &amp; Walls: PDC 5</p>	<p><b>Complies</b></p> <p>The application proposes retaining walls varying in height to a maximum 560 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.36 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
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## TABLE DISCUSSION

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

- Site coverage;
- Residence 3 rear setback; and
- Garage wall length and location (Residence 1).

### Site coverage

The site coverage of Residence 1 equals 38.3% of the allotment area, while Residence 2 and 3 equals 51.9 and 52.2% of the proposed site areas. The Policy Area prescribes maximum site coverage of 40%. However, it is noted that the total site coverage of the total site area equals 40.7%, which only marginally exceeds the recommended ratio. Further, it is noted that the proposed dwellings provide areas of private open space (POS) which substantially exceed Council's criteria, and which are deemed suitable for likely occupant needs. 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.

### Residence 3 rear setback

The habitable portions of Residence 3 satisfy the Development Plan's desire for 3.0 – 6.0 metre setbacks. However, the garage, is proposed to be sited on the rear boundary.

Whilst this is not ideal, the wall length is modest, whilst the height, at 3.0 metres does not exceed that permitted for walls on boundaries.

It is of value to acknowledge the Schedules 1A and 4 of the Development Regulations permit outbuildings to incorporate wall lengths of 8.0 metres and heights of 3.0 metres to be erected 'as of right'. As such, the relatively small wall length proposed for Residence 3 is considered acceptable, and will not have an unreasonable impact upon the adjoining property.

### Garage wall length and location (Residence 1)

The garage wall of Residence 1 is sited 1.5 metres forward of the adjacent dwelling, and incorporates a length of 6.41 metres, where 6.0 metres is desired.

Given the wall is located adjacent the neighbour's driveway, on the southern boundary of the neighbouring property and over half of the proposed garage will be obscured from view by the neighbouring garage, I do not envisage the proposal will have a detrimental impact upon the amenity of the adjoining property, nor upon the streetscape.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to privacy 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(s) have also raised concerns over vegetation removal. While this concern is noted, as the vegetation on the land is not classified as Regulated, nor native vegetation (pursuant to the Native Vegetation Act), 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 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 3, and garage wall length and location.

The most significant shortfall relates to the proposed site areas of Residence 1, which falls 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 average site areas substantially exceed that sought for group dwellings 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 for Development Application No: 100/2015/474 for A two storey dwelling, incorporating a garage wall on the northern side boundary and two single storey dwellings to the rear of the site, one of which incorporates a wall on the western (rear) boundary at 6 Mocalta 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. 100/2015/474, 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. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. 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 car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

## 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>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 October 2015

<b>Agenda Ref No:</b>	<b>DAP071015 – 2.4</b>
<b>Originating Officer:</b>	<b>Alex Wright Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr Ernie Carna</b>
<b>Development Description:</b>	<b>Two storey dwelling addition, which involves increasing the existing western boundary wall height by a maximum 2.4 metres.</b>
<b>Site Location:</b>	<b>10 Ridgecrest Avenue, Darlington</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Hills Policy Area 11</b>
<b>Application Type:</b>	<b>Category 2 /Consent</b>
<b>Lodgement Date:</b>	<b>17/07/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1268</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 Schedule 9 of the Development Regulations 2008, which assigns development that has a wall abutting a side or rear property boundary as Category 2 development. Given that the development received a written representation from a third party expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

### SUBJECT LAND & LOCALITY

The subject land is located at 10 Ridgecrest Avenue, Darlington. The site has a frontage of 18.29 metres, a depth of 38.1 metres and an overall allotment area of 696.8 square metres. An SA Water easement runs adjacent to the rear (northern) boundary.

The land currently incorporates a two storey split level detached dwelling that incorporates a wall up to 6.9 metres in height on the western boundary. A large under main roof verandah is located to the front of the dwelling, whilst a small upper level balcony is attached to the rear. A store/basement area is located below the ground floor.

The allotment maintains a moderate south-to-north downward slope and therefore results in the ground floor level being approximately 2.5 metres below the ground level at the front boundary. Adjacent dwellings to the east and west achieve similar finished floor levels.



The locality is characterised by a mixture of single, two-storey and split level dwellings, being constructed in the 1950s – 60s at low residential densities. Given that the locality maintains an undulating landform, dwellings are typically designed to obtain views of the Adelaide CBD to the northeast and Gulf St Vincent to the northwest, via decks, balconies and the like.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks additions and alterations to the front of the existing dwelling by increasing the existing roof height and primarily converting the roof voids on the southern side of the upper level to additional bedrooms. To facilitate the increase in roof height the existing western boundary wall will increase 2.4 metres (at the highest point) and result in a maximum wall height of 6.9 metres above existing ground level. The proposed development will result in an upper level façade incorporating windows and an eave overhang presenting to the street. The subject application does not proposed any alterations to the ground floor.

The existing dwelling incorporates a large single width garage, storage room, two bedrooms, bathroom, study, laundry and entry room on the ground floor and a rumpus room, water closet and open plan meals/living/kitchen with associated pantry area on the upper level. The upper level incorporates extensive roof void areas to the southern side of the floor, which, due to the acute angle of the existing roof is only suitable for storage purposes.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	13 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation against the proposal was received by Council (a further representation in favour of the application was received by Council after the notification period had concluded).
<b>Persons wishing to be heard:</b>	D Cook
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• Proposal will block direct natural light and result in unfavourable living conditions.</li> <li>• Increase in wall height could be dangerous and collapse in high winds.</li> <li>• The proposed wall/additions on the boundary will result in a loss of privacy.</li> <li>• Construction noise will negatively impact on existing amenity.</li> </ul> <p><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<p>A letter responding to the issues raised by the representor has been provided by the applicant and is attached to this report.</p> <p><i>Refer Attachment V</i></p>

*Refer Attachment VI*

## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><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>		
Hills Policy Area 11		
<p><b>Objectives</b></p> <p>1 A policy area primarily comprising of detached dwellings at low densities. 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</p> <p>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites.</p> <p>Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</p> <p>It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.</p> <p>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> </ul>	Complies
PDC 6	<p>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:</p> <p>(a) incorporating stepping in the design in accordance with the slope of the land</p> <p>(b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</p>	<p><b>Does Not Comply</b></p> <p>See comments below</p>

## Assessment

The proposed development maintains the existing low density character of the Hills Policy Area 11 as it proposes an extension to an existing detached dwelling on an existing allotment.

The application proposes to improve the internal and external function and appearance of the existing dwelling, which is in good condition. The proposed alternations and additions are considered to enhance the dwelling's presentation to the street by providing an upper level façade that increases visual interest and presentation whilst seeking to meet the needs of the occupants by providing an increase in living area. The proposal provides an enhanced streetscape as a result of the articulation afforded to the front façade through the placement of windows and 970mm eave overhang. The maintenance of the existing front setback and amended front façade design ensures the bulk and scale of the proposed development will not adversely impact or dominate the streetscape.

The western elevation will be most apparent from the front yard of the adjacent allotment at 8 Ridgecrest Avenue. Due to both the sloping nature of the topography and sloping nature of the proposed wall (skillion roof form), the extent of western façade exceeding 6 metres in height, measures between 7 metres (northern end) and 6.5 metres (southern end) above existing ground level.

The setback of this wall does not meet the minimum setbacks sought in Zone Principle (as discussed further in this report – compliant setbacks would be between 2.5 metres to 3 metres).

The adjacent dwelling to the west of the subject application at 8 Ridgecrest Avenue maintains a similar front setback and incorporates an under main roof garage on the eastern boundary; as such, no separation between dwellings is provided. In addition, the adjacent dwelling achieves a similar roof pitch/height and slightly lower eastern boundary wall height.

Although the western side setback does not comply with the quantitative criteria and no articulation to the western façade is provided, the wall is located adjacent the garage of the neighbouring dwelling and therefore visual and amenity impacts associated with the height and bulk of the proposed wall are limited to the front yard of the adjacent western allotment (8 Ridgecrest). Furthermore, the proposed wall will not result in any loss of views, and it is unlikely to be readily visible from the habitable rooms of the adjacent dwelling. No visual or amenity impacts on occupants utilising the rear yard will occur as the wall and structure begins to increase in height at the existing roof peak height - this therefore results in the additional bulk being located to the front portion of the dwelling and away from the rear yard of the adjacent allotment.

Whilst the western façade would preferably incorporate a greater level of articulation, via stepping and/or a mix of materials, given the positioning of the proposed addition in relation to the adjacent dwelling, no unreasonable visual impact upon that property is anticipated.

Due to the natural topography of the land and sloping nature of the proposed wall (attributed to the proposed skillion roof form), the required setback to the eastern boundary varies between 2.55 metres (front of dwelling addition) to 3.1 metres (rear of dwelling addition), where a 2.2 metre setback is proposed.

The adjacent dwelling to the east of the subject land is set slightly forward of the existing dwelling, and maintains an approximate western side setback of 1.6 metres. A single high-level awning window (bathroom window) is located on the western façade. As the western façade of the adjacent dwelling does not incorporate any habitable room windows, and the proposed addition is sited to the front portion of the existing dwelling, the increase in visual bulk and wall height/length attributed to the addition is unlikely to have adverse visual or amenity impacts on the occupants of 12 Ridgecrest.

Although compliant setbacks and separation to the western property boundary have not been achieved, as discussed further within this report, these shortfalls are considered acceptable given the likely minor visual and amenity impacts on adjacent dwellings. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this report.

The development proposes an increase in the existing boundary wall by a maximum 2.4 metres, however the overall building height is only increasing by approximately 600mm. Whilst the overall increase in building height is considered minor, the increase in visual bulk of the extended boundary wall is considerable. This notwithstanding, the boundary wall is located adjacent the garage of the neighbouring dwelling and therefore any adverse visual or amenity impacts on the occupants will be limited to when standing in the front yard of the allotment.

The Desired Character statement seeks the use of natural materials and the avoidance of bright and reflective colours and materials. In my view, whilst the white colour does not necessarily reflect the type of colour sought by the Desired Character, the addition is being painted to match the existing dwelling colour. In my opinion the proposed colour is considered acceptable given the addition will be consistent in colour with the existing dwelling and will only be visible within the immediate locality.

As the proposed works are limited to the dwelling itself, no earthworks or alterations to the existing landscape character are proposed. Furthermore, as a majority of works proposed are to the front half of the dwelling these works will not be readily or highly visible from the Adelaide plains.

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li><i>(a) pedestrian and vehicle access and vehicle parking</i></li> <li><i>(b) domestic storage</i></li> <li><i>(c) outdoor clothes drying</i></li> <li><i>(d) rainwater tanks</i></li> <li><i>(e) private open space and landscaping</i></li> <li><i>(f) convenient storage of household waste and recycling receptacles</i></li> </ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposed additions are located on the upper level of the existing dwelling and as such, no increase in site coverage is proposed.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>As the proposed additions are located on the upper level of the existing dwelling no increase in site coverage is proposed .</p>

## Private Open Space

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

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

*General Section: Residential Development: PDC 15*

*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

There will be no impact on the existing private open space.

## 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 upper level is setback approximately 14.75 metres from the front boundary and in line with the existing front façade of the dwelling.

## Side Setbacks

*Where the wall height is greater than 6 metres:*

- (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres*

*Residential Zone: PDC 7*

### Does Not Comply

Adjacent the eastern boundary the dwelling addition ranges in height from 7.1 metres towards the rear of the dwelling decreasing to 6.55 metres at the front portion of the dwelling addition. This requires the upper level to achieve a setback ranging from 3.1 metres to 2.55 metres, where 2.2 metres is provided.

Adjacent the western boundary the dwelling addition ranges in height from 7 metres towards the rear of the dwelling decreasing to 6.5 metres at the front portion of the dwelling addition. This requires the upper level to achieve a setback ranging from 3 metres to 2.5 metres, where no setback is provided.

(See Policy Area discussion above)

<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>(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>Does Not Comply</b></p> <p>Whilst the proposed wall does not abut more than one side boundary, it does not comply with Residential Development Principle 38 in that the proposed boundary wall is not setback more than 2 metres behind the main face of the adjacent dwelling, is greater than 6 metres in length (maximum length 7.2 metres), and as it a two storey development, exceeds the maximum height of 3 metres.</p> <p>In my opinion, regard should be given to the fact that whilst the wall achieves a maximum height of 7 metres above ground level, the extent of wall proposed as part of this application increases by a maximum 2.4 metres, and furthermore a majority of the existing wall abuts the neighbouring dwelling's garage. As such, in my opinion, the potential visual impacts caused by the lack of compliant setback is acceptable.</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>Although the side setbacks do not comply with quantitative criteria, the level of separation afforded from the eastern façade to the side boundary is considered sufficient to minimise the visual impact of the building from the adjacent properties.</p> <p>As previously discussed within this report, the lack of separation afforded between the proposed addition and adjacent dwelling to the west is considered acceptable given the minor visual and amenity impacts (see Policy Area assessment above).</p> <p>Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<b>Rear Setbacks</b>	
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Existing rear setback of 14.5 metres will not be altered.</p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling incorporates a maximum building height of 8.1 metres, which is less than the maximum permitted in the Policy Area. The overall height of the structure will increase by approximately 600m. Whilst the building silhouette will marginally increase as a result of the addition, given a building of up to 9 metres in height is allowed within the Policy Area, the increase in building height is not considered unreasonable.</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 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

### Partially Complies

The proposed addition is located to the front portion of the dwelling and results in a minor overall increase in roof height. As such, no loss of natural light or direct sunlight to the main activity areas of the adjacent dwellings will occur.

### Complies

The proposed skillion roof is orientated to face north and will enable the potential siting of solar collectors.

## Siting and Visibility

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

*General Section: Siting and Visibility: PDC 4*

### Partially Complies

(a) The skillion roof form is considered to complement the natural form of the land.  
 (b) The building incorporates limited stepping/variations in the proposed upper level walls of the dwelling. No step back, articulation or design element to the western façade has been provided.  
 (c) The 970mm eave overhang to the front façade will assist in reducing the visual bulk of the upper level by providing shadowed areas when viewed from the street.

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

*General Section: Siting and Visibility: PDC 5*

### Complies

The proposed colour 'white' will match the existing dwelling and is considered acceptable.

## Visual Privacy

*Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:*  
*(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*  
*(b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*  
*(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.*

*General Section: Design & Appearance: PDC 12*

### Complies

The windows of the proposed addition are located to the front façade and therefore face onto the Ridgcrest Avenue. The placement of these windows to the front façade will not result in any overlooking onto the side or rear habitable room windows or areas of private open space of the adjacent dwellings.

## Car Parking

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

*Residential Zone: PDC 7*

### **Complies**

The proposal includes a total of at least 3 on site car parks, one undercover and two on-site.

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

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

*General Section: Design & Appearance: PDC 10*

### **Complies**

The representor has raised concerns in relation to potential overshadowing. In my opinion, the provision of shadow diagrams was not required.

a) North-facing windows of the adjacent dwellings will not be shadowed by the proposed additions during winter months.

b) Given that the dwelling is orientated to face the southern boundary (Ridgecrest Avenue), a majority of winter shadow cast will be onto the front yard of the subject site. However, some shadow will be cast into the front yards of the adjacent western property during the morning hours and adjacent eastern property in the afternoon hours.

The amount of indirect natural light received by the south facing windows of the dwelling at 8 Ridgecrest Avenue (adjacent western dwelling) will be lessened during the morning. These windows presently do not receive direct sunlight and the extent of natural light lost is considered to be insignificant as it will predominately be contained to the morning only.

The proposal is considered to adequately comply with Principles of Development Control 9 and 10.



## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

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

*General Section: Design & Appearance: PDC 17*

### **Partially Complies**

The proposed dwelling generally reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. Articulation has been afforded to the façade through the breakage in built form of the upper level façade, inclusion of extensive glazing facing the street, 970mm eave overhang of the roof and the retention of the existing ground level verandah.

The western façade proposes considerable visual bulk given the expanses of uninterrupted wall facing the adjacent allotment. However, given the height and location of the adjacent dwelling, it is my view that the design will not have an unreasonable or adverse impact upon the adjoining land via visual impact and building bulk.

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

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

*General Section: Residential Development: PDC 6*

### **Complies**

The addition is design so that the main façade faces the primary street frontage and incorporates extensive glazing to provide visibility of the street.

## REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to overshadowing, potential loss of privacy, and potential amenity impacts attributed to the proposed boundary wall have been addressed in the body of this report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns over the potential noise and amenity impacts caused during construction. Whilst these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

## ANALYSIS/CONCLUSION

The development proposes an extension to the existing upper level that will result in an increase in height of the existing western boundary wall by a maximum 2.4 metres. It is acknowledged the maximum 2.4 wall height increase and provision of setbacks to boundaries that do not meet that sought by the Development Plan will increase the visual bulk and scale of the dwelling as viewed from the adjacent allotments to the east and west. This combined with the limited articulation to the western side boundary wall, are in my view, the primary failings of the proposal.

The allotment to the immediate west of the subject site incorporates a wall on the eastern boundary, and therefore the proposed increase in boundary wall height will be immediately adjacent the neighbouring dwelling. In my opinion, the potential bulk/scale impacts will therefore be somewhat reduced as it is directly abutting another structure and not a usable or habitable area. Whilst a two storey wall is located on the boundary, the potential visual impact is minimised to the maximum 2.4 metre high by maximum 7.2 long portion of wall only, which as previously discussed, is sited above the neighbouring dwelling wall. Whilst no separation between the existing and adjacent dwelling has been afforded, the visual bulk and scale of the proposal will predominately be limited to persons standing in the front yard of the adjacent dwelling. Furthermore, no amenity impacts as a result of the of the potential overshadowing, bulk/scale or visual impacts caused by the proposal will occur into side or rear habitable room windows or areas of private open space of adjacent dwellings.

The proposed addition is considered to be of a reasonable bulk and proportion and will not result in adverse amenity impacts on the occupants of adjacent dwellings.

The proposed addition is considered to enhance the visual appearance and presentation of the front façade by incorporating front facing upper level windows. No unreasonable overlooking as a result of the proposed additions will occur, as any new windows proposed are located to the front façade of the dwelling. Any view gained from these windows will be onto Ridgecrest Avenue or the front yards of adjacent dwellings.

In my opinion, the proposed development maintains the existing low-density character of the Hills Policy Area 11 and whilst resulting in a wall of significant overall height on the boundary, the visible increase will not result in adverse visual or bulk/scale impacts to the extent where refusal is warranted.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the 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: 100/2015/1268 for Two storey dwelling addition, which involves increasing the existing western boundary wall height by a maximum 2.4 metres at 10 Ridgecrest Avenue, Darlington 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. 100/2015/1268, being drawing numbers 1 through 7 (inclusive) prepared by IN2 Design Building Design, and received by Council 14/07/2015 except when varied by the following conditions of consent.
- 2. 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.
- 3. 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

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

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 7 October 2015**

<b>Agenda Ref No:</b>	<b>DAP071015 – 2.5</b>
<b>Originating Officer:</b>	<b>Joanne Reid Development Officer - Planning</b>
<b>Applicant:</b>	<b>City Of Marion</b>
<b>Development Description:</b>	<b>To remove one Regulated Tree (WA Willow Myrtle) adjacent 5 Scarborough Terrace and one Significant Tree (WA Willow Myrtle) adjacent 1-3 Scarborough Terrace, Dover Gardens, due to risk to pedestrians and motorists</b>
<b>Site Location:</b>	<b>5 Scarborough Terrace Dover Gardens 1/1-3 Scarborough Terrace Dover Gardens</b>
<b>Zone:</b>	<b>Residential</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>24/06/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1108</b>
<b>Recommendation:</b>	<b>Development Plan Consent and Development Approval (Granted)</b>

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**CATEGORISATION & DELEGATION**

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

**SUBJECT TREE & LOCALITY**

The subject trees are of the species *Agonis Flexuosa* or more commonly known as WA Willow Myrtles. The trees are located on the Council verge, one in front of 5 Scarborough Terrace, Dover Gardens and the other at 1-3 Scarborough Terrace, one allotment further south. For the Panel's reference, the tree assessed as part of the documentation from Council's arborists at the location in front of 122 Folkestone Road, Dover Gardens was not included as part of this application as the tree was not within close proximity to the two subject trees.

The tree adjacent to 5 Scarborough Terrace is a regulated tree with a trunk circumference of 2.55m when measured 1m above ground level and an approximate height of 6m. The canopy also has a spread of approximately 6m.

The tree adjacent 1-3 Scarborough Terrace is a significant tree, with a trunk circumference measuring 3.63m. The tree has an approximate height of 7m and a canopy spread of around 10m.

The locality has undergone significant redevelopment over recent years with older dwellings replaced at higher densities resulting in detached and semi-detached dwellings on small to medium sized allotments and a number of group dwelling developments.

The trees are two of several Willow Myrtles in the street, particularly along the eastern side of Scarborough Terrace, however, it is noted that other species also exist within the street.

*Refer Attachment I*

## PROPOSED DEVELOPMENT

The application is for the removal of the regulated and significant WA Willow Myrtles described above.

Replacement trees are proposed to be planted during the Marion Council's annual planting season which occurs between May to September.

*Refer Attachment II*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	31 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	2 representations were received by Council. I and K Snowball (In favour) – 2A Scarborough Tce, Dover Gardens J Hill (Primarily against the application) – 4/1-3 Scarborough Tce, Dover Gardens
<b>Persons wishing to be heard:</b>	No persons have indicated a desire to be heard.
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>• Trees are a menace and all need to go.</li><li>• Trees drop black sap everywhere, are ant ridden and in power lines.</li><li>• Have spoken to an Environmental consultant who has physically assessed the trees.</li><li>• This person agrees that the tree in front of 1-3 Scarborough Tce is diseased but is still viable as it is strong and a home to native wattle birds sighted that very day in the tree.</li><li>• The tree could be scaled back considerably to stop injury to persons and cars as it also promotes greater shade in summer.</li><li>• Has concerns that the tree will not be replaced as Council has not remedied the trees that were taken out to make way for development at the corner of Scarborough Tce and Seacombe road.</li></ul>

	<ul style="list-style-type: none"> <li>• Also further north, trees have been cut down on the eastern side in the last year and not been replaced.</li> <li>• The action is very far from environmental principles and does not condone cutting the said trees because new tree placement will not materialise and summer without the shade from these trees will be tortuous.</li> <li>• Objection would be lessened if trees were definitely planted as promised immediately.</li> </ul> <p style="text-align: right;"><i>Refer Attachment III</i></p>
<b>Applicant's response:</b>	<ul style="list-style-type: none"> <li>• Most of the Agonis Flexuosas have been replaced with Cupaniopsis Anacardiodes in an effort to rejuvenate the street.</li> <li>• The two Agonis' have the very real potential to split at some stage.</li> <li>• There will be no replanting this year as the season is finished. There will be no planting until May next year if Development Approval is granted.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>

## INTERNAL DEPARTMENT COMMENTS

<b>Open Space – Coordinator, Arboriculture</b>	<p>Trees are structurally unsound due to the presence of fungi and decay.</p> <p>The trees are in a precarious and unstable condition and in danger of failing.</p> <p>The condition and risk associated with the trees is unacceptable in an urban environment.</p>
<b>Planning Officer - Arboriculture</b>	<p>Trees are decayed and could split.</p> <p>This is typical of old senescent Agonis' and nothing can be done to improve the trees' health.</p>

## DEVELOPMENT ASSESSMENT

### Northern Policy Area 13

#### Objectives

3 Development that contributes to the desired character of the policy area.

#### Principles of Development Control

2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

#### Desired Character

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

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

The tree removal is not proposed as a result of a redevelopment of the adjacent site or to make way for a driveway. An application for the tree's removal has been lodged due to the declining health of the tree and it is proposed that replacement trees will be planted in due course, during the appropriate season, to ensure that the landscape character of the locality is maintained.

This is further discussed in the qualitative assessment in the report.

## GENERAL SECTION: REGULATED TREES

This relates to the tree located in front of 5 Scarborough Terrace, Dover Gardens.

### OBJECTIVES

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

The tree at 5 Scarborough Terrace is one of several Willow Myrtles on that side of the street. However, despite there being several of these species along the verge, the relative separation between each tree, their small canopy and the inclusion of different species amongst the trees does not render this tree to form part of a character or an 'avenue of trees'.

Additionally, the declining nature of the tree has diminished its form and vigour and in my view, no longer has a visually pleasing aesthetic appearance.

Notwithstanding that all trees have an important environmental benefit, the subject tree is in poor health and a younger healthier tree in its place will produce greater environmental benefits in its longevity than the existing tree has the potential to provide.

A replacement tree (*Cupaniopsis Anacardioides* – Tuckaroo Tree) will be placed in a similar location on the Council verge with another tree planted in suitable location within gaps on the street.

Accordingly the tree's aesthetic and environmental value is deemed to be past its usable lifespan and therefore its conservation worth is lessened.

*2 Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*

- (a) significantly contributes to the character or visual amenity of the locality*
- (b) indigenous to the locality*
- (c) a rare or endangered species*
- (d) an important habitat for native fauna.*

As described in the discussion above, the tree, in my view, no longer contributes to the character or visual amenity of the locality due to the declining nature of the tree's health and the gradual changing of the street tree species within the street.

The tree is a Western Australian species and is therefore not indigenous to the area.

The tree is not deemed by either arborist to be a rare or an endangered species.

Neither arborist has declared the tree to represent an important habitat for native fauna.

As such, the tree is not considered to demonstrate any of the attributes identified in Objective 2 above.

## PRINCIPLES OF DEVELOPMENT CONTROL

*1 Development should have minimum adverse effects on regulated trees.*

The tree has been proposed to be removed as a result of indications that the tree is in poor health and not due to any development proposed where the tree is located or on adjacent land.

*2 A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:*

- (a) the tree is diseased and its life expectancy is short*
- (b) the tree represents a material risk to public or private safety*
- (c) the tree is causing damage to a building*
- (d) development that is reasonable and expected would not otherwise be possible*
- (e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.*

(a) The tree is said to be structurally unsound due to the presence of pathogenic fungi, leading to the internal decay of the xylem. This results in large hollows forming and splitting of the trunk in numerous areas. The Coordinator of Arboriculture advises that the useful life expectancy of the tree has already expired, whilst the Planning Officer – Arboriculture estimates a life expectancy of less than one year.

(b) The decaying and hollowing of the trunk is causing the scaffolds to become weak and poorly attached to the trunk. The weak spots may eventually fracture and fail. The main leaders at the point of bifurcation are large in size in comparison to the trunk and given that the tree is in a location adjacent a footpath and road, where people walk and vehicles park, the tree is deemed to be a hazard and a risk to public safety. The Planning Officer – Arboriculture has allocated a risk rating of 9 out of 12, judged on the frequent use of the area, the large size of the limbs and the high failure potential, further confirming that the tree displays a material risk.

(c) The tree is not deemed to be causing damage to a building.

(d) The tree has not proposed to be removed due to a development on or near the site.

(e) The proposal seeks to remove the tree and does not involve pruning, the removal of deadwood or treatment of disease.

In summary, it can be demonstrated that the tree is both diseased, with a short life expectancy and a risk to public safety such that the tree's removal is warranted.

*3 Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.*

The proposal does not seek alternative works to the tree other than removal.

## General Section: Significant Trees

This relates to the tree in front of 1-3 Scarborough Terrace, Dover Gardens

## OBJECTIVES

*1 The conservation of significant trees, in Metropolitan Adelaide, that provide important aesthetic and environmental benefit.*

Similarly to the tree adjacent the site at 5 Scarborough Terrace, the tree's aesthetic value is limited due to its declining condition. Furthermore, as the remaining Willow Myrtles in the street age, they are being replaced by a different species, reducing the overall contribution the tree makes to the character of the street.



The tree appears dishevelled, with obvious splitting in the trunk and the branches and foliage appearing weak and dry at the ends. The tree's poor health also limits its environmental benefit as the longevity of the tree is diminished as death or failure may be imminent.

To this end, the overall aesthetic and environmental contribution that the tree makes reduces the conservation value of the tree.

## *2 The conservation of significant trees in balance with achieving appropriate development.*

The applicant has not sought the tree's removal in conjunction with a proposal for development, but merely as the tree's life expectancy is deemed to be coming to an end and a more suitable replacement is preferred.

## PRINCIPLES OF DEVELOPMENT CONTROL

*1 Development should preserve the following attributes where a significant tree demonstrates at least one of the following attributes:*

- (a) makes an important contribution to the character or amenity of the local area; or*
- (b) is indigenous to the local area and its species is listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species*
- (c) represents an important habitat for native fauna*
- (d) is part of a wildlife corridor or a remnant area of native vegetation*
- (e) is important to the maintenance of biodiversity in the local environment*
- (f) forms a notable visual element to the landscape of the local area.*

The subject tree is one in a line of similar trees along the Council verge on the eastern side of Scarborough Terrace. This tree may have made some contribution to the streetscape in the past, however, the Willow Myrtles in this street are slowly being replaced and the declining health of this tree is apparent in its appearance.

The tree has a dry appearance with some die back in the branches and minimal growth and this is considered to significantly reduce the aesthetic value of the tree, therefore diminishing the importance that the tree makes to the local area. Further, as a result of the lack of vigour in the tree, the tree no longer forms a notable visual element to the landscape of the local area.

The tree is a Western Australian species and therefore not indigenous to the local area. Further neither arborist has identified the tree as providing any importance as a habitat for native fauna or for the maintenance of biodiversity in the local environment nor is it part of a wildlife corridor.

As such, in my view, the tree does not display the characteristics required to warrant the tree to be retained.

## *3 Significant trees should be preserved, and tree-damaging activity should not be undertaken, unless:*

*(a) in the case of tree removal:*

- (i) the tree is diseased and its life expectancy is short*
- (ii) the tree represents an unacceptable risk to public or private safety*
- (iii) the tree is within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area*
- (iv) the tree is shown to be causing or threatening to cause substantial damage to a substantial building or structure of value*
- (v) all other reasonable remedial treatments and measures have been determined to be ineffective*
- (vi) it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*

The tree's appearance, with its split trunk and dry branches and leaves provides some indication that the tree is declining in health. Council's arborists have identified that there is evidence of decay in the trunk and the presence of large hollows with splitting in numerous areas. Both of Council's arborists have determined that the useful life expectancy of the tree has expired, or is close to it.

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Willow Myrtles that are at the end of their life are susceptible to hollowing and weak spots around the main stem, potentially causing the main leaders at the point of bifurcation to fail and split. Both Council arborists see this as a risk to public and private safety as they have the potential to fail at any time, and removal is recommended to protect the interests of persons and vehicles which frequent the footpath and carriageway. A risk score of 9 out of 12 was given by the Planning Officer – Arboriculture further indicating that the risk is ever present.

Neither arborist considers there to be any other remedial actions that can be taken to prolong the life of the tree as the damage that is occurring is typical of older WA Willow Myrtle Trees.

Accordingly, it is considered that the subject tree's life expectancy is short and the tree represents and unacceptable risk to public safety such that the tree's removal is justified.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to trees' importance as a habitat for native fauna and the timing of the trees' replacements 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

An assessment of the tree, taking into consideration the comments from two of Council's arborists, identifies that the tree is in declining health, resulting in symptoms that reduce the aesthetic appearance of the tree and diminishing its contribution to the street. In addition, the tree is at risk of branch failure, therefore posing a risk to public and private safety. The condition of the trees and its considered importance in the street is such that it meets the criteria of Principle 2 of the General Section: Regulated Trees and Principles 1 and 3 of the General Section: Significant Trees to enable the tree to be removed.

It is anticipated that the street trees will be replaced next planting season between May to September next year with a *Cupaniopsis Anacardioides* (Tuckaroo Tree), a species identified as being a hardy and suitable street tree in the City of Marion Street Tree Framework. As compensation for the loss of trees, two trees will be planted for each Regulated Tree and three trees for the Significant tree in accordance with Part 117, Clause 2, (a) and (b) of the Development Regulations, 2008. A tree each will be planted in front of 5 and 1-3 Scarborough, with the 4 remaining trees planted at suitable sites in identified gaps along the street.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the 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 and Development Approval for Development Application No: 100/2015/1108 for To remove one Regulated Tree (WA Willow Myrtle) adjacent 5 Scarborough Terrace and one Significant Tree (WA Willow Myrtle) adjacent 1-3 Scarborough Terrace, Dover Gardens, due to risk to pedestrians and motorists at 5 Scarborough Terrace and 1/1-3 Scarborough Terrace, Dover Gardens 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. 100/2015/1108, except when varied by the following condition of consent.
- 2. 5 replacement trees shall be planted to compensate for the removal of the regulated and significant tree. One replacement tree shall be planted in the same place as the removed tree, and the remaining trees planted in a nearby Council reserve.

Replacement trees must be planted in a suitable position greater than 10 metres in distance from any existing dwelling or in-ground swimming pool. In the event that the replacement tree within the road reserve is located within 10 metres of an existing dwelling or in-ground swimming pool, an additional replacement tree shall be planted in a nearby Council reserve.

- 3. The replacement tree planting shall occur within twelve months of the tree's removal and shall be maintained in good condition at all times and replaced if necessary.
- 4. The replacement trees must not be exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under section 174 of the Natural Resources Management Act 2004.

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## Attachments

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 October 2015

<b>Agenda Ref No:</b>	<b>DAP071015 – 2.6</b>
<b>Originating Officer:</b>	<b>Alex Wright Development Officer - Planning</b>
<b>Applicant:</b>	<b>Shahin Properties Pty Ltd</b>
<b>Development Description:</b>	<b>One freestanding advertisement incorporating internal illumination to the price board and achieving a total height of 7.02 metres, and a freestanding sign incorporating internal illumination to the price board and achieving a maximum height of 3 metres.</b>
<b>Site Location:</b>	<b>752-756 Marion Road, Marion</b>
<b>Zone:</b>	<b>Neighbourhood Centre Zone</b>
<b>Application Type:</b>	<b>Category 1 /Consent</b>
<b>Lodgement Date:</b>	<b>06/07/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1184</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 1 Consent form of development by virtue of Schedule 9 clause 2(g) of the Development Regulations 2008, as the proposed advertisements are 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. Council has formed this opinion as the proposed advertisements are replacing an existing pylon sign and price board, both of which are located in the same position and achieve relatively similar visual impacts.

The application cannot be considered a Complying form of development as the proposed 7 metre high freestanding advertisement does not have substantially the same layout and external appearance as the existing sign. The proposed advertisement is a fully enclosed structure and does not incorporate the 'air' gaps of the existing advertisement, which is also of an alternative shape as it incorporates a large rectangular head.

Accordingly, as the proposed application is not considered to be a complying form of development, it has been processed as a Consent form of development.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal 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 height and 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) of the DAP meeting held 5 November 2014 does not apply to the subject application.

## BACKGROUND

During the assessment process, Council staff requested the following information:

Information Requested	Information Requested
Scale front and side elevations (1:100, 1:200 or 1:50) of the proposed advertisement.	Information provided.
Scale site plan (1:100 or 1:200) nominating the location of the sign and distance from the closest boundary(s).	Information provided.
Confirmation of the price board lighting colour.	Information provided.
Confirmation if the sign incorporated internal illumination or contained any other form of lighting (i.e. strip lighting in corporate colours etc).	Information provided.

## SUBJECT LAND & LOCALITY

The subject land is located on the western side of Marion Road at 752-756 Marion Road, Marion. The subject land comprises multiple allotments and is mostly rectangular in shape aside from the triangular portion to the southern end of the site. The allotment supports a frontage to Marion Road of 73.83 metres and a frontage to Finniss Street of 37.58 metres. The site has an approximate site area of 3, 834 square metres. The allotment is located within a Neighbourhood Centre Zone.

The subject land comprises an existing long-standing On The Run motor fuel outlet, associated shop, carwash and various buildings and structures associated with the storage and dispensing of fuel. A motor repair station (Ultra Tune) is located to the southern portion of the site.

The land also contains a number of ancillary signs that identify the site and provide fuel pricing information for the benefit of passing motorists. An existing 5.5 metre high freestanding advertisement containing advertising and fuel price information is located to the north-eastern portion of the allotment and is sited between the eastern boundary and the motor fuel outlet control room. An existing 2.3 metre high freestanding price board is located adjacent the southern boundary of the allotment.

The immediate locality is characterised by a range of commercial uses to the north and south of the subject site along the western side of Marion Road and on the opposite side (eastern) of Marion Road to the northeast of the allotment. Many incorporate associated free-standing and fascia advertising signage.

The site abuts a residential zone to the immediate west, whilst Marion Road and Finniss Street separates the subject site from the Residential Zone to the east and south respectfully.

*Refer Attachment I & II*

## PROPOSED DEVELOPMENT

The application seeks to remove and replace the existing freestanding advertisement and freestanding price board.

The existing 5.5 metre high freestanding advertisement will be removed and replaced by a new 7.02 metre high, 2.28 metre wide and 792mm deep internally illuminated advertisement. The advertisement will be set back from the Marion Road property boundary by approximately 400mm and 11 metres from the northern boundary. The proposed advertisement is located in the same position as the existing advertisement.

The proposed advertisement will be double sided and achieves a north to south orientation in order to gain maximum visual exposure to traffic travelling along both sides of Marion Road. The sign will incorporate the corporate BP logo (various shades of green, white and yellow) and the corporate 'OTR' On The Run logo (black, yellow, white), both of which will be internally illuminated, together with three 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 sign equates to 32 square metres or 16 square metres per sign face which includes the corporate BP and OTR logos along the top, all subsequent advertising panels and the price boards (i.e. the area bound by the entire structure).

The existing 2.3 metre high freestanding price board will be removed and replaced by a new 3 metre high, 2.05 metre wide and 610mm deep internally illuminated price board. The structure will be setback 400mm from Finnis Street and 24 metres from the south-western boundary. The proposed advertisement is located in the same position as the existing advertisement.

The proposed price board will be double sided and achieves a northeast to southwest orientation to achieve maximum visual exposure to traffic travelling along the northern side of Finnis Street and southbound traffic turning right from Marion Road onto Finnis Street. The sign will incorporate two small illuminated advertising panels that will be separated by a price sign comprising three separate panels utilising white LED lettering on a black background. A majority of the sign will be coloured in BP corporate green. The total display area of the proposed price board equates to 8.6 square metres or 4.3 square metres per sign face.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure:</b>	DPTI is of the view that the proposal is unlikely to result in a reduction in road safety on or adjacent the arterial road as opposed to the existing installation.  DPTI does not object in-principle to the proposal.
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*Refer Attachment VI*

## ZONE & POLICY AREA ASSESSMENT

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

Neighbourhood Centre Zone		
<i>Objective 1</i>	<i>A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.</i>	<b>Complies</b> The existing On The Run has been in operation for a significant period of time within the Neighbourhood Centre Zone and the continuation of this use is considered appropriate within the locality and Zone.
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> <li>- bank</li> <li>- child care facility</li> <li>- consulting room</li> <li>- dwelling in conjunction with non-residential land uses</li> <li>- library</li> <li>- health centre</li> <li>- office</li> <li>- petrol filling station</li> <li>- place of worship</li> <li>- playing field</li> <li>- pre-school</li> <li>- primary school</li> <li>- recreation area</li> <li>- restaurant</li> <li>- shop</li> <li>- supermarket.</li> </ul>	<b>Complies</b> 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.

## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Partially Complies</b></p> <p>The siting and height of the proposed 7 metre high advertisement is considered to be in keeping with existing free-standing advertisement, however, as discussed further in the report, the proposed advertisement achieves a greater structure height and width, and will therefore present as a bulkier structure than what presently exists.</p> <p>The sitting and height of the proposed 3 metre high price board is considered to be in keeping with the existing price board. Whilst the structure will be approximately 700mm taller and 200mm wider, the overall increase in size is not considered to result in unreasonable visual bulk issues.</p>



	In my opinion, the 7 metre high advertisement and price board will not look out of place within the existing commercialised landscape.
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p>(a) clutter (b) disorder (c) untidiness of buildings and their surrounds (d) driver distraction.</p> <p>General Section: Advertisements: PDC 2</p>	<p><b>Complies</b></p> <p>The proposed free-standing advertisement and price board will replace the existing freestanding advertisement and price board in the same locations.</p> <p>Sufficient separation is afforded between existing advertisements and the proposed advertisement and price board to minimise potential distractions.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p>General Section: Advertisements: PDC 4</p>	<p><b>Complies</b></p> <p>The advertisements and price board are limited to information relating to the legitimate use of the subject tenancy.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p>(a) be completely contained within the boundaries of the subject allotment (b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees (c) not obscure views to vistas or objects of high amenity value.</p> <p>General Section: Advertisements: PDC 5</p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p>(a) a public footpath or veranda post (b) a road, median strip or traffic island (c) a vehicle adapted and exhibited primarily as an advertisement (d) residential land.</p> <p>General Section: Advertisements: PDC 6</p>	<p><b>Complies</b></p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p>General Section: Advertisements: PDC 10</p>	<p><b>Complies</b></p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p>General Section: Advertisements: PDC 11</p>	<p><b>Complies</b></p> <p>The proposed advertisement displays the relevant information in a simple and concise manner.</p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p>General Section: Advertisements: PDC 13</p>	<p><b>Complies</b></p> <p>The 'secondary' advertisements located on the 7 metre high freestanding advertisement and on the price board are only readable when within close proximity to the structure.</p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</p>	<p><b>Complies</b></p> <p>a) The level of illumination emitted by the proposed advertisement and price board will be controlled by way of a condition of approval.</p> <p>b) Whilst the 7 metre high advertisement is</p>

<p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p>General Section: Advertisements: PDC 15</p>	<p>located within 30 metres of a pedestrian crossing to the north, and the price board is located within 15 metres of the Marion Road &amp; Finnis Street intersection, both have been afforded sufficient separation from traffic lights and the visible portion of LED lighting will be white on a black background.</p> <p>Furthermore, it is worthy to note that DPTI did not object in principle of the proposal and that white LEDs on a black background will assist in reducing the risk of conflict with the adjacent signals.</p> <p>c) The proposed sign should not result in unreasonable driver distraction as it does not involve any moving/flashing elements.</p> <p>d) The proposed advertisements are setback from the respective boundaries and are not considered to obscure a driver's view or other road features.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p>General Section: Advertisements: PDC 16</p>	<p><b>Complies</b></p> <p>Whilst it is acknowledged the 7 metre high advertisement is located within close proximity to existing power lines running along the western side of Marion Road, the advertisement is replacing an existing advertisement in the same location.</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>General Section: Advertisements: PDC 17</p>	<p><b>Does Not Comply</b></p> <p>As previously discussed, although the 7 metre high advertisement and the price board are located within close proximity to traffic signals, DPTI has not objected in principle to the proposal.</p> <p>The visible LED component of the advertisements will incorporate white LEDs on a black background, and DPTI has advised this will assist in reducing the risk of conflict with the adjacent signals.</p>
<p><b>Freestanding Advertisements</b></p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p>General Section: Advertisements: PDC 18</p>	<p><b>Mostly Complies</b></p> <p>a) Only one primary free-standing advertising sign is proposed. In my opinion, the price board is a subservient structure and is primarily used to provide fuel price information. Additionally, regard should be given to the fact both structures are replacing existing structures in the same location.</p> <p>b) Whilst replacing an existing advertisement, the height, scale and size of the 7 metre high advertisement (face area of 16m<sup>2</sup>) will be more than what presently exists. Although higher and bulkier than what presently exists, proposal is considered compatible with the commercial character of the locality and the development on the site.</p> <p>Although higher and marginally wider than what presently exists, the proposed size and scale of the price board is considered to be compatible with existing development on the site.</p>

<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> Marion Road has a maximum speed limit of 60 km/h.
<i>The maximum height and display area or panel size of freestanding advertisements and/or advertising hoardings should not exceed the following dimensions within the respective zones:</i>			<b>Does Not Comply</b>
<b>Zone</b>	<b>Maximum Height (metres)</b>	<b>Maximum Display Area or Panel Size (square metres)</b>	
Neighbourhood Centre Zone	8	12 (6 per side if double-sided)	
<i>General Section: Advertisements: PDC 21</i>			

## TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan.

The proposed 7 metre high advertisement is a fully enclosed portrait orientated rectangular cylinder structure, with a slight curve to each face and a minor rounded top. The proposed freestanding advertisement is a maximum 7.02 metres in height, 2.28 metres in width and 792mm in depth. The proposed display area of 32 square metres or 16 square metres per sign face is considerably more than the 12 square metres (6 per side if double-sided) permitted by Advertisements Principle of Development Control 21 within the Neighbourhood Zone.

The maximum width of the proposed advertisement will be less than the maximum width of the existing advertisement, whilst the height, depth and general appearance (shape, face area) differs. The existing advertisement incorporates several 'air' gaps between signage elements and is of an alternative shape as it incorporates a large landscape orientated rectangular head. Whilst the existing structure is smaller at 5.5 metres in height, the large rectangular head draws the eye towards the top of the structure. The large rectangular head increases its visual bulkiness and is considered 'top heavy' in appearance. Whilst the maximum width of the proposed advertisement will be less than the overall width of the existing advertisement (when taking into consideration the rectangular head), the structure achieves a significantly thinner profile and promotes the appearance of a more lightweight structure.

Overall, however, due to the cylindrical rectangular shape of the proposed advertisement, the structure will be bulkier and more visually prominent than the existing structure due to the increase in height, depth and in face area. The table below provides a comparison in dimensions for the existing and proposed advertisement, whilst *Attachment V* provides members with an image of the existing advertisement.

Attributes	Existing	Proposed
Height	5.5 metres	7.02m
Width	3.7m (entire structure)	2.28m
	1.8m (width taken from external pylon sides and excluding rectangular head)	
Depth	400mm	792mm

*Table 1. Freestanding advertisement: Existing and Proposed Dimensions*

In my opinion, the proposed advertisement will be similar in terms of its height in comparison to other free-standing advertisements within the immediate locality such as the multi tenancy pylon sign to the north. This notwithstanding, the proposal will be bulkier in appearance due to its solid cylindrical structural form. The associated canopy structure of the fuel outlet is approximately 5.6 metres high and whilst the proposed advertisement will be somewhat taller, the likely bulk will be significantly less than that posed by the canopy.

The allotment is located within a Zone where some form of advertising signage is anticipated and is sited within close proximity to other commercial uses. In my opinion, despite the excess in the maximum display area and the overall increase in height, width and depth, the proposed advertisement is considered to be in context with the immediate locality and is not considered to adversely impact on the amenity of the locality, nor affect or dominate the existing landscape character.

The display area of the price board accords with Advertisements Principle of Development Control 21 in that each face area is 4.3 square metres and therefore within the maximum permitted within the Zone. Whilst the overall size of the freestanding price board will increase and therefore result in a bulkier structure, the overall increase is not considered to be significant and as such the structure is unlikely to result in adverse visual or amenity bulk/scale impacts. The table below provides a comparison in dimensions for the existing and proposed advertisement, whilst *Attachment VI* provides members with an image of the existing advertisement.

Attributes	Existing	Proposed
Height	2.3 metres	3 metres
Width	1.8 metres	2.05 metres
Depth	400mm	610mm

*Table 2. Price board: Existing and Proposed Dimensions*

Although the structures are located adjacent an arterial road and minimal separation has been afforded, it is not anticipated the proposed 7 metre high advertisement or the freestanding price board will create a hazard to passing motorists. Both structures are sited within the confines of the subject land and are simple and uncomplicated in terms of their design and appearance. Whilst the LED elements is illuminated 24 hours a day, no animated or flashing elements are proposed and therefore it is unlikely to cause a distraction to passing motorists. The 7 metre high advertisement and freestanding price board are not considered to result in a high level of risk to the safety of motorists travelling along Marion Road or Finnis Street.

## ANALYSIS/CONCLUSION

Assessment relating to the qualitative Principles of Development Control identifies the development satisfies a majority of the relevant and applicable Development Plan criteria.

Whilst the proposed 7 metre high freestanding advertisement will be higher, wider and obtain a larger display area (and therefore bulkier) than what presently exists, it is unlikely to dominate the landscape character or result in significant visual amenity impacts on adjacent land uses to the extent where refusal is warranted. Furthermore, this style and form of advertisement is typical on such a land use and will be in keeping with the existing commercial landscape along the western side of Marion Road.

Although minimal separation between the proposed 7 metre high advertisement and Marion Road has been afforded, the overall size and face area of the structure is unlikely to result in adverse visual amenity or bulk/scale impacts, especially when given it is replacing an existing advertisement.

Likewise, despite the overall increase in dimensions, and therefore face area, of the freestanding price board, given it is replacing an existing structure in the same location it is unlikely to result in unwarranted visual amenity of bulk/scale impacts.

The price board components of the 7 metre high advertisement and the freestanding price board, whilst utilising LED technology, are not considered to create a hazard for passing motorists given the utilisation of white text on a black background. Furthermore, DPTI has not raised objections to the proposal.

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: 100/2015/1184 for one freestanding advertisement incorporating internal illumination to the price board and achieving a total height of 7.02 metres, and a freestanding sign incorporating internal illumination to the price board and achieving a maximum height of 3 metres at 752-756 Marion Road, Marion 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. 100/2015/1184, being drawings 'Site Plan' received by Council 1/07/2015 and 'Front/Side' Elevations received by Council 11/08/2015, except when varied by the following conditions of consent.
- 2. 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.
- 3. The proposed non-illuminated signs shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety
- 4. Lighting associated with the signs 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.
- 5. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

### *Department of Planning, Transport and Infrastructure Conditions*

- 6. The signs shall not contain any element of LED or LCD display, except for the fuel prices, which shall be limited to static white text on a black background.
- 7. No element of the signs shall flash, scroll, move or change, with the exception of the fuel prices, which may change on an infrequent basis.
- 8. The change of fuel prices shall be instantaneous (i.e. less than 0.1 seconds).
- 9. The operational system for any electronic signage on the site 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.
- 10. The illuminated pylon 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 should be incorporated into an automatic stepped dimming system:

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

## 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*  
*Attachment V: Image of existing freestanding advertisement*  
*Attachment VI: Image of existing freestanding price board*

**DEVELOPMENT ASSESSMENT PANEL**  
**Wednesday 7 October 2015**

<b>Agenda Ref No:</b>	<b>DAP071015 – 2.7</b>
<b>Originating Officer:</b>	<b>Alex Wright Development Officer - Planning</b>
<b>Applicant:</b>	<b>Shahin Properties Pty Ltd</b>
<b>Development Description:</b>	<b>Freestanding illuminated advertisement</b>
<b>Site Location:</b>	<b>216 Seacombe Road, Seaview Downs</b>
<b>Zone:</b>	<b>Neighbourhood Centre Zone</b>
<b>Application Type:</b>	<b>Category 1 /Consent</b>
<b>Lodgement Date:</b>	<b>06/07/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1183</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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**CATEGORISATION & DELEGATION**

The subject application is a Category 1 Consent form of development by virtue of Schedule 9 clause 2(g) 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. Council has formed this opinion as the proposed advertisement is replacing an existing pylon sign which achieves similar dimensions and is located in the same position.

The application cannot be considered a Complying form of development as pursuant to Section 35(1a) of the Development Act 1993, a proposed development of a class prescribed for the purposes of Section 37 will be taken not to be complying form of development. Accordingly, as the proposed application is not considered to be a complying form of development, it has been processed as a Consent form of development. As the advertisement incorporated green, red and yellow forms of illumination, referral to the Department of Planning, Transport and Infrastructure was required.

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 height and 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) of the DAP meeting held 5 November 2014 does not apply to the subject application.



## BACKGROUND

During the assessment process, Council staff requested additional information to assist in the assessment of the application:

Information Requested	Information Requested
Scale front and side elevations (1:100, 1:200 or 1:50) of the proposed advertisement.	Information provided.
Scale site plan (1:100 or 1:200) nominating the location of the sign and distance from the closest boundary(s).	Information provided.
Confirmation of the price board lighting colour.	Information provided.
Confirmation if the sign incorporated internal illumination or contained any other form of lighting (i.e. strip lighting in corporate colours etc).	Information provided.

## SUBJECT LAND & LOCALITY

The subject land is located on the southern side of Seacombe Road at 216 Seacombe Road, Seaview Downs. The subject land comprises multiple allotments and is predominantly rectangular in shape. The allotment supports a frontage to Seacombe Road (northern boundary) of 54.5 metres, a frontage to Hume Street (eastern boundary) of 45.81 metres and an overall allotment area of approximately 2,612 square metres.

The subject land comprises an existing long-standing On The Run motor fuel outlet, associated shop and various structures associated with the storage and dispensing of fuel. The southern third of the allotment has been fenced off and is primarily vacant.

The land also contains a number of ancillary signs that identify the site and provide fuel pricing information for the benefit of passing motorists. An existing 7 metre high freestanding advertisement containing advertising and fuel price information is located to the north-eastern corner of the allotment and is sited adjacent the northern boundary.

Whilst the locality is predominantly residential in nature, the subject site and adjacent properties to the west are located within a Neighbourhood Centre Zone. The allotments to the south and west of the subject site are located within the Hills Policy Area 11 of the Residential Zone, whilst land to the north, is located within the Northern Policy Area 13, also of the Residential Zone. A number of commercial type uses are present further west on the western side of Davenport Terrace and Neath Avenue; these allotments are located within the City of Holdfast Bay.

*Refer Attachment I & II*

## PROPOSED DEVELOPMENT

The existing 7 metre high freestanding advertisement will be removed and replaced by a new 7.02m high, 2.28 metre wide and 792mm deep internally illuminated advertisement. The advertisement will be set back from the Seacombe Road property boundary by approximately 500mm and 6.5 metres from the eastern boundary (Hume Street frontage). The proposed advertisement is located in the same position as the existing advertisement.

The proposed advertisement will be double sided and achieves an east to west orientation in order to gain maximum visual exposure to traffic travelling along both sides of Seacombe Road. The sign will incorporate the corporate BP logo (various shades of green, white and yellow) and the corporate 'OTR' On The Run logo (black, yellow, white), both of which will be internally illuminated, together with three smaller illuminated advertising panels below, which are 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 sign equates to 32 square metres or 16 square metres per sign face which includes the corporate BP and OTR logos along the top, all subsequent advertising panels and the price boards (i.e. the area bound by the entire structure).

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

<b>Department of Transport, Energy and Infrastructure:</b>	<p>DPTI is of the view that the proposal is unlikely to result in a reduction in road safety on or adjacent the arterial road as opposed to the existing installation.</p> <p>The proposed advertisement is located within the consent area for potential Metropolitan Adelaide Road Widening at the Seacombe Road / Hume Street corner.</p> <p>The consent of the Commissioner of Highways has been granted on the condition the advertisement be relocated at no cost to DPTI should land be required for road purposes in the future. A condition to this affected has been attached.</p> <p>DPTI does not object in-principle to the proposal.</p>
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*Refer Attachment IV*

## ZONE & POLICY AREA ASSESSMENT

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

Neighbourhood Centre Zone		
<i>Objective 1</i>	<i>A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.</i>	<p><b>Complies</b></p> <p>The existing On The Run has been in operation for a significant period of time within the Neighbourhood Centre Zone and the continuation of this use is considered appropriate within the locality and Zone.</p>
<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>- bank</li> <li>- child care facility</li> <li>- consulting room</li> <li>- dwelling in conjunction with non-residential land uses</li> <li>- library</li> <li>- health centre</li> <li>- office</li> <li>- petrol filling station</li> <li>- place of worship</li> <li>- playing field</li> <li>- pre-school</li> <li>- primary school</li> <li>- recreation area</li> <li>- restaurant</li> <li>- shop</li> <li>- supermarket.</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>

## 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>(a) <i>consistent with the predominant character of the urban or rural landscape</i></p> <p>(b) <i>in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p>(c) <i>co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p>General Section: Advertisements: PDC 1</p>	<p><b>Complies</b></p> <p>The siting, dimensions and design of the proposed advertisement are considered to be in keeping with the existing free-standing advertisement.</p> <p>As the advertisement is essentially replacing the existing advertisement 'like for like' it will not look out of place within the existing landscape</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p>(a) <i>clutter</i></p> <p>(b) <i>disorder</i></p> <p>(c) <i>untidiness of buildings and their surrounds</i></p> <p>(d) <i>driver distraction.</i></p> <p>General Section: Advertisements: PDC 2</p>	<p><b>Complies</b></p> <p>It is noted the proposed free-standing advertisement will replace the existing freestanding advertising structure in the same location.</p> <p>The proposed advertisement will be the only freestanding advertisement located on the premises and is therefore considered to minimise clutter and potential diver distraction.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p>General Section: Advertisements: PDC 4</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.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p>(a) <i>be completely contained within the boundaries of the subject allotment</i></p> <p>(b) <i>be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p>(c) <i>not obscure views to vistas or objects of high amenity value.</i></p> <p>General Section: Advertisements: PDC 5</p>	<p><b>Complies</b></p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p>(a) <i>a public footpath or veranda post</i></p> <p>(b) <i>a road, median strip or traffic island</i></p> <p>(c) <i>a vehicle adapted and exhibited primarily as an advertisement</i></p> <p>(d) <i>residential land.</i></p> <p>General Section: Advertisements: PDC 6</p>	<p><b>Complies</b></p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p>General Section: Advertisements: PDC 10</p>	<p><b>Complies</b></p>

<p><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 advertisement displays the relevant information in a simple and concise manner.</p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p><i>General Section: Advertisements: PDC 13</i></p>	<p><b>Complies</b></p> <p>The 'secondary' advertisements located on the 7 metre high freestanding advertisement and on the price board are only readable when within close proximity to the structure.</p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p><b>Complies</b></p> <p>a) The level of illumination emitted by the proposed advertisement will be controlled by way of a condition of approval.</p> <p>b) The advertisement is located approximately 83 metres from a signalised intersection to the west of the subject site. Sufficient separation from the signalised intersection has been afforded whilst the visible portion of LED lighting will be white on a black background.</p> <p>Furthermore, it is worthy to note that DPTI did not object in principle of the proposal and that white LEDs on a black background will assist in reducing the risk of conflict with the adjacent signals.</p> <p>c) The proposed sign should not result in unreasonable driver distraction as it does not involve any moving/flashing elements.</p> <p>d) The proposed advertisements are set back from the respective boundaries and are not considered to obscure a driver's view or other road features.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p><b>Complies</b></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>Complies</b></p> <p>The proposed advertisement will be located more than 80 metres (83 metres) from the closest signalised intersection.</p>
<p><b>Freestanding Advertisements</b></p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p><b>Complies</b></p> <p>a) Only one primary free-standing advertising sign is proposed.</p> <p>b) The proposed advertisement is replacing an existing advertisement essentially 'like for like' and is therefore considered compatible with the character of the locality and the development on the site.</p>

<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> Seacombe Road has a maximum speed limit of 60 km/h.
<i>The maximum height and display area or panel size of freestanding advertisements and/or advertising hoardings should not exceed the following dimensions within the respective zones:</i>			<b>Does Not Comply</b>
<b>Zone</b>	<b>Maximum Height (metres)</b>	<b>Maximum Display Area or Panel Size (square metres)</b>	
Neighbourhood Centre Zone	8	12 (6 per side if double-sided)	
<i>General Section: Advertisements: PDC 21</i>			

## TABLE DISCUSSION

The proposal satisfies a most of the applicable principles of development control contained within the Marion Council Development Plan.

The proposed advertisement is a fully enclosed portrait orientated rectangular cylinder structure, with a slight curve to each face and a minor rounded top. The proposed freestanding advertisement is a maximum 7.02 metres in height, 2.28 metres in width and 792mm in depth. The structure achieves a total advertising display area of 32 square metres, which equates to 16 square metres per side.

The proposed advertisement is similar in terms of its height, width, depth and general shape, with the only exception being a change in colour schemes to align with the new BP OTR corporate branding. The table below provides a comparison in dimensions for the existing and proposed advertisement, whilst *Attachment V* provides members with an image of the existing advertisement.

Attributes	Existing	Proposed
Height	7 metres	7.02m
Width	2.36 metres	2.28m
Depth	750mm	792mm

*Table 1. Freestanding advertisement: Existing and Proposed Dimensions*

The proposed display area of 32 square metres or 16 square metres per sign face is considerably more than the 12 square metres (6 per side if double-sided) permitted by Advertisements Principle of Development Control 21 with the Neighbourhood Zone. This notwithstanding, the advertisement is under the maximum 8 metre height permitted within the Neighbourhood Centre Zone.

Whilst the display area considerably exceeds the maximum permitted within the Neighbourhood Centre Zone, the advertisement is essentially replacing an existing advertisement 'like for like' and will therefore result in the same visual impact to what presently exists. The existing freestanding advertisement is relatively new and was approved by Council in 2010. In my opinion, the proposed advertisement will not result in visual bulk/scale impacts over and above what presently exists. The advertisement is considered to be in context with the immediate

locality and is not considered to adversely impact on the amenity of the locality, nor affect or dominate the existing landscape character.

Although the proposed advertisement is not located within close proximity to other commercial type uses or advertisements, the allotment is located within a Zone where some form of advertising signage is anticipated. The proposal is a form of development anticipated on this type of land use and, if not for the illuminated nature of the advertisement, would be a complying form of development. Furthermore, it's worthy to note a freestanding advertisement of similar dimensions, proportion and physical design already exists on the subject site and in the same location.

Although the advertisement is located immediately adjacent an arterial road and minimal separation has been afforded, it is not anticipated to create a hazard to passing motorists. The advertisement will be confined within the subject land and is simple and uncomplicated in terms of its design and appearance. Whilst the LED elements is illuminated 24 hours a day, no animated or flashing elements are proposed and therefore it is unlikely to cause a distraction to passing motorists. As such, advertisement is not considered to result in a high level of risk to the safety of motorists travelling along Seacombe Road.

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## ANALYSIS/CONCLUSION

Assessment relating to the qualitative Principles of Development Control identifies the development satisfies a majority of the relevant and applicable Development Plan criteria.

The proposed advertisement is replacing an existing advertisement and is of a similar height, width, depth and physical appearance. The proposed advertisement, whilst sizably exceeding the maximum face area permitted within a Neighbourhood Zone, is considered to be of an appropriate scale and size and is compatible with the development on the site. Although minimal separation between the proposed advertisement and Seacombe Road has been afforded, the overall size and face area of the structure is unlikely to result in adverse visual amenity or bulk/scale impacts, especially given it is replacing an existing advertisement 'like for like'. Furthermore, this style and form of advertisement is typical on such a land use and will be in keeping with the existing commercial nature of the Neighbourhood Centre Zone.

The price board component of the advertisement, whilst utilising LED technology, is not considered to create a hazard for passing motorists given the utilisation of white text on a black background. Furthermore, DPTI has not raised objections to the proposal.

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: 100/2015/1183 for freestanding illuminated advertisement at 216 Seacombe Road, Seaview Downs 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. 100/2015/1183, being drawings 'Site Plan' received by Council 1/07/2015 and 'Front/Side' Elevations received by Council 11/08/2015, except when varied by the following conditions of consent.
- 2. The advertisement(s) and supporting structure(s) 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. The proposed non-illuminated signs shall utilise a material of low reflectivity to minimise the possibility of glare and enhance road safety
- 4. Lighting associated with the signs 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.
- 5. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

### *Department of Planning, Transport and Infrastructure Conditions*

- 6. The signage herein approved shall be relocated to the satisfaction of DPTI at no cost to DPTI should land be required for road purposes in the future.
- 7. The signs shall not contain any element of LED or LCD display, except for the fuel prices, which shall be limited to static white text on a black background.
- 8. No element of the signs shall flash, scroll, move or change, with the exception of the fuel prices, which may change on an infrequent basis.
- 9. The change of fuel prices shall be instantaneous (i.e. less than 0.1 seconds).
- 10. The operational system for any electronic signage on the site 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.



11. The illuminated pylon 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 should be incorporated into an automatic stepped dimming system:

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

#### 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*  
*Attachment V: Image of existing freestanding advertisement*