

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 10 DECEMBER 2014**

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DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

APPLICATION

Agenda Ref No:	DAP101214 -3.1
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Mr Leslie Craig Bottrill
Development Description:	Change of use to mortuary with associated car parking (Tenancy 2).
Site Location:	66 Daws Road Edwardstown
Zone:	Industry Zone
Policy Area:	Industry/Commerce Edwardstown Policy Area 5
Application Type:	Category 3 / Consent
Lodgement Date:	17/09/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1642
Recommendation:	Development Plan Consent (GRANTED)

CATEGORISATION & DELEGATION

Following receipt and initial assessment of the application, Council administration were of the view that the proposal may unreasonably impact on the owners or occupiers of land in the locality, due to the proposed 24-hour operation and likely vehicle movements. For this reason, it was Council administration's view that the proposal was not of a minor nature and therefore cannot be deemed as a Category 1 development. As such, the proposal was considered to constitute a Category 3 form of development, and was processed as such.

As a mortuary is not listed as a complying or non-complying form of Development within the City of Marion Development Plan, the application is therefore assessed on a merit basis.

BACKGROUND

As Members may recall, an application for a change in the use of land to a mortuary and associated car parking on the subject land was considered by the Panel at its meeting of 20 February 2013. That application (application number 100/2012/1426) was approved by the panel subject to various conditions.

The decision by Council's Development Assessment Panel to approve the application was appealed to the Environment Resources and Development Court by several third party representors. Whilst the ERD Court considered the proposed land use itself acceptable in terms

of noise and light spill impacts, as creation of the tenancy did not receive the relevant consents, the appeal was upheld and Council's decision reversed.

Following the Court's decision an application was lodged with Council for retrospective approval for the installation of an internal firewall to facilitate the creation of two tenancies within the existing building, and installation of a roller door to the western façade (100/2013/1641). This application was assessed and granted full Development Approval in May 2014.

As further discussed within this report, minor changes, as suggested by the ERD Court Commissioner, have been incorporated into this development such as frosted/blacked out windows and a 'cap' on the visitations permitted during non-waking hours.

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

Amendments Requested	Amendments Made
Provide an amended site plan which nominates the bounds of the subject application	Amended plan provided.
Information Requested	Information Provided
Confirmation the hardstand and associated external car parking is excluded from the subject application and the application itself is confined to Tenancy 2 only.	Provided.
Clarify the use of the hardstand area for deliveries and/or parking	Hardstand area is to be excluded from the subject application.

SUBJECT LAND & LOCALITY

The subject land is located at 66 Daws Road, Edwardstown on the northern side of that road, on the north-eastern corner of the intersection with Midera Avenue. The subject land comprises a rectangular allotment with a frontage width of 17.37 metres (excluding the corner cut-off), an average depth of 47.24 metres and an overall site area of 993 square metres. An easement to the Minister for Infrastructure is located along the rear of the allotment. The site is occupied by a large building, in reasonable condition, in two separate, legally defined tenancies.

The site of the development is located to the northern 'third' (approximate) of the existing building, which is currently unoccupied and known as 'Tenancy Two'. The site of the development is only the internal tenancy and excludes the hardstand and associated car parking located to the northern portion of the allotment. The southern two thirds of the building comprises a retail showroom and is known as 'Tenancy One'.

The existing land uses within the locality are varied. The locality is characterised by a range of commercial, industrial and residential land uses on both sides of Daws Road and Midera Avenue. In my opinion, the locality comprises the following:

- BP Service Station located to the southwest of the subject site on the northwest corner of the intersection of Daws Road and Midera Avenue and located within a Neighbourhood Centre Zone.
- South Adelaide Squash Centre and associated parking located to the immediate west of the subject site on the western side of Midera Avenue. The building is a substantially large two storey 1970's brown brick era building, with an approximate 1 metre setback to the adjoining residential property along Midera Avenue. The allotment is located within a Neighbourhood Centre Zone.

- Single storey detached dwellings (constructed in 1950s & 1960s) located to the north-west of the subject site, on the western side of Midera Avenue and north beyond the commercial and industrial tenancies. Single storey detached dwellings are located to the south of the subject site, on the southern side of Daws Road. All residential properties are located within the Northern Policy Area 13 of the Residential Zone.
- Established commercial and light industrial tenancies comprising a dental laboratory (Hall R M – Dental Laboratories), commercial printing shop (Paw Print & Graphics) located to the immediate north of the subject site. The tenancies are located within the Precinct 4 Industry Interface of the Industry/Commerce Edwardstown Policy Area 5 of the Industry Zone.
- Established industrial use (Southern Springs) located to the north of the subject site beyond the adjacent commercial/light industry and along the eastern side of Midera Avenue. The tenancy is located within the Precinct 4 Industry Interface of the Industry/Commerce Edwardstown Policy Area 5 of the Industry Zone.
- Retail showroom (Paint Central) located to the east of the subject site and located within Industry/Commerce Edwardstown Policy Area 5 of the Industry Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The development proposes a change in the use of land for the northern third of the existing building, known as Tenancy Two, to a mortuary and associated car parking. The proposal includes a cool room and associated compressor unit, located towards the northwest corner of the building. Three car parking spaces are proposed within the building in addition to a dedicated body transfer area. Whilst no further internal/external alterations to the building are proposed, the north and west facing windows will be 'blacked out' to prevent additional light spill during non-daylight hours. Access to the site will be achieved by way of an existing crossover/entry point on Midera Avenue.

The applicant intends to collect the deceased body from the location of death and transfer it to the proposed premises. The body will then be transferred from the vehicle to the cool room and held until it is transferred to the relevant funeral home. Whilst in most circumstances the body would be transferred to the funeral home within 24-48 hours, some situations may arise where it has to be stored onsite for up to 4 days.

Council has previously sought legal advice regarding the nature of the proposal, which confirms that the proposal is not considered to be a 'store' as no 'goods' are being held. The term mortuary is defined by the Macquarie Dictionary as 'a place for the temporary reception of the dead' and therefore the proposed development has been described as a mortuary, as it is proposed to receive and store bodies for a short period of time. Further activities usually associated with a mortuary use (such as embalming or body preparation) are not proposed to be undertaken.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	18 properties were notified during the Category 3 public notification process.
Representations:	3 representations against the proposal were received by Council.

	2 representations in favour of the proposal were received by Council.
Persons wishing to be heard:	<ul style="list-style-type: none"> • Mrs Jaucius Edeltraut • Mrs Chris Sibley • Peter Eitel on behalf of Mr & Mrs Sandford
Summary of representations:	<ul style="list-style-type: none"> • Use will create additional noise and increased traffic/parking issues • 24 hour operations will negatively affect the health and amenity of residents. • Proposal does not reflect Council's duty of care to the health of residents • Use will result in sewerage issues, power blackouts • Proposal will decrease property values. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The applicants response to the issues raised has been attached to this report. <p style="text-align: right;"><i>Refer Attachment V</i></p>

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Industry Zone and Industry Commerce Edwardstown Policy Area 5 are listed in the following table and discussed in further detail below:

Industry		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	Partially Complies
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ <i>industry</i> ▪ <i>transport distribution</i> ▪ <i>warehouse.</i> 	Does Not Comply
<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate</i>	Complies
<i>PDC 3</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the zone.</i>	Complies
<i>PDC 5</i>	<i>Building facades facing land zoned for residential purposes should not contain openings or entrance ways that would result in the transmission of noise that would adversely affect the residential amenity.</i>	Does Not Comply
<i>PDC 6</i>	<i>Any external plant and equipment (including a chimney stack or air-conditioning plant) should be sited as far as possible from adjoining non-industrially zoned allotments, and should be designed to minimise its effect on the amenity of the locality.</i>	Partially Complies

Assessment

The subject land is situated within the Industry/Commerce Edwardstown Policy Area 5 of the Industry Zone. As previously discussed, land to the immediate west of the site is located with a Neighbourhood Centre Zone. Land to the northwest (diagonally across Midera Avenue) and south of the site (across Daws Road) is zoned residential. Land abutting the site to the north and east is zoned Industrial.

The Industry Zone covers a significant portion of the land used for industrial and commercial purposes within the City of Marion and incorporates five Policy Areas, each with its own intended land use and built form characteristics. It is acknowledged the Zone generally seeks a range of industrial, warehouse, storage and transportation land uses and that a mortuary is not a form of development that fits neatly within the Zone provisions. Whilst not an envisaged form of development within the zone, in my opinion, a mortuary is a unique land use which shares similar characteristics to that of warehouse or storage land uses, due to the proposed nature and intensity of the use. Warehouse and storage land use are both uses primarily accommodated and envisaged within the subject Zone.

In my view, whilst the proposed development contains an opening facing land zoned for residential purposes, the potential transmission of noise would not adversely affect the residential amenity of the locality due to the significant separation afforded by Midera Avenue. The distance between the opening and the closest residential property to the northwest is some 21 metres (taken from the closest point of the opening to the closest edge of the residential allotment). Due to the separation proposed, the proposal is considered to adequately accord with Principle 5 of the Zone. Given the Zone anticipates a range of industrial uses that may generate significant levels of noise, and the subject proposal is reasonably low in intensity and activities that generate noise, proposed development is considered to be an appropriate form of development.

The proposed compressor (required to operate the cool room) will be located inside the building and as such, will not have detrimental effect on the amenity of the locality. The proposed development is considered to sufficiently accord with Principles 5 and 6 of the Zone. Furthermore, the likely extent of noise generated is considered to achieve the relevant Environment Protection (Noise) Policy criteria (discussed further within this report).

Whilst the proposal seeks a change in the use of land to one which not is expressly envisioned within the Zone, it is anticipated the use will not adversely affect the amenity of the locality. In my view, the proposal reasonably reflects and accords with the Industry Zone Objectives and Principles of Development Control.

Industry/Commerce Edwardstown Policy Area 5	
<p>OBJECTIVES</p> <p><i>1 A policy area accommodating industry comprising a range of industrial, business, commercial, warehouse and storage activities.</i></p> <p><i>2 Development located and designed to have minimal adverse impact on surrounding uses, especially at the interface with residential zones, and to avoid potential environmental nuisance or harm.</i></p> <p><i>3 Development that enhances the visual qualities and amenity, especially that associated with neighbouring residential areas and the streetscapes adjacent arterial road corridors.</i></p> <p><i>4 Creation of attractive and visually cohesive entrances to the policy area on visually prominent sites along South Road and Daws Road.</i></p> <p><i>5 Development that contributes to the desired character of the policy area.</i></p>	<p>Complies</p>

<p>DESIRED CHARACTER</p> <p><i>This policy area includes established industrial areas, some of which are in close proximity to housing, and predominantly commercial strip development along South Road. South Road in particular has an intensive commercial character, and is subject to increasingly high traffic volumes. The level of business activity in the policy area contributes to overflow parking, congestion, and traffic within side streets commonly affecting adjoining residential areas. This calls for minimisation of the number of access points onto arterial roads, a restriction on intensive retail uses in the policy area, and discouragement of excessive traffic movements on side roads connecting with residential areas. The use of residential streets to provide access for traffic, particularly heavy vehicles, servicing industrial or commercial development cannot be supported.</i></p> <p><i>There has been considerable conflict, in terms of external impacts of traffic, noise, air pollution and other factors, between industrial activities in the policy area and the use and enjoyment of nearby residential areas, with the latter areas afforded only minimal, if any, buffering in many instances. The policy area's extensive interface with residential areas calls for special attention to the avoidance of future land-use conflicts, and where opportunity exists, improvement of existing adverse environmental conditions. Where existing uses cause, or are liable to cause, adverse impacts on the amenity of localities, it is important that future development does not prolong or accentuate such impacts but, instead, incorporates measures to improve amenity, particularly the amenity of land in a residential zone.</i></p> <p><i>Assessment of the potential environmental impacts of a development is a necessary precursor to determination of a suitable location if one exists within the policy area. It is also integral to good environmental design which achieves containment of undesirable impacts. Some industrial, storage and other activities, due to their anticipated emission impacts, will need to be well removed from residential zone boundaries. Based on their greater recommended separation distances from housing, some will not be suitable anywhere in the policy area.</i></p> <p><i>At the same time, the policy area's economic function and vitality relies on fostering and developing a range of viable and efficient industrial and commercial activities. Fulfilment of this aim depends, in part, on preventing the encroachment on sites suitable for a wider range of industries (by virtue of greater separation from residential areas) by uses (eg certain offices) likely to be incompatible with, or require protection from, the impacts of such industries. Conversely, any commercial, light industrial or other activities likely to be adversely affected by general industries are appropriate at or near the periphery of the policy area (provided they are compatible with the use of adjoining zones).</i></p> <p><i>The policy area is an area catering for a wide range of environmentally-responsible industries and other businesses, and providing employment opportunities that are sustainable in the long term.</i></p> <p><i>Appropriate location and development of new activities and progressive improvement of site conditions will serve to buffer and protect the amenity of surrounding residential areas from adverse effects of industrial and other operations. In order to protect the amenity of land in a residential zone, development needs to be carefully designed and located.</i></p> <p><i>It is also important that streetscapes, particularly along arterial roads and involving landmark sites, form an attractive and impressive entry to the area.</i></p>		Complies
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ commercial uses ▪ industry ▪ office ▪ storage ▪ warehouse. 	Does Not Comply
PDC 2	<p><i>Development should be located, designed and accommodate activities of a scale and intensity to minimise undesirable impacts on the environment and the locality.</i></p>	Complies

PDC 5	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
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Assessment

The Policy Area generally seeks a range of commercial, industrial, office, storage and warehouse uses and as with the Industry Zone, a mortuary is not a form of development that neatly fits within the Policy Area provisions. Nevertheless, the proposed development reflects the Desired Character of the Policy Area, which promotes commercial activities at the periphery of the Policy Area. Further, the proposed development will, in my opinion, serve as a form of buffer and aid in protecting the amenity of surrounding residential areas from adverse effects of the more intensive industrial and commercial operations within the wider locality.

The proposed development finds compliance with Principle 1 in that commercial uses are envisaged within the Policy Area. Furthermore, whilst the proposed use is not defined as a 'store', it nonetheless shares similarities with this land use (in terms of its intensity of use), which is also envisaged within the Policy Area.

Whilst the term 'mortuary' conjures preconceived notions (preparation of bodies, embalming etc.), the proposed development, as detailed in the plans and supporting documents, will be relatively discreet and of a scale and intensity that should minimise undesirable impacts on the environment and locality. The environmental impacts of the proposal are considered to be low as there is unlikely to be odours, smoke or any other offensive emissions emanating from the subject land.

Further, the proposal is not an intensive use of the land, with relatively limited vehicle movements, employees and customer/client attendances. Rather, the intended use is comparable to other storage facilities, albeit for the storage of human bodies. As such, it is considered the proposal adequately reflects the Desired Character and Principle 2.

A mortuary shares similar characteristics to land uses envisaged within the Desired Character and Principle 1 of the Policy Area. The generation of noise will be limited to vehicles entering and exiting the site and the operation a compressor that is required for the cool room.

The proposed use is of a low intensity, will result in minimal vehicle movements (as discussed further within this report) and is comparable to other uses within the locality in terms of intensity and scale. In my view, the proposed intensity of the development is considered acceptable and it is not considered to have a detrimental impact on the amenity of land within the adjacent residential zone.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Interface Between Land Uses	
<i>Development located and designed to prevent adverse impact and conflict between land uses.</i> <i>General Section: Interface Between Land Uses: Objective 1</i>	Complies

<p><i>Protect community health and amenity and support the operation of all desired land uses.</i></p> <p><i>General Section: Interface Between Land Uses: Objective 2</i></p>	Complies
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	Not Comply
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	Complies
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	Complies
<p>Noise Generating Activities</p> <p><i>Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 7</i></p>	Complies

Assessment

The proposed development is located within close proximity to a Residential Zone and has therefore been assessed against the relevant Interface Between Land Uses Principles of Development Control.

The development has been designed to prevent adverse impacts and conflict between the differing land uses through its location within an industrially-zoned area and close access to major arterial roads. In my view, the proposed development is located within an appropriate area as it is predominantly surrounded by other commercial/industrial uses which, as a result of their scale and use, may arguably generate higher traffic movements and noise emissions. Further, as the proposed development is located close to an arterial road, it is highly likely that anticipated vehicular movements will utilize this road due to its location, therefore reducing adverse traffic and associated noise impacts upon the residential land along the western side and northern portion of Midera Avenue. As such, I find that the proposed development appropriately accords with the intent of Objectives 1 & 2.

Hours of Operation

As death is quite often an unpredictable occurrence, there is a requirement for the business operations to function 24 hours a day, 7 days a week, and as such specific hours of operation are not nominated. The applicant has confirmed there may be up to 10 vehicle movements on and off the site during the hours of 7am to 10pm and a maximum of 5 vehicle movements between the hours of 10pm to 7am. Nevertheless, as 24 hours a day, 7 days a week hours are sought the proposed development does not accord with Principle 1(g).

In my opinion, a 24 hour operation can, in some circumstances be undesirable, especially when in close proximity to residential properties. However, due to the unique nature of the activities undertaken, it is not considered the impact of the proposed operations will detrimentally affect the amenity of the locality as the intensity of the land use and number of visits (persons or vehicular) to the site will be limited to a maximum of 5 visitations between the hours of 10pm and 7am the following morning. Additionally, due to the nature of the work, the applicant has advised that there may be no need/requirement to access the site at all on some days.

Although the proposed use is unique and the requirement for access to the site is unpredictable, it will essentially operate 24 hours a day. As discussed further in this report, it is recommended that conditions be attached to the consent to limit or 'cap' the maximum number of visitations to and from the site during non-waking hours. A limit or 'cap' on the number of bodies stored at the premises to a maximum of 25 (as sought by the applicant) will further assist in restricting the intensity of the operations. In my view, limiting the number of bodies to be stored at the premises will reasonably assist in restricting the intensity of the operations, as access to the site will be less frequent to that which could occur if no limit was attached.

The applicant does not envisage more than five vehicular movements would be required during the hours of 10pm to 7am, due to the length of time required for the collection and transfer process. It is recommended that if the Panel are supportive of the proposal, a condition be attached to the consent to limit or 'cap' the number of visitations between the hours of 10pm to 7am the next day, to 5. Whilst vehicular movements are an unavoidable aspect of the proposed use, restricting vehicle movements during 10pm to 7am is considered appropriate as it reduces the potential for excessive noise and associated impacts that could negatively affecting the amenity of nearby residential dwellings. It should be noted the applicant has stated visitations on any given night may vary from zero to five.

The applicant has advised that due to the complexities and time required to collect and transfer a body, it is highly unlikely more than 3 to 4 trips could be undertaken per night (10pm–7am). Nonetheless, the attachment of a condition limiting the intensity of the proposed use and restricting access to the site provides an appropriate level of amenity for the residents.

Traffic

The applicant has anticipated up to 15 vehicle movements on and off the site daily, however, due to the nature of the work, this may vary significantly from day to day. No more than 4 persons will be onsite at any one time, and therefore traffic to and from the site will be limited. Further, Council records indicate that at last count (2008), 621 vehicles traversed this section of Midera Avenue daily, well below the design capacity of 1000 vehicles. The transfer of bodies from the vehicle to the cool room will be undertaken within the premises out of sight from public view, and it is my opinion that the transfer of bodies within the premises will not result in excessive noise or disturbance. In my opinion, the proposed development will not result in unreasonable traffic or noise impacts on the locality as the proposed cap on the maximum number of bodies able to be stored will aid in restricting the intensity of the land use.

Considering that a majority, if not all, vehicle movements arising from the proposed operations will be via Daws Road, and that the anticipated number of vehicle movements is not too dissimilar to a residential property, the proposal is considered to satisfactorily provide safe and convenient access for staff. Furthermore, the proposal is unlikely to create unreasonable traffic impacts for occupants of neighbouring properties and the development is considered to accord with Principle of Development Control 1(f).

Noise (non-vehicular)

Additional noise will be generated by vehicle movements to and from the site which includes the roller door being open and closed. After an inspection of the roller door, it was demonstrated to be in good condition and did not generate noise considered to be excessive when in operation.

Council has previously engaged an acoustic expert, who determined (by way of a report - whilst the attached report refers to the previous application, given the similarities of the proposal, Council did not request the provision of an amended Acoustic report) the noise of the roller door at 3 m was 53 dB(A) and demonstrated compliance with the relevant EPA noise requirements.

Internally, the proposed development will consist of a cool room approximately 25.92 square metres in area and an associated refrigeration unit/compressor which has a decibel rating of 70db (it achieves a rating of 53db at 3 metres) The use and operation of the compressor unit is considered acceptable as the unit will be located within the building, which will aid in reducing operational noise and limit the external transmission of noise.

To further minimise the possible extent of noise transmission throughout the locality, the applicant has confirmed all equipment used in the lifting or transferring of bodies within the premises during non-waking hours (10pm to 7am) shall be electric or hydraulic lifting. It is suggested that should the Development Assessment Panel grant consent for this application a condition be attached to this effect. This condition is considered appropriate and necessary to ensure the operations do not affect the amenity of the nearby residential dwellings, especially during non-waking hours when it is likely generalised noise throughout the locality would be minimal.

As the vans used in the transferring of bodies are rated as vans, not light trucks, there is no requirement that they be fitted with beepers. Nonetheless, it is acknowledged that during non-waking hours, noise generated by the operations, especially the reversing of vehicles, may have the potential to disturb occupants of nearby dwellings. Whilst the reversing of vehicles during non-waking hours may only occur sporadically, Council considers it appropriate, should the Development Assessment Panel grant consent, to attach a condition restricting the use of reversing beepers or similar, to minimise noise at all possible times in the event vehicles fitted with such devices (or similar) are used. In my view, the reversing of a van is similar to that of a car and any noise generated will be of a low scale and last for a relatively short period. A condition to this effect is considered appropriate as it will provide greater protection for the amenity of the nearby dwellings and reflects the intent of Principles 1 and 6.

In my opinion, the distance of separation afforded between the proposed development and the adjacent residential dwellings to the northwest is sufficient to counter any adverse impacts. The potential noise generated by vehicle movements required for the transfer of bodies, the operation of the roller door required to access the site or the compressor within the building itself, will be minor and will not unreasonably affect the amenity of the locality. Further, potential noise generated by vehicle movements or the operation of the roller door will be limited to the entering and exiting of vehicles to and from the site.

To ensure the intensity of the proposed use does not increase beyond what is considered acceptable, it is recommended that visitations between the hours of 10pm and 7am the following day are capped to no more than 5. Further, vehicles shall not use or incorporate reversing beepers, horns or similar and that all equipment used in the lifting or transferring of bodies within the premises shall be electric or hydraulic lifting equipment. Thirdly, it is recommended the total number of bodies able to be held at any one time does not exceed 25. Placing a cap on the total number of bodies will help limit vehicle movements and ensure the operation of the business does not increase or intensify without prior consideration from Council.

These conditions are proposed to enable the development to operate effectively without restrictive hours of operation but in a manner which seeks to protect the adjacent residential properties from excessive and/or undesirable noise and traffic impacts. Whilst the generation of some noise and traffic is anticipated as part of any development, these conditions are considered to adequately minimise the potential for negative impacts caused on the adjacent residential properties.

Light Spill

To minimise potential light spill during non-waking hours from within the tenancy into residential properties located within the immediate locality, the applicant has proposed to 'paint out' or black out the west and north facing façade windows. Should the Development Assessment Panel grant consent for the subject application, it is recommended a condition to this effect be adopted.

Due to the location of the roller door facing Midera Avenue, some limited light spill from vehicle headlights may pass across (or near) the bedroom window of 2 Midera Avenue under certain manoeuvres. The extent of light spill would largely depend upon which direction the vehicle enters Midera Avenue, whether it reverses in or out of the building and whether it then proceeds north or south along Midera Avenue. In my opinion, the likely occurrence of this form of light spill would be infrequent and last for only a few moments. Furthermore, if light spill of this nature was to occur, the residents of 2 Midera Avenue can minimise the impact of this occurrence through the use of blinds, the existing awning, landscaping or fencing.

Whilst the proposal does not accord with Interface between Land Uses Principle of Development Control 1(e), the extent of light spill caused both internally and by vehicles using the site is considered minor and unlikely to adversely affect the amenity of the adjacent residential properties.

As such, I consider the issue of noise, hours of operation, traffic and light spill to be adequately addressed by the proposed plans and conditions. It is my view that the amenity of adjacent allotments within the locality will not be adversely compromised. The proposal is considered to reasonably satisfy Interface Between Land Uses Objectives 1 & 2 and Principles of Development Control 1(b)(e)(g)(f), 2, 6 and 7.

Furthermore, whilst the following has not influenced my assessment of the proposal, it is worthy to note that a number of long-established and lawfully existing uses within the locality do not have on-going conditions relating to restrictions on noise or hours of operation. A search of Council's records indicate the BP Service Station (located to the southwest of the subject land on the corner of Midera Avenue and Daws Road) does not have any conditions relating to noise, traffic or hours of operation. If this use was to operate to its full extent (i.e. 24hour operations), it is likely it would have a much greater impact on the amenity of the locality through a substantial intensification of the site, a likely increase in traffic movements and potentially, unrestricted hours of operation. Further, the squash courts located opposite the site of the proposed development, and adjacent a Residential Zone, do not have any Council conditions relating to restrictions on noise or hours of operation. Whilst the premises does not have conditions restricting hours of operation, it is subject to a limited club licence, which permits the sale of liquor Monday to Saturday between the hours of 11am and midnight and Sunday 11am to 8pm.

In my view, whilst the proposal will operate 24 hours a day, the nature of the operations will be of a low intensity and generate minimal noise and traffic movements. The proposal will result in significantly less impacts on the locality than what could occur as of right by other existing uses.

Transportation and Access

Development that:

- (a) provides safe and efficient movement for all transport modes*
- (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles*
- (c) provides off-street parking*
- (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks*
- (e) provides convenient and safe access to public transport stops.*

Partially Complies

<p>General Section: Transportation and Access: Objective 2</p>	
<p>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</p> <p>General Section: Transportation and Access: PDC 12</p>	<p>Partially Complies</p>
<p>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</p> <p>General Section: Transportation and Access: PDC 14</p>	<p>Complies</p>
<p>Development should be provided with safe and convenient access which:</p> <ul style="list-style-type: none"> (a) avoids unreasonable interference with the flow of traffic on adjoining roads (b) provides appropriate separation distances from existing roads or level crossings (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties. <p>General Section: Transportation and Access: PDC 23</p>	<p>Complies</p>
<p>Vehicle parking areas should be sited and designed to:</p> <ul style="list-style-type: none"> (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network (c) not inhibit safe and convenient traffic circulation (d) result in minimal conflict between customer and service vehicles (e) avoid the necessity to use public roads when moving from one part of a parking area to another (f) minimise the number of vehicle access points onto public roads (g) avoid the need for vehicles to reverse onto public roads (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points (i) not dominate the character and appearance of a site when viewed from public roads and spaces(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles. <p>General Section: Transportation and Access: PDC 36</p>	<p>Partially Complies</p>
<p>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</p> <p>General Section: Transportation and Access: PDC 38</p>	<p>Does Not Comply</p>
<p>On-site visitor parking spaces should be sited and designed to:</p> <ul style="list-style-type: none"> (a) not dominate internal site layout (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling (c) be accessible to visitors at all times. <p>General Section: Transportation and Access: PDC 42</p>	<p>Does Not Comply</p>

A mortuary is not a listed land use within the Development Plan's Off Street Vehicle Parking Requirements and, as such, the provision three internal car parking spaces has been assessed

on an 'as-needs' basis.

Access to the site is via the roller door located on Midera Avenue, whilst limited deliveries will occur to the rear or side of the premises. In my opinion, it is likely vehicle movements through the residential portion of Midera Avenue (north of the site) will be limited, as access to the site is closest to Daws Road, which is an arterial road, can be accessed easily and efficiently and provides more convenient and efficient access to the Adelaide Metropolitan Area. The applicant has confirmed all transfers of bodies between the vehicle and cool room shall be undertaken within the subject premises and is in accordance with the Australian Funeral Director's Association guidelines. Staff involved in the transferring of bodies to and from the site will access the transfer vehicle from an offsite location (i.e from their own home on the way to a potential job).

The proposal does not meet Transportation and Access Principle of Development Control 12 as vehicle movements through the residential portion of Midera Avenue cannot be discounted. Although vehicle movements may occur through the residential portion of Midera Avenue, the applicant is intending to use small scale commercial vehicles. As mentioned previously, Council records indicate that at last count (2008), 621 vehicles traversed this section of Midera Avenue daily, well below the design capacity of 1000 vehicles. The use of these vehicles will not create additional noise or safety impacts which would already occur within the locality and further would not result in a significant increase in traffic.

Further, the conditions relating to the 'cap' or limit on the number of bodies able to be stored on site at any one time and the limit on visitations during non-waking hours will further aid in reducing the amount of vehicle movements likely to occur. A cap limiting these aspects of the proposal is considered to appropriately reflect the intention of the Transport and Access Principles by limiting traffic movements through the residential portion of the street. Although the proposal will operate 24 hours a day, these conditions are significant in their ability to limit potential traffic movements to and from the site, particularly during non-waking hours.

Although the proposal does not meet Principle 12, I am of the opinion, the use and intensity of the proposal will not adversely impact the more sensitive land uses of the locality.

The proposed development is provided with sufficient on-site parking to accommodate the likely type and volume of traffic generated and, therefore, the number of car parks nominated is considered acceptable. Further, the anticipated maximum number of movements to and from the site per day is considered low and will have minimal impact on the locality. In this regard, the proposal is considered to reflect Principle 23.

Whilst it may be possible to enter and exit the site in a forward manner, it is likely vehicles will exit the site by reversing onto Midera Avenue, thus failing to satisfy Principle 36(g). Access to and from the site will be low, with the number of vehicle movements anticipated to be similar to that of a dwelling. In my opinion, due to the limited number of vehicle movements anticipated, the proposal's failure to accord with Principle 36(g) is minor in nature and the likely vehicle movements will not result in unreasonable interference on the existing traffic flow or result in an unsafe environment.

Whilst Council has not requested a traffic engineers report due to the limited vehicle movements anticipated to be generated by the proposed use, the applicant has provided a Statement from a Traffic Engineer, Mr Phil Weaver of Phil Weaver and Associates which provides comments on the traffic, parking and access related aspects of the subject development. The statement prepared by Mr Weaver concluded that the anticipated vehicle parking demands associated with the proposed use would be minimal given there will be no visitors and that the parking demands would be appropriately accommodated within the tenancy itself.

Whilst the proposed use does not comply with Principle of Development Control 38 in that floodlit entry and exit points are not provided, this is considered acceptable in order to minimise

potential light spill onto adjacent residential properties and maintain the discrete nature of the proposed use.

In my opinion, the total number of car parking spaces provided on-site within the tenancy will satisfactorily cater for the likely demand. Furthermore, adequate on-street parking along Midera Avenue is available in the rare event that additional parking is required. Whilst some Principles have not been met, it is not considered that the proposal will unreasonably impact on the adjacent properties, restrict the provision for on street parking or create an unsafe traffic environment.

Waste	
<i>The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.</i> <i>General Section: Waste: PDC 2</i>	Complies
<i>Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:</i> <i>(a) screened and separated from adjoining areas</i> <i>(b) located to avoid impacting on adjoining sensitive environments or land uses</i> <i>(c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system</i> <i>(d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water</i> <i>(e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours</i> <i>(f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.</i> <i>General Section: Waste: PDC 7</i>	Complies

The proposed use is similar to that of a holding facility. Only limited waste will be produced. General waste will be stored within a standard Council waste receptacle and collected in accordance with Council timeframes. Biomedical waste will be stored onsite in a labelled bin and disposed of by a company holding a current Trade Waste Permit. Collection of biomedical waste will be through a pre-arranged pick up only.

In my view, waste disposal is an unavoidable by-product of any use. The collection of waste will be infrequent (general and biomedical) and will not result in a loss of amenity for nearby residential properties. Waste will be contained within the boundaries of the site and disposed of in an appropriate manner. Based on the above, I am of the opinion, the storage and disposal of waste sufficiently satisfies Principles of Development Control 2 and 7.

Crime Prevention	
<i>A safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance.</i> <i>General Section: Crime Prevention: Objective 1</i>	Does Not Comply
<i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i> <i>General Section: Crime Prevention: PDC 5</i>	Does Not Comply

The proposed development does not accord with the above-mentioned Objective or Principle of Development Control. In my opinion, the proposal has been designed to be deliberately discreet in order to maintain a minimal presence within the locality. As the structure exists and the proposal is for a change in the use of land, the lack of signage and illumination provided to the

site's entrance along Midera Avenue is considered acceptable. The lack of signage and lighting will aid in minimising the presence of the proposed land use within the locality. Further, the lack of external lighting is considered appropriate as illumination of the site's entry point during non-waking hours may negatively affect the amenity of the nearby residential dwellings.

Although the proposal does not accord with the mentioned Objective and Principle, the measures taken are sufficient and ensure the proposed land use has a minimum impact on the surrounding environment.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to nature of the change in the use of land to a mortuary, noise, increased traffic/parking, the proposed 24 hour operations and loss of amenity have been addressed in the body of the report.

The representors have also raised concerns Council's duty of care to the health of residents, impacts the use will have on environmental health, sewerage, power blackouts and property values. While these concerns are noted, these matters are outside the scope of the assessment of this application.

ANALYSIS/CONCLUSION

Whilst a mortuary is not a use specifically encouraged or discouraged within the Industry Zone, I am of the opinion that the preceding assessment demonstrates the proposal generally accords with a majority of the relevant Objectives and Principles of Development Control. It is noted the Desired Character of the Policy Area seeks to foster and develop a range of viable and efficient industrial and commercial activities and development of new activities should serve to buffer and protect the amenity of surrounding residential areas from adverse effects of industrial and/or other operations. The proposed use, whilst unique, assists in protecting the amenity of the locality by promoting a form of development that will have a negligible visual or audible impact on properties within the immediate locality.

Noise generated by onsite activities will be minimal, whilst a number of conditions have been recommended to further aid in restricting noise, vehicle movements and light-spill, particularly during non-waking hours. These conditions are proposed in order for the development to effectively operate without restrictive hours of operation but in a manner which protects the adjacent residential properties from excessive undesirable noise and traffic impacts. Further a condition limiting the number of bodies able to be held prevents the business from increasing and intensifying without subsequent consent from Council.

The intended use is a relatively quiet one, does not require substantial on-site or on-street parking, will not generate excessive noise or environmental impacts often attributed to development contained within an Industry Zone and requires low frequently vehicular access. In my opinion, the proposal will not have a detrimental impact on the amenity of adjacent properties within the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1642 for a change of use to mortuary with associated car parking (Tenancy 2) at 66 Daws Road, Edwardstown be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1642, being drawing number(s) insert drawing numbers (inclusive) prepared by insert**

designer name, and documentation titled insert document title except when varied by the following conditions of consent.

2. All equipment used in the lifting or transferring of bodies within the premises shall be electric or hydraulic lifting equipment.
3. The total number of bodies stored on the premises at any one time shall not exceed 25.
4. The total visitations (vehicular or in person) to or from the premises between the hours of 10pm and 7am the following day shall not exceed 5.
5. Vehicles accessing the property between the hours of 10pm and 7am the following day shall not use or incorporate reversing beepers, horns or similar.
6. All north and west facing façade windows shall be 'painted out' or 'blacked out' to appropriately reduce light spill, to the reasonable satisfaction of Council. This should occur prior to occupation of the premises.
7. The pickup of all waste from the premises shall be restricted to the following times;
 - 7:00am – 5:00pm Monday to Friday;
 - 8:00am – 5:00pm Saturday;

NOTES

1. Activity on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & 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 10 December 2014

Agenda Ref No:	DAP 101214-3.2
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	City Of Marion
Development Description:	Construction of a balcony to the (western) upper level of the existing club rooms (above approved, not yet constructed ground floor additions in Development Application 100/2014/1704)
Site Location:	Lot 503 Lonsdale Road, Hallett Cove
Zone:	Open Space Zone
Precinct:	Precinct 7 Hallett Cove Recreation
Application Type:	Category 3 / Consent
Lodgement Date:	24/09/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1703
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 3 Consent form of development by virtue of Section 38 of the Development Act 1993, which prescribes that any development that is not minor in nature and not assigned to Category 1 or 2 by the Development Regulations 2008 or the Development Plan will be taken to be a Category 3 development.

Given that the development received written representations from third parties wishing to be heard in respect to the application, the application must be determined by the Development Assessment Panel (DAP).

Additionally, the application requires referral the DAP given that the development is likely to include a substantial amendment to the existing Liquor Licence.

BACKGROUND

The ground level additions to the clubrooms (Stage 1) were proposed as part of Development Application 100/2014/1704, which received Development Approval on 14 November 2014.

SUBJECT LAND & LOCALITY

The subject land comprises Lot 503 (DP: 10367 CT: 5553/994) Lonsdale Road, Hallett Cove. The allotment is one of six allotments which house the Cove Sports and Community Club. Car parking areas are located north and north-east of the clubrooms, and several sheds, a water tank and mature vegetation are located south of the building. The clubrooms are located in between two sporting ovals. A BMX track is located on the far western side of the complex, and tennis courts on the eastern side. Mature trees are located adjacent the boundaries of the site.

The Cove Sports and Community Club complex is spread over an area of approximately 63,200 square metres.

The immediate locality surrounding the clubroom building is predominated by the Cove Sports and Community Club complex. The wider locality features Lonsdale Road and Oval Road north of the land, while residential properties are sited to the west and south of the complex. Vacant land comprising the Open Space Zone and Metropolitan Open Space System are located east and south-east of the complex.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a balcony on the western side of the existing clubrooms building. The balcony adjoins the existing upstairs function room.

The balcony is 10.9 metres in length and 3.4 metres in depth, with a total floor area of 36 square metres.

The application includes two new disabled access doorways to provide access to the balcony.

The northern and southern sides of the balcony are to be clad with James Hardie Exotec cladding system, with windows on both sides. The western side of the balcony is open with a clear toughened glass balustrade 1.0 in metre height. The balcony maintains a flat Colorbond roof which adjoins the roof of the main building.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	5 properties were notified during the Category 3 public notification process.
Representations:	1 representation was received by Council, in favour of the application subject to certain provisions being met.
Persons wishing to be heard:	Robert Thornton of 4 Stuart Court, Hallett Cove
Summary of representations:	We are happy with the development as long as there is sound control when functions take place (e.g. balcony doors closed to reduce loud music). <i>Refer Attachment IV</i>
Applicant's response:	The main purpose of the new balcony will be during the day for parents [observers] while soccer is being played. On average, approximately five functions are held per year. When functions are held, the balcony will be closed

	and patrons asked to come inside at 10:30 pm. <i>Refer Attachment V</i>
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ZONE & PRECINCT ASSESSMENT

The relevant objectives, desired character and principles of development control of the Open Space Zone and Precinct 7 Hallett Cove Recreation are listed in the following table and discussed in further detail below:

Objectives / Principles of Development Control Assessment

Open Space Zone	
<p>OBJECTIVES</p> <p><i>1 A zone in which the open space character is preserved to provide a visual contrast to the surrounding urban area.</i></p> <p><i>2 Land within the zone developed for a range of passive and active outdoor recreation activities, community and educational facilities and open space development, conservation and revegetation, in a parkland setting.</i></p>	<p>Complies</p> <p>The application shall preserve the use of the subject land for outdoor recreation activities in accordance with Objective 2 of the Open Space Zone.</p> <p>The proposal shall adequately preserve the open space character of the subject land, as the balcony is contained on the existing building.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ community facilities ▪ conservation works, including wetlands ▪ education establishment ▪ recreation area ▪ sports grounds and associated facilities ▪ toilet blocks and barbeque facilities. 	<p>Complies</p> <p>The proposed balcony is part of the existing clubrooms, which fulfils the envisaged land uses in the Zone, being a community facility and associated facility of the sports ground.</p>
<p><i>2 Development listed as non-complying is generally inappropriate.</i></p>	<p>Complies</p> <p>The proposed balcony addition is not listed as non-complying.</p>
<p><i>3 Development should be of a high standard of co-ordinated design with an emphasis on the creation of pedestrian areas.</i></p>	<p>Complies</p> <p>The proposed development is considered to be of a high standard of co-ordinated design which shall enhance the function of the existing clubrooms. The balcony shall not create pedestrian areas, but will not detract from existing pedestrian areas.</p>
Precinct 7 Hallett Cove Recreation	
<p><i>6 Development may be for active recreational purposes and ancillary activities such as clubrooms and vehicle parking.</i></p>	<p>Complies</p> <p>The proposed development relates to an active recreational area and its ancillary clubrooms.</p>
<p><i>7 Buildings and structures should generally be of a domestic scale but in any event should be:</i></p> <p><i>(a) designed to minimise the apparent bulk of the building or structure</i></p> <p><i>(b) located so as to be as visually unobtrusive as possible from the floor of the Field River valley or from Precinct 5 Worthing Mine Heritage within the</i></p>	<p>Complies</p> <p>The proposed balcony shall maintain the profile of the roof of the existing clubrooms, and is sited below the pitch of the main roof.</p> <p>The balcony's flat roof maintains a height 5.7 metres above ground level.</p>

<i>Metropolitan Open Space System Zone.</i>	Accordingly, the balcony addition should be not be visually obtrusive when viewed from the Field River valley or Precinct 5 Worthing Mine Heritage.
<i>8 Landscaped buffers, not less than 10 metres in width, should be provided around the perimeter of recreation or sporting facilities where they abut residential uses.</i>	Complies Existing landscaped buffers shall be maintained adjacent the western and southern boundaries which adjoin residential land.

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

Open Space and Recreation	
<p><i>Recreation facilities development should be sited and designed to minimise negative impacts on the amenity of the locality.</i></p> <p><i>General Section: Open Space and Recreation: PDC 15</i></p>	<p>Complies</p> <p>The proposed balcony should not result in negative impacts on the amenity of the locality due to its substantial separation from the site boundaries and integration under the roof form of the existing building.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies</p> <p>The proposed balcony should result in minor mass/proportion impacts given its flat roof design, integration with the existing building and open western side.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <ul style="list-style-type: none"> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The balcony addition is not sited in close proximity to side or rear boundaries.</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 & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The balcony roof is Colorbond, while the walls feature cladding. Neither material is highly reflective.</p>

<p>Overshadowing</p> <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"> (a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells). <p><i>General Section: Design & Appearance: PDC 9</i></p>	<p>Complies</p> <p>The proposed balcony is set back approximately 85 metres from residential properties to the south, and approximately 147 metres from residential properties to the west. Accordingly, the structure will not result in overshadowing of adjacent dwellings or private open spaces.</p>
<p>Visual Privacy</p> <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> <ul style="list-style-type: none"> (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. <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p> <p>The proposed balcony is substantially separated from residential properties to the west and south. Due to substantial spatial separation of over 85 metres, any potential views toward these properties cannot be considered "direct overlooking".</p> <p>Furthermore, existing vegetation buffers located along the southern and western boundaries of the complex should obscure any potential long-distance views toward residential properties.</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 & Appearance: PDC 17</i></p>	<p>Complies</p> <p>The balcony is open on the western elevation with a glass balustrade, while windows on the northern and southern elevation avoid any blank walling.</p>
<p>Interface Between Land Uses</p>	
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Complies</p> <p>See "Overshadowing" and "Visual Privacy" discussion above.</p>
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <ul style="list-style-type: none"> (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants (b) noise (c) vibration (d) electrical interference (e) light spill (f) glare (g) hours of operation (h) traffic impacts. <p><i>General Section: Interface Between Land Uses: PDC 1</i></p> <p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land</i></p>	<p>Complies</p> <p>The proposal should not result in an unreasonable level of interference due to the significant spatial separation between the balcony and adjoining residential properties. Whilst some noise interference may occur from use of the balcony, the primary use of the balcony will occur during daytime hours when the balcony is used for observation of soccer games.</p> <p>The Cove Sports and Community Club have advised that the balcony may be used in the evenings for dinner service in the future, and functions will only be held infrequently (approximately 5 times per year). However, the Club have also confirmed that the balcony will not be used after 10:30 pm, and therefore noise attenuation should be provided during normal sleeping hours.</p>

<p><i>uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p> <p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Conditions of Consent have been recommended to ensure that the balcony is used in accordance with these observations.</p> <p>Accordingly, the proposed balcony has been designed and sited to minimise potential noise impacts to adjacent residential land.</p>
<p>Noise Generating Activities</p> <p><i>Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 9</i></p>	<p>Complies</p> <p>The Cove Sports and Community Club holds a current Club Licence, which contains a condition stipulating that:</p> <p><i>“No sound being emitted from any source or device on the subject land that impairs the amenity of nearby residential development. In particular, management shall use their best endeavours to prevent the escape of sound that would result in nuisance or disturbance to occupiers of nearby residential development”.</i></p> <p>The current liquor licence operates Monday to Saturday between 5 am and midnight and Sunday between 8 pm and 10 pm.</p> <p>The Club have indicated that if the subject balcony application is granted consent, the Club Licence would be amended to include the area of the balcony as part of the licenced premises.</p> <p>The current clubrooms feature a fully enclosed upper floor, and therefore the proposed balcony would result in greater noise impacts during functions. However, the balcony has been adequately designed and sited to minimise noise impacts, as a result of:</p> <ul style="list-style-type: none"> a) substantial separation (over 85 metres) from residential properties; and b) the fact that the balcony will be closed off after 10:30 pm to minimise noise intrusion during sleeping hours. <p>Accordingly, any potential noise impacts should not cause unreasonable nuisance to adjacent residents.</p>
Transportation and Access	
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Complies</p> <p>No designated off-street parking ratio is prescribed by Table Mar/2 for a sports grounds and associated facilities. Nonetheless, ample car parking provided on the northern portion of the site, adjacent Oval Road. Furthermore, the proposed balcony should not result in a notable increase in patron numbers, and therefore should not result in an increased demand for car parking. As such, the proposal is considered to provide sufficient off-street vehicle parking to meet anticipated demand.</p>
Crime Prevention	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies</p> <p>The proposed balcony shall assist with crime prevention by maximising passive surveillance of the sporting oval with clear lines of sight.</p>

REPRESENTOR'S CONCERNS

The concern raised by the representor in relation to the potential noise impacts from use of the balcony for functions has been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to this matter.

ANALYSIS/CONCLUSION

The proposed balcony addition satisfies the intent of the Open Space Zone and Precinct 7 Hallett Cove Recreation, in that it shall enhance the facilities associated with the existing sports ground/recreation area, which are land uses specifically envisaged within the Zone and Precinct.

The proposed addition is integrated with the existing building with a low roof profile, and therefore should not appear visually obtrusive.

The balcony is substantially separated from nearby residential properties, and therefore overshadowing and visual impact will be negligible. Whilst some distant views may be obtained toward adjacent residential properties when standing on the balcony, these views are not considered to comprise “direct overlooking” given the significant spatial separation and obscured lines of sight created by existing vegetation adjacent the site’s perimeter.

The proposed balcony may result in increased noise impacts given that the upper floor function room will feature doors opening out onto the balcony, where it is currently fully enclosed. However, the conditions imposed on the consent ensure that the balcony shall not be used after 10:30 pm, and the balcony doors will be closed at this time. This condition should appropriately minimise noise impacts to adjacent residential properties during noise-sensitive hours.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1703 for the construction of a balcony to the (western) upper level of the existing club rooms (above approved, not yet constructed ground floor additions in Development Application 100/2014/1704) at Lot 503 Lonsdale Road, Hallett Cove, be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1703, except when varied by the following conditions of consent.**

2. The external appearance, materials and finishes of the new structure/building shall match or complement those of the existing building, to the reasonable satisfaction of the Council.
2. 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.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
4. The balcony shall not be used after 10:30 pm on any given day. The balcony doors shall be closed at this time.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.3
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Park Holme Properties Pty Ltd
Development Description:	Community Title Land Division - 1 into 6 allotments
Site Location:	1-3 Hill Street, Plympton Park
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 1 / Consent
Lodgement Date:	20/11/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/2106
DAC Reference No:	100/C255/14
Recommendation:	Development Plan Consent and Development Approval (Granted)

CATEGORISATION & DELEGATION

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

The subject application is required to be determined by the Development Assessment Panel given that the proposed allotments fail to satisfy the minimum site area required for residential flat dwellings in the Regeneration Policy Area 16. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The proposed land division relates to the associated land use application, Development Application 100/2014/1187, which proposes to construct 6 dwellings on the land in the form of 3 residential flat buildings.

SUBJECT LAND & LOCALITY

The subject land is located at 1-3 Hill Street, Plympton Park, which comprises allotment 491 in DP 6055. The allotment is rectangular with a width of 26.16 metres, depth of 46.48 metres, and total site area of 1216 square metres.

The land currently accommodates two single storey maisonettes built by the South Australian Housing Trust in approximately 1948. Two driveways are located adjacent the northern and southern side boundaries which service the maisonettes.

The land maintains a minor gradient of approximately 0.75%, as the land falls from the front to the rear boundary by approximately 350 millimetres.

An *Agonis flexuosa* tree located in the front garden of the subject land is significant tree, but has been granted consent for removal in Development Application 100/2014/995.

Historically, the locality was predominated by dwellings owned by the South Australian Housing Trust. Throughout recent years, these properties have gradually been sold and redeveloped by private parties, which has produced a varied locality. A number of older maisonettes still remain the area, however the predominant dwelling type now tends toward new medium density housing. A number of privately owned detached dwellings, representative of the original housing stock, are also common in the locality.

Morphettville Racecourse is located approximately 60 metres west of the subject land, and Bray Street is located approximately 160 metres south of the land. The Northern Policy Area 13 commences approximately 30 metres south of the subject land (comprising the southern half of Hill Street).

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create six Community Title residential allotments. Three party wall easements are included on the plan of division, which relate to the party walls indicated on the associated application for three residential flat buildings on the subject land.

A greater level of detail regarding how the land will be developed is detailed in Development Application 100/2014/1187, which is to be considered by the Panel at the same time as the subject application.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

SA Water:	The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. For further processing of this application by SA Water to establish the full requirements and costs of this development the developer will need to advise SA Water of their preferred servicing option. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
DAC:	The Commission has no further comment to make on this application, however there may be local planning issues which Council should consider prior to making its decision.

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
Objectives <ol style="list-style-type: none"> 1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces. 		
Regeneration Policy Area 16		
Objectives <ol style="list-style-type: none"> 1 Integrated re-development of poor quality housing stock and under utilised land. 2 Improved quality of living environments. 3 Improved quality of housing. 4 Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation. 5 Improved environmental outcomes. 6 Increased dwelling densities and population. 7 More efficient use of land. 8 Improved community services and infrastructure. 9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces. 10 A smooth transition in the character and scale of development between this and adjoining residential policy areas. 11 Development that contributes to the desired character of the policy area. 		
Desired Character <p>...The desired character of the policy area is derived from high quality and distinctive living environments at a higher density compared to that typical of the original dwelling stock in the area. It will be characterised by integrated development at low-medium and medium densities, with a wide range of dwelling types to meet a variety of accommodation needs for public housing tenants and the private housing sector.</p> <p>Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and neighbouring amenity.</p> <p>Medium density development should predominate adjacent to public open space reserves, major transport routes, shops and community facilities, but can be dispersed throughout the area as part of major comprehensive redevelopment projects. Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger areas, a comprehensive scheme for the development of a range of dwelling types is desirable.</p> <p>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.</p>		
PDC 4	Minimum Site Area: <p>Residences 1, 2, 5 & 6 are two storey Residential Flat Buildings, requiring 200 m² average per dwelling</p> <p>Residences 3 & 4 are single-storey Group dwellings, requiring 250 m² per dwelling</p>	Does Not Comply <p>Residences 1, 2, 5 & 6 maintain an average site area of 162.5 m² per dwelling, excluding the common driveway.</p> <p>Residences 1 & 6: 178 m² Residences 2 & 5: 147 m²</p> <p>Does Not Comply Residence 3: 188 m² Residence 4: 188 m²</p>

		<i>Note: the total site area divided by 6 dwellings equals an average of 202.7 m² per dwelling, including the common driveway</i>
	<i>Minimum Frontage: 18 metres</i>	Complies 26.16 metres
	<i>Minimum Depth: 45 metres</i>	Complies 46.48 metres

Assessment

The subject land is located within walking distance of the Local Centre Zone, bus routes along Bray Street, and an open space reserve on Aldridge Avenue. Whilst the land is not located within 800 metres of a regional centre or adjacent to public open space (as desired by PDC 2), the land is nonetheless considered a suitable location for higher concentrations of dwellings, which is reflected in its zoning for "Regeneration". Given that the land is located in reasonable proximity to centres, public transport routes and public open spaces, it satisfies Objective 2 of the Residential Zone and Objective 9 of the Regeneration Policy Area 16 as warranting increased residential densities.

The essential nature of the proposal satisfies Objectives 1, 2, 3, 6 and 7 of the Policy Area given that it shall result in increased density and more efficient use of under-utilised land, with improved quality of housing.

The proposed site areas fall significantly short of the minimum prescribed for residential flat dwellings in the Policy Area. Please refer to the associated report for Development Application 100/2014/1187 for more discussion regarding this matter.

On balance, the proposal is considered to adequately comply with the applicable criteria of the Regeneration Policy Area 16.

GENERAL SECTION: LAND DIVISION

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

Land Division	
Objectives <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i>	Complies The proposed land division should be able to utilise existing infrastructure and facilities (see referral comments from SA Water).
<i>2 Land division that creates allotments appropriate for the intended use.</i>	Complies Although the proposed allotment areas are undersized, Development Application 100/2014/1187 demonstrates that the allotments are appropriate for the intended use.

<p>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</p>	<p>Complies The site is located such that it is adequately integrated with existing infrastructure.</p>
<p>Principles of Development Control</p> <p>1 When land is divided:</p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	<p>Complies</p> <p>a) The Siteworks & Drainage Plan submitted in Development Application 100/2014/1187 demonstrates that stormwater is capable of being drained safely and efficiently from each proposed allotment</p> <p>b) Water supply will be made available for each allotment (see recommended Conditions of Land Division Consent)</p> <p>c) Disposal of wastewater, sewerage and effluent can be achieved.</p> <p>d) The proposed common driveway is adequately graded to connect to the public road.</p>
<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Complies</p> <p>a) The allotments are of a shape, size, location and slope to be suitable for the intended use, as demonstrated in Development Application 100/2014/1187.</p> <p>b) The allotments have access to a public road via an internal roadway in a plan of community division.</p> <p>c) The intended use of the land is unlikely to require excessive cut/fill</p> <p>d) The division is unlikely to lead to erosion</p> <p>e) The area is sewered</p> <p>f) The intended land use is considered to be complementary with the zone objectives</p> <p>g) The allotments contained within the Regeneration Policy Area 16</p>
<p>Design and Layout</p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Complies The proposed allotments have a depth no greater than four times their width.</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies The allotments have an orientation, size and configuration that minimises the need for earthworks, provides for appropriate stormwater disposal to the street, enables dwellings to face the street and does not require the removal of native vegetation. The associated dwelling application demonstrates that the dwelling will not unreasonably overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>

<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p>Partially Complies Lots 3-6 provide for efficient access to winter sunlight. However, solar access to Lots 1 and 2 is limited due to the orientation of the proposed two-storey dwellings, as proposed in Development Application 100/2014/1187. The DAP report for this application considers this issue in greater detail, and concludes that, on balance, this shortfall does not warrant refusal of the application.</p>
<p>Roads and Access</p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i> <i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i> <i>(b) the availability and frequency of public and community transport</i> <i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p>	<p>Complies Two on-street car visitor car parks are provided for the proposed six allotments. The associated dwelling application provides on-site car parking spaces which exceed minimum criteria by 1 space. As such, a total of 3 visitor spaces are provided for the 6 allotments, which satisfies PDC 22.</p>

ANALYSIS/CONCLUSION

The proposed division of land reflects the type of infill development and higher densities anticipated in the Regeneration Policy Area 16. This being said, all proposed allotments maintain significant shortfalls in site areas. Despite the undersized nature of the allotments, the associated dwelling application (100/2014/1187) demonstrates that the allotments are suitable for their intended purpose, as the dwellings comply with a majority of applicable design criteria.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/2106 for a Community Title Land Division - 1 into 6 allotments at 1-3 Hill Street, Plympton Park, be GRANTED subject to the following conditions:**

CONDITIONS

Development Plan Consent

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/2106, except when varied by the following conditions of consent.**
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 3. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

Land Division Consent

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

For further processing of this application by SA Water to establish the full requirements and costs of this development the developer will need to advise SA Water of their preferred servicing option. Information of our servicing options can be found at:

<http://www.sawater.com.au/SAWater/DevelopersBuilders/ServicesForDevelopers/Customer+Connections+Centre.htm>. For further information or queries please contact SA Water Land Developments on 7424 1119.

2. The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.
3. Payment of \$32440 into the Planning and Development Fund (5 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
4. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. This approval has been granted on the basis of the suitability of the land for residential flat dwellings, as demonstrated in Development Application No: 100/2014/1187. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for residential flat dwellings) and other dwelling layouts may not be suitable for the proposed allotments.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.4
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Park Holme Properties Pty Ltd
Development Description:	To construct two (2) two-storey residential flat buildings, each comprising two dwellings, and a single-storey residential flat building comprising two dwellings, all with associated car parking and landscaping
Site Location:	1-3 Hill Street, Plympton Park
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 3 / Consent
Lodgement Date:	09/07/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1187
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 3 Consent form of development by virtue of Section 38 of the Development Act 1993, which prescribes any development that is not minor in nature and that is not assigned to Category 1 or 2 by the Development Regulations 2008 or the Development Plan will be taken to be a Category 3 development.

The development is not prescribed as Category 2 development pursuant to Schedule 9 Part 2 (18)(a), which refers to “a building of 2 storeys comprising dwellings”, given that the application involves two buildings that are 2 storeys comprising dwellings.

This categorisation is consistent with the judgement of *Cheesman & Anor v the Corporation of the Town of Walkerville & Anor* (2012) SAERDC 59, in which His Honour Judge Costello observed that:

“The legislature intended to differentiate between the singular and the plural. The Schedule makes reference, for example, to a “building” with respect to various forms of development. In other parts of the Schedule reference is made to “dwellings”. In sub-clause 18(a) itself the Schedule refers to “building” in the singular and “dwelling” in the plural.”

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed Residences 3 and 4 supporting an allotment area less than the minimum of 250 square metres required for single storey residential flat dwellings within the Regeneration Policy Area 16. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Minimum front setback of 5.0 metres should be provided.	Front setback increased from 4.0 to 5.0 metres
The floor area ratio of Residences 1, 2, 5 and 6 should not exceed 0.7.	Floor area ratio reduced from 0.8 to 0.75.
The private open space areas of Residences 1 and 2 would be overshadowed by the upper storey of the dwellings in winter months. These POS areas should receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June.	Applicant provided amended plans illustrating POS "courtyard" forward of Residences 1 and 2, which was not supported by Council staff. Applicant also provided a second option which separated Residences 1 and 2 to provide west-facing POS to both dwellings. However, this resulted in non-compliances in southern side setback, greater shortfall in site area (as Residence 1 became a detached dwelling) and Residence 2 comprising a two-storey dwelling on battleaxe allotment. Accordingly, the original dwelling form and orientation was maintained.
Site coverage of Residences 3 and 4 should not exceed 45% of the site area.	Site coverage decreased from 59.8% to 56.9%.
Residences 3 and 4 should be set back from the rear boundary by a minimum of 6 metres.	Rear setback increased by 1.0 metre (from 3.0-4.0 to 3.5-4.5 metres).
The dwellings should each provide a minimum 40 square metres of POS, which equals 20% of the minimum site area required for 2 storey residential flat dwellings.	POS areas increased to 39.4 – 41.4 square metres.
The crossover to the central driveway should not exceed 5 metres in width, while the two single driveways should not exceed 3 metres in width. Driveway crossovers should be separated by a distance of 6 metres to provide on-street car parking spaces	Crossover width reduced and separated accordingly.
The common driveway requires a width of only 4.5m for first 6 metres and 3 metres thereafter, but with 0.8 metre width landscaping strips along both sides of the driveway.	Driveway width decreased to satisfy minimum criteria, and thereby increasing POS areas to Residences 1, 2, 5 and 6. Landscaping strip width of 0.6 metres maintained.

SUBJECT LAND & LOCALITY

The subject land is located at 1-3 Hill Street, Plympton Park, which comprises allotment 491 in DP 6055. The allotment is rectangular with a width of 26.16 metres, depth of 46.48 metres, and total site area of 1216 square metres.

The land currently accommodates two single storey maisonettes built by the South Australian Housing Trust in approximately 1948. Two driveways are located adjacent the northern and southern side boundaries which service the maisonettes.

The land maintains a minor gradient of approximately 0.75%, as the land falls from the front to the rear boundary by approximately 350 millimetres.

An *Agonis flexuosa* tree located in the front garden of the subject land is significant tree, but has been granted consent for removal in Development Application 100/2014/995.

Historically, the locality was predominated by dwellings owned by the South Australian Housing Trust. Throughout recent years, these properties have gradually been sold and redeveloped by private parties, which has produced a varied locality. A number of older maisonettes still remain in the area, however new low-to-medium density housing is now a common dwelling type in the locality. A number of privately owned detached dwellings, representative of the original housing stock, are also evident in the locality.

Morphettville Racecourse is located approximately 60 metres west of the subject land, and Bray Street is located approximately 160 metres south of the land. The Northern Policy Area 13 commences approximately 30 metres south of the subject land (comprising the southern portion of Hill Street).

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes to construct six dwellings on the subject land, in the form of residential flat buildings. The four dwellings at the front of the site (Residences 1, 2, 5 and 6) are two storey, while Residences 3 and 4 at the rear of the site are single storey.

Residences 1, 2, 5 and 6 all feature open-plan living areas, toilet and laundry on the ground floor, and three bedrooms (main with ensuite) and bathroom on the upper floor.

Residences 3 and 4 feature two bedrooms (main with ensuite), open-plan living area, bathroom and laundry.

All dwellings provide an attached single-width carport. The carports to Residences 1 and 6 are located abutting the existing northern and southern side boundaries, which shall obtain access from the existing vehicle crossovers on Hill Street. A crossover servicing the common driveway is proposed at the centre of the site which services Residences 2, 3, 4 and 5.

The application proposes minor fill toward the rear of the site. The proposed bench level approximately aligns with existing ground level at the front of the property, but increases to a maximum of 450 millimetres above existing ground level in the north-western corner of the land. As such, retaining walls are proposed along the northern side and western rear boundary to a maximum height of 450 millimetres.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	10 properties were notified during the Category 3 public notification process.
Representations:	No representations were received by Council within the legislated timeframe. 1 late representation was received against the application.

INTERNAL DEPARTMENT COMMENTS

Engineering:	Vehicle manoeuvring areas are satisfactory. Stormwater drainage system is satisfactory.
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ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>student accommodation</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p> <p>Proposal incorporates dwellings in the form of residential flat buildings</p>
<i>PDC 2</i>	<p><i>Residential development should include higher concentrations of dwellings in suitable locations, in particular:</i></p> <p><i>(a) within 400 metres walking distance of a neighbourhood, district or local centre</i></p> <p><i>(b) within 800 metres walking distance of a regional centre</i></p> <p><i>(c) close to public transport or major employment nodes</i></p> <p><i>(d) adjacent to public open space.</i></p>	<p>Complies</p> <p>(a) The subject land is located approximately 200 metres walking distance from the Local Centre Zone on Bray Street (accommodating hair dresser, take-away restaurants, deli, Australia Post, etc.)</p> <p>Partially Complies</p> <p>(c) The subject land is located approximately 200 metres walking distance from bus stops on Bray Street, and therefore can be seen to be “close to public transport”, but not major employment nodes.</p> <p>Does Not Comply</p> <p>(b) The subject land is not located within 800 metres of a regional centre</p> <p>(d) The subject land is located approximately 225 metres from the nearest public open space (Council reserve on Aldridge Avenue), and therefore is not “adjacent to” public open space.</p>
<i>PDC 4</i>	<p>Minimum Site Area:</p> <p><i>Residences 1, 2, 5 & 6 are two storey residential flat buildings, requiring 200 m² average per dwelling</i></p> <p><i>Residences 3 & 4 comprise a single-storey residential flat building, requiring 250 m² per dwelling</i></p>	<p>Does Not Comply</p> <p>Residences 1, 2, 5 & 6 maintain an average site area of 162.5 m² per dwelling, excluding the common driveway.</p> <p>Residences 1 & 6: 178 m² Residences 2 & 5: 147 m²</p> <p>Does Not Comply</p> <p>Residence 3: 188 m² Residence 4: 188 m²</p> <p><i>Note: the total site area divided by 6 dwellings equals an average of 202.7 m² per dwelling, including the common driveway</i></p>
	<i>Minimum Frontage: 18 metres</i>	<p>Complies</p> <p>26.16 metres</p>
	<i>Minimum Depth: 45 metres</i>	<p>Complies</p> <p>46.48 metres</p>

Assessment

The subject land is located within walking distance of the Local Centre Zone, bus routes along Bray Street, and an open space reserve on Aldridge Avenue. Whilst the land is not located within 800 metres of a regional centre or adjacent to public open space (as desired by PDC 2), the land is nonetheless considered a suitable location for higher concentrations of dwellings, which is reflected in its zoning for “Regeneration”. Given that the land is located in reasonable proximity to centres, public transport routes and public open spaces, it satisfies Objective 2 of the Residential Zone and Objective 9 of the Regeneration Policy Area 16 as warranting increased residential densities.

The essential nature of the proposal satisfies Objectives 1, 2, 3, 6 and 7 of the Policy Area given that it shall result in increased density and more efficient use of under-utilised land, with improved quality of housing.

The proposed two storey and single storey residential flat buildings are forms of development envisaged by Principle 1 and the Desired Character of the Policy Area. Whilst three storey dwellings are also anticipated, the two storey built form provides appropriate transition toward the Northern Policy Area 13 (located to the south of the land), in accordance with Objective 10.

The Desired Character encourages a wide range of dwelling types to meet a variety of accommodation needs. The proposal incorporates a mixture of three bedroom and two bedroom dwelling options, in addition to two storey and single storey forms, which should cater for different household types.

On balance, the proposal is considered to adequately comply with the applicable criteria of the Regeneration Policy Area 16.

Site Areas

The average site area of Residences 1, 2, 5 and 6 equals 162.5 square metres, where a minimum site area of 200 square metres should be provided for two-storey residential flat dwellings. This represents a deficiency of 37.5 square metres per dwelling, or 18.8% below the minimum requirement. Despite this considerable shortfall, it is noted that this site area would satisfy that required for three-storey residential flat dwellings. The fact that the dwellings are two-storey, despite not meeting density guidelines, results in lesser impacts on adjoining land. Given that the dwellings generally comply with design criteria, the fact that they are two-storey instead of three-storey should not cause the density to be inappropriate.

The site area of Residences 3 and 4 fall short of criteria at 188 square metres, where 250 square metres is prescribed for single storey residential flat dwellings. This equals a shortfall of 62 square metres per dwelling, or 24.8% less than the minimum.

While the individual site area of each dwelling falls substantially short of the prescribed minimum, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the overall average site area per dwelling would equal 202.7 square metres per dwelling. This overall density satisfies that required for two-storey group or residential flat dwellings, and substantially exceeds the minimum site area for row dwellings (170 square metres) or three storey residential flat dwellings (150 square metres) in the Policy Area. Accordingly, the overall residential density proposed is not fundamentally contradictory to that anticipated within the Policy Area.

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

These considerations suggest that the shortfalls in site areas are not fatal to the merit of the subject application. However, it is also important to consider whether the shortfalls in site areas

have resulted in other design shortfalls. The design and form of the dwellings is assessed in the following section 'Development Assessment'.

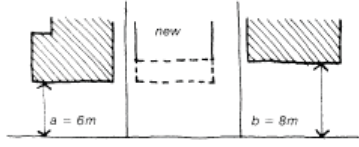
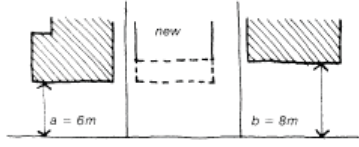
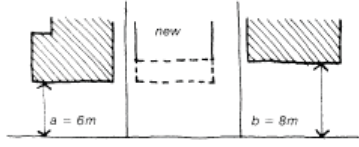
DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p>Maximum site coverage:</p> <p>Site area less than 220 m²: 80 m² or 45% (whichever is the greater)</p> <p>80 m² is applicable for Res 1, 2, 5 & 6 45% is applicable for Res 3 & 4</p> <p>Regeneration Policy Area 16: PDC 5</p>	<p>Complies Residences 1 & 6: 75 m² = 46.2% Residences 2 & 5: 77.4 m² = 47.6%</p> <p>Does Not Comply Residences 3 & 4: 107 m² = 56.9%</p>
<p>Maximum floor area ratio:</p> <p>Site area less than 270 m²: 0.7</p> <p>Regeneration Policy Area 16: PDC 5</p>	<p>Does Not Comply Residences 1 & 6: 121.5 = 0.75 Residences 2 & 5: 121.5 = 0.75</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (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 <p>General Section: Residential Development: PDC 13</p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
Private Open Space	
<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</p> <ul style="list-style-type: none"> (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. 	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from the living area of the associated dwelling b) All POS is located at ground level (as the balconies on Residences 1 and 6 are of insufficient width to be classified as POS) c) The subject land does not maintain natural features which require preservation d) The POS areas should not be overlooked by adjacent buildings given that the proposed two-storey dwellings feature obscure glazing on upper level windows on the side and rear elevations e) POS areas are not located next to bedrooms of dwellings on adjacent sites h) POS areas are capable of being shaded during summer i) Traffic, industry or other business should not affect the subject land j) The POS areas are considered to have sufficient shape and area to be functional.

<p><i>General Section: Residential Development: PDC 15</i></p>	<p>Partially Complies</p> <p>f) g) Residences 4, 5, and 6 feature POS with a northerly aspect to provide for comfortable year round use. Residence 3 features west-facing POS, which should still receive some northern winter sunlight. However, Residences 1 and 2 feature south-facing POS, which is likely to be significantly shaded during winter by the associated dwelling.</p>						
<p>Site area less than 250 m²: 20% of the site area or 35 m², whichever is the greater</p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Residences 1 & 6: 39.4 m² = 24.2% All POS is directly accessible from a living room with a minimum dimension of 4.9 metres and negligible gradient</p> <p>Residences 2 & 5: 39.8 m² = 24.5% All POS is directly accessible from a living room with a minimum dimension of 4.0 metres and negligible gradient</p> <p>Residences 3 & 4: 41.4 m² = 22.0% All POS is directly accessible from a living room with a minimum dimension of 4.5 metres and negligible gradient</p>						
<p>Street Setbacks</p>							
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</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 setback of 5.0 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 $b \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b \leq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Partially Complies</p> <p>Residence 1 & 6: 5.0 metres</p> <p><i>(Dwellings on adjoining land set back approximately 7 and 12 metres, which equals an average setback of 9.5 metres)</i></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 Regeneration Policy Area 16 implicates regeneration of the existing dwelling stock, PDC 25 is not considered to be applicable 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 $b \leq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						

<p><i>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Residence 1 & 6: 5.0 metres</p> <p>Although an established streetscape exists, the subject locality is targeted for redevelopment as per the objectives, desired character and principles of the Regeneration Policy Area 16.</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> <i>(a) 3 metres if adjacent southern boundary</i> <i>(b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Residences 3 & 4: 1.0 m <i>Note: 2.75 metre wall height</i></p> <p>Residences 1 & 6: minimum setback 3.0 metres Residences 2 & 5: minimum setback 3.7 metres <i>Note: 5.75 metre wall height</i></p>
Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Residences 3 & 4: 3.5 metres (40.2% of lot width) and 4.5 metres</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Does Not Comply Residences 3 & 4: 3.5 metres (40.2% of lot width) and 4.5 metres</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> <i>(i) 2 storeys of not more than 9 metres</i> <i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Residences 1, 2, 5 & 6: 2 storeys of not more than 7.2 metres</p>
Garages, Carports and Outbuildings	
<p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies Residences 1 & 6: Carports set back 5.5 metres and 0.5 metres behind the main face of the dwelling</p>

<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>3.0 metre wide carports face street, comprising 23% of allotment width</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>Carports incorporate roof form, materials and detailing which complements the associated dwelling</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC 11</i></p>	<p>Complies</p> <p>i) Proposed carports comprise the only relevant structures located on the site boundaries.</p> <p>ii) Open carports located on boundaries incorporate lengths of 5.5 metres on the southern and northern side boundaries, and 6.0 metres on the rear boundary.</p> <p>Does Not Comply</p> <p>iii) Carports incorporate wall height of 2.85 – 2.95 metres</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>Complies</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>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>Complies</p> <p>Each dwelling provides one carport space and one open visitor space, which equals a total of 12 on-site parking spaces.</p> <p><i>Note: 1.5 resident spaces x 6 dwellings = 9 Plus 2 visitor spaces required for 6 dwellings = 11 on-site spaces required</i></p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) sufficient car parking is provided for the number, nature and size of the proposed dwellings</p> <p>b) centre facilities in the Local Centre Zone are located in walking distance of the dwellings, as well as bus routes along Bray Street</p> <p>c) likely occupants are anticipated to have standard mobility and transport requirements</p> <p>d) e) 2 on-street parks remain available adjacent the subject land</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be</i></p>	<p>Complies</p>

<p>of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>					<p>Council's Development Engineer has confirmed that the development provides adequate space for vehicles to manoeuvre between the street and parking area.</p>
<p>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>					<p>Complies</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>					<p>Complies</p> <p>Two on-street parks are provided, which would cater for 4 allotments. The additional 2 proposed allotments are provided with an extra on-site visitor parking space, as identified above in PDC 7.</p>
Access					
<p>The width of driveway crossovers should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>					<p>Complies</p> <p>Proposal incorporates two 3 metre wide crossovers to Residences 1 and 6, and a 4.5 metre wide crossover for the common driveway.</p>
<p>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</p> <p>General Section: Residential Development: PDC 40</p>					<p>Partially Complies</p> <p>Residences 1 and 6 are proposed to utilise existing vehicle crossovers, and therefore their proximity less than 1 metre from existing stobie poles cannot be considered a shortfall of the subject application.</p> <p>The proposed vehicle crossover servicing Residences 2-5 does not interfere with existing street infrastructure.</p>
<p>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</p> <p>General Section: Transportation and Access: PDC 28</p>					<p>Complies</p> <p>Three vehicle access points are proposed over two existing allotments. The access points are separated by 6.45 and 7.2 metres.</p>
<p>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</p>					<p>Complies</p> <p>4.5 metre wide driveway for first 6 metres, 3.0 metres thereafter. Driveway widens after 24.25 metres for passing.</p> <p>Does Not Comply</p> <p>Landscaping strips of 0.6 provided on both side of driveway</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	
4-7	4.5	3	Widen to 5 metres at a	0.8	

			point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter		
General Section: Residential Development: PDC 41					
Design & Appearance					
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) <i>building height, mass and proportion</i></p> <p>(b) <i>external materials, patterns, colours and decorative elements</i></p> <p>(c) <i>roof form and pitch</i></p> <p>(d) <i>façade articulation and detailing</i></p> <p>(e) <i>verandas, eaves, parapets and window screens.</i></p> <p>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p> <p><i>Balconies should:</i></p> <p>(a) <i>be integrated with the overall form and detail of the building</i></p> <p>(b) <i>include balustrade detailing that enables line of sight to the street</i></p> <p>(c) <i>be recessed where wind would otherwise make the space unusable.</i></p> <p>General Section: Design & Appearance: PDC 5</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 17</p>			<p>Complies</p> <p>The front façades of Residences 1 and 6 incorporate a contemporary design, with the building height, mass and proportion minimised via the following elements:</p> <ul style="list-style-type: none"> • Mixture of brick, horizontal cladding and render on the front façade • Protruding portico, balcony and cantilevered window awnings • Eave overhang and pitched roof form at 20 degree slope • Fenestration <p>The balconies are integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</p> <p>The side elevations of the buildings feature a mixture of render and horizontal cladding.</p> <p>Residences 3 & 4 incorporate a 20 degree Colorbond roof in Charcoal Grey, with rendered facades.</p> <p>The garage of each dwelling features Off White Colorbond Panel lift door.</p> <p>A colour elevation plan is featured in Attachment III.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>		
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design & Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 18</p> <p><i>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>Complies</p> <p>Residences 1 and 6 are designed so that their main facade faces the primary street frontage, presenting an entrance door and portico to the street.</p>		

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Partially Complies

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate that the dwellings will result in overshadowing of the POS of Residences 1 and 2 in winter solstice. However, arguably this overshadowing would not affect compliance with PDC 9 or 10 given that these principles refer to "adjacent dwellings", "existing dwellings" and "existing buildings". Given that the dwellings cast shadow over their own POS, this is not a distinct non-compliance. However, it is noted that the orientation of POS does not satisfy the relevant aspects of Private Open Space criteria, identified above.

Complies

The shadow diagrams illustrate that shadow will be cast into the POS of the southern adjoining property (5 Hill Street) at 9am in winter solstice. However, this shadow will have dispersed by 12 noon so that all POS will be available to winter sunlight from mid-afternoon onwards, and overshadowing will be limited to the carport, driveway and front garden of this property. Accordingly, the extent of overshadowing accords with PDC 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

Residences 1, 2, 5 and 6 incorporate obscure glazing to 1.7 metres above floor level for windows on the outer side elevations. Upper storey windows on the front elevation and side elevations which face the internal driveway remain unobscured to provide surveillance to the street and common areas within the site, and therefore should not result in overlooking of habitable areas.

The balcony on the front façade of Residences 1 and 6 are oriented to obtain views of the streetscape.

The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, while still providing outlook to the public realm.

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

General Section: Design & Appearance: PDC 14

Complies

Residences 3 and 4 are located on battleaxe allotments and are single storey and maintain the privacy of adjoining residential properties.

Partially Complies

Residences 2 and 5 are two-storey, with each dwelling and their associated allotment sited on a battleaxe allotment "or the like".

However, it is unclear whether this principle is applicable to these dwellings given that the principle refers to "buildings on battleaxe allotments". Residences 1 and 2 comprise a

	<p>single building, and given that Residence 1 maintains a frontage to a public road, the building itself is not located on a battleaxe allotment. The same situation is applicable to Residences 5 and 6.</p> <p>Despite this ambiguity, Residences 2 and 5 satisfy the second part of this principle, in that they have been “<i>designed to maintain the privacy of adjoining residential properties</i>” via appropriate privacy treatments (as identified in the above section).</p> <p>Accordingly, the proposal is considered to adequately accord with PDC 14.</p>
Noise	
<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>General Section: Residential Development: PDC 29</p>	<p>Complies</p> <p>Residences 1, 2, 5 and 6 incorporate bedrooms on the upper floor, which achieves adequate separation from common areas and the vehicle access way.</p> <p>Residences 3 and 4 incorporate the master bedroom window facing its associated POS, and the Bed 2 window facing its visitor parking space. This orientation is considered adequate, as the Bed 2 window is oriented away from the common vehicle manoeuvring areas.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p>General Section: Residential Development: PDC 30</p>	<p>Partially Complies</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 access to its rear garden and therefore bins could be efficiently stored in each dwelling.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p>General Section: Energy Efficiency: PDC 1</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>General Section: Energy Efficiency: PDC 2</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>General Section: Energy Efficiency: PDC 3</p>	<p>Partially Complies</p> <p>Residences 5 and 6 are oriented so that their open spaces and main activity areas face north for exposure to winter sun.</p> <p>The main activity areas of Residences 3 and 4 are oriented west, which should nonetheless receive some northern winter sunlight.</p> <p>Residences 1 and 2 do not feature any north-facing living area windows, and POS maintains a southern orientation. Accordingly, the energy efficiency of these two dwellings is poor.</p> <p>This shortfall is noted and considered on balance in the overall merit of the proposal.</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>Complies</p> <p>The dwellings incorporate a hipped roof form set at 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p>	<p>Complies</p> <p>An Ornamental Pear tree will be planted forward of Residences 1 and 6, with Lilly Pilly plantings lining the front and rear boundary. Mexican Orange Blossom shrubs line the sides of the common driveway, while Tall Grasses are proposed along the side boundaries of the residential flat buildings.</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"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 450 millimetres in the north-western corner of the site. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.25 metres. This fencing/retaining height is considered necessary to provide a level development site and maintain privacy and security, and should not unreasonably affect the visual amenity or access to sunlight of adjoining land.</p>

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 of Residences 3 & 4 equals 56.9%, where a maximum of 45% applies**

Although the site coverage of Residences 3 and 4 exceeds criteria, it is noted that the total site coverage of the overall site area equals 42.7%. This overall proportion of roofed area is considered reasonable, as between 40-45% site coverage is anticipated in the Regeneration Policy Area 16. Additionally, the proposed dwellings provide setbacks from boundaries and areas of private open space (POS) which generally comply with Development Plan criteria.

Consequently, the excess in built form should not detract from the functionality of the development or adversely impact upon the amenity of adjoining land.

- **Floor area ratio of Residences 1, 2, 5 & 6 equals 0.75, where a maximum of 0.7 applies**

The combined area of the lower and upper floor areas of the two-storey dwellings exceeds the floor area ratio guideline by 0.05, which equates to 8.1 square metres per dwelling. This excess in floor area does not compromise the ability to provide sufficient setbacks from front and side boundaries, and all dwellings provide sufficient POS. As such, the excess in floor area is not considered to detract from the merit of the proposal.

- **The POS of Residences 1 & 2 are south-facing and therefore significantly overshadowed by the proposed building in winter**

The POS of Residences 1 and 2 will be shadowed in winter months, resulting in poor solar access and lack of passive thermal comfort. This being said, the remaining four dwellings provide POS with access to northern sunlight. Furthermore, all dwellings provide a hipped roof with a north-facing section to facilitate the efficient siting of solar collectors. Therefore, although the solar access of these two dwellings is not ideal, the proposal achieves a sufficient level of compliance with Energy Efficiency guidelines.

- **Rear setback of Residences 3 & 4: 4.5 metres, where 6 metres applies**

The single-storey Residences 3 and 4 are set back between 3.5 to 4.5 metres from the rear boundary (4.0 metres average), where this staggered setback should be 3.0 to 6.0 metres (4.5 metres average). This average discrepancy of 0.5 metres should result in relatively minor visual and overshadowing impacts upon adjacent land, particularly given that the dwellings are single-storey.

- **Carports incorporate wall height of 2.85-2.95 metres on the boundary, where a maximum height of 2.4 metres is prescribed**

Although the Development Plan recommends a maximum gutter height of 2.4 metres where carports are located on the boundary, Schedule 1A of the Development Regulations 2008 permits carports to be constructed without requiring Development Plan Consent with a wall height of 3.0 metres where located on the boundary. As such, this provision of the Development Plan is irrelevant as a result of current standards for “as of right” development.

- **Landscaping strips of 0.6 provided on both sides of driveway, where 0.8 metres applies.**

The 0.2 metre shortfall in landscaping strip width is not ideal, but should not result in perceptible impacts to the subject land or locality. The 0.6 metre width should nonetheless enhance and define the driveway and parking areas, and therefore this shortfall alone does not jeopardise the merit of the proposal. It is noted that the driveway maintains sufficient width for manoeuvring and landscaping is provided in the front garden of Residences 1 and 6 to enhance streetscape presentation.

ANALYSIS/CONCLUSION

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Regeneration Policy Area 16, as it achieves an increase in dwelling densities, more efficient use of under-utilised land and further diversity in dwelling types.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical shortfalls, the most significant involving site areas. Whilst the individual site areas fall short of the minimum prescribed by the Development Plan, the overall density of the site remains in accordance with the “medium” level of density envisaged in Policy Area 16.

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

The proposal generally accords with applicable qualitative criteria, including visual privacy, overshadowing and design/appearance. However, in relation to energy efficiency, the main activity areas and POS of Residences 1 and 2 will be substantially overshadowed by the associated dwelling in winter months. Whilst this solar orientation is undesirable, the remaining dwellings should retain adequate access to winter sunlight, and the proposed roof pitches facilitate the efficient siting of solar collectors. Consequently, a majority of the proposal accords with Energy Efficiency principles.

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

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

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: 100/2014/1187 for two, two storey residential flat buildings, each comprising two dwellings and a single storey residential flat building, comprising two dwellings, all with associated car parking and landscaping, at 1-3 Hill Street, Plympton Park, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1187, except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 3. The portion of the upper floor windows on the southern side elevation of Residences 1 and 2 and the northern side elevation of Residences 5 and 6 less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
- 4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 10 December 2014

APPLICATION

Agenda Ref No:	DAP101214-3.5
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Woolcock Construction
Development Description:	Demolition of existing storage shed and construction of a 495 square metre building, incorporating a 6m wall height, for the purposes of winery storage, and additional landscaping
Site Location:	13-23 Clacton Road Dover Gardens
Zone:	Industry Zone
Policy Area:	Winery Policy Area 8
Application Type:	Category 2 / Consent
Lodgement Date:	22/07/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1258
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008 which, pursuant to Part 6 (1) (b) of this schedule, assigns the construction of a store on land located in an Industry Zone, where the site is adjacent land to land in a zone which is different to the zone that applies to the site of the development, as Category 2 development.

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

BACKGROUND

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

Amendments Requested	Amendments Made
Increase setback to as far as practicable to allow sufficient space for landscaping and to minimise visual impact of structure on Clacton Road.	Setback increased from 5m to 9m
Incorporate landscaping to adequately screen the structure	Landscaping provided in the form of Photinia Robusta to be placed between the existing Melaleuca trees.

SUBJECT LAND & LOCALITY

The subject site is located at the address 13-23 Clacton Road, Dover Gardens. The site is located over 6 allotments, bound by Clacton Road to the north, Yarmouth Street to the west, Dover Court to the south and the Scarborough Terrace Reserve to the east. The total site maintains a width (east to west) of 140.82m and a depth (north to south) of 127.1m, thereby comprising a total site area of approximately 17898m².

The site incorporates an existing land use which comprises the production, promotion, sale and storage of wine. The main building, located centrally on the site includes a cellar door with associated administration areas, cellars and a laboratory. Attached to the main building is a workshop, bottling plant and warehouse. A 'care taker's residence' presents to the Clacton Road frontage. The site also contains several tank facilities outside of storage areas for the wine distilling process and 3 large water tanks are situated along the north-west corner of the site.

There are two access points to the site, one on Clacton Road, mainly used for visitors to the site and one located on Yarmouth Street, which is used primarily for truck access.

The site is surrounded by residential uses, with the exception of the adjoining reserve. The locality is predominantly single storey detached and semi-detached dwellings interspersed with two storey dwellings, mainly in the form of row dwellings. The surrounding area is undergoing substantial redevelopment with increasing densities, particularly east of the site on the northern side of Clacton Road which is zoned in the Medium Density Policy Area.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to demolish the existing storage shed that is currently located to the west of the main building and construct a 495m² storage shed to be located further toward the north-west corner of the site.

The building will have a width of 16.5m and a depth 30m and maintain a wall height of 6m. A 5 degree roof pitch brings the total height of the building to the ridge to 6.8m.

The structure is proposed to be clad in colorbond with a green finish. The eastern side of the building will incorporate two roller doors, two access doors and verandah over for the entire length.

The existing landscaping along the northern and western boundaries will be maintained. Additional landscaping will be added to the area to complement and screen the proposed building.

The existing access of the site is not proposed to change.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	32 properties were notified during the Category 2 public notification process.
Representations:	4 representations were received by Council John Patriitti – In favour of the application R and S Gackle – In favour subject to certain provisions being met N and K Bond – Against the application D Sterk – Against the application
Persons wishing to be heard:	D Sterk has indicated a desire to be heard personally by the Development Assessment Panel
Summary of representations:	<ul style="list-style-type: none"> • As long as there is no vehicle access onto Yarmouth Street. • Would like to see Yarmouth Street fencing and footpath upgraded. • The 6m height is significantly higher than existing sheds and will be particularly visible from Clacton Road. • Will have a negative impact on the view from the houses opposite Clacton Road. • The building will tower over all other dwellings the surrounding streets and is unlikely to blend in with the other properties, creating an eyesore. • Concerned about the additional noise from trucks as site plan shows the ability for multiple trucks to enter and exit. • Concerned about the noise impacts of the trucks upon the adjoining residential land. • All streets surrounding the winery are residential, which means everyone in the surrounding streets will be affected. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The proposed building has been moved as far away as practically possible from the Clacton Road boundary to reduce the possibility of creating a 'negative impact' for nearby residents. • The relocation is limited to the turning paths required for heavy vehicle manoeuvring. • New landscaping has been nominated and has been designed to screen the scale of the new shed from the streetscape. • The number and frequency of heavy vehicles using the site will be reduced as Patriitti will have site storage. • This will enable the consolidation of their on-site storage reducing the off-site deliveries, which in turn,

	<p>will reduce the number and frequency of heavy vehicles.</p> <ul style="list-style-type: none"> • The additions proposed improve the functionality of the site, meeting the objectives of Council's Development Plan and ensuring the continued operation of the site while adequately addressing the interface with adjoining residential neighbours. • It is our respectful submission that the matters raised by the representations are suitably addressed by the proposed development in its amended form and warrants the support of the Development Assessment Panel and granting of Development Plan Consent.
	<i>Refer Attachment V</i>

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Industry Zone and Winery Policy Area 8 are listed in the following table and discussed in further detail below:

Industry		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	Complies
<i>PDC 1</i>	<p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ <i>industry</i> ▪ <i>transport distribution</i> ▪ <i>warehouse.</i> 	<p>Complies</p> <p>The proposed development comprises a storage facility for barrels of wine undertaking the aging process.</p>
<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate</i>	<p>Complies</p> <p>The development is not a non-complying development.</p>
<i>PDC 3</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the zone.</i>	See discussion under "Winery Policy Area 8".
<i>PDC 4</i>	<p><i>In areas where a uniform street setback pattern has not been established, buildings should be setback in accordance with the following criteria (subject to adequate provision of car parking spaces and landscaping between buildings and the road):</i></p> <p><i>(a) buildings up to a height of 6 metres should be sited at least 8 metres from the primary street alignment</i></p> <p><i>(b) buildings exceeding a height of 6 metres should be sited at least 10 metres from the primary street alignment</i></p> <p><i>(c) where an allotment has two street frontages, no building should be erected within 3 metres of the secondary street alignment.</i></p>	<p>Does not comply</p> <p>(a) and (b) The total building height is 6.8m at the top of the gable however the wall height does not exceed 6m.</p> <p>The proposed setback at 9m is reasonable given that the building only slightly exceeds 6m.</p> <p>Complies</p> <p>(c) Building is setback 21m from secondary street boundary.</p>
<i>PDC 5</i>	<i>Building facades facing land zoned for residential purposes should not contain openings or entrance ways that would result in the transmission of noise that would adversely affect the residential amenity.</i>	<p>Complies</p> <p>The openings of the building will not face the residential zone but will face internally within the site.</p>

PDC 6	<i>Any external plant and equipment (including a chimney stack or air-conditioning plant) should be sited as far as possible from adjoining non-industrially zoned allotments, and should be designed to minimise its effect on the amenity of the locality.</i>	Complies There has been no detail provided to suggest that plant equipment will be installed within or externally of the building. However, with the nearest residential property being located approximately 20m away from the building, I would be satisfied that there would be sufficient separation to accommodate air conditioning units or the like. The installation of larger plant equipment is likely to require an application to change the use of the building.
PDC 7	<i>Advertisements and advertising hoardings should not include any of the following:</i> (a) <i>flashing or animated signs</i> (b) <i>bunting, streamers, flags, or wind vanes</i> (c) <i>roof-mounted advertisements projected above the roofline</i> (d) <i>parapet-mounted advertisements projecting above the top of the parapet.</i>	Complies No advertising hoardings are proposed as part of the application.

Winery Policy Area 8

OBJECTIVES 1 A policy area accommodating winery development comprising wine processing, storage and sales with associated hospitality and tourist facilities.	Complies The proposed development will be used for the storage and preservation of wine.
2 Development that contributes to the desired character of the policy area. DESIRED CHARACTER <i>Potentially intrusive activities can be directed, and processes managed and treated, in such a manner to minimise noise and odour impacts. The winery operations must meet standards applicable at an industrial/residential interface, and the site presentation and management must continue to be responsive and appropriate to its setting on the edge of a living area. In respect to further winery and related development in the policy area, surrounding residential uses need to be protected from unreasonable noise and other impacts by locating, designing and managing such development in a sensitive manner to ensure minimal exposure to potential nuisance.</i> <i>However, the nature of the wine-making industry, with its intensive crushing and processing, particularly over the grape harvest season, will inevitably lead to impacts. These occur, necessarily, over an extended duration involving goods handling and transport movements on-site, over which little effective noise control can be exerted.</i> <i>Grape and fruit products used for juicing at the winery are sourced from regions throughout the State. Given the perishable nature of those goods, and the critical timing in their harvesting and processing, bulk juice, grape and fruits must be accepted and processed immediately upon receipt at the winery. Hence, in harvest season, goods delivery and processing can be anticipated at any time from early morning to late evening. Fixed plant noise sources from the winery operations must, however, be contained to within acceptable limits.</i> <i>The site appearance will be upgraded with buildings renovated, landscaping areas supplemented, surfacing of heavy vehicle hard-stand areas formalised and upgraded, and storage areas and service yards screened from public view. All goods handling, especially loading and unloading, must be undertaken solely on-site and not lead to disruption of residential amenity or compromise the safety and convenience of traffic movement on adjoining roads.</i> <i>The Concept Plan Map Mar/6 - Winery Site Development sets out the overall expectations for the development of the policy area and, in particular, the constraints on heavy vehicle access and movement for using particular routes only and the confinement of future</i>	See 'Assessment' discussion

<i>development and land use activity to defined building envelopes.</i>		
<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>hospitality and tourist facilities ancillary to the winery</i> ▪ <i>storage and sale of wines and other beverages produced on-site</i> ▪ <i>winery and promotion of wine making.</i> 	Complies
<i>PDC 2</i>	<i>Hospitality facilities should be confined to the original Patritti residence, and the site of the adjoining building envelope shown, and be:</i> <i>(a) limited to the promotion of wine-making and for the education and enjoyment of winery patrons and visitors</i> <i>(b) where these involve shop sales and tea rooms or catering facilities, ancillary only to the visual displays and not occupy a total floor space greater than 150 square metres, exclusive of informal outdoor grassed or seating areas.</i>	Complies The development does not propose to be used for the promotion or sale of wine.
<i>PDC 3</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies See discussion below
<i>PDC 4</i>	<i>Development should be carried out in accordance with the concepts shown on Concept Plan Map Mar/6 - Winery Site Development.</i>	Complies See discussion below
<i>PDC 5</i>	<i>New buildings should be in a form which complements the Patritti residence and reflects the predominantly single-storey residential scale that characterises Clacton Road.</i>	Does Not Comply See discussion below
<i>PDC 6</i>	<i>The winery complex should not extend beyond the confines of the building envelope shown and:</i> <i>(a) have a maximum building height not exceeding 2 storeys or 8 metres</i> <i>(b) incorporate wall and roof structures designed to limit the escape of noise and not have any openings on their southern elevation.</i>	Complies
<i>PDC 7</i>	<i>Screen planting areas should have a minimum width of 8 metres.</i>	Complies

Assessment

The proposed storage facility will replace the existing shed which is in deteriorating condition and no longer caters for the storage requirements of the winery.

The proposed development will not incorporate any wine-making or processing which will still occur within the existing workshops and plant rooms.

The winery has sought to increase the size of the building to store barrels that are currently being aged off-site. An outcome of this would be a reduction in traffic movements to the site as the transfer of these goods from the external site to the subject site would no longer be required.

The building will be thermally and acoustically insulated to minimise the transfer of noise from beyond the building walls.

It is acknowledged that the building will be substantially larger than the existing building and setback closer to the Clacton Road boundary, thereby leading to the potential for the surrounding residential area to incur visual impacts when viewed from the street.

The height of the structure has been specifically considered by the applicant to accommodate the stacking of barrels and to minimise unusable surplus space above. The size of the structure needs to be large enough to store the product so that it no longer needs to be kept off-site, or outside and exposed to elements as well as for staff to move around and undertake their duties.

Whilst it is acknowledged that the height of the structure, being 6m and more akin to a two storey building, will not be the 'single storey scale' sought in Principle 5 of the Policy Area, I am of the view that this should not be fatal to the merits of the proposal for the following reasons:

- The building is considered to be setback from the boundary a distance which will minimise its intrusion on the street and will be screened by dense landscaping to obscure the building's view from the street.
- The building is setback to the west of the Clacton Caretaker Residence by 13m and screened by landscaping which will provide adequate separation such that, in my view, the building will not dominate or detract from the existing residence.
- The building's height and scale is commensurate with the site it is located on. Although in isolation, the building appears to be a large structure, the building is located on a large site with other buildings of similar size and appearance. The site displays the characteristics of an industrial use and the proposed structure is typical within industry zones.
- Whilst it is noted that the scale of the built form on Clacton Road is predominantly single storey, two storey development is apparent and acceptable within the immediate locality. Therefore to suggest that the scale be restricted to single storey is not reflective of what is allowable within the adjacent residential Policy Area.

To this end, I am of the view that the size of the building will not place undue visual impact upon the adjacent residential neighbourhood, for the above reasons and for reasons discussed later in this report.

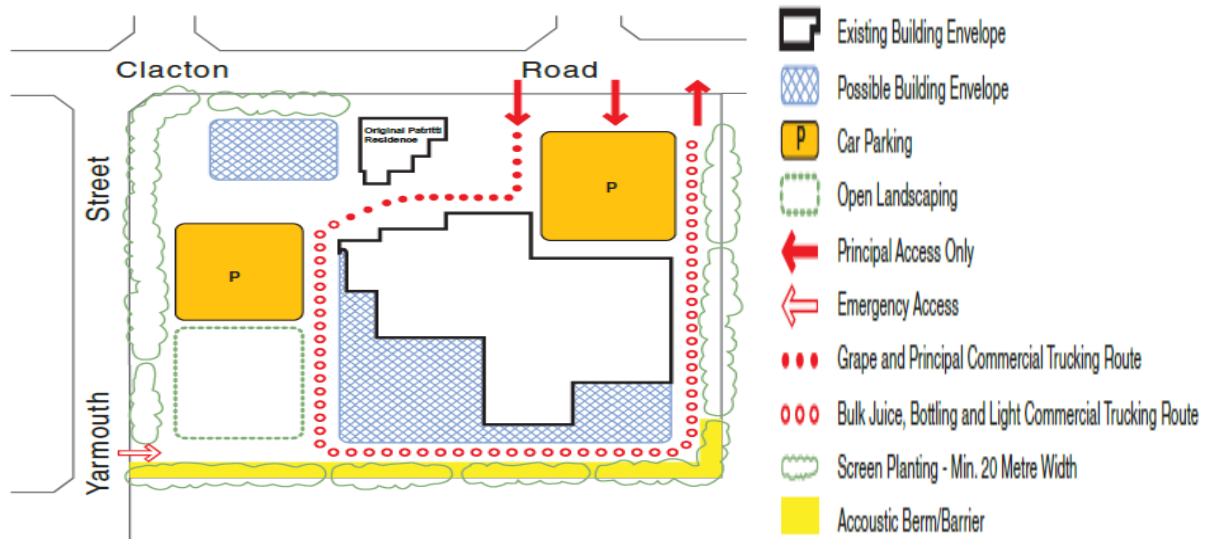
From the applicant's perspective, the structure has been placed in the location proposed to provide a suitable area for the safe and convenient manoeuvring of trucks between the proposed building and the existing buildings to the south-east of the subject land in question.

The location of the building is located directly in front of one property (1 Ella Street) which has a portion of its dwelling and its front yard facing Clacton Road. All other dwellings are not located directly in front of the proposed building. It is my view, that for the majority of the dwellings within the locality, the building will not be seen from within their dwellings or from their POS. There may be some view of the structure from the two storey dwellings, particularly 16 Clacton Road, located to the east of the proposed structure. The structure will be located approximately 30m away and in my opinion, views will be to the periphery when looking through the upper storey windows and balcony of the dwellings and be obscured by the existing and proposed landscaping.

The building is likely to be more apparent to residents walking the street nearby or leaving their property, where a quick glance of the building is likely more so than being an imposing building when viewed from inside the nearby dwellings or their main POS areas.

The distance of the structure from the Yarmouth Street boundary is not likely to invoke any unreasonable visual impacts with a combination of the rain water tanks and landscaping to further restrict views of the building.

The below concept plan (Concept Plan Map Mar/6 – Winery Site Development) sets out building envelopes and other expectations of the site regarding future development and land use activities.



The proposed building satisfies elements of the Concept Plan. The proposed building is located where a building is envisaged on the site and the location of the envelope suggests that the setback proposed is not at odds to what is anticipated. The existing landscaped area, which currently extends along Clacton Road and Yarmouth Street for greater than 20m, is to remain with additional plantings to improve the density of the trees. Existing car parking and traffic movements are not expected to change ; of the development.

The proposal, in my view, is consistent with the majority of the Objectives and Principles and the Desired Character for Winery Policy Area 8. Whilst it is noted that the scale is not single storey, I am satisfied that this will not cause significant visual impacts due to the setback and the landscaping treatments proposed along the Clacton Road boundary.

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

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p style="text-align: right;"><i>General Section: Design & Appearance PDC 1</i></p>	<p>Complies</p> <p>The built form is reflective of a storage building and within the industrial setting of the site, has a height, mass, roof form and pitch that is characteristic of the other warehouse, workshops and processing plant buildings within the site.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <ul style="list-style-type: none"> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i> <p style="text-align: right;"><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The building's orientation and separation from the boundaries will not result in overshadowing of the adjacent residential properties.</p> <p>The building is set back 9m from the closest boundary and dense landscaping along the northern boundary will be planted to minimise visual impact of the building height.</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 style="text-align: right;"><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The building will be clad in colorbond with a green finish and will not result in reflection or glare to neighbouring properties or drivers/cyclists.</p>
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p style="text-align: right;"><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Complies</p> <p>There is not expected to be any plant equipment attached to the proposed building.</p>
<p>Relationship to the Street and Public Realm</p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p style="text-align: right;"><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The applicants have sought to minimise the impact of the building by maintaining the existing mature melaleuca trees along the northern boundary whilst adding an additional species to fill the space below the existing trees. This will play a role in screening the building whilst also enhancing the presentation of the streetscape.</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 style="text-align: right;"><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies</p> <p>Landscaping will assist in relieving the blank appearance of the north facing wall that will be exposed to Clacton Road.</p>

<p>Outdoor Storage and Service Areas</p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 22</i></p>	<p>Complies</p> <p>The proposed shed seeks to tidy up the area and remove the need for outdoor storage of goods on the site.</p>
<p>Building Setbacks from Road Boundaries</p> <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>The proposed setback was to some extent dictated by the need to provide an 8m area for screen planting as specified in Principle 7 of the Policy Area whilst also ensuring that vehicles could still conveniently manoeuvre from one side of the site to the other. An additional 1m pathway around the building was added to make the total setback from the street 9m.</p> <p>The building will also have additional separation provided by the road reserve as the building, if directly exposed, would only be seen from the opposite side of the road.</p> <p>I am satisfied that the proposed setback is acceptable and will not detract significantly from the appearance of the locality.</p>

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

Landscaping is a key part of the application and the applicant has proposed to utilise the existing mature melaleuca trees with some additional plantings closer to the structure to screen the space left by the understorey of the trees.

The proposed width and depth of the landscaping complies with the Concept Plan and Principle 7 of the Policy Area.

The existing Melaleuca trees are approximately 5m to 6m tall. They are evergreen and can grow to a height of 8m. The existing tree canopy is relatively dense at the top of the tree and will screen the top of the structure.

The Photinea Robusta is proposed to be planted slightly behind the Melaleucas and is a fast growing evergreen hedge species suitable for screening that can grow up to 6m in height. Please note that the location of the plantings on the plan are indicative only and plants will be located an appropriate distance from the structure and the footpath to ensure maximum root development and growth.

The existing and proposed species are considered acceptable and in my view will soften and screen the structure such that it will not form a visually intrusive building in the locality.

A condition will be recommended on the approval that the trees be planted at semi-maturity and at a seasonally appropriate time within 6 months of the building being erected.

No new fencing is proposed as part of the application and the existing 2m high colorbond fencing will remain.

Interface Between Land Uses

<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i> <i>(b) noise</i> <i>(c) vibration</i> <i>(d) electrical interference</i> <i>(e) light spill</i> <i>(f) glare</i> <i>(g) hours of operation</i> <i>(h) traffic impacts.</i> <p style="text-align: right;"><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p>The use of the proposed building is for storage purposes and not for processing or manufacturing and therefore unlikely to generate any noise, vibration, light spill or pollution.</p> <p>The walls of the building will be treated with thermal and acoustic insulation which will limit the transfer of odours and noise within the facility.</p> <p>It is not anticipated that any activities associated with the building will occur outside of general working hours. The activities on the site are restricted to ensuring that the legislation pursuant to the Environment Protection (Noise) Policy 2007 is adhered to.</p> <p>Of additional note is that the proposed building is to store existing stock that is currently kept off-site. As such, there is every possibility that truck movements to the site will decrease once the building is in operation as it will negate the need to transfer these items to and from the site.</p> <p>Accordingly, I am of the view that the operational impacts within the site will not be greater on the amenity of the locality than that which currently exists.</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p style="text-align: right;"><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p> <p>The proposed setback and landscaping has been incorporated to minimise the visual impact of the built form, whilst the building has been insulated to minimise the transfer of noise and odours.</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p style="text-align: right;"><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Complies</p> <p>No overlooking or overshadowing will occur as a result of the building.</p>
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p style="text-align: right;"><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies</p> <p>The commentary discussion relating to <i>Interface between land Uses, Principle 1</i> identifies that the structure will be appropriately treated for noise.</p> <p>Of additional interest is that the stock being held in storage is being aged. As a result, movements of goods in and out of the building will occur relatively infrequently as will activities within the building itself.</p>
<p><i>Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</i></p> <p style="text-align: right;"><i>General Section: Interface Between Land Uses: PDC 7</i></p>	
<p><i>Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.</i></p> <p style="text-align: right;"><i>General Section: Interface Between Land Uses: PDC 8</i></p>	

Transportation and Access

Development should provide safe and convenient access for all anticipated modes of transport.

General Section: Transportation and Access: PDC 8

Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.

General Section: Transportation and Access: PDC 14

Access

Development should have direct access from an all-weather public road.

General Section: Transportation and Access: PDC 22

Development should be provided with safe and convenient access which:
(a) avoids unreasonable interference with the flow of traffic on adjoining roads

(b) provides appropriate separation distances from existing roads or level crossings

(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision

(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.

General Section: Transportation and Access: PDC 23

Complies

The existing access points on Yarmouth Street and Clacton Road are not proposed to change as a result of the development.

The proposed location of the building provides sufficient distance to allow heavy rigid vehicles to manoeuvre close to the building and in between the building and the existing workshop to navigate from the Yarmouth Street entrance to the Clacton Road exit or vice versa.

Waste

Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).

General Section: Waste: PDC 3

Complies

The existing waste disposal practices currently undertaken with the operations of the winery are not expected to change as a result of the proposed development and it is anticipated that they will be in accordance with the legislation of the Environment Protection Act.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the appearance and visual impact of the structure and traffic movements 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 fencing and footpath upgrades. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed building will facilitate the storage of goods associated with the existing winery and assist in improving the efficiency of operations on the site. The height and size is specific for the existing and future capacity of stock and the applicant has sought to find a balance between minimising the impact on the adjacent residential environment whilst seeking to upgrade their facilities within the scope of what is generally acceptable in industrial areas.

The setback from the Clacton Road boundary has been extended as far as practically possible to adhere to the Development Plan requirement for landscaping but is limited to ensure that vehicle movements within the site are safe and convenient.

The existing and proposed landscaping, when fully grown will soften and screen the impact of the built form when viewed from the street.

Acoustic and thermal insulation will minimise transfer of noise and odours beyond the site and the relocation of stock that is currently stored off-site will reduce the truck movements to the property. Therefore additional interface issues are not considered to result from the proposed development.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1258 for Demolition of existing storage shed and construction of a 495 square metre building, incorporating a 6m wall height for the purposes of winery storage, and additional landscaping at 13-23 Clacton Road, 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. 100/2014/1258, being the 'Site Development Plan' with drawing number WG-PATRITTI-01-SP, Floor Plan and Elevation, prepared by Woolcock Group, except when varied by the following conditions of consent.**
- 2. The trees proposed to be planted as part of the application shall be planted at a height of no less than 2m and within the appropriate planting season, no less than 6 months of the building being erected.**
- 3. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition for the life of the development with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**
- 4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 5. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order 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 loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.**

8. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
9. At no time shall any stored goods, products or materials be visible above the height of the fence and/or screen surrounding the storage area(s).
10. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
11. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.

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. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & 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 10 December 2014

Agenda Ref No:	DAP101214-3.6
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Weeks & Macklin Homes
Development Description:	Four group dwellings (one two storey and three single storey) with associated common driveway, carparking, landscaping and masonry front fencing
Site Location:	107 Morphett Road Morphettville
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	13/06/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/986
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2, 18 (b) of the Development Regulations 2008, which assigns development that has two or more dwellings on the same site where at least one of those dwellings is 2 storeys high.

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

BACKGROUND

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

Amendments Requested	Amendments Made
Address visual bulk of building by introducing a variety of colours and materials to front façade of Unit 1.	Sycon matrix cladding added to protruding portico in lieu of render. 450mm eave overhang provided. Roof pitch reduced from 25 degree pitch to 20 degree pitch.
Remove upper storey wall from proposed eastern boundary	Wall moved 900mm from eastern boundary and pitched roof above lower level incorporated.
Incorporate fixed obscure glazing to southern side upper storey windows.	Amendment made as requested.
Provide masonry front fence for noise attenuation purposes and aesthetic reasons.	1.8m high masonry fence provided.

SUBJECT LAND & LOCALITY

The subject site is located at 107 Morphett Road, Morphettville. The site has an irregular shape, in that no two boundaries run parallel to each other. The site maintains a total area of 1233m², with a front (western) boundary length of 36.6m, a rear (eastern) boundary length of 21.34m, a northern boundary depth of 57.66m which reduces to a depth of 43.06m on the southern side.

The site is currently vacant, however, until recently contained a single storey detached dwelling and associated outbuildings. The site has no discernable slope and there are no regulated or significant trees on the site.

The site lies directly adjacent the Sturt Creek to the north, on the opposite side of the linear trail. To the east and south of the site are a large number of residential flat buildings, whilst to the west of the site, on the opposite side of Morphett Road, are predominantly detached dwellings that are primarily single storey. An office building and electricity sub-station are located further south past the residential area.

The Sturt Creek linear park trail provides direct walking and cycling access to Warraparinga to the south and Anzac Highway to the north. Public transport services Morphett Road with a bus stop located approximately 130m to the north of the site. A tram stop is located approximately 1km away adjacent the Morphettville Racecourse.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application comprises the construction of four group dwellings with common driveway off Morphett Road and associated landscaping.

Unit 1 is a two storey dwelling which presents to Morphett Road. The dwelling includes an open plan kitchen/living/dining area downstairs with a laundry and WC and a double garage with access from the common driveway. Three bedrooms are located upstairs (one with ensuite) and a bathroom. Bedroom 1 provides access onto a balcony.

The dwelling is to be predominantly constructed in a rendered concrete panel, with the front portico entrance incorporating brick piers with a sycon matrix cladding. The roof is

colorbond with a 20 degree pitch. A masonry fence is proposed on the Morphet Road boundary for a length of 15m, then continues on at right angles to the dwelling to enclose an area of POS. An under main roof alfresco is attached to the northern side of the dwelling with access from the living area.

The remaining three dwellings are single storey with Units 2 and 3 incorporating 2 bedrooms and Unit 4 providing three bedrooms. Each has an open plan kitchen/living dining area, associated wet areas and a small under main roof verandah.

Units 3 and 4 include a double width carport, whilst Unit 2 maintains a single carport. The dwellings are to be constructed of face brick with colorbond roof at 20 degree pitch. A community visitor vehicle parking space is located in front of the garage of Unit 1. A front masonry fence and landscaping is located in front of the carpark to screen the area and also includes a community mailbox within.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	38 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council. J Baker – In favour of the application K Martin – Against the application
Persons wishing to be heard:	K Martin has indicated a desire to be heard by the Development Assessment Panel.
Summary of representations:	<ul style="list-style-type: none"> Traffic accidents on Morphet Road and Beadnall Terrace and 100m either side are increasing. The proposed development can only add to the problem and Council needs to address this. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> The development is supported by DPTI as per the letter dated 24 July 2014. The plans clearly show that all vehicles within this development are able to exit in a forward direction and satisfy the turning circles, visitor car parking and minimum crossover area requirements outlined by DPTI. <p><i>Refer Attachment V</i></p>

GOVERNMENT AGENCY REFERRAL

<p>Department of Planning, Transport & Infrastructure:</p> <p><i>Refer Attachment VI</i></p>	<ul style="list-style-type: none"> It is DPTI policy to minimise the number of access points on the arterial road network, therefore the use of a single shared access point to serve all dwellings is supported. The access should be a minimum of 6m in width at the property boundary with appropriate flaring to the road to facilitate unimpeded access/egress. The access should have a clear area of a minimum of 6m by 6m to allow vehicles to store off-street
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	<p>while waiting for another vehicle to enter or exit the property.</p> <ul style="list-style-type: none"> • It is acknowledged that the single access shown on the plans meets these requirements. • It appears that sufficient space is available for a B85 vehicle to enter and exit the site in a forward direction. Council should be satisfied that an appropriate amount of car parks has been provided to service the proposed use. • DPTI does not object in principle to the development, subject to conditions (listed).
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INTERNAL DEPARTMENT COMMENTS

Engineering:	Movements in and out of car parking spaces satisfy the relevant standard for vehicle manoeuvring.
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ZONE & POLICY AREA ASSESSMENT

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

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

PDC 1	The following forms of development are envisaged in the policy area: ▪ group dwelling	Complies
PDC 3	Minimum Site Area: 300m ²	Complies Unit 1 – 363m ² Does Not Comply Unit 2 – 213m ² Unit 3 – 204m ² Unit 4 – 214m ²
	Minimum Frontage: 20m Driveway – 6m	Complies Site frontage – 36.58m Driveway width – 6m
	Minimum Depth: 45m	Does not comply Minimum depth – 44m

Assessment

The proposed development seeks to construct four dwellings to replace the one dwelling formerly on the site, thereby representing the increased density sought within the Desired Character statement.

The development incorporates a range of dwelling types of both two storey and single storey in nature and with a mixture of two and three bedrooms to offer a variety of accommodation needs.

The development will not result in the removal of any significant or regulated trees or mature street trees on the Council verge.

It is noted that three of the allotments are below the minimum allotment size of 300m² by between 86m² and 96m². This method of calculating site area has been employed in accordance with Principle 8 in the General Section: Land Division which states:

Allotments in the form of a battleaxe configuration should:

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

When the driveway is included within the calculations, the average site area per allotment is 308m² which is above the required minimum allotment size.

Notwithstanding this, the proposed density is considered to display merit for the following reasons:

1) The site is located in close proximity to good public transport access and is directly adjacent the Sturt Creek basin which provides an off-road walking and cycling linear path with access to larger reserves and to shopping areas such as Glenelg and Westfield Marion. The Residential Zone Objectives support increased densities in close proximity to reserves and transport options. Furthermore, the orientation of the dwellings which overlooks the open space allows for surveillance (and a sense of ownership) over the reserve and opportunities for greater use.

2) The site is surrounded by a number of residential flat buildings which although have been in existence for some time, represent densities higher than that sought within the current policy settings. The proposed dwellings are considered to sit comfortably within the context of their surroundings and will not be at odds to the character of the immediate locality.

3) With respect to the proposal's compliance with the quantitative requirements of the Development Plan, the sites are considered to be of a size which provides for adequate POS, site coverage, setbacks, car parking and vehicle access, details of which will be discussed later in the report.

It should be noted that the shortfall in the depth is only for a small portion of the allotment on the southern side. The site increases in depth towards the northern side of the allotment to a maximum depth of approximately 58m.

To this end, it is considered that the proposal displays consistency with the Objectives and Desired Character of the Zone and Policy Area and therefore, the proposal warrants further consideration against the remaining quantitative and qualitative provisions of the Development Plan.

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>Complies Unit 1 – 30.3%</p> <p>Does Not Comply Unit 2 – 61.2% Unit 3 – 66.8% Unit 4 – 63.7%</p> <p>Total site coverage inclusive of driveway – 41.6%</p>
<p>The site coverage of the Units 2, 3 and 4 exceeds the 40% requirement by 21.4% for Unit 2, 26.8% for Unit 3 and 23.7% for Unit 4. Whilst the excess site coverage appears to be substantial, when taking the total site into consideration, the site coverage, inclusive of the driveway, equates to a marginal increase of 41.6% above the requirement.</p> <p>However, given that the dwellings provide sufficient private open space and are relatively compliant in setbacks, this is not considered to be critical to the merits of the proposal.</p>	
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies Unit 1 – 0.36</p>

Site coverage should ensure sufficient space is provided for:

- (a) pedestrian and vehicle access and vehicle parking*
- (b) domestic storage*
- (c) outdoor clothes drying*
- (d) rainwater tanks*
- (e) private open space and landscaping*
- (f) convenient storage of household waste and recycling receptacles*

General Section: Residential Development: PDC 13

Complies

Each dwelling is considered to be afforded with sufficient space for domestic storage, clothes drying, rainwater tanks and bins to serve the likely needs of the occupant.

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 room 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

Partially Complies

The POS of all four dwellings are located at ground level, to the north and provide an opportunity for occupants to overlook the Sturt Creek catchment.

The areas are accessible from the living areas of the dwellings and are adequately separated from the bedroom windows of the respective neighbouring dwelling.

Unit 1 incorporates a large alfresco to provide shading during the summer months, whilst Units 2 to 4 have smaller verandahs, although it is acknowledged that these act more like an extended eave as opposed to a usable verandah.

It is acknowledged that some of the POS for Unit 1 is forward of the main face of the building. However, some regard must be had for the fact that the Development Plan does seek for some fencing to be provided to mitigate against noise, air and vibration impacts on main arterial roads. It is therefore acceptable in this instance for the area behind the masonry fence to be allocated to Unit 1 and used as POS, particularly as the fence does not mask the entire building.

Site Area 250 m² or greater:

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

This is relevant for Unit 1

Site area less than 250 m²:

*20% of the site area or 35 m², 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.*

This is relevant for Units 2, 3, and 4

General Section: Residential Development: PDC 17

Complies

Unit 1 – 150m² (41%)
Includes an area with a minimum dimension of 5m x 5m with a gradient of no less than 1-in-10.

Unit 2 – 71.85m² (36%)
Unit 3 – 51.44m² (25%)
Unit 4 – 61.77m² (29%)

All POS areas include a minimum dimension of 4m x 4m with a gradient of no less than 1-in-10.

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.*

Complies

The adjacent building at 1/109 Morphet Road is setback approximately 7.5m.

Unit 1 is setback approximately 1m forward of the adjacent dwelling. However in my view the relative

Dwellings are setback an acceptable distance to provide adequate visual privacy from pedestrian and vehicular movement.

Residential Zone: PDC 7

The proposed side setbacks of Units 2, 3, and 4 exceed the prescribed side setback requirement of 1m from their 'internal' boundary.

However, for the majority, the dwellings have been designed so that the habitable room windows are not located on the sides of the building to minimise the visual impact of the lesser setback. This is with the exception of Bedroom 1 of Unit 2 and the study of Unit 3 (discussed below in 'Rear Setbacks' and 'Walls on Boundaries').

As the buildings are located a similar distance from each other, all future occupants experience more or less the same impacts. This is in contrast to a development proposed next to an existing dwelling, where the potential impacts need to be weighed up against the occupant's existing experiences.

The one existing dwelling that lies to the eastern side of Unit 4, in my view will not be impacted by the lesser setback. The section of the dwelling which encroaches into the 1m setback area of its eastern boundary will sit adjacent the freestanding carport of the neighbouring unit and will have minimal impacts on that property.

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

- (a) the walls should not abut more than one side allotment boundary*
- (b) a wall from an adjacent dwelling already exists on the boundary:*
 - (i) be located immediately abutting the adjacent wall*
 - (ii) be constructed to the same or to a lesser length and height as the adjacent wall*
 - (iii) be setback 2 or more metres behind the main face of the adjacent dwelling*
- (c) no wall exists on the adjacent boundary:*
 - (i) be setback 2 or more metres behind the main face of the adjacent dwelling*
 - (ii) not exceed 6 metres in length*
 - (iii) not exceed 3 metres in height*
 - (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window*
- (d) adjoining communal open space or a public reserve, not to exceed*
 - (i) 50 per cent of the length of the boundary*
 - (ii) 4 metres in height.*

General Section: Residential Development: PDC 38

Unit 1 eastern side wall on boundary
Complies

- (a) abuts only one side allotment boundary*
- (c) (i) is setback more than 2m behind the main face of the adjacent dwelling where no wall exists on the boundary.*
- (c) (iii) is no more than 3m in height.*
- (c) (iv) is no closer than 2.5m to a habitable room window.*

Does Not Comply

- (c) (ii) exceeds 6m in length.*
Given that no habitable room windows or usable POS areas will be adjacent the wall, this is not considered to create unreasonable visual impacts.

Unit 2 eastern side wall on boundary.
Complies

- (a) abuts only one side allotment boundary*
- (c) (i) is setback more than 2m behind the main face of the adjacent dwelling where no wall exists on the boundary.*
- (c) (iii) is no more than 3m in height.*
- (c) (iv) is no closer than 2.5m to a habitable room window.*

Does Not Comply

- (c) (ii) exceeds 6m in length.*
- (c) (iv) is closer than 2.5m to the study room window of Unit 3.*

Given that the boundary wall only affects one habitable room which is not a living room and will not result in overshadowing for the majority of the day during the winter months, the location and length of the wall is considered acceptable.

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:
(a) the visual impact of the building as viewed from adjacent properties
(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Complies

I am of the view that the setbacks proposed will not result in unreasonable visual impacts or overshadowing of existing and proposed adjacent dwellings.

Rear Setbacks

8 metres for a 2 or more storey dwelling

Residential Zone: PDC 7

Unit 1
Does Not Comply
1m

The rear boundary sits adjacent the side boundary of Unit 2, therefore the setback should be treated similarly to a side boundary, which, for a two-storey dwelling, would be 2m and still not comply.

It is likely there will be some visual impact of the two storey wall upon the adjacent occupiers with views able to be had from their POS and bedroom window.

However, a large proportion of the wall is not directly adjacent the main usable POS area and only one habitable room window is affected, which is not for a living room. The wall will cause some shadow to occur over the adjoining site from mid-afternoon in the winter months, however the habitable rooms and POS will still receive sunlight in accordance with Design and Appearance Principle 10.

To this end, I am of the opinion that the setback of the two-storey wall will not significantly and unreasonably impact on the future occupant's enjoyment of the adjacent dwelling.

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

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

(b) a minimum of 8 metres for two storey components of dwellings

General Section: Residential Development: PDC 37

Complies

Unit 2 – More than 6m for 50% of the rear boundary with minimum 3.2m incursion.

Does Not Comply

Unit 3 – 4.2m with 3m incursion
Unit 4 – 4.5m with 3m incursion

For Units 3 and 4, there will be negligible impacts as a result of the proposed rear setbacks as there are no dwellings directly adjacent the northern boundary.

Building Height

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

Residential Zone: PDC 7

Complies

Unit 1 – 2 storeys of 7.8m high

Units 2, 3 and 4 – single storey of 5m high

Garages, Carports and Outbuildings

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

Minimum setback from primary road frontage:

8 metres for a freestanding structure.

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

Minimum setback from secondary road frontage:

5.5 metres for a single-width structure.

Not less than the specified setback of the associated dwelling for a double-width structure.

Residential Zone: PDC 8

Complies

Units 2, 3 and 4 does not have frontage to the street.

Does not comply

Unit 1 – Garage is located in line with the main face of the dwelling, however, the presentation to the street is such that it presents to the street like a habitable room and the dominant aspect of the garage door faces the common driveway. Therefore the stepping back of the garage is not deemed necessary in this instance.

<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>Complies</p> <p>See 'Access' section.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>Garages are located underneath the main roof and integrated with the dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Garages will have limited exposure to the street frontage.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>6 spaces per dwelling plus 1 visitor space.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Unit 1 – 2 undercover spaces Unit 2 – 1 undercover space Unit 3 – 2 undercover spaces Unit 4 – 2 undercover spaces</p> <p>Total of 7 spaces allocated between dwellings and 1 shared visitor space.</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 & Access: PDC 43</i></p>	<p>Complies</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 & Access: PDC 44</i></p>	<p>Partially Complies</p> <p>The proposed under cover parking spaces are appropriately located and meet the relevant standards for vehicle manoeuvring onto the common driveway.</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 & Access: PDC 45</i></p>	<p>It is acknowledged that the visitor park will be located in a horizontal fashion in front of Unit 1 and adjacent the primary street.</p> <p>However, the car park will have limited visibility as it will be screened by a masonry front fence and landscaping.</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>Does Not Comply</p> <p>On-street parking in front of the site does not exist at present. An on-site visitor space has been provided to cater for guests of occupants and the dwellings have been afforded with an additional parking space above that prescribed by the Development Plan to compensate for this shortfall.</p>
Access					
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>					<p>Complies</p>
<p><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>Complies</p> <p>Only one vehicle access point has been provided on to Morphet Road.</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>Partially Complies</p> <p>The entrance is 6m wide at the road boundary and the driveway remains at this width for the first 6m in accordance with DPTIs requirements.</p> <p>The driveway widens at the 27m mark which is 2m further on from the stipulated Development Plan requirement. However, the location of the widening area is adjacent the two dwellings for whom the widening area would be catering for. The space is considered to be adequately located to enable vehicles to store whilst a vehicle enters or exits its respective carport.</p> <p>Neither Council's Development Engineer nor DPTI have raised any concern regarding the location of the widening area.</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres on to arterial roads	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	
4-7	6m	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8	
<p><i>General Section: Residential Development: PDC 41</i></p>					

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Balconies should:

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

General Section: Design & Appearance: PDC 5

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

Comments below

It is acknowledged that when viewing the elevations of Unit 1, it does appear to be an imposing bulky building. However, the frontage width of its site is some 30m plus the additional space of the driveway and the dwelling takes up less than 50% of the total frontage width. Therefore, in my view, the additional space around the building will reduce the apparent width of the building whilst the architectural treatments to the building will assist in minimising the bulk.

The building incorporates a protruding upper storey and verandah element as a central feature which is proposed to be clad in a different material (Sycon Matrix) to provide some visual interest to the building.

The dwelling also uses stepping in the building, fenestration, varying roof forms and eave overhang to provide some articulation in the built form.

It is also noted that to minimise any blankness in a garage that does not present to the street, windows have been incorporated into the building on the side presenting to Morphett Road.

Both the balcony and the alfresco are located underneath the main roof of the dwelling forming an integrated part of the dwelling.

Details are limited regarding the front masonry fencing, although it is anticipated that the colours and materials will match the proposed dwelling. A condition will be included on the planning consent to provide details of colours and finishes for both the dwelling and the fencing to ensure that the appearance is complementary to each other.

The single storey dwellings will have limited visibility from the road boundary but are typical of new dwellings in the locality, being constructed of face brick and colorbond roofing with a 20 degree pitch. Additionally, being located with the Sturt Creek to the rear, the buildings will be only be able to be viewed from a distance, where the public area is located on the opposite side of the creek.

The proposed construction materials are unlikely to cause reflection or glare to drivers or cyclists using the adjacent road network.

To this end, the design and appearance of the dwellings is considered to meet the relevant provisions of the Development Plan.

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

Unit 1 has its main façade presenting to Morphett Road.

The remaining dwellings satisfactorily present to the common driveway so that their entrances are apparent and easily identifiable to visitors to the dwelling.

All four dwellings provide an external outlook from their main living area.

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

Units 1 to 3 are well separated from all existing dwellings such that there they are unlikely to create any shadow over their POS areas or into habitable room windows.

Unit 4 will cause some overshadowing in the late afternoon over the eastern adjoining property in winter, however the neighbouring property will be free from shadow for the majority of the day.

Therefore, no existing dwelling will be affected such that Principles 9 and 10 are not complied with.

The dwellings however, will cause some shadow over their proposed neighbouring dwelling, particularly in the late afternoon, with Unit 2 being most affected by the two storey dwelling.

However, the position of the POS facing north and the relative space around it, will mean that these areas and their living rooms will receive sunlight for the majority of the day in the winter months.

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

Unit 1's southern side windows which face onto existing dwellings are fixed and obscurely glazed to a height of 1.7m above the second storey finished floor level.

The eastern side windows, with a sill height of less than 1.7m above floor level, are shown to be fixed and obscure glazed to a height of 1.5m.

The balcony is set into the dwelling with only the northern and western side open to views which look over the Sturt Creek and towards Morphet Road.

Unit 1 has incorporated adequate screening to minimise overlooking on to neighbouring dwellings.

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

General Section: Design & Appearance: PDC 14

Complies

The dwellings located behind the front dwelling in the form of 'battleaxe' allotments are single storey.

Noise

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.

General Section: Residential Development: PDC 26

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

General Section: Residential Development: PDC 27

Complies

Unit 1 has two of its three bedrooms located towards the rear of the dwelling, separated by wet areas. Bedroom 3 and living areas are adjacent the road, however, have been provided with double glazed windows to assist with noise attenuation.

Masonry front fencing has been proposed to enclose the POS area for Unit 1 to mitigate against traffic noise.

Landscaping has been incorporated in front of the dwelling on the southern side of the fence to soften the fencing.

In my view, the treatments provided to Unit 1 to minimise noise intrusion from adjacent Morphet Road is acceptable.

External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:

- (a) active communal recreation areas, parking areas and vehicle access ways*
- (b) service equipment areas and fixed noise sources on the same or adjacent sites.*

General Section: Residential Development: PDC 29

Does Not Comply

Units 2 to 3 have bedrooms adjacent the common driveway. However, it is noted that the main bedrooms are located to the rear of the dwellings with the 2nd or 3rd bedroom at the front. Given the size of the dwellings, there is a greater possibility that the occupants may be single households or couples and may have limited use of the second bedroom. Notwithstanding this, Unit 2 and 3

	provides some separation between the driveway, including some landscaping which will assist in limiting the transfer of noise and vibration into the dwelling.
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Complies</p> <p>There is sufficient space in front of Dwelling 1 to include a letter box facility for three dwellings.</p> <p>The internal and outdoor space afforded to each of the dwellings is, in my view, sufficient to facilitate the storage of both personal items and household waste bins out of public view.</p>
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><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwellings are considered to be well designed to meet the energy efficiency principles of the Development Plan.</p> <p>The POS areas and living areas face north to receive sun exposure during the winter months.</p> <p>Unit 1 provides an alfresco, with the remaining three units incorporating a small verandah under the main roof to shade the sun during the summer months.</p> <p>The roofs are pitched and have sufficient area on the northern side to facilitate the erection of solar panels.</p>

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 proposal plans show a landscaping strip is to be provided to the southern side of the common driveway and to the northern side where it will not affect vehicle manoeuvring.

Landscaping is also proposed in front of Unit 1 and between the shared visitor space.

A species list has not been provided and a condition to provide a landscaping schedule has been recommended, should the Panel determine to grant Development Plan Consent.

The landscaping should include tall, broad trees in front of Unit 1 to soften the visual impact of the two storey built form.

Fences and walls, including retaining walls, should:

(a) not result in damage to neighbouring trees

(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality

(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance

(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street

(e) assist in highlighting building entrances

(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites

(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land

(h) be constructed of non-flammable materials.

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The proposed masonry front fence does not extend over the entire front boundary and still exposes the majority of Unit 1 to the street.

The plans indicate that articulation in the fence will be provided with pillars or posts in intervals between the fence, although further detail will be required as to the appearance, colours and finishes and a condition to this effect has been recommended.

The fence serves a purpose in providing noise attenuation to the private open space area as well as screening the open car park at the front of the site. I am of the view that it will enhance the appearance of the site and will not be out of character for dwellings fronting Morphet Road.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to traffic and access have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to this matter.

ANALYSIS/CONCLUSION

The proposed development is considered to be appropriately located and sited, making use of the adjoining open space and creek bed by locating the POS of the dwellings to overlook this feature whilst taking the opportunity to utilise the northerly aspect.

The proposal is considered to display relative compliance with the Objectives and Desired Character of the Policy Area and the qualitative and quantitative requirements of the Development Plan.

The dwellings are well separated from all existing dwellings and will not impinge upon the amenity of the existing occupiers. Where there are variances to the Development Plan, they affect the 'internal' boundaries of the development and the dwellings have been designed to minimise impacts for the occupants.

DPTI have also provided their support to the proposal and have not raised concerns regarding impacts on the adjacent road network or vehicle access within the site itself.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/986 for Four group dwellings (one two storey and three single storey) with associated common driveway, car parking, landscaping and masonry front fencing at 107 Morphett Road Morphettville be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/986, being Job No. 42362, Drawing numbers WD01, WD02, WD03, WD04 and WD05, Rev F; Job No. 42398, Drawing Numbers WD02 and WD03, Rev C; Job No. 42355 and Drawing Numbers WD02 and Wd03, Rev B; and Job No. 42345 and Drawing Numbers WD 02 and WD 03, Rev C, all prepared by Weeks and Macklin Homes.**

2. Further details of the material and finishes of the masonry front fence and elevations shall be provided for consideration and approval prior to Development Approval being granted.
3. A landscaping plan shall be submitted to Council for consideration and approval prior to Development Approval being issued, detailing a mix of native medium, low-level plantings throughout the site and some taller broader canopied trees in front of Unit 1.
4. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details (being, Drawing No. 26586, SR2-1/B, prepared by Ginos Engineers and received by Council on 11 November 2014) prior to the occupation of the premises to the reasonable satisfaction of Council
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

6. The portion of the upper floor windows (to south facing windows to bedroom 2 and 3 of Unit 1) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council. (Note, suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7m above the internal floor level or a window sill height of 1.7m above the internal floor level).
7. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
8. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
9. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
10. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

11. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
12. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
13. 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.
14. The windows on the western elevation of Unit 1 shall be double glazed for sound attenuation purposes.
15. 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.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
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 & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>

DEVELOPMENT ASSESSMENT PANEL

Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.7
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Mr Andrew Heffernan
Development Description:	To make alterations and additions to an existing detached dwelling including a garage with a wall on the western side boundary.
Site Location:	68 Beadnall Terrace, Glengowrie.
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	26/08/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1493
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

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

SUBJECT LAND & LOCALITY

The subject land is located on the southern side of Beadnall Terrace and comprises a regular shaped allotment with a 15.24 metre frontage to Beadnall Terrace and a depth of 41.99 metres to provide a total site area of 639.9 square metres. The subject land is developed with an existing single storey detached dwelling (circa 1960s) and large shed to the rear with the dwelling providing a staggered front setback to the street ranging between 9.2 to 16.5 metres.

The subject land slopes gently downwards towards the rear of the allotment and has been identified as being located within a flood prone area of the City of Marion. An inspection of the subject land reveals that it is devoid of any regulated trees, whilst the certificate of title confirms that the land is clear of any easements or encumbrances.

The locality is characterised by a predominance of single storey detached dwellings on relatively large allotments, with some single and double storey semi-detached dwellings also noted, as exhibited on the opposite side of the road directly to the north of the subject land at 65 Beadnall Terrace. These dwellings provide a modern appearance and are setback relatively close to the street boundary along Beadnall Terrace. Overall, the locality has what can be described as having a low density residential character.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to refurbish the existing dwelling on the land by making alterations and additions which will effectively change the appearance of the dwelling when viewed from the street. Such changes include the incorporation of a new extended porch to the very front of the dwelling and a new double width garage which is to be constructed along the western side property boundary.

The proposed garage will have a tiled roof to match those on the roof of the existing dwelling and will also be fitted with a single double width color-bond panel lift door. The proposed porch and garage will be structurally incorporated into the design of the existing dwelling with both structures to have a rendered finish.

The applicant is also proposing to make additions to the rear of the dwelling resulting in changes to the internal layout of the dwelling including minor extensions to the existing dining room area. A new undercover tiled terraced deck is also proposed and will provide direct access to areas of private open space located to the rear of the dwelling.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	6 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council with one representation primarily against the application, whilst the other was in favour of the proposal subject to certain amendments or provisions being met by the applicant.
Persons wishing to be heard:	Nil
Summary of representations:	<ul style="list-style-type: none">• The proposed garage is to be constructed too far forward of the dwelling on the western side boundary – objection would be lessened if the garage was to be pushed back 1 metre from the side boundary.• The proposed garage will be constructed along the

	<p>boundary for a distance of 6.7 metres and a height of 2.7 metres and will have an adverse impact on our amenity.</p> <ul style="list-style-type: none"> • The garage wall will be rendered which will conflict with the appearance of the existing fence. • The proposed wall will not enhance the visual amenity of our useable open space. • The existing common fence will be aesthetically impacted by the proposed boundary wall. • The construction of the proposed common boundary wall will adversely impact on existing vegetation and result in the temporary loss of privacy during construction. • Objection would be lessened if the garage was set off the boundary by 800 millimetres or was to be setback 19 metres from the front property boundary to match the existing carport. <p><i>Refer Attachment IV</i></p>
Applicant's response:	<p>The applicant has provided a comprehensive response to the representations. This response is accompanied by photographs and other supporting documentation all of which is considered to be self-explanatory.</p> <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The site works and drainage plan that was submitted with the application was assessed by Council's Engineer who has advised that the finished floor levels associated with the proposed additions to be satisfactory.</p> <p>Council's Engineer has further advised that it is impractical to lift the finished floor level of the proposed addition to the rear. Whilst below flood level, the proposed finished floor level of 100.09 is considered satisfactory in this instance.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

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.

Assessment

The proposed development seeks to make alterations and additions to the front and rear of an existing detached dwelling with changes to the rear designed to increase the internal floor area of the dwelling thereby improving the layout and function of existing and proposed living areas. The changes proposed to the front of the dwelling seek to incorporate a new double width garage and porch to provide the existing dwelling with a modern appearance which in my opinion will enhance the street presentation of the dwelling and generally improve the existing streetscape. The proposed development therefore sufficiently achieves an attractive residential form of development as envisaged within Northern Policy Area 13.

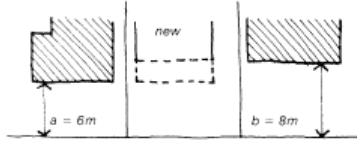
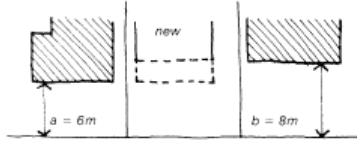
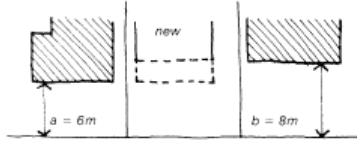
It is considered that the Objectives and Desired Character of the Northern Policy Area 13 are adequately represented by the proposed development.

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		
Maximum site coverage: 40%	Northern Policy Area 13: PDC 4	Does Not Comply 53%

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (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 <p style="text-align: right;"><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>Whilst the proposed additions push the overall site coverage over and above the maximum 40% prescribed by Council's Development Plan, it is considered that sufficient space is still provided for vehicle access and parking, domestic storage, outdoor clothes drying, the provision of adequate areas of private open space and space for landscaping.</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 style="text-align: right;"><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
<h2>Private Open Space</h2>	
<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;"><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>The existing dwelling is provided with suitably dimensioned areas of private open space with these areas to be directly accessible from living areas located to the rear of the dwelling.</p>
<p>Site Area 250 m² or greater:</p> <p>Minimum area of POS: 20% of the site area</p> <p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</p> <p>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.</p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 17</i></p>	<p>Does Not Comply</p> <p>115.5 m² or 18%</p> <p>Whilst the total amount of usable private open space for the dwelling falls 2% short of the 20% prescribed by Council's Development Plan, it is considered that what is to be provided is well dimensioned and useable being readily accessible from living areas located within the dwelling.</p> <p>Moreover, the dwelling is not considered to be extensively large in that it is only to accommodate three (3) bedrooms. As such, it is considered that the proposed amount of private open space to be provided will adequately cater for the likely needs of the residents.</p>
<h2>Street Setbacks</h2>	
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <ul style="list-style-type: none"> (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. <p style="text-align: right;"><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>Whilst the additions to the front of the dwelling will result in reducing the front setback of the existing dwelling, the proposed setback ranging between 7.2 to 9.2 metres is considered compatible with the front setback of the dwellings situated either side of the subject land being 6.5 metres for the dwelling located to the east at number 70, and 8.0 metres for the dwelling located to</p>

	the west at number 66 Beadnall Tce.						
<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> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b < a \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b < a \leq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Complies</p> <p>It is considered that the proposed front set back of the dwelling accords with the table set out opposite.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b < a \leq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p> <p>Notwithstanding the placement of the garage wall along the western side boundary of the subject land, it is considered that the proposed dwelling additions to the rear to be well setback from side and rear boundaries.</p>						
Side Setbacks							
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed rear additions maintain a side setback distance ranging between 2.5 to 3.2 metres from the western side boundary and a setback of 1.4 metres from the eastern side boundary.</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>(b) a wall from an adjacent dwelling already exists on the boundary:</p> <p>(i) be located immediately abutting the adjacent wall</p> <p>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</p> <p>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</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>Partially Complies</p> <p>(a) The proposed garage which now forms part of the existing dwelling has a wall which abuts only one side boundary being the western boundary;</p> <p>(b) Not Applicable</p> <p>(c) (i) The garage wall will be situated 1.2 metres forward of the adjacent dwelling to the west,</p> <p>(ii) The garage wall exceeds 6 metres in length along the northern side boundary at 6.7 metres;</p> <p>(iii) The garage wall will be less than 3 metres in height along the boundary at 2.7 metres in height;</p> <p>(iv) The garage wall is to be located further than 2.5</p>						

	metres from the nearest habitable room window of the adjacent dwelling to the west.
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Partially Complies</p> <p>Whilst it is acknowledged that the garage wall along the western side boundary will have some visual impact when viewed from the adjacent property at number 66 Beadnall Terrace, it is also noted that this wall is to be suitably located some distance away from this dwelling being adequately separated by the driveway which runs along the eastern side of this property.</p>
Rear Setbacks	
<p>6 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>The rear additions are to be setback between 11.2 to 12.2 metres from the rear property boundary.</p>
<p>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:</p> <p>(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</p> <p>(b) a minimum of 8 metres for two storey components of dwellings</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>The proposed development complies with the requirements set out in (a).</p>
Building Height	
<p>Maximum building height (from natural ground level):</p> <p>2 storeys or not more than 9 metres</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>The proposed addition will be single storey in height to match the building height of the existing dwelling.</p>
Garages, Carports and Outbuildings	

<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 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>Does Not Comply</p> <p>The proposed garage will be set 2 metres forward of the main face of the dwelling but 720 mm behind the proposed porch to be incorporated to the very front of the dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p> <p>The proposed garage will provide for the safe and convenient entry and exit of vehicles to/from the subject land compared to the current arrangement where vehicles must reverse a considerable distance along a narrow driveway from the very rear of the subject land out onto Beadnall Terrace.</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed garage is to have a roof form and pitch that complements the roof of the existing dwelling.</p> <p>The proposed garage is to be clad with new roof tiles which are to match those on the roof of the existing dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The panel lift door to be fitted to the new garage is to have a total width of 5.6 metres which represents 36% of the frontage width of the allotment.</p>
Car Parking	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>A total of four (4) on-site car parking spaces are to be provided with two (2) undercover parks within the garage and one (1) visitor space to be provided within the driveway to the front.</p> <p>An additional undercover car parking space is also available within the existing shed located to the rear of the subject land. Overall, adequate on-site car parking is provided for the dwelling.</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 & Access: PDC 43</i></p>	<p>Complies</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>Complies</p> <p>At least one on-road parking space is to be provided to the front of the property.</p>
Access	

<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Whilst a double width garage has been proposed, it is noted that the driveway has been suitably narrowed down to 4 metres in width at the crossover point.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposal seeks to utilise an existing driveway and crossover point which is located clear of any existing obstructions.</p>
<h2>Design & Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <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 & 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 & 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 & Appearance: PDC 17</i></p>	<p>Complies</p> <p>It is considered that the proposed architectural changes, especially those proposed to the front of the dwelling have been suitably integrated to complement the design and external features of the existing dwelling.</p> <p>I am of the opinion that the proposed changes will result in providing a modern appearance to the existing 1960s dwelling without detrimentally adding to the bulk and scale of the building when viewed from the street.</p> <p>As such, the design and appearance of the proposed additions are considered to be appropriate and should result in providing the dwelling with an improved street presentation and streetscape along this section of Beadnall Terrace.</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 & 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 & 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>Complies</p> <p>The main façade of the dwelling will continue to face the street but is now to incorporate a more defined front entry point with the inclusion of the new porch which is to be located to the very front of the dwelling.</p> <p>As the dwelling currently presents on the subject land, the front door of the dwelling is not visually apparent from the street given that it faces the side fence of the adjacent property to the west at 66 Beadnall Terrace.</p> <p>The proposed additions to the rear of the dwelling seek to increase living areas in order to improve the internal function and arrangement of rooms and living areas.</p> <p>The proposed additions to the rear of the dwelling also have been designed to ensure that they achieve an external outlook and provide direct access to areas of private open space to the rear.</p>
<h2>Overshadowing</h2>	

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

Given that the proposed additions are to be single storey in height and relatively well setback from existing property boundaries, I am of the opinion that any impact from overshadowing is likely to be minimal, and unlikely to have an unreasonable impact on the amenity of the occupants of the subject land, or the owners and occupiers of adjoining land.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

The proposed dwelling additions are to incorporate a hipped roof design with areas of roofing facing in a northerly and or westerly orientation to allow for the installation of solar hot water services and or photovoltaic cells.

The new roof sections will incorporate eaves which match the 600 millimetre overhang currently provided. This will assist with reducing heat loads during the summer months without requiring additional screening or tinting.

The proposed garage has been appropriately setback on the land to allow for northern sunlight to shine into the small courtyard area and living room located to the front of the dwelling.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

As previously mentioned above, the subject land has been identified as being located with a Flood Prone Area of the City of Marion.

The Council's Engineer has undertaken an assessment of the site works and drainage plan and has raised no issues with the finished floor levels of the proposed rear additions.

TABLE DISCUSSION

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

- Site Coverage
- Garage wall along the western side boundary

Site Coverage

The site coverage achieved in respect to the proposed development equates to 53% thereby exceeding the required maximum provision of 40% within Northern Policy Area 13. Nonetheless, whilst exceeding the prescribed maximum requirements, it is not considered that the proposed development represents an over development of the total site area where the application might warrant refusal.

Notwithstanding the above shortfall, it has been established above that the proposed dwelling achieves a high level of compliance with the quantitative criteria in that the dwelling provides well dimensioned areas of private usable open space to the rear and more than adequate on-site parking provision for up to four vehicles. Whilst marginally exceeding the requirements set out within the Council's Development Plan, the site coverage achieved in relation to the development does not detrimentally restrict nor significantly hinder the functionality of the proposed dwelling.

Further to this point, it is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60% for new dwellings including development applications proposing dwelling additions to existing dwellings.

Given that this proportion of site coverage could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria), this suggests that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity. Consequently, the excess in site coverage above Development Plan criteria is not considered fatal to the merits of the subject application.

Garage wall along the western side boundary

As identified above, the wall of the proposed double garage is to be constructed along the western side boundary for a distance of 6.7 metres, thereby exceeding the required distance of 6 metres by 700 millimetres metres along the boundary.

Notwithstanding the above, it is befitting to acknowledge that Schedule 4 permits the construction of dwellings "as of right" which incorporate boundary walls with a maximum length of 8.0 metres and a height of 3.0 metres, with no consideration attributed to the impact on the amenity of adjoining land.

As such, it is not appropriate to request amendments to the proposed boundary walls simply due to their visibility from adjoining properties. Moreover, the proposed

boundary wall length of 6.7 metres remains relatively modest in relation to the standard design criteria for that of new dwellings that are proposed within the City of Marion.

REPRESENTOR'S CONCERNS

The concerns raised by the representor(s) in relation to the proposed setback of the dwelling and other amenity related issues including the visual impact of the proposed garage wall along western boundary have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The concerns raised within the representations relating to fencing issues, the loss of vegetation and privacy during the construction of the proposed garage are acknowledged. Whilst these issues have been raised, 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

In summary, the proposed development seeks to make alterations and additions to an existing dwelling, with the intended changes designed to improve both the internal layout and function of existing rooms within the dwelling, and to make aesthetic enhancements to the streetscape presentation of the dwelling by incorporating a new double width garage and porch entry to the front of the dwelling.

In assessing the merits of the proposal, it is considered that the development generally accords with a majority of the quantitative and qualitative provisions of the Development Plan. Where shortfalls have been identified with the proposed development, these shortfalls have been found to be relatively minor in nature without having a detrimental impact on the amenity of surrounding properties or in relation to the function and use of the existing dwelling.

In terms of design and appearance, it is considered that the proposed architectural changes to the front of the dwelling have been well designed and integrated resulting in an improved street presentation for the existing 1960s dwelling. The proposed additions make good use of an underutilised front yard area whilst the rear additions provide improved access to existing areas of private open space located to the rear of the dwelling.

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

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;**
- (c) That Development Plan Consent for Development Application No: 100/2014/1493 to make alterations and additions to an existing detached dwelling including a garage with a wall on the western side boundary at 68 Beadall Terrace Glengowrie be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans stamped dated received 26 August 2014 and the Drainage Plan stamped dated received 27 October 2014 all submitted with and forming part of Development Application**

No. 100/2014/1493 except where varied by the following conditions of consent.

- 2. A fully engineered site works plan detailing top of kerb level, proposed finished floor levels, any cut/fill and/or retaining walls proposed, shall be provided to Council for consideration and approval, prior to Development Approval being issued.**
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.**

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

- 4. The stormwater collection and disposal system shall be connected to the street water table (inclusive of any system that connects to the street water table via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 5. 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.**
- 6. All mortar joints or any textured rendering to be applied to walls along the property boundary are to be finished in a professional manner, similar to other external walls on the subject dwelling(s).**

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.8
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Carol Mauro
Development Description:	A single storey detached dwelling, incorporating a garage wall on the eastern side boundary and two, single storey dwellings to the rear of the site with associated car parking and landscaping
Site Location:	51 Condada Avenue, Park Holme
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	11/06/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/961
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary as Category 2 development.

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

BACKGROUND

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

Amendments Requested	Amendments Made
Footprint of Dwelling 2 and 3 should be reduced to more closely align with Council's Development Plan provisions.	Site coverage reduced from 56.1% to 52.7% for Dwelling 2 and 3.
Private open space for each dwelling should be increased to accord with Council's Development Plan provisions.	Private open space increased from 16.2% to 22.3% for Dwelling 1 and from 19.6% to 26.5% for Dwelling 2 and 3.
Increase the minimum dimension of private open space to 5 x 5 for Dwelling 1.	Private open space amended to achieve a minimum dimension of 5 x 5.
Increase landscaping to the full length of the common driveway and provide landscaping to the front yard of Dwelling 1.	Landscaping provided to the full length of the common driveway and to the front yard of Dwelling 1.

SUBJECT LAND & LOCALITY

The subject land is located at 51 Condada Avenue, Park Holme. The land is rectangular in shape, achieving a frontage width of 19.5 metres, depth of 45.7 metres and a site area of 891 square metres.

The site currently accommodates a single storey detached dwelling in relatively good condition which is setback approximately 7.0 metres from Condada Avenue. Vehicular access is currently available from Condada Avenue, the contour of the land is relatively flat and there are no significant or regulated trees on the subject land.

The locality features a mixture of dwelling types and densities. The pattern of development is typically defined by single storey dwellings at low-medium densities. Recent development has occurred in the locality, displaying a number of single storey detached, semi-detached and row dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of a single storey detached dwelling, incorporating a garage wall on the eastern side boundary and two, single storey dwellings to the rear of the site with associated car parking and landscaping.

Dwelling 1 incorporates three bedrooms, associated wet areas/ensuite and open plan kitchen/meals/family room. The dwelling presents to Condada Avenue and will incorporate a single width garage to the front façade, which will utilise the existing access adjacent the eastern side boundary.

Dwelling 2 and 3 incorporate two bedrooms, associated wet areas and open plan kitchen/meals/family room. Both dwellings will be located behind Dwelling 1 and will utilise the existing access adjacent the western side boundary.

Each dwelling is proposed to incorporate a rendered façade and Colorbond roller door and pitched roof.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	7 properties were notified during the Category 2 public notification process.
Representations:	1 neutral representation was received by Council.
Persons wishing to be heard:	No persons wish to be heard.
Summary of representations:	<ul style="list-style-type: none"> Fencing/civil matters. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	Applicant does not wish to respond to the representation.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	Complies
PDC 3	<p><i>Minimum Site Area:</i></p> <p>375m² 300m²</p>	<p>Does Not Comply</p> <p>Dwelling 1: 309m² Dwelling 2/3: 204m²</p>
	<p><i>Minimum Frontage: 12m</i></p>	<p>Complies</p> <p>Dwelling 1: 15.5m</p>
	<p><i>Minimum Depth: 20m</i></p>	<p>Complies</p> <p>Dwelling 1, 2 and 3: 20m</p>

Assessment

The proposed dwellings will replace an existing dwelling with three dwellings, thereby increasing the availability of housing in the locality. The proposal does not require the removal of any Council street trees.

Site Area

The site area of Dwelling 1 equates 309 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 66 square metres; 17.6% below the minimum requirement. However, it is noted that the allotment maintains a frontage width of 15.5 metres, where a minimum frontage width of 12 metres is prescribed for detached dwellings. Accordingly, the undersized nature of the allotment should not be apparent when viewed from the streetscape, and therefore should not detract from the character of the locality. Further, it is acknowledged that Dwelling 1 will present to the street, without any design limitations due to the undersized nature of the allotment. As such, the proposed site areas are considered to positively reflect the low-medium density of development sought in the locality and Council's Development Plan.

The site area of the group dwellings (Dwelling 2 and 3) equate to 204 square metres. Given the minimum site area of 300 square metres applies, this equates to a shortfall of 96 square metres (32%).

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

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

It is noted that, if the driveway were to be included in site areas, Dwelling 2 and Dwelling 3 would maintain an average site area of 291 square metres per dwelling.

Given the size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 891 square metres; resulting in an average site area of 297 square metres per dwelling. This average site area merely short of the minimum 300 square metres required for group dwellings in the Northern Policy Area 13. Hence it is appropriate to conclude that the subject land could feasibly be developed to accommodate two group dwellings and one detached dwelling.

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>Partially Complies</p> <p>Dwelling 1: 39.8% Dwelling 2/3: 52.7%</p> <p>Whilst site coverage of Dwelling 2 and 3 exceeds the maximum 40% sought in Council's Development Plan, it is noted that a sufficient amount of private open space (26.5%) will be available to the side and rear of each dwelling.</p> <p>Further, the average site coverage for the whole land equates to 38.95%.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>Private open space meets the minimum dimensions to provide for the items identified in Principle 13.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>The private open space areas will be located to the side and rear of each dwelling, directly accessible from a habitable room.</p>

Site Area 250 m² or greater:

Minimum area of POS: 20% of the site area

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

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

Site area less than 250 m²:

20% of the site area or 35 m², 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

Dwelling 1: 22.3%
Dwelling 2/3: 26.5%

Street Setbacks

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

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

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

General Section: Design and Appearance: PDC 23

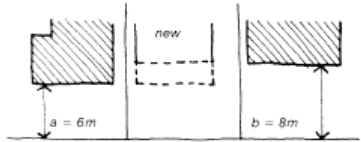
Partially Complies

Dwelling 1: 6m

It is acknowledged that the immediate locality displays a number of dwellings which achieve comparable street setbacks.

Despite the adjacent dwellings achieving a street setback of approximately 7m and 9m, it is my view that the proposed setback is considered appropriate, and accordingly, the front setback of Dwelling 1 is considered to satisfy Principle 23 and 25.

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

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

General Section: Design and Appearance: PDC 25

Complies

See above.

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

Each dwelling provides sufficient separation from any habitable room windows and private open space of the adjacent properties.

Side Setbacks

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

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

(a) 3 metres if adjacent southern boundary

(b) 2 metres in all other circumstances.

Residential Zone: PDC 7

Partially Complies

Dwelling 1: 1m and Garage located on the eastern boundary

Dwelling 2/3: 1.3m, 2.5m and 5.4m

Whilst the garage of Dwelling 1 will be located on the eastern boundary, it is acknowledged that it will be located adjacent the driveway area of the neighbouring property. Given the above, it is my view that any overshadowing/visual impacts will be minor.

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

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

(b) a wall from an adjacent dwelling already exists on the boundary:

(i) be located immediately abutting the adjacent wall

(ii) be constructed to the same or to a lesser length and height as the adjacent wall

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

(c) no wall exists on the adjacent boundary:

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

(ii) not exceed 6 metres in length

(iii) not exceed 3 metres in height

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

General Section: Residential Development: PDC 38

Partially Complies

Dwelling 1:

(a) Wall will be located on one property boundary.

(c)(i) The wall will not be setback 2 or more metres behind the main face of the adjacent dwelling.

(c)(ii) 5.7m in length

(c)(iii) 2.7m in height

(c)(iv) Garage wall will be sited no closer than 2.5 metres to a habitable room window of the neighbouring property.

Although the garage wall will be in-line with the main face of the adjacent dwelling, as noted above, it will be adjacent a driveway area. As such, any overshadowing/visual impacts will be minor.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

Dwelling 1: 5m (77.3%) and 4m (22.7%)
Dwelling 2/3: 3m (52.4%), 6.5m (35.7%) and 9.9m (11.9%)

Whilst the rear setback of Dwelling 1 equates to 5m and 4m for a portion, it is acknowledged that there will be no detrimental impacts to the adjacent dwellings, given the adjacent area will be used for the manoeuvring of vehicles.

Although the rear setback of Dwelling 2 and 3 equates to 3.0 metres for 52% of the building, it is acknowledged that the remainder of the dwelling complies with the setback requirements. Further, it is acknowledged that any overshadowing/visual impacts to the adjacent property's private open space area will be of minor nature given the staggered rear setback of both dwellings.

Building Height

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

Residential Zone: PDC 7

Complies

Dwelling 1: 4.7m
Dwelling 2/3: 4.6m

Garages, Carports and Outbuildings

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

*Minimum setback from primary road frontage:
8 metres for a freestanding structure.*

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

Residential Zone: PDC 8

Complies

Dwelling 1: 7m and 1m behind the main face of the dwelling.

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

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

Residential Zone: PDC 6

Complies

Dwelling 1: 3.2m (20.6%)

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

Dwelling 1: 2 spaces, one of which will be covered.

Dwelling 2/3: 2 spaces, one of which will be covered.

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

<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>					Complies
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>					Complies Given the proposed access points will utilise the existing crossovers, there will be no changes made to the existing on-street parking (2 on-street spaces will remain).
Access					
<p>The width of driveway crossovers should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>					Complies Dwelling 1, 2 and 3: 3m
<p>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</p> <p>General Section: Residential Development: PDC 40</p>					Complies
<p>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</p> <p>General Section: Transportation and Access: PDC 28</p>					Complies
<p>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</p>					Complies Dwelling 2/3: 3m + 0.5m landscaping strips either side of the driveway.
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	
1-2	3	3	-	0.5	
<p>General Section: Residential Development: PDC 41</p>					

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Complies

The proposed dwellings provide a sufficient level of articulation to the front façade, which will complement others in the locality.

Each dwelling comprise similar design features to the front façade including rendered brick, aluminium framed windows and a pitched Colorbond roof at 25°.

The above materials are considered appropriate within the locality and will not result in glare to the neighbouring properties.

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

Dwelling 1 will present the entrance point and two habitable windows to the primary street, which will enhance the streetscape elevation and passive surveillance.

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 single storey nature of each dwelling will not result in any detrimental overshadowing impacts to the neighbouring properties. Additionally, each dwelling provides sufficient separation from all boundaries.

As identified above, whilst the garage wall of Dwelling 1 will be located on the boundary, any overshadowing impacts will be minor.

Whilst all three dwellings will result in an extent of shadow cast upon adjoining land in the early morning and late afternoon, the extent will be limited to ensure access to natural sunlight as identified in Provision 10 is achieved.

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

Whilst the private open space area has a southerly aspect, it is acknowledged that each area achieves the minimum dimension sought by Council's Development Plan.

In addition to the above, given each dwelling achieves adequate setbacks from all boundaries, the habitable rooms of the subject site and the neighbouring properties will receive a sufficient amount of natural sunlight throughout the day.

Given the above, the proposal satisfies the requirements for energy efficiency in the Development Plan.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

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 application plans propose landscaping to the front yard of Dwelling 1 and either side of the common driveway for Dwelling 2 and 3.

The proposed landscaping will soften the appearance of the hard surface to the street.

The proposed landscaping is considered appropriate for residential development and will assist in providing the desired streetscape outcome.

REPRESENTOR'S CONCERNS

The representors have also raised concerns over fencing and civil matters. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

It is my opinion that the proposed development complements the Objectives, Principles of Development Control and Desired Character of the Northern Policy Area 13, being an area which encourages the redevelopment of older housing stock at low-medium densities and a range of housing types.

Whilst the allotments are undersized, the proposed development satisfies a majority of the Council's Development Plan provisions, demonstrating that the site is able to accommodate a detached dwelling and two group dwellings. It is acknowledged that the proposal fails to achieve certain aspects of the quantitative provisions of Council's Development Plan; however, it does so by minimal amounts. These shortfalls have been considered on balance with the overall compliance with the Development Plan and the overall merit of the proposal is considered to outweigh any discrepancies. Furthermore, the assessment of the qualitative criteria has demonstrated that the proposal achieves the anticipated design, layout and features sought for new residential development. Accordingly, the proposed development achieves a number of positive outcomes for future residents as well as the amenity and character of the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/961 for a single storey detached dwelling, incorporating a garage wall on the eastern side boundary and two, single storey dwellings to the rear of the site with associated car parking and landscaping at 51 Condada Avenue, Park Holme be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/961, being drawing numbers 1/5: Site Plan, 2/5: D2 & 3 - Floor Plan, 3/5: D2 & 3 – Elevations, 4/5: D1 – Floor Plan and 5/5: D1 - Elevations prepared by Perspective Designers and Developers, except when varied by the following conditions of consent.**
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan**

must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

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

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

4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
8. All render on walls on the property boundary are to be finished in a professional manner, similar to other external render on the subject dwelling.
9. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plan and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
10. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

NOTES

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

4. **The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.**
5. **Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.9
Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Eleftherios Papadopoulos
Development Description:	A two storey building comprising four dwellings, which incorporates a garage wall on the northern side boundary
Site Location:	226 Oaklands Road, Morphettville
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	11/08/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1383
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary as Category 2 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed Dwellings 1, 2 and 3 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.

BACKGROUND

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

Amendments Requested	Amendments Made
Dwelling floor area of Lot 2 & 3 should be reduced to more closely align with the floor area ratio provisions.	Floor area ratio reduced from 0.9 to 0.86 for Lot 2 and from 0.88 to 0.8 for Lot 3.
Upper storey rear setback of Lot 1 should be increased to 6 metres.	Upper storey rear setback of Lot 1 increased from 5m and 6m to 7.7m, 6.7m and 6m.
The upper storey side setback of Lot 4 should be increased to accord with the Development Plan provisions.	Wall height decreased from 6.75m to 6.2m.
A habitable room should be deleted from Lot 4 in order to accord with the off-street parking provisions.	Habitable room from Lot 4 has been converted to an open study/retreat area.
The provision of screening devices to the western side of the balcony of Lot 1.	Lot 1 has incorporated a 1.7m high privacy screen to the western side of the Balcony.
The proposed crossover for Lot 2 & 3 should be increased to a minimum 3 metres.	Crossover for Lot 2 and Lot 3 has been increased to 3.2 metres.
Obscure glazing should be removed from the southern elevation (Oaklands Road elevation).	Obscure glazing has been removed from the southern elevation.
Obscure glazing of Bedroom 1, of Lot 2 & 3 should be removed, to enhance the streetscape elevation.	Obscure glazing has been removed from the eastern elevation.
Window canopies should be provided to the northern and western elevations to enhance the environmental performance of each dwelling.	Window canopies have been provided to the northern and western elevations.
The driveway of Lot 4 should meet the kerb at the perpendicular.	The driveway of Lot 4 has been straightened on Council land and maintained a minimum 1 metre setback from the stobie pole.
The paths should be deleted from each allotment to increase the available landscaping area.	The paths of each allotment have been deleted and landscaping areas increased.
The provision of noise attenuating fencing to the southern boundary.	Single leaf sound reducing wall provided to the southern boundary.
Information Requested	Information provided
The provision of a landscaping plan.	Landscaping plan provided.
The provision of a fully engineered site and drainage plan.	Site and drainage plan provided.
The provision of party wall details.	Party wall details provided.
Details of the sound reducing qualities of the southern side fencing and elevation plans of the fencing.	Sound reducing qualities and elevation plans of the proposed fence have been provided.
The provision of a colour/perspective streetscape elevation plan.	Colour/perspective streetscape elevation plan provided.

SUBJECT LAND & LOCALITY

The subject land is located at 226 Oaklands Road, Morphetville. The land is irregular in shape, with a corner cut-off, achieving a frontage width of 24.38m to Oaklands Road, average depth of 32m and total site area of 952 square metres. The site currently accommodates a detached dwelling in relatively good condition, which is slightly angled towards Oaklands Road. As a result, the dwelling is setback approximately 6 metres (at the closest point) and 10 metres from Oaklands Road and has a secondary street setback of 9 metres from Rosedale Avenue.

Vehicular access is currently available from both Oaklands Road and Rosedale Avenue. The contour of the land is relatively flat and there are no regulated or significant trees existing on the subject land.

The pattern of development is typically defined by single storey dwellings at low to low-medium densities. Recent development in the locality displays a minor presence of semi-detached and row dwellings; however, the immediate locality is dominated by single storey detached dwellings.

Additionally, it is noted that the site is opposite the Marion Leisure and Fitness Centre and the Warradale Army Barracks. It is also of interest to note that on-street parking is currently unavailable, due to parking restrictions along Oaklands Road and Rosedale Avenue.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of four, two storey row dwellings, incorporating a garage wall on the northern boundary.

The proposed dwellings each incorporate three bedrooms, associated wet areas/ensuite, open study/retreat area and open plan kitchen/meals/family room.

The dwellings present to Rosedale Avenue and incorporate a single garage to the front façade. Each dwelling proposes the construction of a new crossover on Rosedale Avenue and no access to the site will be made via Oaklands Road.

Each dwelling proposes to incorporate a mixture of materials and colours to the front façade including exposed brick, render and panel lift doors.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	4 properties were notified during the Category 2 public notification process.
Representations:	There were no representations received by Council.

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure:	<p>DPTI have provided response in relation to the proposed development.</p> <p>DPTI concluded that they do not object to the proposed development subject to:</p> <ul style="list-style-type: none"> - Any new access to the site being made via Rosedale Avenue; - Access from Lot 1 should be located a minimum 6 metres from the kerb tangent point; - Stormwater should be discharged without jeopardising the integrity and safety of the arterial road; and - Any vegetation at the corner must be low growing.
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Refer Attachment IV

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Requested that the proposed access point for Lot 1 be located a minimum 6 metres from the Oaklands Road property boundary.</p> <p>Council's Development Engineer has reviewed the amended plans and is satisfied with the access to Lot 1.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
Northern Policy Area 13
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that contributes to the desired character of the policy area.</p>

Desired Character

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

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

PDC 1	The following forms of development are envisaged in the policy area: ▪ row dwelling	Complies
PDC 3	Minimum Site Area: 250m ²	Does Not Comply Lot 1: 236m ² Lot 2: 202m ² Lot 3: 215m ² Complies Lot 4: 298m ²
	Minimum Frontage: 7m	Does Not Comply Lot 1: 5.3m Lot 2: 6.5m Lot 3: 6.5m Lot 4: 6m
	Minimum Depth: 20m	Complies

Assessment

The proposed dwellings will replace an existing dwelling with four dwellings, thereby increasing the availability of housing in the locality. Each dwelling will be oriented to Rosedale Avenue, which currently has limited streetscape articulation. The proposed development will establish an articulated streetscape to enhance the presentation to Rosedale Avenue.

The proposal does not require the removal of any Council street trees.

Site Area and Frontage Width

The site area of three of the four proposed allotments fall short of the minimum 250 square metres sought in the Northern Policy Area 13 by 14m² for Lot 1, 48m² for Lot 2 and 35m² for Lot 3.

Although the site areas are less than the minimum requirement for the Policy Area, the design of each dwelling has been sited to allow for appropriate functionality. Further, it is acknowledged that each dwelling will present to the street without any design limitations due to the undersized nature of the allotments and the frontage width.

Each dwelling will present an entrance point, habitable windows and garage to the street, incorporating a mixture of materials and colours, which in my view, will provide articulation to the front façade. As such, the proposed site areas and frontage widths are considered to positively reflect the low-medium density of development sought in the locality and Council's Development Plan.

In addition to the above, it is acknowledged that the Residential Zone and Northern Policy Area 13 encourage increased densities adjacent open space, public transport and centre zones. The subject site is located within walking distance to public open space areas, public transport options along Oaklands Road. Further, despite the large shortfalls in site area for Lot 2 and Lot 3, the overall site area equates to 951 square metres, 4.9% short of the minimum required for four row dwellings.

It is acknowledged that the frontage width of each dwelling falls considerably short of the minimum 7 metres. As a result, the driveway of Dwelling 1 is encroaching into the frontage of Dwelling 2 and reduces the available area of landscaping street-side of the dwellings and in the front yard area of Dwelling 2. However, it is noted that the integrated two storey design does not result in narrow or unattractive dwellings.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Lot 1: 40.6% Lot 2: 56% Lot 3: 52.5% Lot 4: 42%</p> <p>Whilst the site coverage of each allotment exceeds the maximum 40% provision, it is acknowledged that a generous amount of private open space will be made available to the rear of each allotment, whilst appropriate setbacks are achieved to all boundaries (discussed further in this report). As such, it is my view that each dwelling will be able to function appropriately.</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Lot 1: 0.64 Lot 2: 0.86 Lot 3: 0.8 Lot 4: 0.62</p> <p>It is acknowledged that Lot 2 and Lot 3 have a considerably high floor area ratio. Although this is significantly greater than that sought, it is acknowledged that both dwellings are abutting adjacent dwellings, and accordingly, any impacts to the neighbouring properties will be of a minor nature.</p>

	<p>All four dwellings provide ample private open space to the rear and appropriate setbacks to all boundaries.</p> <p>Given the above, it is my view that these are not negative consequences resulting from the excess in floor area ratio of Lot 2 and 3 and each dwelling will have the ability to function efficiently.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>Private open space meets the minimum dimension to provide for the items identified in Principle 13.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>Lot 1: (34%) Lot 2: (34%) Lot 3: (39%) Lot 4: (43%)</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>The private open space areas are located to the side (Lot 1) and rear of each dwelling, directly accessed from a habitable room and shall receive a sufficient amount of natural sunlight throughout the day.</p>

Site Area 250 m² or greater:

Minimum area of POS: 20% of the site area

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

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

Site Area 250 m² or greater:**Site area less than 250 m²:**

20% of the site area or 35 m², 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

Lot 1: 65m² (27.5%)

Lot 2: 59m² (29.2%)

Lot 3: 72m² (35.5%)

Complies

Lot 4: 117m² (39%)

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

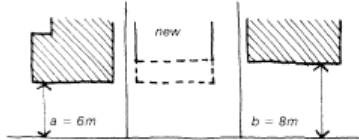
Does Not Comply

5.5m

The front setback of each dwelling equates to 5.5m, whereas the adjacent property is setback approximately 7.5m. Although the proposed dwellings will be set approximately 2m forward of the adjacent property, it is acknowledged that the subject site is a corner allotment, which will provide transition to the neighbouring dwelling and other properties in the street. Additionally, it is acknowledged that the dwelling at 3 Rosedale Avenue is setback approximately 5m from the property boundary at the nearest point.

Given the above, it is my view that the proposed front setback will provide transition to the other dwellings on the street, and will not overly dominate the streetscape.

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

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

General Section: Design and Appearance: PDC 25

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

Complies

Lot 1: 3m and 3.3m

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

Each dwelling provides sufficient separation from all property boundaries, habitable windows and private open space areas.

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

Lot 4: 1.1m and 2.6m

Upper Storey: 2m, 2.2m and 2.6m (Should be setback 2.2m)

It is acknowledged that the northern side setback of Lot 4 does not accord with the Development Plan provisions; however, it only does so for a minor portion of the upper storey wall. Further, it is acknowledged that the side of the dwelling will be south of the adjacent driveway area of the neighbouring property, an area primarily used for the parking of vehicles. Accordingly, it is my view that the upper storey side setback will not have detrimental impacts to the adjacent dwelling and the bulk of the building presenting to the north is considered acceptable.

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

- (a) the walls should not abut more than one side allotment boundary*
- (b) a wall from an adjacent dwelling already exists on the boundary:*
 - (i) be located immediately abutting the adjacent wall*
 - (ii) be constructed to the same or to a lesser length and height as the adjacent wall*
 - (iii) be setback 2 or more metres behind the main face of the adjacent dwelling*
- (c) no wall exists on the adjacent boundary:*
 - (i) be setback 2 or more metres behind the main face of the adjacent dwelling*
 - (ii) not exceed 6 metres in length*
 - (iii) not exceed 3 metres in height*
 - (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window*

General Section: Residential Development: PDC 38

Partially Complies

Lot 4

(a) Dwelling walls located on both boundaries.

(b) A wall from the adjacent dwelling does not exist on the boundary.

(c)(i) The garage will be set approximately 2.2m forward of the main face of the adjacent dwelling.

(c)(ii) 6.5m in length

(c)(iii) 2.9m in height

(c)(iv) The garage will be located no closer than 2.5m to a habitable room window of the adjacent property.

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

Although Lot 4 will result in walls on both the northern and southern boundary, when the site is viewed as a whole, the dwellings will provide separation from the southern boundary (Lot 1).

In addition to the above, the garage will be set forward of the main face of the adjacent dwelling and have a length of 6.5m on the boundary. As previously mentioned, the garage will be adjacent the driveway/carport of the adjacent dwelling and the front setback is considered to provide transition to the other properties within the street.

As such, it is my view that the location of the garage wall on the boundary is acceptable and any impacts to the neighbouring dwelling will be minor.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Partially Complies

Lot 1: 5m and 6m
Lot 2: 7.5m
Lot 3: 9.5m
Lot 4: 10m

Lot 1 achieves a rear setback of 5m at the closest point. Whilst this does not accord with Council's Development Plan provisions, it only does so for a minor portion. Given the majority of the dwelling accords with the rear setback provisions, it is my view that any impacts to the adjacent dwelling will be minor.

8 metres for a 2 or more storey dwelling

Residential Zone: PDC 7

Partially Complies

Lot 1: 6m, 6.7m and 7.6m
Lot 2: 8.2m and 10.2m
Lot 3: 10.2 and 12.2m
Lot 4: 10.2m and 12.2m

The upper storey rear setback of Lot 1 does not accord with the Development Plan requirements; however, it is my view that any overshadowing/visual impacts to the adjacent dwelling will be of a minor nature given the variety of lower and upper storey rear setbacks of each dwelling. In addition to the above, it is noted that the main area impacted on the adjacent property will be the side yard area and not the main private open space area.

Given the above, it is my view that the upper storey rear setback of Lot 1 is considered appropriate.

Building Height

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

Residential Zone: PDC 7

Complies

6.2m

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

Does Not Comply

Lot 1: 5.5m / in-line with the main face

Lot 2: 5.5m / 1.5m forward of the main face

Lot 3: 5.5m / 1.5m forward of the main face

Lot 4: 5.5m / 1.5m forward of the main face

Whilst the garages will be located in-line (Lot 1) and forward of the main face of the dwellings (Lot 2, 3 and 4), the design and appearance of the development aims to reduce the visual dominance of the garaging through the use of the upper storey articulation, incorporation of a balcony to the front façade and a mixture of colours and materials. Additionally, the balcony of Lot 1 protrudes forward of the garage.

When the development is viewed as a whole, the upper storey articulation and use of colours and materials ultimately reduces the visual prominence of the garaging. Further, landscaping will be provided to the front yard of each dwelling to soften the appearance of the garaging.

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

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

Residential Zone: PDC 6

Complies

Lot 1: 41%

Lot 2: 41.5%

Lot 3: 41.5%

Does Not Comply

Lot 4: 71.6%

The garaging of Lot 4 equates to 71.6% of the frontage width. Whilst this does not accord with Council's Development Plan provisions, an appropriate level of upper storey articulation has been provided, along with landscaping, which will soften the appearance and dominance of the garaging.

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

2 parking spaces provided for each dwelling, one of which will be covered.

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

Does Not Comply

It is acknowledged that three additional dwellings will be located on the subject site, which currently accommodates one dwelling. Whilst three additional crossovers will be provided to Rosedale Avenue (resulting in no on-street parking), it is acknowledged that there are existing parking restrictions which do not allow on-street parking.

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

As such, it is my view that the shortfall in on-street parking will not have detrimental impacts to the immediate locality, nor the additional demand for street parking that the dwellings will generate.

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

Lot 1: 3m
 Lot 2: 3.2m
 Lot 3: 3.2m
 Lot 4: 3.4m

The shortfall in the crossover width is considered minor and will not have detrimental impacts to the on-street parking given the existing arrangements. Further, the provisions of landscaping to the front yards will soften the appearance of the hard surface over a limited frontage width.

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

General Section: Residential Development: PDC 40

Complies

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed dwellings provide a sufficient level of articulation to the front façade.

Each dwelling comprise similar design features to the front façade including exposed brickwork, render to the upper storey and panel lift doors.

The upper storey balconies complement the overall design and appearance of the development. The balustrades will enable sufficient line of sight to the street and will enhance passive surveillance.

The above materials are considered appropriate within the locality and will not result in glare to neighbouring properties.

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

Each dwelling will present the entrance point and habitable windows to the primary street which will enhance the streetscape elevation and passive surveillance.

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*

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)*

General Section: Design & Appearance: PDC 10

Complies

Land south of the two storey dwellings comprises the footpath and Oaklands Road.

Given each dwelling provides sufficient separation from all boundaries, any overshadowing impacts to the adjacent properties will be of minor nature.

Further, the garage wall of Lot 4 will be located on the northern boundary, as such, there will be minimal overshadowing impacts, to the adjoining property.

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 design of each dwelling has taken the visual privacy of the neighbouring properties into consideration.

Screening devices such as obscure glazing and privacy screens have been provided to the northern and western elevations to protect the privacy of the adjacent dwellings.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

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

Although the private open space will have a western orientation, it is acknowledged that the area will receive a sufficient amount of natural sunlight in the afternoon.

The northern and western elevations feature window canopies which will allow shading during summer months and improve the environmental performance of each dwelling.

In addition to the above, sufficient separation will be provided from each boundary, ensuring that winter sunlight is available to the main activity areas of the adjacent dwellings.

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 application plans propose landscaping to the front and rear yard of each dwelling and to the side of Lot 1. Further, landscaping will be provided either side of the proposed driveways, to soften the appearance of the hard surface to the street.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

1.8m high sound reducing fence provided to the southern property boundary, which will incorporate recessed garden beds.

Standard 1.8m high fence to the remainder of the property boundaries.

ANALYSIS/CONCLUSION

It is my opinion that the proposed development complements the Objectives, Principles of Development Control and Desired Character of the Northern Policy Area 13, being an area which encourages the redevelopment of old housing stock at low-medium densities and a range of housing types.

Whilst the Lots 1, 2 and 3 are undersized and as a whole, the site represents a 4.9% shortfall in site area, the proposed development satisfies a majority of the provisions of Council's Development Plan, demonstrating that the site is able to accommodate four row dwellings in the form proposed. It is acknowledged that the proposal fails to achieve certain aspects of the quantitative provisions of Council's Development Plan; however, it does so by minimal amounts. Where the proposal falls considerably short of the quantitative provisions, it has been demonstrated that the identified shortfalls have some merit. These shortfalls have been considered on balance with the overall compliance with the Development Plan and the overall merit of the proposal is considered to outweigh any discrepancies. Furthermore, the assessment of the qualitative criteria has demonstrated that the proposal achieves the anticipated design, layout and features sought for new residential development. Accordingly, the proposed development achieves a number of positive outcomes for future residents as well as the amenity and character of the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1383 for two storey building comprising four dwellings, which incorporates a garage wall on the northern side boundary at 226 Oaklands Road, Morphettville be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1383 (being the site plans, siteworks plan and elevations (inclusive) prepared by Mavtech Designs and Herriot Consulting, except when varied by the following conditions of consent.**
- 2. A revised siteworks and drainage plan shall be provided to Council for consideration and approval, prior to Development Approval being issued**
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the**

specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. All upper storey windows on the northern and western elevation less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council. (Note, suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7m above the internal floor level or a window sill height of 1.7m above the internal floor level).
5. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. Any vegetation adjacent the intersection of Oaklands Road and Rosedale Avenue corner must be low growing in nature (i.e. less than 1.0 metre in height) to preserve site lines across the corner.
8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
9. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicants cost.
10. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
12. 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.
13. The Site Works and Drainage Plan shall not represent the foot print of the dwelling and shall only be used for site level reference (finished floor levels, bench levels, cut and/or fill, existing site levels etc.)

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.10
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Scentre Group
Development Description:	Variation to DA 100/2007/48 as subsequently varied by 100/2387/2010 and DA 100/2012/1297 (Amendments to Stage 1 outdoor dining precinct, fresh food precinct and various amendments to tenancies and car parking)
Site Location:	293-297 Diagonal Road, Oaklands Park
Zone:	Regional Centre Zone
Precinct:	Precinct 10 (Retail Core Marion) and Precinct 11 (Retail Support Marion)
Application Type:	Category 1 / Consent
Lodgement Date:	01/09/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1536
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

For the Panel's reference, this application is the fourth for the redevelopment of the site in recent years – this application being the third variation of the original application. The most recent variation application (100/2012/1297) was notified as a Category 2 form of development, where two representations (both in favour) were received from the 180 properties notified.

Given the above and the nature of the variations proposed, by consensus with the Manager – Development Services and the Team Leader – Planning, the subject application has been determined as a Category 1 form of development pursuant to Part 1, clause 2(g) of Schedule 9 of the Development Regulations, 2008, as the variations proposed were considered minor in the context of the previously-granted proposals.

As the application varies consents previously granted by the Panel, pursuant to the City of Marion delegations, the application is to be determined by the Development Assessment Panel.

BACKGROUND

Development Application 100/2007/48 (the 'original' consent - granted in August 2008) sought for extensive additions to the centre. This application was varied by Development Application

100/2010/2387 (the 'first' variation) and was granted consent in April 2011. The 'second' variation application (100/2012/1297) varied, in part, Development Application 100/2010/2387.

In greater detail, the history of the three previous Development Applications is itemised below;

At its meeting held 15 August 2008, the Development Assessment Panel considered Development Application No: 100/2007/48, with a proposal description of:

"Alterations and additions to the Westfield Marion Shopping Centre including approximately 18,275 square metres of additional retail floor space, additional decked car parking to the north of the Centre and adjacent to Diagonal Road and removal of three significant trees."

The Panel granted Development Plan Consent, subject to 27 conditions. If a copy of this application (plans, Development Plan Consent or other documentation) is required, please contact the writer of this report.

At its meeting held on 6 April 2011, the Development Assessment Panel considered the first variation to the original approval, namely: Development Application No: 100/2010/2387 which was described as follows:

"Variation to Development Application No: 100/2007/48 which provided for the "Alterations and additions to Westfield Marion Shopping Centre including approximately 18,275 square metres of additional retail floor space, and additional decked car-parking to the north of the centre and adjacent to Diagonal Road and removal of three significant trees." incorporating reconfiguration of the additions and alterations, new free-standing "bowland", and the staging of the development into two stages."

The Panel granted Development Plan Consent, subject to 30 conditions and two reserved matters.

At its meeting held on 3 October 2012, the Development Assessment Panel considered the second variation application, namely: Development Application No: 100/2012/1297 which was described as follows:

"Variation to Development Application No: 100/2010/2387 (to vary Development Application No: 100/2007/48), comprising an increase in floor area from 18,152 square metres to 19,213 square metres, creation of a new dining precinct fronting Diagonal Road, amendments to the internal layout of the centre, enlargement and amendments to decked car-parking areas and an undertaking of the development in two stages."

The Panel granted Development Plan Consent, subject to 32 conditions and two reserved matters.

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

Amendments Requested	Amendments Made
The variation results in a decked car park adjacent (north of) the proposed outdoor dining precinct in Stage 1 (previously proposed as part of Stage 2); compromising the amenity and outlook from this space. Alternative locations for these car parking spaces should be sought.	Additional car parking has been provided elsewhere on the site, albeit resulting in a small reduction in the car park rate provided for in Stage 1 (discussed further in this report).

SUBJECT LAND & LOCALITY:

Members of the Development Assessment Panel would be familiar with the subject land and locality.

The Westfield Marion Shopping Centre is the largest shopping centre outside the Adelaide Central Business District and the retail and recreational focus for the southern suburbs of Adelaide.

The subject land comprises the largest focal point within the 'Domain', a triangular area of land bound by three arterial roads, namely Diagonal Road to the east, Sturt Road to the south and Morphett Road to the west.

The shopping centre currently comprises over 131,500 square metres of gross leasable floor area, including two full-line department stores, four discount department stores, two supermarkets, nine 'mini major' stores, 270 speciality shops, an office tower, food court and restaurants, 26-cinema complex and other entertainment facilities surrounded by at-grade and decked car-parking. A bus interchange, partly on the subject site is located to the immediate south of the centre.

Adjoining the subject site and contained within the 'Domain' are other retail uses such as fast food restaurants, stand-alone retail facilities such as a paint centre and a liquor outlet, a large Bunnings Warehouse outlet, the Domain Medical Centre, Council's Cultural Centre and various government agencies. More recently, the State Aquatic Centre & GP Plus buildings have been completed and are operational.

The wider locality, namely land fronting the above-mentioned arterial roads contains a mixture of commercial land uses, (including a small office/shopping precinct fronting Sturt Road opposite the existing bus interchange), together with residential land uses including older, primarily single storey dwellings interspersed with more recent, predominantly two storey medium density residential developments.

The locality plan is contained in **Appendix I**.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to vary Development Application 100/2007/48, as varied by the three variation applications described earlier in this report.

Generally, the scale, built form and function of the proposed development is similar to that most recently considered by the Panel (Development Application 100/2012/1297). The proposal also seeks for the development to be undertaken in two stages (consistent with previous proposals).

The most notable changes Members familiar with the previous Development Application will identify includes;

- Alteration to the layout of the dining precinct whereby the 'pods'/tenancies will be somewhat inward in their orientation, creating a central landscaped courtyard (Stage 1); and
- Reduction in the northern extension of the upper level food court, in lieu of a larger open deck/plaza space accommodating tenancies above the outdoor dining precinct, linking with the decked car park to the north (Stage 2).

Importantly, the applicant has confirmed the amendments made to the previous Development Application (requested by the Panel) relating to pedestrian movements and treatments of the

car parking and vehicle manoeuvring areas adjacent the dining precinct, will remain consistent with that previously approved.

More specifically, as outlined in the submitted planning report, the proposal incorporates the following;

- “Amendments to the ground floor configuration of retail floor space but maintains the overall incremental floor space increase at 19,213 metres;
- The principle changes to the ground floor (Level 1) comprise;
 - Amendments to the new dining precinct of nine internally orientated tenancies as to create an outdoor dining plaza fronting Diagonal Road, while maintaining an active street frontage to [the] Diagonal Road streetscape;
 - Reduction in floor space of the previously approved mini major on the Sturt Road elevation;
 - Alteration of the centrally located tenancies and adjacent loading bay and car parking areas;
 - Alteration to the several tenancies within the fresh food precinct and adjacent loading bay and car parking areas;
- The principle changes to Level 2 comprise:
 - Retention of the existing car park ramp configuration; and
 - Proposed new pedestrian link between the reconfigured food halls and new deck car park with café tenancies above the dining precinct adjacent Diagonal Road.
- Specific amendments regarding the decked car park arrangements include:
 - Construction of an additional section of the northern Level 1 (Level 1 Mezzanine) car park layout over the Bowland tenancy including creation of additional car parking spaces;...and
 - Minor alterations and reconfiguration of car parking layout.”

Refer Attachment III

DEVELOPMENT ASSESSMENT:

Panel Members are respectfully advised that pursuant to Section 39, sub-section (7)(b) of the Development Act, 1993, consideration of the application can only be had to “*the extent of the proposed variation and not so as to provide for the consideration of other elements or aspects of the development or the authorisation*”. In other words, only the variation elements can be considered by the Panel – all other elements that have previously received consent that are not altering as a result of this application cannot be assessed or considered.

LAND-USE:

Regional Centre Zone

Objective 1:

A centre representing the primary focus for business and commercial services for the region, outside the central business district of Adelaide, providing a full range of shopping, administrative, cultural, community, entertainment, education, religious and recreational facilities, and public and private office development.

Principle of Development Control 1:

The following forms of development are envisaged in the Zone:

***...Bank...
Department store...
Indoor games centre...
Office...
Restaurant
Shop
Supermarket...***

Precinct 10 Retail Core Marion

Principle 22 of Development Control:

The precinct should contain an extensive range and diversity of regional centre facilities related to its function as the core retail area for the region.

Principle 23 of Development Control:

Major expansion of the existing shopping centre complex should occur primarily in a northerly direction to facilitate integration of the existing complex in respect to function, access, car parking, built-form and landscaping with other developments (existing or proposed) in Precinct 9 Northern Fringe Marion and Precinct 11 Retail Support Marion to the north.

Precinct 11 Retail Support Marion

Principle 24 of Development Control:

The following forms of development are envisaged in the precinct:

***Bulky goods outlet
Concession stalls and open air markets developed along main pedestrian and/or vehicle linkages
Offices
Recreation and entertainment activities
Restaurants
Small-scale specialty shops
Taverns.***

The subject application maintains the intent of previous applications to provide an improved shopping experience at the centre, which will be enhanced by virtue of the new dining precinct adjacent Diagonal Road, together with a number of positive attributes from the previous proposals, such as an improved (upper level) food court providing indoor and outdoor dining, additional retail choices such as the food market, and improved pedestrian linkages between the centre and adjoining land uses to the north.

It is noted that the Desired Character of the Regional Centre Zone identifies that *“the existing regional centre must be allowed to intensify within the already developed areas and expand to incorporate new areas. The designated area for expansion of the regional centre is to the north of the existing major shopping centre encompassing all of the land within the triangle bounded by Morphett, Diagonal and Sturt Roads.”*

The variation proposal is considered entirely consistent with this aspect of the Desired Character Statement for the Regional Centre Zone. The variation application maintains expansion of the existing shopping centre to the north to intensify the existing complex.

VISUAL AMENITY/DESIGN/ PEDESTRIAN ACCESS & LINKAGES:

The Desired Character Statement provides as follows:

Built Form and Appearance

Further development within the triangle north of Sturt Road is expected through the redevelopment and/or expansion of the existing shopping centre complex (Westfield), or as separate developments not directly linked to the main shopping centre. It is desirable that new buildings and spaces within the regional centre develop a human scale and outwardly orientated character in areas of high pedestrian activity and focus (such as at entrances to buildings and malls, and along highly visible facades (such as those directly facing roads or pedestrian thoroughfares). This can be achieved through the sensitive design (attractive frontages with articulated facades) and location of facilities at pedestrian focal points in any expansion and redevelopment of the main shopping complex, and elsewhere through the development of smaller and more intimate scale buildings (although some large buildings will be appropriate at key locations), and smaller, less expansive car parking areas at ground level.

Buildings will generally be sited and designed to front and address the streets or vehicle/pedestrian network to be established in the zone to create a more traditional urban streetscape rather than the more suburban shopping centre character of large isolated buildings setback from main roads and surrounded by car parking. In particular, the built form of corner buildings and associated development at the intersections of Sturt, Diagonal and Morphett Roads, and adjacent the major access points from these roads to the centre, will create an attractive entry statement that provides an appropriate introduction and gateway to the regional centre.

It envisaged that buildings will be sufficiently setback from road boundaries to accommodate substantial landscape buffers which will soften the appearance of the buildings, particularly form residential development directly opposite the centre on Sturt, Diagonal and Morphett Roads.

The proposed variation seeks amendments to the appearance of the site (and previously-approved development) as viewed from Diagonal Road for the portion adjacent the current Australia Post and Kathmandu tenancies (north-west of the existing office tower), via the proposed dining precinct.

The new built form seeks for the dining ‘pods’ to create a central courtyard, with tenancies orientated towards and around this space – in contrast to the previous proposal where the ‘pods’ were oriented towards Diagonal Road.

Nonetheless, a dining/café precinct external to the mall environment provides a pleasant space for visitors to meet and gather, whilst the built form will also provide variety and improvements to the Diagonal Road frontage of the site.

The new built form, although representing a comparatively small visual element when compared to the overall mall and to-be-constructed car park decks, presents a more ‘human scale’ than a traditional ‘lock-up’ mall complex and introduces external plazas fronting Diagonal Road. Further, the central courtyard will provide a more pleasant outlook for diners compared to the previous proposal, where diners’ view was over the adjacent car park towards Diagonal Road.

As part of Stage 2, it is proposed to extend the existing (Level 2) Food Court. These amendments seek to reduce the north-westerly extension of the Food Court, in favour of

providing additional open sky directly above the dining precinct below. This is considered a positive outcome; providing additional 'true' outdoor dining options for visitors to the site.

As part of the variations, a slender plaza, flanked by tenancies at either end will provide outdoor seating for diners, whilst the Food Court will be widened – although it does not appear that the number of tenancies within this space will be substantially increased. The Food Court and plaza will link with the decked car park to the north-west.

Notwithstanding the above, the variation application will retain some of the approved but less desirable visual attributes, such as dominance in decked car-parking adjacent the Diagonal Road frontage of the site. However, an amendment to the application during the processing of the application has resulted in the deck car park north of the dining precinct now being proposed in Stage 2 only; enabling an improved experience for visitors (between the completion of Stage 1 and Stage 2).

As part of the application, it is sought to include retention of the previously-approved (but subsequently varied by Development Application 100/2012/1297) car park ramp accessed from Morphett Road. Members may recall the most recent design sought to incorporate a curved ramp travelling in a north-east direction from the Morphett Road entrance. The current design returns to the 'original' layout, which provides direct vehicular access to the Level 2 decked car park. The straightened alignment of the car park ramp is considered to provide more efficient access for visitors, limiting the opportunity for queuing.

The proposal also includes an extension of the Level 1 Mezzanine decked car park over the 'Bowland' tenancy, where previously a void was situated over this building. Given that both the Level 2 Mezzanine and Level 2 decked car parks are to be situated above the 'Bowland' tenancy, a relatively minor alteration to the appearance of the car park decking is likely when viewed from the north.

Other amendments to the proposal only marginally alter the external appearance of the site when viewed from public land, including reduction in the floor area of the Mini Major and alterations to tenancies adjacent the western loading bay.

In relation to the decked car parking, members are respectfully reminded that apart from minor alterations, the location and design of the decked car parks remain consistent with the three previous consents granted for the redevelopment of the site.

Whilst the level of detail provided makes it difficult to decipher, the applicant's representative has confirmed the amendments made in the previous application to the pedestrian crossing and car park layout adjacent the outdoor dining precinct have been maintained. A recommended condition of consent, consistent with that issued by the Panel in its consideration of Development Application 100/2012/1297 has been included as part of the recommendation.

TRAFFIC IMPACTS:

The Desired Character Statement provides as follows:

Access & Movement

The regional centre should develop an integrated, safe and convenient movement system for vehicles, pedestrians and cyclists with as little reliance as possible on the use of the surrounding arterial roads for intra-centre movement of vehicles.

This should be achieved through the co-ordination and integration of access and parking areas for individual developments to contribute to and gradually build up an integrated circulation system.

Main vehicle access points from the surrounding arterial roads should be limited, and main entrance points may become signalised in the future.

Development should provide, and the design of buildings and open spaces should promote, pedestrian linkages that form an integrated network for safe and convenient movement within and between the policy areas in the zone, and in particular to form links between the civic centre, the main shopping complex, the major public open space and towards the Oaklands Railway Station.

The council will promote and encourage access and facilities for cyclists to and within the regional centre in accordance with the City of Marion Local Area Bike Plan.

Table Mar/2: Off-Street Vehicle Parking Requirements:

**Shop: 5 per 100 square metres (where located within a centre).
 7 per 100 square metres (where not located within a centre).**

At the request of administration, the applicant reviewed the provision of the decked car park north of the dining precinct which was to be provided as part of Stage 1. (For Member's reference the 2012/1297 application sought for the decked car park in Stage 2). The result was that this car park could be provided in Stage 2, however, the total number of car park spaces that would be provided as part of Stage 1 would be reduced.

Given the overall benefit of maintaining an open sky/vista adjacent the dining precinct (keeping in mind the office tower is south of the dining precinct), and the fact the reduced car parking provision was not significant, the proposal was considered acceptable by administration.

Following deletion of the decked car park as part of Stage 1, the following is now proposed as part of the car parking arrangement;

- Additional car parking will be provided at ground level, as the car park deck (ramp and supports) previously reduced the availability of car park spaces (Stage 1);
- Additional car park spaces will be provided in alterations to the layout of other car park banks throughout the site (Stage 1);
- A total of 712 additional car park spaces will be provided as part of Stage 1 (previously 754 spaces were to be provided);
- A car park rate of 4.9 spaces per 100 square metres of additional floor space will be provided (previously a rate of 5.2 spaces per 100 square metres was to be provided).

As such, the proposal provides 42 less car parks than originally lodged with Council. Whilst this is the case, there will nonetheless be over 6,000 car parks provided for the whole of the centre as part of Stage 1.

Importantly, at the completion of Stage 2, the proposal will provide a car parking rate of 5.0 spaces per 100 square metres of additional floor space.

It should be noted that the current centre provides a car parking rate of 4.11 spaces per 100 square metres of floor area, and as such, the proposed works as part of Stage 1 and Stage 2 will see an improvement in the car parking rate provided throughout the centre.

Amendments to the Morphett Road car park ramp are seen as a positive return to previous proposals. Previously, Council's Development Engineer has provided comment regarding this element, and no concerns were raised regarding the location or design of the ramp. It is also of value to acknowledge the proposal plans have been developed with the assistance of qualified Traffic Engineers.

As part of the previous proposal, Council's Development Engineer, Mr Con Theodoroulakes, requested that a Road Safety Design Audit be undertaken to improve motorist and pedestrian safety throughout the site. A Reserved Matter to this effect has been included as part of the recommendation.

ECOLOGICAL SUSTAINABILITY:

Noise

As part of the previous application, the applicant engaged the services of Sonus Pty Ltd to provide an acoustic report examining the noise emissions of the dining precinct, given the proximity to residential properties and the possibility for such noise to be 'amplified' by the adjacent decked car park.

To ensure the variations proposed did not alter the extent of noise emissions, Council requested the applicant provide revised correspondence from Sonus Pty Ltd. This document concludes the proposal is likely to improve/reduce noise experienced by adjacent residential properties compared to the previous design of the outdoor dining precinct.

As per the previous consent, it has been included as a recommended Reserved Matter that additional assessment regarding noise from the dining precinct be assessed, having regard to the construction of the decked car parking as part of Stage 2.

LANDSCAPING:

Amenity

The Desired Character Statement provides as follows:

Landscaping of development will also be important in providing a comfortable, pleasant and attractive centre and existing vegetation should be retained and protected wherever possible and incorporated into new landscaped spaces.

An amended landscape plan has not been provided with the current application. Rather, the previously-submitted landscape plan with associated supporting documentation remains the relevant document in this regard. In respect to the previous plan, Council's Planning Officer – Arboriculture, reviewed the landscaping schedule and concurs that the plants listed are well suited to the Marion Council area and will suit their purpose.

The varied dining precinct layout provides adequate areas for landscaping to soften the built form, provide shaded areas for visitors and diners and provide an attractive outlook for users and visitors. A concept plan for this space has been provided and is included in Attachment II.

I have concluded that the landscaping proposed for the site will enhance the landscape experience within the site and accord with the intent of the Desired Character.

ANALYSIS/CONCLUSION:

The body of the report has outlined the specific changes sought as compared to the 'third' variation application. The essential nature of the previous application has not changed by the proposed amendments sought by this application. It is considered that the issues of most significance in determining the merits of the 'original' development application remain largely unaffected by these amendments, in that:

- The extent of retail floor space previously approved is marginally increased/exceeded as justified by the MapInfo Dimasi Retail economic report;
- The contextual circumstances pertaining to the retail environment remains essentially the same;
- The approved active frontage to Diagonal Road remains (albeit in an altered state), provides a greater relationship to and a complementary function to the adjacent commercial and 'entertainment' uses further north;
- The proposal maintains and further enhances the approved north/south pedestrian boulevard;
- The (then) significant trees to be removed are now to be retained;
- The extent of landscaping remains unchanged;
- The new main vehicle access aisle linking the Morphet Road and Diagonal Road signalised intersections are maintained within the overall development; and
- The number of car parking spaces, to facilitate a rate of 5 spaces per 100 square metres of floor area, is maintained following the completion of Stage 2, whilst a marginal shortfall is provided in Stage 1.

The subject variation application will improve the shopping experience for residents within the City of Marion and further afield within the metropolitan area. In fact, it is considered that the variation application achieves greater adherence to the intent of the current Development Plan than originally proposed in Development Applications 100/2010/2387 and 100/2007/48 (albeit the bus interchange is to remain in its current position to the south of the site), having regard to the above.

I have considered that the proposal is in accordance with the Development Plan and accordingly I am of the view that the proposal is not seriously at variance to the Development Plan, in accordance with Section 35(2) of the Development Act, 1993 and recommended the Panel grant Development Plan Consent to the application, with an extended time in which to enact the consent and subject to two Reserved Matters and conditions of consent.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993;
- (c) Development Plan Consent, for Stages 1 and 2, is valid for a period of 5 years from the date of Development Plan Consent; and
- (d) That Development Plan Consent for Development Application No: 100/2014/1536 for Variation to DA 100/2007/48 as subsequently varied by 100/2387/2010 and DA 100/2012/1297 (Amendments to Stage 1 outdoor dining precinct, fresh food precinct and various amendments to tenancies and car parking) at 293-297 Diagonal Road, Oaklands Park be GRANTED subject to the following Reserved Matters and conditions of consent:

RESERVED MATTERS:

- (1) A Design Road Safety Audit shall be undertaken of the whole of the site, including assessment of the internal car park, pedestrian movements, lighting and access arrangements. Any amendments that are proposed will require the further consent of Council.
- (2) An additional acoustic report shall be provided, for consideration and approval, prior to Development Approval being issued for Stage 2, assessing the effect of the construction of the deck car park and extension to the food court upon noise emanating from the outdoor dining precinct and any treatments required to reduce such impacts to acceptable levels.

CONDITIONS OF CONSENT:

- (1) The development shall proceed in accordance with the amended plans and details submitted with and forming part of Development Application No. 100/2014/1536, including;
 - i. Drawings Numbered DA-01 to DA-16 (inclusive) Revision 4 and DA-21 to DA-29 (inclusive) Revision 4, dated 28-08-2014 and received by Council on 1 September 2014;
 - ii. Drawings Numbered DA-17 to DA-20 (inclusive) Revision 5, dated 13-11-2014 and received by Council on 24 November 2014;
 - iii. Landscape Concept Plan prepared by oxigen, being Drawing Number 14.043.101 dated 29.09.14;
 - iv. Landscape Master Plan (drawing no. 210.172.01 Revision A, received 15 November 2010) and Pedestrian Boulevards – Detailed Plan (drawing no. 210.172.02 Revision A, received by Council 15 November 2010) prepared by Herkes Landscape Architects, together with supporting documentation including Crime Prevention Strategy dated 26 July 2007 prepared by Westfield Limited and the car parking analysis; and
 - v. The MFY report dated September 2014 and received by Council on 1 September 2014.

- (2) The outdoor dining precinct shall be limited to the following operating hours, and shall not incorporate any amplified music;

 - i. 12:00pm, Sunday to Thursday; and
 - ii. 1:00am (the following day), Friday and Saturday
- (3) The proposal shall satisfy relevant EPA noise criteria through the adoption of all acoustic treatment measures as recommended in the report prepared by 'Sonus Pty Ltd', dated 14 December 2006. All acoustic treatment required as per the abovementioned report shall be installed prior to each stage of the development becoming operational.
- (4) A detailed design shall be provided prior to full Development Approval being issued that demonstrates to Council's satisfaction that the new parking for people with disabilities standard, detailed column locations and other suggested modifications recommended in Murray F. Young & Associates' Report, dated November 2010, and received by Council 15 November 2010, will be achieved.
- (5) The 'wombat'/'zebra' crossing, provided adjacent the plaza space of the outdoor dining precinct, shall be constructed at the same level and of materials (but contrasting colour) with the plaza.
- (6) A revised Landscape Master Plan for the whole of the site shall be provided to Council, for consideration and approval, prior to Development Approval being issued, in general accordance with the oxygen Landscape Concept Plans 14.043.101 and the Landscape Master Plan, dated 10 November 2010, and which shall detail a covered focal point midway along the north-south pedestrian link, which shall include opportunities for public art and covered seating, such as that which would be provided by a gazebo or similar.
- (7) The plans shall be revised to accommodate the requirements raised by Phil Weaver and Associates in his correspondence dated 8 August 2007, most specifically under the heading "design aspects", pages 5 & 6 of Phil Weaver correspondence. Revised plans shall be provided to Council prior to the issue of the Development Approval and to the satisfaction of Council.
- (9) The proposed Diagonal Road Traffic Control Layout dated 19 April 2007 (i.e. additional right turn in lane) shall be designed and constructed to the satisfaction of DTEI with all costs (design, construction and project management) being borne by the applicant. Prior to undertaking the detailed design, the applicant must discuss this matter with Ms Catherine Magraith, Senior Consultant Traffic Engineer, Metropolitan Region, telephone (08) 8226 8325.
- (10) 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.
- (11) Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
- (12) All landscaping areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon.
- (13) That Tree Protection Zones (TPZ) be established around the trees to be retained prior to the construction of the proposed development, and all works in the vicinity of the trees be carried out in accordance with the report and recommendations

contained within the report prepared by Arbortech Tree Services Pty Ltd, dated 20 December 2005.

- (14) All trees to be retained shall be protected from damage during construction in accordance with the 'Tree Management Report', prepared by Herkes & Associates, dated November 2006 and recommendations contained on page 9 of the above-mentioned report, to the satisfaction of Council and until such time as the construction work in the vicinity of each tree has been completed.
- (15) Prior to the issue of the Development Approval, a "way finding" plan shall be furnished to Council which details how the decked car-parking areas will be colour and number coded to assist motorists.
- (16) The rock seating proposed on the north-south pedestrian link shall be spaced at minimum distance of 60 metres excepting where the pedestrian link is under the proposed and existing decks.
- (17) All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the premises, with marking maintained in a clear and visible condition at all times.
- (18) Entry to and exit from the subject site and direction of traffic flow within the site shall be clearly identified so as to ensure safe and convenient traffic movement at all times.
- (19) Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
- (20) Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
- (21) Onsite parking shall be designed in accordance with the Australian/New Zealand Standard 2890.2:2004 and the facilities for commercial vehicles shall conform to AS 2890.2 – 2002.
- (22) Internal road network intersections shall be signposted with 'give way' and 'stop' signs so as to minimise vehicle conflicts.
- (23) New bicycle racks shall be positioned in accordance with the applicant's (MasterPlan) correspondence to Council dated 24 April 2007 and shall be installed prior to the opening of the Centre additions. On-site bicycle parking facilities shall be designed in accordance with AS 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles (1999). Details of the bicycle racks location shall be shown on the building plans to Council's satisfaction.
- (24) Any pedestrian links into the site shall be safe and convenient.
- (25) All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
- (26) All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.

- (27) All external lighting of the site, including car-parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as to not cause loss of amenity to any person beyond the site to a reasonable satisfaction of Council.**
- (28) Pedestrian walkways on the subject site shall be adequately lit and such lighting shall be maintained at all times, to the reasonable satisfaction of Council.**
- (29) The glazing to the food court shall comprise low reflectivity glass with a reflectance figure not exceeding 8%.**
- (30) Designated trolley bays shall be secured at night-times to prevent theft and/or vandalism.**
- (31) Details of the proposed rainwater retention tanks (including a report outlining where the rainwater will be utilised) shall be furnished to Council prior to the issue of Development Approval and shall be installed prior to the opening of the Centre additions.**
- (32) All waste and other rubbish shall be screened from public view to the reasonable satisfaction of the Council.**

NOTES:

- (1) The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for any new building works located within 6.0 metres of the requirements outlined in DTEI's correspondence, dated 24 January 2011.**
- (2) No hoardings, flags, flashing lights, bunting or other advertising devices or signs are to be erected or displayed on the site unless Development Approval is obtained from the Council pursuant to the Development Act 1993.**
- (3) Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**
- (4) 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.**
- (5) 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).**
- (6) Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the**

Council. (A suggested measure is to install a gravelled construction exit with wash down facilities).

- (7) 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.**
- (8) 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.**
- (9) Approval from DPTI is to be obtained for any stormwater connection to an existing Side Entry Pit in a Main Road.**

Attachments

Appendix I: Aerial photograph
Appendix II: Plans and Supporting Documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP 101214-3.11
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	David Lands
Development Description:	To vary Development Application 100/2012/2036 - change of use to Function Centre - to increase capacity from 80 to 115 persons
Site Location:	1022 and 1024-1026 South Road, Edwardstown
Zone:	Commercial Zone
Policy Area:	South Road Policy Area 2
Precinct:	Precinct 1 Edwardstown District Centre Fringe
Application Type:	Category 1 / Consent
Lodgement Date:	08/09/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1583
Recommendation:	Development Approval (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of clause 2(g) of Schedule 9 of the Development Regulations 2008, which assigns development of a minor nature to be classified as a Category 1 form of development.

The proposal is considered to be a minor form of development given the increase in capacity of the venue is not anticipated to result in unreasonable impacts upon the owners or occupiers of land in the locality. This is further explained in the following report.

BACKGROUND

Some Members are likely to recall considering a previous application for the land at its meeting of 18 September 2013, where Development Plan Consent was granted for the change of use from Bridal Centre to Function Centre, subject to the following conditions;

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2012/2036, and documentation dated 27 May and 4 July 2013, except when varied by the following conditions of consent.**

2. The maximum capacity of the function centre is to be limited to 80 patrons.
3. Elevation details shall be provided to Council for consideration and approval, prior to Development Approval being issued, detailing the proposed changes to the building's façade.
4. The function centre shall only operate during times when the business(es) operating from the land and/or building(s) at 1024-1026 South Road, Edwardstown (properties identified as Lots 1 and 2 in Certificate of Title volume 5590 folio 715 and Lot 142 in Certificate of Title volume 5514 folio 903) is not operating.
5. This consent is only valid on the basis that the 22 car park spaces, within the car park area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) are available for the exclusive use of the function centre during the operating times of the function centre.
6. The car parking area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) shall be appropriately lit during the operation of the function centre to provide safety and security of patrons, during non-daylight hours, to the reasonable satisfaction of Council. Details of the lighting to be installed shall be provided to Council for consideration and approval, prior to Development Approval being issued.
7. All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the function centre, with the marking maintained in a clear and visible condition at all times.
8. The existing signs to the car park shall be modified to reflect after hours use by the function centre.
9. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times. Details shall be provided to Council for consideration and approval, prior to Development Approval being issued.
10. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
11. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
12. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
13. 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.

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

Amendments Requested	Amendments Made
Reduction in the proposed capacity of the centre to limit the opportunity for excessive on-street parking and relating traffic and safety concerns	Proposed capacity of venue reduced from 150 persons to 115 persons

SUBJECT LAND & LOCALITY

The land is situated at 1022 (lot 305) and 1024-1026 (Lots 1, 2 and 142) South Road, Edwardstown.

The property comprising the function centre incorporates a frontage to South Road of 10.54 metres, a depth of 56.28 metres and an overall site area of 593.2 square metres.

Lot 142, comprises the car park used in conjunction with the function centre, maintains a frontage width of 18.9 metres, a depth of 42.5 metres and a total site area of 793 square metres.

A right of way, with a width of 1.22 metres, is available to the land adjoining the northern boundary of the property.

A majority of the land is developed with a large building, constructed up to the front, rear and southern side boundaries and 1.5 metres from the northern side boundary.

An open area, used for storage and car parking (maximum of three spaces) is situated towards the rear of the building, accessed by the right of way along the northern boundary of the site.

The internal layout of the building has been altered to reflect the approved use as a function centre – being operational for some 6 months. Wet areas and a kitchen area situated towards the eastern end of the building.

The locality comprises a range of office, retail and industrial land uses. Directly to the north of the site are offices with associated car parking, with a bulky goods outlet (*Eglo Lighting*) adjoining the subject land to the south.

Castle Plaza Shopping Centre is located further to the north, comprising a range of small and large scale retail outlets, fast food shops/restaurants and hotel (bar).

To the south and west of the land, within the suburb of Edwardstown, a mix of heavy and light industrial uses exist, many of which have been operating from their respective sites for some 50 years.

The eastern side of South Road, within the City of Mitcham, comprises commercial land uses, such as shops, retail showrooms and service trade premises.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to increase the maximum capacity of the previously-approved (and currently operating) function centre from 80 to 115 persons.

The approved operating hours of the centre will remain as approved.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Commercial Zone and South Road Policy Area 2 are listed in the following table and discussed in further detail below:

Commercial Zone		
Objective 1	A zone accommodating a range of commercial and business land uses.	Complies
Objective 2	Development that minimises any adverse impacts upon the amenity of the locality within the zone.	Complies (See discussion re: car parking)

Assessment

South Road Policy Area 2		
Objectives 1 Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road. 2 Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential zones. 3 Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor. 4 Development that contributes to the desired character of the policy area.		Partially Complies
Desired Character Development along South Road is highly commercialised and provides an important servicing role to local, neighbourhood and significant district and metropolitan wide population. It contains a major concentration of motor vehicle related uses, service trade premises and bulky goods outlets. Due of the importance of South Road as a major arterial road, new development must be consistent with its arterial road function. The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones. The architectural style and finishes of building development will be varied and display high aesthetic qualities to enhance the visual character of the locality.		Complies

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Interface Between Land Uses

<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i> <i>(b) noise</i> <i>(c) vibration</i> <i>(d) electrical interference</i> <i>(e) light spill</i> <i>(f) glare</i> <i>(g) hours of operation</i> <i>(h) traffic impacts.</i> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies See discussion below</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies See discussion below</p>
<h2>Transportation and Access</h2>	
<p>Land Use</p> <p><i>Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.</i></p> <p><i>General Section: Transportation and Access: PDC 1</i></p>	<p>Complies</p>
<p>Movement Systems</p> <p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p><i>General Section: Transportation and Access: PDC 2</i></p>	<p>Complies</p>
<p><i>Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p><i>General Section: Transportation and Access: PDC 5</i></p>	<p>Complies Existing bus routes operate along South Road</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies No change to car parking layout proposed</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies No change to loading and car park areas proposed</p>
<p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p> <p><i>Where appropriate and practical, development should provide for safe and convenient access to the coast and beaches for disabled persons.</i></p>	<p>Complies No change proposed</p>

<p><i>General Section: Transportation and Access: PDC 33</i></p>	
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Does Not Comply See discussion below</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p>Complies No change proposed</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Partially Complies Existing car park area being used, however, proposal seeks for additional patron numbers not serviced by adequate car park numbers.</p>

TABLE DISCUSSION

During the processing of the 'original' application, the applicant advised that it was his intention to provide a smaller, 'boutique' venue for wedding receptions and the like, as such premises are limited in metropolitan Adelaide. By providing a smaller venue for customers, costs would be reduced, whilst a smaller building footprint provides a more intimate setting for events.

Having now operated the business for some 6 months, the applicant has found that the limit to patron numbers of 80 persons compromises the ability of the business to host a number of functions; mainly wedding receptions – as guest numbers are more often either side of 100 persons.

The increase in the capacity of the venue will provide the operator the flexibility in accommodating more functions at the premise.

The applicant has provided a report from qualified Traffic Engineer, Mr Phil Weaver. Mr Weaver's report includes a survey of the car park and premises on four separate occasions – all Saturday evenings during events.

As can be seen in Attachment III, it was found that no more than 10% of guests drove to the site; opting to car-pool, take taxis or other hired transport or public transport.

Assuming this trend continues, the available 25 off-street parking spaces are more than adequate for the needs of the operations, and an increase in the number of patrons to 115 persons seems entirely reasonable. However, Council's Development Plan does seek for one car park space to be provided for every three patrons – as such, a capacity of 115 persons should require 39 car park spaces – 14 more than is provided on site.

Whilst this is the case, the character of the locality should be considered. As some Members may recall in considering the previous application, the locality surrounding the site is commercial or industrial in nature. The premise can only operate at the times when use of the car park is available; which is typically outside of core business hours.

Given this, the primary time of trade for the function centre is Saturday evenings. At this time, *Eglo Lighting* (the premises of which the applicant leases 22 car parks from) would have ceased trading for the day. From the author's understanding, most, if not all other businesses in the immediate locality on the western side of South Road would also have closed for the day.

In the event that the car park exceeded capacity (which, from the data provided by the applicant appears highly unlikely) and patrons were to use the adjoining public street network (excluding South Road which has parking restrictions), ample on-street parking would be available, whilst no persons or businesses would be unduly imposed upon by such parking.

As such, it is my view that despite the proposal not satisfying the relevant car parking rate as sought by Council's Development Plan, there is unlikely to be any negative consequences resulting in the increased capacity of the venue. Further to this point, providing an increased capacity would provide an alternative venue for persons seeking to host a function or wedding reception, without having to use a premise with a capacity much greater than required.

ANALYSIS/CONCLUSION

The proposal seeks to increase the capacity of the venue from 80 to 115 persons. Such an increase would require 39 car park spaces when assessed against Table Mar/2 – a shortfall of 14 car park spaces.

However, the applicant has provided survey data from a Traffic Engineer that confirms no greater than 10% of patrons drive to the site. Even if the car park was to exceed capacity (which is highly unlikely), sufficient on-street parking exists within the immediate locality to cater for such numbers. Given a majority, if not all other businesses in the locality are unlikely to be trading during the operation of the function centre, it is unlikely any undue impacts will result upon nearby persons or businesses.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Approval for Development Application No: 100/2014/1583 to vary Development Application 100/2012/2036 (change of use to Function Centre) - to increase capacity from 80 to 115 persons at 1022 South Road, Edwardstown be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1583 and 100/2012/2036, being documentation dated 27 May and 4 July 2013, and additional documentation dated 6 November 2014, except when varied by the following conditions of consent.**
- 2. The maximum capacity of the function centre is to be limited to 115 patrons.**
- 3. The function centre shall only operate during times when the business(es) operating from the land and/or building(s) at 1024-1026 South Road, Edwardstown (properties identified as Lots 1 and 2 in Certificate of Title volume 5590 folio 715 and Lot 142 in Certificate of Title volume 5514 folio 903) is not operating.**

4. This consent is only valid on the basis that the 22 car park spaces, within the car park area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) are available for the exclusive use of the function centre during the operating times of the function centre.
5. The car parking area at 1024-1026 South Road, Edwardstown (property identified as Lot 142 in Certificate of Title volume 5514 folio 903) shall be appropriately lit during the operation of the function centre to provide safety and security of patrons, during non-daylight hours, to the reasonable satisfaction of Council. Details of the lighting to be installed shall be provided to Council for consideration and approval, prior to Development Approval being issued.
6. All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the function centre, with the marking maintained in a clear and visible condition at all times.
7. The existing signs to the car park shall be modified to reflect after hours use by the function centre.
8. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times. Details shall be provided to Council for consideration and approval, prior to Development Approval being issued.
9. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
10. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
11. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
12. 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.

Attachments

Attachment I: Aerial Photograph
Attachment II: Supporting documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.12
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	John C Bested & Assoc
Development Description:	Residential land division (Torrens Title) 1 into 3 allotments
Site Location:	17 Whiteleaf Crescent, Glengowrie
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	23/06/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1031 (DAC Ref: 100/D129/14)
Recommendation:	Development Plan Consent and Development Approval (Granted)

BACKGROUND

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

Council staff did not request modifications to the proposal plans during the assessment process as the proposed division related to a land use application (100/2014/1430) being concurrently assessed by administration and is to be considered by the Panel at the same meeting.

SUBJECT LAND & LOCALITY

The subject land is located at 17 (Lot 53) Whiteleaf Crescent, Glengowrie, at the south-western corner with the intersection of St Peters Way.

The land is somewhat square in shape, with a frontage to Whiteleaf Crescent of 25.96 metres (excluding the corner cut-off), a frontage to St Peters Way of 18.29 metres (excluding the corner cut-off) and a total site area of 763 square metres.

An existing single storey dwelling exists on the land. This building is in good condition and presents to St Peters Way. Landscaping of reasonable quality and varying heights is scattered throughout the property; none of which is classified as Regulated or Significant pursuant to the Development Act and Regulations.

The locality comprises a mix of the original housing stock constructed between 1950 and 1960, and more recently constructed single and double storey semi-detached and row dwellings.

The Hazelmere Reserve (and 'dog park') is situated some 250 metres south-east of the land. The boundary between the City of Marion and City of Holdfast Bay is situated 80 metres west of the land, running in a north-south direction. Diagonal Road is located approximately 200 metres west of the site.

Refer Attachment I

PROPOSED DEVELOPMENT

The application seeks to divide the existing allotment to create 3 (three) Torrens Title residential allotments. Party wall easements are included on the plan of division, which nominate the use of the land for three row dwellings (100/2014/1430).

A greater level of detail regarding how the land will be developed is detailed in Development Application 100/2014/1430, which is to be considered by the Panel at the same time as the subject application.

Refer Attachment II

DEVELOPMENT ASSESSMENT

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

Residential Zone	
Objectives	
1	<i>A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i>
2	<i>Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i>
Northern Policy Area 13	
Objectives	
1	<i>A policy area primarily accommodating low scale, low to medium density housing.</i>
2	<i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i>
3	<i>Development that contributes to the desired character of the policy area.</i>
Principles of Development Control	
1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i>
2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>
Desired Character	
<i>...The desired character of the policy area is of an attractive residential environment containing one and two storey,</i>	

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

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

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Does Not Comply
PDC 7	<i>Minimum Site Area: Row Dwellings 250 square metres</i>	Complies Lot 3: 312m ² Does Not Comply Lot 1: 238m ² Lot 2: 213m ²
	<i>Minimum Frontage: Row Dwellings: 7.0 metres</i>	Complies Lot 1: 7.81m Lot 2: 7.79m Lot 3: 10.36m
	<i>Minimum Depth: Row Dwellings: 20 metres</i>	Complies (Min): 25.99m

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

Despite the shortfall in site area allocated to Lots 2 and 3, the total area of the land (763m²) exceeds the minimum required for three row dwellings (750m²).

The proposal maintains frontage widths that exceed the minimum sought in the Policy Area, whilst the depth of the allotments are sufficient to accommodate the dwellings proposed, as demonstrated in administration's report for the associated land use application.

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

Land Division	
OBJECTIVES <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i>	Complies
<i>2 Land division that creates allotments appropriate for the intended use.</i>	Partially Complies Despite the shortfall in site area for Lots 1 and 2, the proposed site areas are appropriate for the dwellings proposed in Development Application

	100/2014/1430.
<p>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</p>	<p>Complies The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of bus routes.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p>1 When land is divided:</p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p>	<p>Complies The proposed development is likely to result in stormwater being drained safely from the land. Water and sewer supply will be available.</p>
<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of Torrens division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Complies</p> <p>a) The proposed site areas are appropriate for the intended use of the allotments for dwellings.</p> <p>b) The allotments maintain a frontage to a public road</p> <p>c) Excessive cut/fill is unlikely</p> <p>e) The area is sewerred</p> <p>f) The intended use of the land for row dwellings is consistent with the zone objectives.</p> <p>g) The allotment will not straddle more than one zone, policy area or precinct</p>
<p>Design and Layout</p> <p>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p>	<p>Complies</p>
<p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and Torrens transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p>Complies</p>

<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Complies</p> <p>Given the rear boundary of the allotments maintains a northern orientation, the main activity areas and associated private open spaces could maintain efficient solar access.</p>
<p>Roads and Access</p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and Torrens transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Complies</p> <p>Based upon the land use application (100/2014/1430), no less than two (2) on-street visitor car park spaces are available in front of the subject allotments.</p>
<p>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p>	<p>Complies</p>

ANALYSIS/CONCLUSION

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

Despite the shortfall in site area allocated to Lots 1 and 2, the total site area of the land (763m²) exceeds the minimum required for three row dwellings (750m²).

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

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1159 for Residential land division (Torrens title) 1 into 3 allotments at 17 Whiteleaf Crescent, Glengowrie be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1159, except when varied by the following conditions of consent.**
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 3. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

LAND DIVISION CONSENT

GRANTED

Conditions of Consent

- (1) The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services.
The alteration of internal drains to the satisfaction of SA Water is required.
On approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.
- (2) Payment of \$12976 into the Planning and Development Fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

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

NOTES:

General:

- (1) This approval has been granted on the basis of the suitability of the land for three row dwellings as demonstrated in Development Application No: 100/2014/1430. Existence of a party wall should therefore be shown on the plan of division to be lodged with the Land Titles Office. However should the proposed allotments be created and sold without the construction of that development occurring or different dwellings are proposed, new applicants/owners should be aware that new Development Application(s) need to be lodged with and assessed by the Council, noting that the proposed allotments may not meet Council's standard minimum allotment sizes for other forms of dwellings (e.g. the Development Plan requires a larger site area for detached dwellings than it does for semi-detached dwellings or group dwellings) and other dwelling layouts may be difficult to site on the proposed allotments.
- (2) The applicant is reminded to contact the Council when all of the Council's conditions have been complied with and accordingly, the Council will advise the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 10 December 2014

Agenda Ref No: DAP101214-3.13

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Mr John Majeric

Development Description: Three, two storey row dwellings

Site Location: 17 Whiteleaf Crescent, Glengowrie

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 15/08/2014

Development Plan: Consolidated – 13 March 2014

Application No: 100/2014/1430

Recommendation: Development Plan Consent be Granted, subject to the deposit of the Plan of Division for Land Division 100/D129/14

CATEGORISATION & DELEGATION

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

The subject application is required to be determined by the Development Assessment Panel by virtue of proposed Dwellings 1 and 2 supporting allotment areas less than the minimum of 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.

BACKGROUND

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

Amendments Requested	Amendments Made
Decrease site coverage to more closely align with Council's Development Plan	Site coverage reduced from 58.7% (average) to 54.4% (average)
Decrease Floor Area Ratio to more closely	Floor Area Ratio reduced from 0.7 (average)

align with Council's Development Plan	to 0.65 (average)
Increase front setback to provide transition to adjoining property to west	Front setback of Dwelling 1 marginally increased from 5.5m to 6.0m
Increase setback of carport to Dwelling 3 to ensure adequate on-site car parking	Carport setback increased from 4.0m to min 5.5m
Ensure private open space (POS) of Dwelling 3 is not located forward of dwelling	POS located in line with balcony (reduction of 3.5m)
Address overlooking	Upper level windows oriented south and west confirmed to be treated
Reduce building bulk and increase articulation	Upper levels of all dwellings reduced, break provided between Dwellings 2 and 3 and eaves overhang provided

SUBJECT LAND & LOCALITY

The subject land is located at 17 (Lot 53) Whiteleaf Crescent, Glengowrie, at the south-western corner with the intersection of St Peters Way.

The land is somewhat square in shape, with a frontage to Whiteleaf Crescent of 25.96 metres (excluding the corner cut-off), a frontage to St Peters Way of 18.29 metres (excluding the corner cut-off) and a total site area of 763 square metres.

An existing single storey dwelling exists on the land. This building is in good condition and presents to St Peters Way. Landscaping of reasonable quality and varying heights is scattered throughout the property; none of which is classified as Regulated or Significant pursuant to the Development Act and Regulations.

The locality comprises a mix of the original housing stock constructed between 1950 and 1960, and more recently constructed single and double storey semi-detached and row dwellings.

The Hazelmere Reserve (and 'dog park') is situated some 250 metres south-east of the land. The boundary between the City of Marion and City of Holdfast Bay is situated 80 metres west of the land, running in a north-south direction. Diagonal Road is located approximately 200 metres west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct three, two-storey row dwellings; all incorporating a primary frontage to Whiteleaf Crescent.

All three dwellings incorporate a double garage, typical wet areas and an open plan kitchen/living/dining area on the ground floor, with Dwelling 3 also comprising a study.

On the upper floor, all three dwellings incorporate three bedrooms (main with ensuite and WIR) and bathroom, with Dwelling 3 incorporating a rumpus room and associated balcony.

Vehicular access to Dwellings 1 and 2 will be gained from Whiteleaf Crescent, whilst Dwelling 3 comprises access from St Peters Way.

It is noted that Land Division application 100/D129/14 has been received by Council, which proposes to create three Torrens Title allotments, which reflects the subject dwelling application. This application is to be determined by the Panel at this meeting.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Planning Officer - Arboriculture:	<p>Removal of two street trees was sought to provide access to Dwellings 1 and 3.</p> <p>Whilst removal of a Eucalypt tree located centrally in front of the site on Whiteleaf Crescent did not require removal for vehicular access, the applicant sought Council's consent for this tree to be removed given its poor condition and appearance.</p> <p>Council's Arborist advised that removal of all three street trees is acceptable given the small height of one and the poor condition of the other two. Appropriate remuneration to Council for removal and replacement shall be sought (\$850+GST).</p> <p>The applicant has confirmed acceptance of this payment.</p>
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ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	Complies
<i>PDC 3</i>	<i>Minimum Site Area:</i>	Complies Dwg 3: 312m ² Does Not Comply Dwg 1: 238m ² Dwg 2: 213m ²
	<i>Minimum Frontage:</i>	Complies Min 7.79m
	<i>Minimum Depth:</i>	Complies Min 25.99m

Assessment

The application is consistent with the Desired Character of the Northern Policy Area 13 in that it will redevelop the site at a greater density than that of the original housing stock. Apart from the development at 21-23 Whiteleaf Crescent, the proposed dwellings appear to be one of the first incursions of two storeys within the immediate locality, albeit within the wider locality a number of two storey semi-detached dwellings exist. It is also noted that this form of development is envisaged within the Policy Area, as the Desired Character of the Northern Policy Area 13 seeks one and two storey, low-to-medium density dwellings of a variety of architectural styles.

Furthermore, the dwellings are sited on allotments that exceed the minimum frontage width, whilst their orientation to Whiteleaf Crescent will improve the streetscape and provide increased passive surveillance of both streets.

Whilst the site area of Dwellings 1 and 2 is less than that sought for row dwellings (250 square metres), the whole of the land at 763 square metres exceeds the minimum to accommodate three row dwellings (3 x 250 = 750 square metres).

To this end, the resultant density does not exceed that envisaged within the Policy Area, and subject to achieving other relevant design criteria (discussed further in this report), the undersized nature of the site area of Dwellings 1 and 2, in my view, is not a fundamental failing of the proposal.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Does Not Comply Dwg 1: 54.4% Dwg 2: 60.8% Dwg 3: 47.9%

	(average: 54.4%)
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply Dwg 1: 0.647 Dwg 2: 0.656 Dwg 3: 0.649 (average: 0.65)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles</p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i> (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.</p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies (a)-(e), (i) and (j) The private open space areas are accessed from the ground-level living areas, to the rear of the associated dwelling and will not be overlooked by adjacent development.</p> <p>Partially Complies (b), (f) and (g) The private open space of Dwellings 1 and 3 comprise westerly and easterly aspects, respectively, and will achieve adequate solar access during winter months.</p> <p>The private open space of Dwelling 3 is located partially forward of the dwelling. Ample surveillance of the street is nonetheless provided.</p> <p>Does Not Comply (f) and (g) The private open space area of Dwelling 2 is situated south of the two storey dwelling and is therefore likely to experience shadow for a majority of the day during winter months.</p>

<p>Site Area 250 m² or greater (Dwg 3): 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.</p> <p>Site area less than 250 m² (Dwgs 1 and 2): 20% of the site area or 35 m², whichever is the greater Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater. One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>(20% is relevant for all allotments) General Section: Residential Development: PDC 17</p>	<p>Complies Dwg 1: 28.5% (68m²) Dwg 2: 25.5% (54.4m²) Dwg 3: 22.0% (68.8m²)</p>
<h2>Street Setbacks</h2>	
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 23</p>	<p>Partially Complies Dwellings east and west of the site incorporate setbacks of 7.0 metres and 8.5 metres, respectively. However, property is located on a corner, whilst the existing dwelling and garage on the land are setback 6.5 metres and 4.5 metres, respectively. Refer Table Discussion.</p>
<p>Minimum setback from secondary road frontage: 3 metres Residential Zone: PDC 7</p>	<p>Complies Dwelling 3 is setback 5.0 metres from St Peters Way.</p>
<p>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</p>	<p>Complies</p>
<h2>Side Setbacks</h2>	
<p>Where the wall height is not greater than 3 metres: 1 metre</p> <p>Where the wall height is between 3 metres and 6 metres:</p> <p>(a) 3 metres if adjacent southern boundary</p> <p>(b) 2 metres in all other circumstances.</p> <p>Residential Zone: PDC 7</p>	<p>Does Not Comply Western wall of Dwelling 1 is setback 900mm. This is a minor shortfall of 100mm and will not result in unreasonable impacts upon the adjoining property.</p> <p>Complies Western wall of Dwelling 1 is situated 2.0 metres from western side boundary</p> <p>Does Not Comply Upper floor walls of Dwellings 2 and 3 are setback 940mm and 1.02 metres from the 'internal' boundary, respectively. This is considered acceptable given the walls are adjacent one another (and not to existing properties) and combined, provide appropriate separation to limit the mass and bulk of the dwellings when viewed from the street and adjoining property to the south.</p>

<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Complies</p> <p>Adequate articulation provided to side and rear walls to limit visual impact upon adjoining properties. Appropriate setback to side and rear boundaries provided.</p>
<h2>Rear Setbacks</h2>	
<p>6 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Does Not Comply</p> <p>Dwellings 1 and 2 setback a minimum 4.9 metres from rear boundary.</p> <p>Dwelling 3 incorporates carport on boundary.</p>
<p>8 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Does Not Comply</p> <p>Dwelling 1 setback between 3.1 metres and 5.75 metres to rear boundary. As these walls are adjacent the side boundary of the adjoining property, and alongside the front yard area of that property, the setbacks provided are considered appropriate and will not result in unreasonable visual impacts or overshadowing of the neighbouring property.</p> <p>Complies</p> <p>Dwelling 1 and 2 are setback a minimum of 8.39 metres from the rear boundary.</p>
<p>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:</p> <p>(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</p> <p>(b) a minimum of 8 metres for two storey components of dwellings</p> <p>General Section: Residential Development: PDC 37</p>	<p>Partially Complies</p> <p>See above discussion</p>
<h2>Building Height</h2>	
<p>Maximum building height (from natural ground level):</p> <p>2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>Maximum building height of 8.2 metres provided.</p>
<h2>Garages, Carports and Outbuildings</h2>	

<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Minimum setback from secondary road frontage: 5.5 metres for a single-width structure. Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p style="text-align: right;"><i>Residential Zone: PDC 8</i></p>	<p>Partially Complies Min setback 5.5m, however, the garages of Dwellings 1 and 2 are not setback 0.5m behind main face.</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> <i>(b) provide safe entry and exit.</i></p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</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 style="text-align: right;"><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</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 style="text-align: right;"><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p style="text-align: right;"><i>Residential Zone: PDC 7</i></p>	<p>Complies All dwellings feature three bedrooms (although the study of Dwelling 3 could be used as a fourth bedroom). A minimum of three on-site car parking spaces (two of which are covered) have been provided</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> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p style="text-align: right;"><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</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 style="text-align: right;"><i>General Section: Land Division: PDC 22</i></p>	<p>Complies Two on-street parking spaces available.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 39</i></p>	<p>Does Not Comply The driveways servicing all dwellings are nominated at 6.2 metres in width. A recommended condition of consent will reduce these to 5.0 metres.</p>

<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p>
<p><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>Complies</p> <p>One access point per property proposed</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & 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 & 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 & Appearance: PDC 17</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a reasonable level of articulation and generous glazing to the front facades, providing visibility to/from the internal areas of the dwellings.</p> <p>The dwellings feature rendered facades of “Common Warm Grey”, “Monument” colorbond roof, slate grey portico trim and timber portico and balcony supports.</p> <p>The proposed colours/materials are considered to be complementary to each other.</p> <p>These materials are appropriate within the locality and will not result in unreasonable glare to nearby persons and properties.</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 & 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 & 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>Complies</p> <p>The entry to the dwellings will present to and be clearly visible from the street. The entry will also be emphasised via porch feature walls.</p>
<p>Overshadowing</p>	

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 proposal is likely to cast a reasonable amount of shadow upon the adjoining property to the west in morning hours. However, by 2:00pm, very little shadow (from Dwelling 1) will be cast onto this property. The dwelling on this land (19 Whiteleaf Crescent) incorporates a kitchen window only on its eastern façade, with a north-facing (front) window and many south and west-facing windows to the rear living room remaining unaffected.

The private open space of 19 Whiteleaf Crescent will not be materially affected by the proposed development.

During the afternoon hours, some overshadowing from the upper level of Dwelling 3 will fall upon the adjoining property to the south. However, this falls upon the front/side yard only, with any north-facing windows and the primary area of private open space remaining unaffected.

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 upper level on the southern and western elevations feature high level windows with 1.7m sill heights and/or fixed and frosted glass below 1700mm to minimise direct overlooking into the habitable areas of the northern adjoining property.

The northern elevation (and eastern elevation of Dwelling 3) overlooks the public streets and will not compromise the privacy of adjacent land.

Noise

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.

General Section: Residential Development: PDC 26

Complies

Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 3</i></p> <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Partially Complies</p> <p>Living areas and associated private open space areas of Dwellings 1 and 2 maintain a southerly orientation.</p> <p>The living area and private open space of Dwelling 3 incorporates an easterly orientation with a northerly aspect.</p> <p>Adequate direct winter sunlight will be available to adjacent dwellings and associated private open space.</p> <p>Each dwelling comprises north-facing roof pitches, albeit this space is limited for Dwellings 1 and 2.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p style="text-align: right;"><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p style="text-align: right;"><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Does Not Comply</p> <p>A landscaping plan has not been provided, however the site plan indicates location of sealed areas. Consequently, the proposed landscaping does not accord with (a).</p> <p>It has been included as a recommended condition of consent that a landscape plan be provided to Council prior to Development Approval being issued.</p>

TABLE DISCUSSION

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

- Site coverage;
- Floor Area Ratios;
- Front setback;
- Rear setback (Dwelling 3); and
- Garage setback (Dwellings 1 and 3).

Site Coverage

The Marion Council Development Plan stipulates that site coverage should not exceed 40%; whereas the site coverage of the development ranges from 47.9% (Dwelling 3) to 60.9%

(Dwelling 2); with an average site coverage of 54.4%. While building footprints exceed that sought for dwellings in the Policy Area, acceptable setbacks to all boundaries are achieved (discussed below), whilst the amount of private open space exceeds the minimum sought.

It is quite common for the middle dwelling(s) of row dwellings to comprise a higher site coverage than demonstrated by other dwellings on the land, as by their very nature, they must be constructed boundary-to-boundary.

Whilst site coverage is high, the assessment has demonstrated no meaningful impacts upon the street, adjoining land or the function or amenity of the dwellings.

Floor Area Ratio

The floor area ratio of the development ranges from 0.647 (Dwelling 1) to 0.656 (Dwelling 2); averaging 0.65. This equals an excess in dwelling floor area of 12.6 square metres for Dwelling 1, 12.1 square metres for Dwelling 2 and 15.4 square metres for Dwelling 3.

Whilst this is the case, the dwellings demonstrate acceptable setbacks from boundaries (discussed below), as well as an appropriate level of articulation, reducing the perceived bulk of the buildings.

The excess in floor area does not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.

Front setback

The principles of development control outline the front setback should be similar to, or compatible with setbacks of buildings on adjoining land and other buildings in the locality. The setbacks on Whiteleaf Crescent vary from 7.0 to 10.0 metres, with other front setbacks within the locality remaining complementary to this; although some limited examples exist of 5.0 metre front setbacks.

The property, at the intersection of two streets does provide some flexibility in the setback of the buildings, as there is no adjoining property to the immediate east of the land, whilst if the dwellings were oriented to St Peters Way, a side street setback of 3.0 metres would be anticipated.

The proposed dwellings feature a 5.0 – 6.0 metre street setback; while this meets the required setback where no established streetscape exists, it does not align with the established setbacks of the locality. However, the proposal is replacing a dwelling and attached garage, which features setbacks of 7.0 and 4.0 metres, respectively.

As such, some justification exists for the setbacks proposed, however, it is acknowledged that as two storey dwellings in a generally single storey locality, the built form will be reasonably prominent. To this end, in my view, the front setback is a relatively finely balanced element of the proposal.

Rear setback

The single storey rear setbacks of Dwellings 1 and 2 are a minimum of 4.9 metres. Whilst this does not meet the minimum 6.0 metres sought in Zone Principle 7, it does exceed the minimum of 3.0 metres sought in Residential Development Principle 37. Nonetheless, ample separation is provided to the rear boundary for Dwellings 1 and 2 to reduce the visual impact of the buildings and extent of overshadowing upon the adjoining property.

Dwelling 3 incorporates a carport adjacent the rear boundary, whilst the upper level rear setback equates to a minimum of 3.1 metres where 8.0 metres is sought.

In this respect, it is noted the rear boundary of the land abuts the side boundary of the adjoining property, and therefore the importance of achieving the desired level of separation is lessened, as structures are expected to be constructed on or close to side boundaries.

Whilst some overshadowing will occur from the carport and upper storey, from my calculations, it is only after midday that shadow will be cast onto the adjoining property. As such, adequate solar access will be available to the property in accordance with Council's Overshadowing provisions.

In addition, if the proposed development comprised dwellings facing St Peters Way, a setback to the southern boundary of 3.0 metres would be anticipated. In this regard, the proposal provides greater separation and less overshadowing than could be anticipated with an alternative design.

As such, it is my view that the shortfalls in rear setbacks are not detrimental to adjoining land or the merit of the proposal.

ANALYSIS/CONCLUSION

The proposal achieves a reasonable level of compliance with Council's design criteria.

The dwellings are, in my view, attractive, modern, contemporary buildings, which will enhance the streetscape.

The most notable shortfalls associated with the proposal are the lack of site area of Dwellings 1 and 2, the front setback of the dwellings and the excess in site coverage and floor area ratio.

The overall site area exceeds 750 square metres, which suggests that three row dwellings are an envisaged form of development on the land. The excess in site coverage for Dwelling 2 is symptomatic of many 'middle' row dwellings, where the dwelling is constructed boundary-to-boundary. Whilst this is the case, adequate boundary setbacks and private open space is provided for the whole of the development; suggesting the excess in floor area is not of a severity to compromise the function of the site, the amenity of adjoining land or the integrity of the streetscape.

The front setback proposed is forward of the dwelling on the adjoining property to the west, however, the corner positioning of the property will not make the shortfall in setback overly apparent.

Adequate private open space has been provided for each dwelling, whilst the proposal will increase the variety of housing forms and choices within the locality.

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 the deposit of the Plan of Division with the Lands Titles Office, in accordance with the judgement of Judge Cole in *Paor & Anor v City of Marion* [2014] SAERDC 42.

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: 100/2014/1430 for three, two storey row dwellings at 17 Whiteleaf Crescent, Glengowrie be sub-delegated to the Manager – Development Services following the deposit of the Plan of Division (for Land Division 100/D129/14) with the Lands Titles Office and subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1430, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. The driveways servicing all dwellings shall incorporate a width of no greater than 5.0 metres. Amended plans, detailing the above, shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 4. A landscape plan, detailing the location, species and projected growing heights of all plantings shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
- 7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any

diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 10 December 2014

Agenda Ref No: DAP101214-3.14

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Construction Services Australia

Development Description: Alterations and additions to existing dwelling (construction of carport and verandah) and two single storey group dwellings with associated car parking and landscaping to the rear of the site

Site Location: 4 Dunedin Street, Dover Gardens

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 16/05/2014

Development Plan: Consolidated – 13 March 2014

Application No: 100/2014/819

Recommendation: Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new allotments supporting a site area less than the minimum of 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Increase width of carport servicing existing dwelling to ensure usability	Carport width increased from 2.4m to 3.0m
Increase private open space provision servicing all three dwellings	Private open space increased from 60m ² to 67m ² (Existing Dwelling) and 41.4m ² to 51.4m ² (Dwg A and Dwg B)

Reduction in the width of the common driveway to increase landscaping provision	Driveway reduced in width from 5.0 metres to 3.0 metres
Ensure retention of all street trees	No change

SUBJECT LAND & LOCALITY

The subject land is situated at 4 (Lot 538) Dunedin Street, Dover Gardens. The property incorporates a frontage width of 19.6 metres, a depth of 48.77 metres and an overall site area of 955 square metres.

An existing (fibro-cement) single storey dwelling is located on the land, set back approximately 8.0 metres from the front boundary of the property.

The land incorporates a gentle fall of approximately 2.2 metres from the rear to front boundary. An attractive mature tree (not Regulated) is situated street-side of the dwelling. Minor vegetation exists to the front, side and rear of the property.

The locality is experiencing a steady amount of redevelopment, with some 10 properties being redeveloped in the past 10 years. All dwellings are single storey in nature and comprise detached, semi-detached and group dwellings.

A large Council reserve of some 4,200 square metres is located 80 metres west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks for alteration to the existing dwelling, to accommodate a carport to the western side of the building. The application also seeks to demolish one verandah at the rear of the dwelling.

To the rear of the site, accessed via a separate 'hammerhead' driveway, it is proposed to construct two single storey dwellings, each comprising three bedrooms (main with ensuite and WIR), open plan kitchen/living/dining, typical wet areas and single-width garage.

Some earthworks are proposed to accommodate the dwellings, with retaining walls up to 600mm in height (in cut) towards the rear of the property.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Arborist:	<p>There are no arboricultural reasons to remove the street tree.</p> <p>If staff/the Panel choose to grant Development Plan Consent, remuneration of \$300+GST should be provided to Council for removal.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	<p>Minimum Site Area:</p> <p>Detached Dwellings: 375 square metres</p> <p>Group Dwellings: 300 square metres</p>	<p>Does Not Comply</p> <p>Existing Dwg: 301m²</p> <p>Dwg A: 240m²</p> <p>Dwg B: 240m²</p> <p>(Driveway not included in site area for Dwg A and B)</p>
	<p>Minimum Frontage:</p> <p>Detached Dwellings: 12 metres</p> <p>Hammerhead allotments: 4 metres</p>	<p>Complies</p> <p>Existing Dwg: 15.6m</p> <p>Hammerhead: 4.0 m</p>
	<p>Minimum Depth:</p>	<p>Complies</p> <p>Dwg A: 48.77m</p> <p>Dwg B: 48.77m</p> <p>Does Not Comply</p> <p>Existing Dwg: 19.5m</p>

Assessment

In relation to the above provisions, the proposed development seeks to construct two new dwellings to the rear of an existing detached dwelling thereby increasing the number of dwellings on the subject land from one to three.

Whilst the individual site areas of each allotment is less than that sought, the total area of the property, at 955 square metres, is large enough to accommodate three group dwellings (3 x 300 sq metres = 900 sq metres), and is only marginally less than that required for one detached dwelling and two group dwellings (1 x 375 + 2 x 300 = 975 sq metres).

Whilst the Existing Dwelling incorporates a shortfall in depth of 500mm, this, in my view has not resulted in any meaningful impacts upon the function of the site or streetscape.

As such, the proposal is not seeking to achieve more dwellings on the land than that sought in the Policy Area. Therefore, the merits of the proposal will rest with its ability to satisfy other applicable design criteria.

The proposed development seeks to retain the existing dwelling on the land which is to be provided with a new attached carport on the western side of the building. Alteration to the dwelling is required to enable adequate carport dimensions. Whilst this appears to be a drastic alteration for the provision of undercover parking, the alternative would be to demolish the dwelling; an action the owner of the land is not yet willing to undertake.

In terms of design and appearance, the proposed dwellings will be single storey in height and modern in respect to their appearance. The proposed dwellings therefore sufficiently achieve an attractive residential form of development as envisaged within Northern Policy Area 13.

It is considered that the Objectives and Desired Character of the Northern Policy Area 13 are adequately represented by the proposed development.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Does Not Comply Existing Dwelling: 45% Dwelling A: 64.5% Dwelling B: 64.5% (Average over whole of site = 46.6%)

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (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 <p>General Section: Residential Development: PDC 13</p>	<p>Complies</p> <p>Adequate area exists for the location of the items listed in Principle 13</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>Complies</p>
<p>Private Open Space</p>	
<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</p> <ul style="list-style-type: none"> (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. <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p> <ul style="list-style-type: none"> (b) All POS is to the rear of the dwelling and at ground level (c) Complies (d) POS not overlooked (e) Complies (i) No amenity concerns with POS (j) Area and shape of POS considered appropriate for likely needs of residents <p>Partially Complies</p> <ul style="list-style-type: none"> (a) Access to POS for Existing Dwelling is via laundry (existing). Access to POS for Dwg A and Dwg B is via habitable room. (h) Existing verandah retained for Existing Dwelling <p>Does Not Comply</p> <ul style="list-style-type: none"> (f) Southerly orientation for all POS area (g) Substantial shadow expected during winter months
<p>Site Area 250 m² or greater:</p> <p>Minimum area of POS: 20% of the site area</p> <p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</p> <p>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.</p> <p>Site area less than 250 m²:</p> <p>20% of the site area or 35 m², whichever is the greater</p> <p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>General Section: Residential Development: PDC 17</p>	<p>Partially Complies</p> <p>Existing Dwelling: 22.35% (67m²)</p> <p>POS incorporates a minimum dimension of 4.5 metres where 5.0 metres is sought</p> <p>Complies</p> <p>Dwg A: 21.4% (51.4m²)</p> <p>Dwg B: 21.4% (51.4m²)</p>
<p>Side Setbacks</p>	

<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Min 1.0m setback</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies Appropriate setbacks achieved</p>
Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Dwg A and Dwg B: Min 4.5m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i> <i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies Dwg A and Dwg B</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Max 4.3m</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Partially Complies Existing Dwelling: Carport setback 6.2 metres, however, is located 1.4m forward of main face (carport integrated with verandah)</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</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>	Complies
Car Parking	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i> <i>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>	Complies
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	Complies
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	Complies
<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>Complies</p> <p>Two on-street parking spaces available in front of the property</p>
Access	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	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>Does Not Comply</p> <p>Removal of a healthy street tree required to accommodate access to existing dwelling</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>					Complies
<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>					Complies
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	
1-2	3	3	-	0.5	
<p><i>General Section: Residential Development: PDC 41</i></p>					
Design & Appearance					
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & 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 & 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 & Appearance: PDC 17</i></p>					<p>Complies</p> <p>The proposed dwellings incorporate appropriate design techniques to minimise visual impact upon adjoining properties, including glare and reflection.</p> <p>There are no areas of uninterrupted walling.</p> <p>The appearance of the existing dwelling will be somewhat improved via the incorporation of a bull-nose verandah to the front façade.</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 & 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>Complies</p> <p>Proposed Dwellings A and B incorporate separate entry points, clearly defined by porticos.</p> <p>The living rooms of the proposed dwellings are oriented to the associated private open space, finding compliance with Principle 6.</p>
Overshadowing					

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

Proposed Dwellings A and B may result in a small amount of overshadowing to adjoining land in early morning and late afternoon hours.

However, the proposed dwellings are cut into the earth, reducing their relative height to adjoining properties.

It is anticipated that all existing neighbouring properties will not be unduly impacted by the proposed development and will achieve the hours sought in Principle 10.

Noise

External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:

- (a) active communal recreation areas, parking areas and vehicle access ways*
- (b) service equipment areas and fixed noise sources on the same or adjacent sites.*

General Section: Residential Development: PDC 29

Partially Complies

Headlight glare to Bedroom 1 of Dwelling B may compromise the amenity of the residents. In accordance with other consents issued by administration and the Panel, it has been included as a recommended condition of consent that roller blinds or similar be fitted to these windows.

Site Facilities and Storage

Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:

- (a) mail box facilities sited close to the major pedestrian entrance to the site*
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)*
- (c) household waste and recyclable material storage areas away from dwellings.*

General Section: Residential Development: PDC 30

Partially Complies

The proposed dwellings incorporate individual yard areas, whilst adequate area at the front of the site is available for separate mailbox facilities.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Partially Complies

The proposed dwellings incorporate 450mm-wide eaves overhang to reduce summer heatloads.

The main activity areas of Dwellings A and B incorporate a southerly orientation.

No unreasonable overshadowing is expected to occur to adjoining properties.

The existing and proposed dwellings incorporate a roof pitch with a northerly orientation.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's Development Engineer is comfortable with the proposed finished floor levels and earthworks. The Engineer has sought that the finished paving levels be 150mm below the floor level, to minimise the risk of flooding.

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

Following amendments to the proposal, the width of the common driveway has been reduced and additional landscaping provided at the front of the site.

A reasonable landscape strip has been provided adjacent the rear boundary of the existing dwelling, which will improve the outlook from the main bedrooms of the proposed dwellings whilst assisting in reducing the heatload from the sealed areas and fencing.

The species of proposed plantings are considered appropriate for their location.

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>Minor earthworks (up to 600mm in cut) are proposed to the rear of the site.</p> <p>As the retaining walls are in cut, they will not be visible from adjoining properties.</p> <p>Fencing details have not been provided. As standard boundary fencing (under 2.1m in height) does not require Council consent, it is likely this will be negotiated between neighbours.</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;
- Carport setback;
- Rear setback;
- South-facing private open space; and
- Removal of street tree.

Site coverage

Whilst the individual site coverage for each dwelling is high, in particular for proposed Dwellings A and B, the overall site coverage for the whole of the property equates to 46.6%. Further, each dwelling provides private open space that exceeds the minimum sought.

The dwellings provide appropriate setbacks to all boundaries, and whilst the site coverage figures are high, the size of the dwellings will not result in a detrimental impact to adjoining land or the streetscape.

As such, the site coverage as proposed is considered acceptable.

Carport setback

The carport servicing the existing dwelling is located forward of the main face; in line with the proposed bullnose verandah.

Whilst it would be ideal for the carport to comprise a greater setback from the street, the narrow width of the carport in relation to the dwelling's façade will not result in a dominating impact; nor will the carport detract from the presentation of the dwelling.

As such, the location of the carport is considered acceptable.

Rear setback

The rear setback of Dwellings A and B do not satisfy the 6.0 metres sought in Zone Principle 7. However, the single storey dwellings are cut into the land and will not have a detrimental impact upon the outlook or achievement of natural light for the adjoining property to the rear.

It should be further noted that the setbacks do comply with Residential Development Principle 37, whilst the amount of private open space provided exceeds the minimum 20% sought.

South-facing private open space

All three dwellings will incorporate south-facing private open space (POS), which will experience an extent of shadow throughout the year; at its worst in winter months. Whilst this is the case, the single storey nature of the dwellings will limit the extent of shadow cast.

One possible remedy would be to provide POS to the front of the dwellings; resulting in a 'closed off' streetscape and at variance to other Development Plan provisions.

As such, whilst the location of the private open space is not ideal, it is somewhat inevitable for allotments on the south side of an east-west running street.

Removal of street tree

Access to the existing dwelling requires the removal of a street tree. Council's Planning Officer – Arboriculture has advised there are no arboricultural reasons to remove the tree. Unfortunately, there are no other areas within the road reserve to suitably locate a driveway crossover (without the resultant location of a carport being at variance to a number of Development Plan provisions).

This tree is one of two street trees in front of the subject land, both of which incorporate a height of 3.0 metres (approximately). As such, the tree to be removed is relatively juvenile and does not contribute significantly to the streetscape.

It is also reasonable to acknowledge that a similarly-sized street tree, of the same species will be retained in front of the property, and as such, removal of the subject tree will not have a devastating, nor obvious impact upon the streetscape.

To this end, whilst removal of the street tree is not ideal, no other alternative access arrangements are available. Further, a second street tree will be retained in front of the site.

The owner of the land has confirmed that he is willing to pay the cost for the tree's removal.

ANALYSIS/CONCLUSION

The proposal satisfies a majority of Council's Development Plan provisions. The proposal demonstrates compliance with a majority of setback requirements, private open space, car parking and manoeuvring and landscaping.

Whilst all three dwellings are sited on allotments less than that sought in the Policy Area, further analysis identifies that the site is large enough to accommodate three dwellings, and as such, the proposal does not seek to achieve a density over that intended for the Policy Area.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/819: Alterations and additions to existing dwelling (construction of carport and verandah) and two single storey group dwellings with associated car parking and landscaping to the rear of the site at 4 Dunedin Street, 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. 100/2014/819, except when varied by the following conditions of consent.
2. All works to the existing dwelling (including; demolition of verandah, alteration of western side of dwelling and construction of carport and associated driveway and crossover) shall be undertaken and completed prior to the occupation of the proposed dwellings.
3. The finished paving level around the rear and side of the proposed dwellings shall be no less than 150mm below floor level.
4. Roller shutters (or the like) shall be installed to the Bedroom 1 windows of Dwelling B, to minimise the impact of headlight glare.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

9. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.15
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Mr Hadi Delf-Achresh
Development Description:	To attach new fascia signage along the eastern elevation of an existing commercial building - Hadi Fitness.
Site Location:	1/838-842 Marion Road, Marion.
Zone:	Industry Zone
Policy Area:	Industry/Commerce Policy Area 4
Application Type:	Category 1 / Consent
Lodgement Date:	03/11/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1954
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

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

The proposed signage constitutes a merit form of development within the Industry Zone as it meets the following exceptions listed within the non-complying table;

Advertisement and/or advertising hoarding;

Except where the advertisement and/or advertising hoarding achieves any one of the following:

(a) it is attached to a building or structure where the height of the advertisement does not exceed the height of the roof of the walls or parapet of the building or structure by more than 2 metres

(b) it is freestanding and has a height not exceeding 10 metres

(c) it is located on a side or rear wall facing and not within 50 metres of an abutting residential zone.

The subject application requires the determination of the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal comprises an outdoor advertising sign which is attached to a building or structure where the face of the advertising

structure exceeds 10 m² in display area. The report that follows provides an assessment in relation to the merits of the application.

SUBJECT LAND & LOCALITY

The subject land is located on the western side of Marion Road at 838-842 Marion Road, Marion. The subject land comprises a regular shaped allotment with a 45.7 metre frontage to Marion Road and a depth of 133 metres, thereby providing a total site area of approximately 2,605 square metres. The land is devoid of any existing significant trees but does contain a small ineffectual easement which is located to the very front of the subject land.

The subject land is developed with an existing commercial building which provides multiple tenancies for both retail showroom and storage use at ground and first floor level. The existing building is arranged in a “U” shape configuration around a centrally located car parking area which provides 66 on-site parking spaces for both customer and staff use. Vehicular access to the subject land is gained via an existing triple width driveway connecting to Marion Road.

The premises, the subject of this particular application is Tenancy 10 which is located at first floor level within the south-western corner of the building directly adjacent the southern and western boundaries of the subject land. This tenancy has recently been granted Development Plan Consent to be used as an “indoor fitness centre” – operating as Hadi Fitness.

The wider locality is characterised by a combination of different land uses with retail and bulky goods outlets being the most prominent land use along both sides of Marion Road. Some small scale light industrial and commercial premises also exist within the locality and are to be specifically found to the north and south of the subject land along the western side of the road.

Similar premises are also located to the north and south of the existing Council Depot site which is situated directly across from the subject land on the eastern side of Marion Road. The Council Depot sits on a large parcel of land and is fronted by a prominent stand of mature gum trees forming a notable landscape feature within the locality.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant is seeking approval to erect a variety of signs to the very rear of the site along the eastern elevation of the building. The proposed signage is to advertise the use of Tenancy 10 which is to be occupied by Hadi Fitness and comprises a combination of logo, pictorial and written signage displays which are not to be internally illuminated.

The following information summarises the type and size of the individual signs that are to be displayed in relation to the subject tenancy;

- Sign 1 (Logo Sign)

This sign comprises an oval shaped sign which is to be located along the very top of the eastern elevation of the building and is to depict the name and logo associated with “Hadi Fitness”. This sign will measure 2.4 metres in height (at highest point) and will extend for a distance of 7.0 metres in length (at longest point) to provide a display area of some 16.8 square metres.

This sign is to be made up of six (6) individual aluminium composite panel sheets with each sheet to be separately fixed to the building using a combination of 3M VHB adhesive tape, TREX polymer adhesive and 45 mm long Ramset knock in masonry plugs. This sign is to have a yellow background with blue writing and white imagery.

- Sign 2 (Lifestyle Signs)

These signs are all in colour and depict pictorial images of people “working out” and comprise optical clear laminate sheets which allow one way vision out of the building. These signs are to be applied directly to the existing eight (8) external windows (2 x sets of 4 windows) located directly below the above mentioned proposed logo sign along the eastern elevation.

- Sign 3 (Wording)

This sign comprises a simple message “**One Life. One Body. One Chance.**”, and is to measure 675 mm in height by 9.5 metres in length across the front of the building to provide a total display area of 6.4 square metres. This sign is to be situated directly below the eight external windows mentioned above and centrally located above the ground floor entry doors to the subject premises. The individual letters are to be router cut from 3mm *dibond* and are to be applied directly to the external wall using 3M VHB adhesive tape and TREX polymer adhesive.

- Sign 4 (Entry Doors)

The logo signs depicted on the ground floor entry doors comprise a translucent stick on material. Whilst they advertise the use of the tenancy they do not constitute development pursuant to the Development Act 1993/Development Regulations 2008 and therefore do not require approval. These signs therefore do not require an assessment against the relevant provisions of Council's Development Plan.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Industry Zone and Industry/Commerce Policy Area 4 are listed in the following table and discussed in further detail below:

Industry Zone		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	Complies
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ <i>industry</i> ▪ <i>transport distribution</i> ▪ <i>warehouse.</i> 	Complies The proposed signage is to help advertise a recently approved land use on the subject land – Hadi Fitness (Tenancy 10).
<i>PDC 7</i>	<i>Advertisements and advertising hoardings should not include any of the following:</i> <ul style="list-style-type: none"> (a) <i>flashing or animated signs</i> (b) <i>bunting, streamers, flags, or wind vanes</i> (c) <i>roof-mounted advertisements projected above the roofline</i> (d) <i>parapet-mounted advertisements projecting above the top of the parapet</i> 	Complies The proposed signage is not intended to flash and is not to be internally illuminated. The proposed signage is to be displayed along the facia of the building within the silhouette of the parapet of the building.

		The proposed signage does not offend any of the stipulations set out in (a – d).
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Industry/Commerce Policy Area 4

<p>Objectives</p> <ol style="list-style-type: none"> 1 A policy area accommodating a range of light and service industry, depots and commercial activities. 2 Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road. 3 A policy area where development minimises impacts on residential uses in adjoining zones, especially to the west of Marion Road. 4 Development that contributes to the desired character of the policy area. 	<p>Complies</p> <p>The proposed signage is intended to support a recently approved commercial land use – Hadi Fitness.</p> <p>The proposed signage will not have a detrimental visual impact on any nearby or adjacent residential properties.</p>
<p>Desired Character</p> <p><i>It is intended that the policy area be consolidated and further developed with a mixture of small to medium-scale industry and commercial uses, preferably integrated within the one site. The environmental performance of new development needs to take account of the amenity of adjoining localities, by incorporating improved emission controls, management measures, building appearance treatments, landscaping and other design measures, to ensure minimal adverse impact.</i></p> <p><i>The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.</i></p> <p><i>Development is expected to promote attractive frontages and park-like settings to enhance the visual qualities and streetscape of the Marion Road corridor. Building styles may be varied and display high aesthetic qualities to enhance the visual character of the locality.</i></p>	<p>Complies</p> <p>The level and scale of the signage proposed is considered appropriate and will not look out of place along the eastern wall of the building.</p> <p>The proposed signage will have a limited visual impact on the streetscape being located some 90 metres from the boundary with Marion Road.</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><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 style="text-align: right;"><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p> <p>It is considered that the proposed signage complements the architectural form and design of the building without extending beyond the roofline or silhouette of the building.</p>

<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><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>The proposed signage is considered to be clear and easy to read from a distance without appearing cluttered or being adversely dominant from a visual perspective.</p>
<p><i>Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.</i></p> <p><i>General Section: Advertisements: PDC 3</i></p>	<p>Complies</p> <p>It is considered that the size and scale of the main logo sign complements the architectural style of the building, fitting neatly within the confines of the curved parapet advertising panel specifically attached to the eastern elevation of the building.</p> <p>As such, it is considered the proposed signage accords with the intent of Principle of Development Control 3.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>Complies</p> <p>The proposed signage is limited to information relating to the legitimate use of the subject tenancy – “Hadi Fitness”.</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><i>General Section: Advertisements: PDC 5</i></p>	<p>Complies</p> <p>The proposed signage is completely contained within the boundaries of the subject land with all signage to be attached along the eastern fascia of the building.</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><i>General Section: Advertisements: PDC 6</i></p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p>Complies</p> <p>The proposed signage is not to extend above the curved parapets located along the eastern fascia of the building.</p>
<p><i>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p> <p><i>General Section: Advertisements: PDC 9</i></p>	<p>Complies</p> <p>As previously mentioned, the proposed signage does not project beyond the architectural outline of the building.</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p>Complies</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>Complies</p> <p>The signage comprises three sign types utilising a combination of corporate logo (yellow back-ground with white imagery and blue lettering), pictorial information over existing windows and simple message (blue lettering).</p> <p>It is considered that the proposed signage provides a clear message identifying the name of the business and the services that are to be offered from the premises in accordance with Principle of Development Control 11.</p>

<p>Safety</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 (e.g. junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>The proposed signage will not be internally illuminated and is to be well setback from the boundary of Marion Road. Given this, it is considered unlikely that the proposed signage will distract or cause a potential hazard to motorists travelling along Marion Road.</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>Complies</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>Complies</p> <p>The proposed signage will not be internally illuminated but is likely to be lit from an alternative light source designed to shine up onto the signage at night.</p>
<p>Flags, Bunting and Streamers</p> <p><i>Advertisements and/or advertising hoardings should not comprise bunting, streamers or attached floating objects.</i></p> <p><i>General Section: Advertisements: PDC 23</i></p>	<p>Complies</p> <p>The proposed advertising signage does not include bunting, streamers or any floating objects.</p> <p>The applicant is not proposing any additional advertising devices including those mentioned above.</p>
<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p>Complies</p> <p>This section of Marion Road adjacent the subject land has a maximum speed limit of 60km/h.</p>

ANALYSIS/CONCLUSION

The preceding analysis against the relevant provisions of the Marion (Council) Development Plan has demonstrated that the type and extent of the proposed signage to be erected along the eastern elevation is to be varied but co-ordinated, with signage complementing the architectural style of the building without extending above the height of the parapet or roofline.

The proposed advertising is also considered to be orderly in nature being well spaced along the eastern elevation of the building, primarily displaying a single logo sign facing Marion Road. Furthermore, the signage is restricted to advertising the name of the franchise and is clear and concise whilst not posing any undue distraction to motorists travelling along Marion Road.

In having regard to the wider locality and the extent of advertising that adorns other commercial buildings along this section of Marion Road, I am of the opinion that the proposed level of signage to be in keeping with the scale and extent of advertising that currently adorns the external walls of many existing commercial tenancies within the immediate locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993;**
- (c) That Development Plan Consent for Development Application No: 100/2014/1954 to attach new fascia signage along the eastern elevation of an existing commercial building at 838-842 Marion Road Marion be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details stamped dated received 3 November 2014 all submitted with and forming part of Development Application No. 100/2014/1954, except where varied by the following conditions of consent.**
- 2. The advertisements hereby approved shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.**
- 3. Lighting associated with the 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.**

- 4. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.**

Attachments

Attachment I: Certificate of Title

Attachment II: Aerial Photograph & Site Locality Plan

Attachment III: Proposal Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

APPLICATION

Agenda Ref No:	DAP101214-3.16
Originating Officer:	Kristen Schutte Development Officer - Planning
Applicant:	Zaina Stacey Development Consultants
Development Description:	Residential Land Division (Torrens Title) - 1 into 4 allotments
Site Location:	39 Harbrow Grove, Seacombe Gardens
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 1 / Consent
Lodgement Date:	24/06/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1046
DAC Reference No:	100/D136/14
Recommendation:	Development Plan Consent and Development Approval (Granted)

BACKGROUND

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

The proposed land division relates to an associated land use application (100/2014/1178), which has been assessed concurrently by administration. This associated land use application is to be considered and determined by the Panel at the same meeting as the subject land division.

SUBJECT LAND & LOCALITY

The subject land is located at 39 Harbrow Grove, Seacombe Gardens (Lot: 65 CT: 6052/539). The land comprises a corner allotment, of irregular shape, with an eastern primary street frontage to Wilga Street of 18.29 metres, a northern secondary street frontage to Harbrow Grove of 27.43 metres, and a total site area of 814 square metres.

The subject land currently accommodates a single-storey detached dwelling (Fibro Cement) in average condition with vehicular access to a freestanding garage from Harbrow Grove. The contour of the land is relatively flat. Whilst several trees are located on the subject land, none are classified as regulated pursuant to the current legislation.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the existing allotment to create 4 (four) Torrens Title residential allotments. Party wall easements are included on the plan of division, which indicate that the allotments shall accommodate row dwellings, as demonstrated in Development Application 100/2014/1178.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	
Objectives	
	<i>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.</i>
Medium Density Policy Area 12	
Objectives	
1	<i>A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</i>
2	<i>Development that minimises the potential impact of garaging of vehicles on the character of the area.</i>
3	<i>Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i>
4	<i>Development that contributes to the desired character of the policy area.</i>
Desired Character	
	<i>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</i>
	<i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</i>
	<i>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i>

<i>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.</i>		
<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies Associated land use application proposes row dwellings
<i>PDC 4</i>	<i>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</i> <i>(i.e. Site areas between 149.3 and 250 m²)</i>	Complies All site areas between 149.3 m ² and 250 m ²
<i>PDC 6</i>	<i>In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.</i>	Partially Complies Each dwelling provides 1 driveway
<i>PDC 7</i>	<i>Minimum Site Area: 210m²</i>	Complies Res 4: 229 m ² Does Not Comply Res 1: 193 m ² Res 2: 193 m ² Res 3: 199 m ²
	<i>Minimum Frontage: 7m</i>	Complies Res 2: 8.0 m Res 3: 7.8 m Res 4: 8.5 m Does Not Comply Res 1: 3.13 m
	<i>Minimum Depth: 20m</i>	Complies Res 1: 24.02 m Res 2: 25.5 m Res 3: 26.93 m Res 4: 28.5 m

Assessment

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

A minimum site area of 210 square metres is prescribed for row dwellings in the Medium Density Policy Area 12, which equates to a shortfall of 17 square metres (8.1%) for Lots 1 & 2 and 11 square metres (5.2%) for Lot 3. This results in a 3.1% discrepancy for the total site area. The shortfall in site area is not considered to represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the fact that the proposed site areas remain reflective of medium residential densities envisaged within this Policy Area (PDC 4).

The frontage width of Lot 1, at 3.13 metres, falls short of the prescribed minimum of 7 metres. In response to the irregular shape of the land, the proposed allotments have been designed to utilise the greater depth of the allotment. Given that this is the corner allotment, and vehicular access can be obtained from the secondary street, the shortfall in frontage width is not seen to

compromise the ability of the allotment to contain a functional residential dwelling which could meet the provisions of the Development Plan.

To this end, the proposal is considered to satisfy the Desired Character for the Medium Density Policy Area 12, as the allotments will enable the construction of “*dwelling of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area.*”

Land Division	
<p>OBJECTIVES</p> <p><i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i></p>	<p>Complies</p>
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p>Complies The proposed site areas are appropriate for the dwellings proposed in Development Application 100/2014/1182.</p>
<p><i>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</i></p>	<p>Complies The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of bus routes.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p><i>1 When land is divided:</i> <i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> <i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	<p>Complies The proposed development is likely to result in stormwater being drained safely from the land. Water and sewer supply will be available.</p>
<p><i>2 Land should not be divided if any of the following apply:</i> <i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i> <i>(b) any allotment will not have a frontage to one of the following:</i> <i>(i) an existing road</i> <i>(ii) a proposed public road</i> <i>(iii) access to a public road via an internal roadway in a plan of Torrens division</i> <i>(c) the intended use of the land is likely to require excessive cut and/or fill</i> <i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i> <i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i> <i>(f) the intended use of the land would be contrary to the zone objectives</i> <i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p>	<p>Complies a) The proposed site areas are appropriate for the intended use of the allotments for dwellings. b) The allotments maintain a frontage to a public road c) Excessive cut/fill is unlikely e) The area is sewerred f) The intended use of the land for row dwellings is consistent with the zone objectives. g) The allotment will not straddle more than one zone, policy area or precinct</p>
<p>Design and Layout</p> <p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p>Complies</p>

<p><i>7 The design of a land division should incorporate:</i></p> <ul style="list-style-type: none"> <i>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and Torrens transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</i> <i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i> <i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i> <i>(d) suitable land set aside for useable local open space</i> <i>(e) public utility services within road reserves and where necessary within dedicated easements</i> <i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i> <i>(g) protection for existing vegetation and drainage lines</i> <i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i> <i>(i) the preservation of significant trees.</i> 	<p>Complies</p>
<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises the need for earthworks and retaining walls</i> <i>(b) maintains natural drainage systems</i> <i>(c) faces abutting streets and open spaces</i> <i>(d) does not require the removal of existing native vegetation to facilitate that development</i> <i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i> 	<p>Complies</p>
<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p>Does not comply Given the rear boundary of the allotments maintains a southern orientation, the main activity areas and associated private open spaces will not benefit from direct northern solar access.</p>
<p>Roads and Access</p> <p><i>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <ul style="list-style-type: none"> <i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i> <i>(b) the availability and frequency of public and community transport</i> <i>(c) on-street parking demand likely to be generated by nearby uses.</i> <p><i>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p>	<p>Complies Based upon the land use application (100/2014/1178), three (3) on-street visitor car park spaces are available in front of the subject allotments.</p>

ANALYSIS/CONCLUSION

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

Despite the shortfall in site area allocated to Lots 1, 2 and 3, the total site area of the land (814m²) falls only 3.1% short of the 840 square metres required for four row dwellings.

To this end, the proposal is considered to satisfy the Desired Character for the Medium Density Policy Area 12, as the allotments will enable the construction of *"dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area."*

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

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: 100/2014/1046 for Residential land division (Torrens Title) 1 into 4 allotments at 39 Harbrow Grove, Seacombe Gardens be GRANTED subject to the following conditions:**

Development Plan Consent

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1046, except when varied by the following conditions of consent.**
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**
- 3. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.**

4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water and sewerage services (SA Water H0021270). The internal drains shall be altered to the satisfaction of the SA Water Corporation.
2. Payment of \$19464 into the Planning and Development fund (3 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. This approval has been granted on the basis of the suitability of the land for row dwellings, as demonstrated in Development Application No: 100/2014/1178. Should the proposed allotments be created and sold without that development occurring, new applicants/owners should be aware that any variation to the approved dwellings requires the lodgement and assessment of a new Development Application with the Council. Please note that the proposed allotments may not meet the minimum allotment size required for other forms of dwellings (e.g. the Marion Council Development Plan requires a larger site area for detached dwellings than it does for row dwellings) and other dwelling layouts may not be suitable for the proposed allotments.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

APPLICATION

Agenda Ref No:	DAP151014-3.17
Originating Officer:	Kristen Schutte Development Officer – Planning Rob Tokley Team Leader - Planning
Applicant:	Kruschel Holdings Pty Ltd
Development Description:	Four, two storey row dwellings with associated car parking and landscaping
Site Location:	39 Harbrow Grove, Seacombe Gardens
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 1 / Consent
Lodgement Date:	09/07/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1178
Recommendation:	Development Plan Consent Granted subject to the deposit of the Plan of Division with the Lands Titles Office for Land Division Application 100/D136/14

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings (provided that no such dwelling is more than 2 storeys high) as Category 1 development.

Following the judgement of Judge Cole in *Paor v City of Marion*, the determination of the nature of the development cannot occur until such time as the Plan of Division has been deposited with the Lands Titles Office. As such, the recommended decision reflects the sequence of events to maintain the Category 1 status of the application.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed Dwellings 1, 2 and 3 supporting allotment areas less than the minimum of 210 square metres required for row dwellings within the Medium Density Policy Area 12. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Reduce site coverage	Site coverage reduced below 100m ² (with exception of Res 4 - 103m ²)
Reduce floor area ratio	FAR reduced below 0.7
Increase upper floor rear setback (Res 1)	Upper rear setback increased from 2.8-5.3m to 5.8-7.9m
Provide 2 on-site car parks (Res 1)	Setback of carport increased to a minimum of 5.5m to enable open visitor parking space
Increase the dimension of POS to Res 1 and 2)	Dimensions of POS increased and area increased from 36m ² to 40.65m ² (Res 1) and 36m ² to 43.36m ² (Res 2)
Provide east-facing (street facing) window to upper level of Res 1 to improve surveillance and amenity	No change
Ensure vehicular access to all allotments is safe and convenient	Telstra Pit and Fire Plug made trafficable and removed, respectively

SUBJECT LAND & LOCALITY

The subject site is located at 39 Harbrow Grove, Seacombe Gardens. The land comprises a corner allotment, of irregular shape, with an eastern primary street frontage to Wilga Street of 18.29 metres, a northern secondary street frontage to Harbrow Grove of 27.43 metres, and a total site area of 814 square metres.

The subject land currently accommodates a single-storey detached dwelling (Fibro Cement) in average condition with vehicular access to a freestanding garage from Harbrow Grove. The contour of the land is relatively flat. Whilst several trees are located on the subject land, none are classified as regulated pursuant to the current legislation.

The locality consists of predominantly redeveloped/sub-divided properties, which typically take the form of single-storey detached and semi-detached dwellings, as well as two storey row dwellings. A number of single storey detached dwellings at low densities, which are representative of the original dwelling stock, are also evident in the locality. North-east and north-west of the site comprises two large Housing SA sites, both incorporating two storey residential flat buildings with group car parking.

The site is located approximately 150 metres east of Harbrow Grove Reserve (recently upgraded by Council) with a fenced playground, junior bike track, large grassed area, seating shelters and BBQs. The Regional Centre Zone is situated some 600 metres walking distance to the north of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct four, two-storey row dwellings; all incorporating a primary frontage to Harbrow Grove.

The ground floor proposal for each dwelling features main bedroom with WIR and ensuite, separate WC, laundry and open-plan kitchen, living and dining areas; while the second floor of each dwelling comprises two bedrooms and a bathroom.

A selection of landscaping is proposed throughout the site.

It is noted that Land Division application 100/D136/14 has been received by Council, which proposes to create four Torrens Title allotments, which reflects the subject dwelling application. This application is also to be determined by the Panel at this meeting.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	
Objectives	
1	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.
Medium Density Policy Area 12	
Objectives	
1	A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.
2	Development that minimises the potential impact of garaging of vehicles on the character of the area.
3	Development that supports the viability of community services and infrastructure and reflects good residential design principles.
4	Development that contributes to the desired character of the policy area.
Desired Character	
<p>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development.</p> <p>Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</p> <p>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> <p>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.</p>	

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building (buildings between one and three storeys)</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	Complies
PDC 4	<p><i>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</i></p> <p>(i.e. Site areas between 149.3 and 250 m²)</p>	<p>Complies All dwellings are two stories with site areas between 149.3m² and 250m²</p>
PDC 7	<p><i>Minimum Site Area:210m²</i></p>	<p>Complies Res 4: 229m²</p> <p>Does Not Comply Res 1: 196m² Res 2: 190m² Res 3: 199m²</p>
	<p><i>Minimum Frontage:7m</i></p>	<p>Complies Res 2: 8m Res 3: 7.8m Res 4: 8.5m</p> <p>Does Not Comply Res 1: 3.13m (6.2m including corner cut-off)</p>
	<p><i>Minimum Depth:20m</i></p>	<p>Complies Res 1: 24.02m Res 2: 25.5m Res 3: 26.93m Res 4: 28.5m</p>

Assessment

The application proposes to replace an existing single storey detached dwelling in average condition, with four two-storey row dwellings, which is a form of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks redevelopment of properties at a higher density compared to that typical of the original dwelling stock in the area.

A minimum site area of 210 square metres is prescribed for row dwellings in the Medium Density Policy Area 12, which equates to a shortfall of 14 square metres (9.3%) for Residence 1, 20 square metres for Residence 2 (9.5%) and 11 square metres (5.2%) for Residence 3. This results in a 3.1% discrepancy for the total site area. The shortfall in site area is not considered to represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the fact that the proposed site areas remain reflective of medium residential densities envisaged within this Policy Area (PDC 4).

The frontage width of the proposed allotment for Residence 1, at 3.13 metres, falls short of the prescribed minimum of 7 metres. When including the corner cut-off, this frontage measured 6.2 metres. In response to the irregular shape of the land, the proposed dwellings have been designed to utilise the greater depth of the allotment, and consequently achieves an adequate level of compliance with private open space, site coverage and setback provisions (discussed further below). As such, Residence 1 does not meet the frontage width requirements and rather presents to the corner of the allotment. The orientation of this dwelling to the corner of Harbrow Grove and Wilga Street results in good street presentation. Furthermore, given that this dwelling obtains vehicular access from Wilga Street the shortfall in width should not detract from the function or appearance of the proposed dwelling.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area do not jeopardise the underlying merit of the proposal. The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Medium Density Policy Area 12.

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>Maximum site coverage:</p> <p>Site area less than 270 m²: 100 m² or 40% (whichever is the greater)</p> <p>100m² applies for all dwellings</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Complies</p> <p>Res 1: 97.3m² Res 2: 96m² Res 3: 96m²</p> <p>Does Not Comply</p> <p>Res 4: 103m²</p>
<p>Maximum floor area ratio:</p> <p>Site area less than 270 m²: 0.7</p> <p>Medium Density Policy Area 12: PDC 8</p>	<p>Complies</p> <p>Res 1: 0.6 (115m²) Res 2: 0.6 (116m²) Res 3: 0.58 (116m²) Res 4: 0.56 (128m²)</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(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</p> <p>General Section: Residential Development: PDC 13</p>	<p>Complies</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>Complies</p>
Private Open Space	

<p><i>Private open space (available for exclusive use by Residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for Residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p style="text-align: right;"><i>General Section: Residential Development: PDC 15</i></p>	<p>Partially Complies</p> <p>The private open space areas are accessed from the ground-level living areas, to the side or rear of the associated dwelling and will not be overlooked by adjacent development.</p> <p>While the POS of Res 1 benefits from a northerly aspect, Res 2, 3 & 4 all comprise POS with a southern orientation behind the two storey dwellings.</p>
<p>Site area less than 250 m²:</p> <p><i>20% of the site area or 35 m², whichever is the greater</i></p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p>(20% is relevant for all dwellings)</p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Res 1: 20.7% (40.6m²)</p> <p>Res 2: 22.8% (43.3m²)</p> <p>Res 3: 26.6% (53.0m²)</p> <p>Res 4: 28.1% (64.4m²)</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"> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i> <p style="text-align: right;"><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>Res 1: 5m increasing to 6m</p> <p>Res 2: 5.2m increasing to 7m</p> <p>Res 3: 5.3m increasing to 6.8m</p> <p>Res 4: 5.3m increasing to 6.8m</p> <p>Inconsistent setbacks within the locality. Adjoining property to the west has a setback of 5 metres. Given the inconsistent setbacks, and that the site comprises a corner allotment, the proposed setbacks are considered acceptable.</p>
<p>Minimum setback from secondary road frontage: 2 metres</p> <p style="text-align: right;"><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Res 1: 2m</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p>
<h2>Side Setbacks</h2>	

<p>Where the wall height is not greater than 3 metres: 1 metre</p> <p>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.</p> <p>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.</p> <p style="text-align: right;">Residential Zone: PDC 7</p>	<p>Complies Res 4: Side setback (western boundary) is 1 metre to the ground floor and 2.8 metres to the upper floor.</p>
<h2>Rear Setbacks</h2>	
<p>6 metres for a single storey dwelling</p> <p style="text-align: right;">Residential Zone: PDC 7</p>	<p>Does Not Comply Res 1: 3.7m increasing to 5.8m (carport located on rear boundary) Res 2: 4.4m increasing to 5.7m Res 3: 4.0m increasing to 8.6m Res 4: 5.0m increasing to 8.7m</p>
<p>6 metres for a 2 or more storey dwelling</p> <p style="text-align: right;">Residential Zone: PDC 7</p>	<p>Complies Res 2: 8.0m increasing to 10.3m Res 3: 8.7m increasing to 11.2m Res 4: 8.7m increasing to 10.4m</p> <p>Partially Complies Res 1: 5.9m increasing to 7.8m (Minor encroachment – adjacent side boundary of neighbouring property)</p>
<p>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following: (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</p> <p style="text-align: right;">General Section: Residential Development: PDC 37</p>	<p>Complies</p>
<h2>Building Height</h2>	
<p>Maximum building height (from natural ground level): (i) 2 storeys of not more than 9 metres (ii) 2 storeys plus attic of not more than 10 metres</p> <p style="text-align: right;">Residential Zone: PDC 7</p>	<p>Complies 2 storeys – max 7.3m height</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</p> <p>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.</p> <p>Minimum setback from secondary road frontage: 5.5 metres for a single-width structure. Not less than the specified setback of the associated dwelling for a double-width structure.</p> <p style="text-align: right;">Residential Zone: PDC 8</p>	<p>Complies Min setback 5.5m and 0.5m behind main face</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>	Complies
<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>	Complies
<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>	Complies
Car Parking	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>All dwellings feature three bedrooms and two on-site car parking spaces (one of which is covered)</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 & Access: PDC 43</i></p>	<p>Partially Complies</p> <p>There is a loss in the availability of on-street parking arising from an increase in the number of driveway crossovers however two on-street parking spaces are available in front of the site.</p>
Access	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	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>	Complies
Design & Appearance	

<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p style="text-align: right;"><i>General Section: Design & 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 style="text-align: right;"><i>General Section: Design & 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 style="text-align: right;"><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a reasonable level of articulation and generous glazing to the front facade providing visibility to/from the internal areas of the dwellings.</p> <p>The ground floor features parapet walls, while the upper floor has a pitch roof. This contrast provides visual interest, whilst remaining of appropriate bulk and scale.</p> <p>The dwellings features 'Solver Pelt' rendered facades with horizontal moulds. Garages feature 'Paper panel lift doors. The roofs comprise Colorbond 'Slate grey' corrugated iron roof at 25.5 degree pitch.</p> <p>These materials are appropriate within the locality and will not Result in unreasonable glare to nearby persons and properties.</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 style="text-align: right;"><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p style="text-align: right;"><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 style="text-align: right;"><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</p> <p>The entry to the dwellings will present to and be clearly visible from the street. The entry will also be emphasized via a porch.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

A majority of shadow will be cast over the POS of the proposed dwellings. Late afternoon shadow will be cast onto the adjoining property to south; however the shadow cast would generally overshadow the side courtyard and front yard of this property only.

Given the generous rear setbacks provided for all three dwellings, all adjoining properties will gain adequate solar access as sought in Principle 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

The upper level windows on the rear elevation of Res 2 & 3 feature high level windows with 1.9m sill heights to minimise direct overlooking into the habitable areas of the northern adjoining property. While the upper floor rear window of Res 1, and the western side elevation of Res 4 includes fixed obscured glazing below 1.7m.

The eastern elevation overlooks the secondary street and will not compromise the privacy of adjacent land.

Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 3</i></p> <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p style="text-align: right;"><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies Res 1: Private open space area maintains a northerly orientation.</p> <p>Does Not Comply Res 2-4: Living areas and associated private open space areas maintain a southern orientation.</p> <p>Partially Complies The front roof elevation is of an appropriate orientation, and may be able to accommodate solar hot water services and photovoltaic cells.</p>
<h2 style="text-align: center;">Landscaping, Fences and Walls</h2>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p style="text-align: right;"><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p style="text-align: right;"><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Partially Complies A landscaping schedule has been provided. This does not indicate any trees or taller/broader plantings to complement the two-storey built form. Consequently, the proposed landscaping does not accord with (PDC1) (a).</p> <p>However, the landscaping schedule does include an appropriate range of native species, and is oriented towards the street frontage, aligning with (PCD2) (a&b).</p>

TABLE DISCUSSION

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

- Site Coverage (Res 4)
- Rear Setbacks

Site coverage (Res 4)

The site coverage of Residence 4 equates to 103 square metres, where a maximum of 100 square metres is sought. This excess in building footprint is considered relatively minor in its extent and consequence. This is reinforced by the fact that the dwelling nonetheless provides appropriate setbacks and adequate private open space above the required 20%. Accordingly,

the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwelling.

Rear setbacks

The rear setbacks of all four proposed dwellings fail to adhere to Principle 7, which requires the single storey portion of dwellings to comprise a rear setback of 6 metres. The proposed rear setbacks are closely reflective of Principle 37 (3 metres for 50% and 6 metres for the remainder); as such, the overall level of separation from the rear boundaries, and pattern of POS is considered adequate.

Despite the shortfall in rear setback, the minimum dimensions of POS are adhered to, with an area of 4X4 metres directly accessible from the main living area of each dwelling. Furthermore, shadow diagrams demonstrate that the proposed dwellings will not have adverse overshadowing impacts on the adjoining properties.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a majority of applicable Development Plan criteria. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock complements the Desired Character of the Medium Density Policy Area 12.

It is noted that several quantitative shortfalls are maintained by the proposed dwellings, including site area, frontage width and site coverage.

The site area represents a discrepancy against the provisions, however remains reflective of the envisaged medium density housing for the Policy Area. The shortfall in frontage width of Residence 1 results in the orientation of this dwelling towards the corner of Harbrow Grove and Wilga Street. The street presentation is considered appropriate and should not detract from the function or appearance of the proposed dwelling. The excess in the site coverage of Residence 4 is considered relatively minor in its extent and consequence, and should not adversely impact upon the function of the proposed dwellings.

These shortfalls have been assessed in relation to the extent of departure from Development Plan criteria and the Respective consequences, taking into account the characteristics of the subject land and locality. This assessment has demonstrated that the shortfalls are not of such severity so as to jeopardise the functionality of the proposed development, nor to detract from the amenity of adjacent land or the character of the locality.

As such it is my view that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to the deposit of the Plan of Division for the associated land division application (100/D136/14).

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1178 for four, two storey row dwellings at 39 Harbrow Grove, Seacombe Gardens be GRANTED subject to the deposit of the Plan of Division with the Lands Titles Office for Land Division Application 100/D136/14 and subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1178, except when varied by the following conditions of consent.**
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan**

must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.

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

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

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

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.18
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Raymond Green & Melva Anne Green
Development Description:	Single storey detached dwelling, part demolition of existing dwelling and carport associated with existing dwelling
Site Location:	14 Renown Avenue Clovelly Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Complying
Lodgement Date:	09/07/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1177
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application has been lodged as a complying form of development by virtue of Schedule 4, 2B of the Development Regulations.

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 1 of the Development Regulations 2008, which assigns the construction of any development classified as a *complying* development as Category 1 development.

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

The application seeks to have the land size assessed in accordance with the Section 35 (c) of the Development Act, 1993 which states that *'If a proposed development meets all but 1 criteria necessary for the development to be complying development, the aspect or aspects of the development that are consistent with the development being complying must be regarded accordingly and the balance of the development will be assessed as merit development.'*

BACKGROUND

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

Amendments Requested	Amendments Made
Increase the size of the proposed allotment so that it does not affect the 'complying' nature of Lot 2.	Width of lot 1 increased by 291mm and allotment size increased from 299m ² to 303m ² .
Amend dwelling on lot 1 to meet 'complying' criteria for allotments over 300m ² .	Dwelling altered to increase rear setback from 3m to 4m.

SUBJECT LAND & LOCALITY

The subject site is located at 14 Renown Avenue, Clovelly Park and is a corner allotment situated on the corner of Renown Avenue and Renown Place. The allotment has a frontage of 15.85m and a depth of 45.72m. The total site area is 720m².

The site contains a single storey detached dwelling with ancillary outbuildings. The site incorporates 3 access points off its secondary street of Renown Place, two of which are currently in use. One car park space is located in front of the dwelling, the other located at the rear of the site within an existing shed.

The site does not incorporate any slope in the land and there are no significant or regulated trees.

The locality is predominantly residential in nature with a mixture of dwelling types, primarily single storey, to the north, east and south of the site. Clovelly Park Primary School is located on the allotment immediately to the west of the site, which is also located within Medium Density Policy Area 12.

Mitchell Park Railway Station is located approximately 400m away from the subject site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to retain the existing dwelling and construct a single storey detached dwelling to the rear.

A carport is proposed to the rear of the existing dwelling to provide an undercover car parking space to service the existing dwelling with access from the currently unused existing access. The existing visitor space in front of the dwelling is to be retained.

The proposed dwelling comprises three bedrooms and a study, an open plan kitchen/living/dining area and associated wet areas. A new access is proposed to a single garage.

Refer Attachment III

COMPLYING ASSESSMENT

Complying Assessment Pursuant to Schedule 4 (2B) of Development Regulations, 2008

Subject to subclause (3), this clause applies in relation to any area determined by the Minister for the purposes of this clause and identified by notice in the Gazette.

Complies

The subject site is located in an area determined in the Gazette to be an applicable area for assessment under these regulations.

Despite any determination under subclause (1), this clause does not apply to any development—

(a) in relation to a local heritage place; or

(b) in—

(i) a Historic Conservation Zone/Area; or

(ii) the Hills Face Zone; or

(iii) a Flood Management Zone/Area unless—

Complies

The subject site is not heritage listed, in a Historic Conservation Zone, Hills Face Zone or Flood Management Area.

In relation to the site—that the site is, for the purposes of a dwelling, capable of being connected to a sewage system or a waste control system (being a system which complies with the requirements of the Public and Environmental Health Act 1987);

Complies

The development will not be built, or will not encroach, on an area that is, or will be, required for a sewerage system or waste control system which complies with the requirements of the Public and Environmental Health Act 1987.

Complies

Site Area

Insofar as this clause applies to a site that does not comprise an entire allotment—

(a) the site, and any balance of the allotment, must each at least meet the minimum site area and any minimum frontage requirements prescribed in the relevant Development Plan (and if the relevant Development Plan prescribes different minimum site areas and minimum frontage requirements for detached and semi-detached dwellings respectively, the areas and frontage requirements that are lesser in size are to be taken to be the minimum site area and minimum frontage requirements for the purposes of this paragraph)

320m² and 9m frontage is relevant in Northern Policy Area 13

Existing Dwelling

Complies

Allotment frontage – 15.85m
Allotment size – 417m²

Proposed Dwelling

Complies

Allotment frontage – 18.9m

Does not comply

Allotment size – 303m²

Private Open Space

The following minimum private open space requirements will apply in relation to the site after the development has been completed (after including the areas of the dwelling and any outbuildings, carports or verandahs on the site):

Site size	Minimum area of private open space	Minimum dimension
300—500m ²	60m ²	4m

and in any event at least 24 square metres of private open space at the rear or side of the dwelling with access directly from a habitable room within the dwelling must be provided

Complies

The existing dwelling includes a total of 70m² to the rear of side of the dwelling, which includes a minimum dimension of 4m and an area greater than 24m² accessible from a living area.

The proposed dwelling provides a total of 77m² with a minimum dimension of 4m and an area greater than 24m² accessible from a living room.

Car Parking

A dwelling that will have 2 or more bedrooms at the completion of the development—the dwelling will have at least 2 car parking spaces, 1 of which is enclosed or covered, or able to be enclosed or covered, and both of

Complies

Existing dwelling – Proposed carport located at the rear of the

which comply with the requirements set out in subparagraph (iii) in relation to garages and carports	dwelling and existing car parking space located in front of the dwelling. Proposed dwelling – Single garage with tandem external visitor space.
Garages, Carports and Outbuildings	
<p><i>For the proposed dwelling in relation to any proposed garage or carport, the garage or carport—</i></p> <p><i>(A) will be set back at least 5.5 metres from the primary street; and</i></p> <p><i>(B) is or will be situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling; and</i></p> <p><i>(C) will not have an opening or openings for vehicle access that exceed, in total, 7 metres in width; and</i></p> <p><i>(D) is not designed or located so as to provide vehicle access from an alley, lane or right of way that is less than 6.2 metres wide along the boundary of the allotment; and</i></p> <p><i>(E) will use a driveway that is not located within 6 metres of an intersection of 2 or more roads or a pedestrian actuated crossing and will not interfere with an item of street furniture (including directional signs, lighting, seating and weather shelters), other infrastructure, or a tree; or</i></p> <p><i>(F) is located so that the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport when work is completed is not steeper than 1:4 on average.</i></p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<p><i>Where a carport is associated with an existing dwelling, the structure is assessed against Schedule 4, Part 1 (3) of the Development Regulations, 2008</i></p> <p><i>(a) the designated structure is ancillary to a dwelling erected on the site; and</i></p> <p><i>(b) the designated structure is not being constructed, added to or altered so that any part of the designated structure is situated—</i></p> <p><i>(i) in front of any part of the building line of the building to which it is ancillary that faces the primary street; or</i></p> <p><i>(ii) within 900 millimetres of a boundary of the allotment with a secondary street (if the land has boundaries on 2 or more roads); and</i></p> <p><i>(c) in the case of a carport—the carport is set back at least 5.5 metres from the primary street; and</i></p> <p><i>(d) the designated structure complies with the following requirements as to dimensions:</i></p> <p><i>(i) a total floor area not exceeding 60 square metres;</i></p> <p><i>(ii) a height for any posts or other parts of the designated structure (other than the roof) not exceeding 3 metres (measured as a height above the natural surface of the ground); and</i></p> <p><i>(iii) a roof height where no part of the roof is more than 5 metres above the natural surface of the ground; and</i></p> <p><i>(iv) if situated so as to abut, or to have any part of the designated structure on, a boundary of the allotment (not being a boundary with a primary street or a secondary street)—a length not exceeding 8 metres; and</i></p> <p><i>(e) if situated so as to abut a boundary of the allotment (not being a boundary with a primary street or a secondary street)—the development will not result in all relevant walls or structures located along the boundary exceeding 45% of the length of the boundary; and</i></p> <p><i>(f) in the case of a designated structure that is ancillary to—</i></p> <p><i>a detached or semi-detached dwelling — the circumstances are such that the total roofed area of all existing or proposed buildings on the allotment will not exceed 60% of the area of the allotment; or</i></p> <p><i>(g) if facing the primary street—the carport will not have an opening or openings for vehicle access facing a street frontage that exceed, in total, 7 metres in width; and</i></p> <p><i>(iii) the carport is located so that vehicle access—</i></p> <p><i>(A) will use an existing or authorised driveway or access point under section 221 of the Local Government Act 1999, including a driveway or access point for which consent under the Act has been granted as part of an application for the division of land;</i></p>	<p>Complies</p> <p>Complies Structure is setback 900mm from secondary street boundary</p> <p>Not relevant</p> <p>Complies - 23.2m² Complies 2.4m in height</p> <p>Complies</p> <p>Complies 5.8m in length</p> <p>Complies Results in 36.6% of the structure being located on the proposed boundary</p> <p>Complies Site coverage approximately 25%</p> <p>Not relevant – Carport does not face primary street</p> <p>Complies Existing crossover will be utilised.</p>

Street Setback

The dwelling is not being constructed so that any part of the dwelling will be

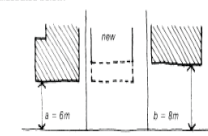
(A) nearer to an existing boundary of the primary street for the dwelling than any distance that applies in respect of setbacks under the relevant Development Plan in relation to any road or portion of a road that constitutes the primary street frontage; or

(B) in front of the average setbacks of any existing dwellings on any adjoining allotments with the same primary street (or, if there is only 1 such dwelling, the setback of that dwelling), whichever provides the lesser of 2 distances;

Complies

General Section: Design and Appearance: PDC 25

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

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

The setback of the proposed dwelling is no closer than the portion of the adjacent dwelling which faces the primary street of the proposed dwelling, which is consistent with the Development Plan requirement and therefore part (A).

Rear Setbacks

If the size of the site exceeds 300 square metres—

(A) in relation to the ground floor of the dwelling—within 4 metres of the rear boundary of the site (measured from the closest solid wall);

Complies

Existing dwelling – 4m
Proposed dwelling – 4m

Side Setbacks

If any side wall of the dwelling will exceed 3 metres in height when measured from the top of the footings—the wall will be set back at least 900 millimetres from the boundary of the site plus a distance equal to one-third of the extent to which the height of the wall exceeds 3 metres from the top of the footings;

Complies

Western side wall of proposed dwelling – 928mm

The dwelling will have a setback of at least 900 millimetres on at least 1 side boundary of the site;

Complies

Walls on Boundaries

In relation to any wall to be located on a side boundary of the site associated with the development—

(i) the wall will not exceed 3 metres in height when measured from the top of the footings; and

(ii) the wall will not exceed 8 metres in length; and

(iii) the wall, when its length is added to the length of any other relevant walls or structures located on that boundary—

(A) will not result in all such relevant walls and structures exceeding a length equal to 45% of the length of the boundary; and

(B) will not be within 3 metres of any other relevant wall or structure located along the boundary, unless on an adjacent site on that boundary there is an existing wall of a building that would be adjacent to or abut a proposed relevant wall or structure (in which case this subparagraph does not apply);

Proposed dwelling – wall on proposed eastern boundary

Complies

2.7m wall height.

Complies - 5.95m in length

Complies – Wall takes up 37.5% of the relevant boundary.

Complies

No other wall exists on the same boundary.

Building Height	
<i>The dwelling is not constructed so that— (i) any part of the dwelling will exceed 9 metres in height when measured from the top of the footings; or (ii) any wall height will exceed 6 metres when measured from the top of the footings;</i>	Complies Maximum building height – 4.8m Complies Maximum wall height is 2.7m
Design & Appearance	
<i>The dwelling will have at least 1 habitable room window facing the primary street;</i>	Complies Proposed dwelling has three habitable room windows facing the street.
Site Coverage	
<i>The development will not result in the total roofed area of all buildings on the allotment exceeding 60% of the total area of the allotment;</i>	Complies Existing dwelling – Approximately 25% Proposed dwelling – 54%
Site Works	
<i>The development does not involve— (i) excavation exceeding a vertical height of 1 metre; or (ii) filling exceeding a vertical height of 1 metre, and if the development involves both excavation and filling, the total combined excavation and filling must not exceed a vertical height of 2 metres;</i>	Complies There is not proposed to be any excavation or filling exceeding 1m in height.

Table Discussion

The proposal is compliant with ‘all but one’ of the relevant criteria when assessed against Schedule 4, 2B of the Development Regulations. The site area of the allotment which maintains the proposed dwelling does not meet the ‘Complying’ standard of 320m².

Section 35 (c) requires that aspect of the development that is not consistent with the development being complying, must be assessed as merit development. Therefore the proposal effectively falls 72m² short of meeting the prescribed Development Plan requirement of 375m² for a detached dwelling.

It should be noted that site area is the sole aspect of the development that is required to be assessed and considered and regard cannot be had for any other aspect of the development.

Below, the shortfall in site area is considered against the relevant provisions of the Development Plan.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	Minimum Site Area: 375m ²	Does Not Comply 303m ²

Assessment

The proposed development seeks the construction of an additional dwelling on a site that currently contains a single dwelling. This represents an increase in the density generally sought within the Policy Area and will facilitate an increase in dwelling types and accommodation needs within the locality.

The additional dwelling, which is to be located to the rear of the existing, will not result in the removal of street trees or of trees that are regulated or significant.

To this end, despite the shortfall in site area, the proposal is considered to display consistency with the Objectives and Desired Character of the Development Plan.

Whilst there is a substantial disparity in the allotment's site area when assessed against the Development Plan, it should be noted that the allotment is only 17m² short of being a fully complying development, as Schedule 4, 2B requires that the allotment size only meet the Development Plan's requirement for semi-detached dwellings.

I am of the view that the proposed site area warrants consideration due to its locational attributes and in my view, will not result in unreasonable impacts upon the streetscape and the amenity of the locality.

Accordingly, the proposal displays sufficient merit for the following reasons:

- 1) The density of the site is not over and above what is generally sought within the Policy Area. Whilst the proposed site areas of both the existing and proposed allotments are more distorted in their area due to the retention of the existing dwelling, the number of dwellings on the site is considered to still represent the low scale density that characterises and is sought within Northern Policy Area 13.
 - 2) The frontage width is well above the 12m prescribed in the Development Plan and therefore, the site will still retain the wider frontage pattern that is characteristic of detached dwellings and its shortfall in site area will not be overly apparent from the street.
 - 3) The site is located in close proximity to public transport and public open space being 400m from the Mitchell Park train station and approximately 350m to Mitchell Park Reserve. Objective 2 of the Residential Zone encourages increased densities where they are located in close distance to these services.
 - 4) The site directly adjoins the zone boundary where the Policy Area changes to Medium Density Policy Area 12. The minimum allotment size for detached dwellings in this Policy Area is 300m². Although, it is acknowledged that the adjoining site that accommodates the zoning change is a school, it nonetheless, suggests that the proposed site area is characteristic of what is envisaged in nearby areas, has similar locational attributes to the adjoining Policy Area and is an acceptable transition between the two Policy Areas.
 - 5) The site is effectively located at the end of a 'No Through' Road with only staff of the adjoining school, and occupants (and their visitors) of the dwelling opposite accessing the street. The additional dwelling will therefore not be a noticeable element and, being the only dwelling on the street, the dwelling can create its own character within its environment.
-

ANALYSIS/CONCLUSION

The proposed development is a complying development and only requires assessment against the shortfall in site area for the proposed dwelling.

The proposal displays sufficient merit to accept the proposed shortfall due to its locational attributes being close to public transport and open space, being at the end of a street and adjoining a zone which supports higher densities. The proposed shortfall in site area, in my opinion, will also not result in impacts on the streetscape or impair the existing character.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/1177 for Single storey detached dwelling, part demolition of existing dwelling and carport associated with existing dwelling at 14 Renown Avenue Clovelly Park be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1177, being the site plan, floor plan and elevations prepared by Creation Development Services, and received by Council on 28 November 2014, except when varied by the following conditions of consent.**
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.**
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.**

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

4. 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.

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.
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

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAP101214-3.19
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Mr Jack Pete
Development Description:	Residential Land Division - Torrens Title - 1 into 4 allotments
Site Location:	4 Bowden Grove, Oaklands Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	03/07/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1124 DAC Ref. 100/D155/14
Recommendation:	Advise the Environment, Resources and Development Court that Council supports the proposal and the granting of Development Plan Consent and Development Approval

BACKGROUND

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

1. The site areas of the proposed row dwellings fail to satisfy the minimum of 250 square metres prescribed by Principle of Development Control 3 of the Northern Policy Area 13.
2. The proposed site areas are not suitable for their intended use, and therefore the proposal fails to satisfy Objective 2 and Principles of Development Control 2(a) and 2(f) in the General Section: Land Division.
3. The orientation and size of allotments 2 and 3 does not allow for sufficient solar access in accordance with Principle 11 in the General Section: Land Division.

Refer Attachment I

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court. A preliminary conference was held on 13 October 2014 where the applicant identified that amended plans would be submitted to Council for consideration. A second preliminary conference is scheduled to be held on 15 December 2014. The applicant has

provided amended plans for consideration as a compromise prior to the conference. The original report, plans and attachments can be found in the member's agenda from the 20 August 2014 meeting, or by contacting the author of this report.

Refer Attachment I

DEVELOPMENT ASSESSMENT

There has been no compromise plan submitted in relation to the land division proposal.

A compromise plan has been submitted for the land use application 100/2014/1006 for four, two storey row dwellings, which does not seek for a reduction in the number of dwellings or the site's orientation and dimensions.

The compromise plans for the land use application are to be considered by the Panel at this meeting.

ANALYSIS/CONCLUSION

Council staff has recommended support for the amended proposal and therefore it is staff's respectful view that the amendments to the land use proposal have addressed the reasons for refusal for this proposal and therefore respectfully recommend that the Development Assessment Panel advise the Environment, Resources and Development Court of its support for Residential Land Division – Torrens Title – 1 into 4 allotments, subject to conditions.

RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the proposal submitted by Mr Jack Pete for Development Application No: 100/2014/1124 (DAC Ref. No. 100/D155/14), Residential Land Division – Torrens Title – 1 into 4 and recommends the following conditions:

CONDITIONS

- (1) The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1124 (DAC ref. 100/D155/14) except when varied by the following conditions of consent.
- (2) All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- (3) The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

LAND DIVISION CONSENT

- (1) The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

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

- (2) Payment of \$19464 into the Planning and Development Fund (3 allotment(s) @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.
- (3) A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

Attachments

Attachment I: *Decision Notification Form*

Attachment II: Compromise Proposal Plans and Supporting Documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 10 December 2014

Agenda Ref No:	DAPR0101214-3.20
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Alex Asteris
Development Description:	Four, two-storey row dwellings with associated car parking and landscaping
Site Location:	4 Bowden Grove Oaklands Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1/ Consent
Lodgement Date:	18/06/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1006
Recommendation:	Advise the Environment, Resources and Development Court that Council supports the compromise plans and the granting of Development Plan Consent, pending deposit of the Plan of Division (associated with Development Application 100/D155/14) with the Lands Titles Office.

BACKGROUND

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

1. The site areas of the proposed row dwellings fail to satisfy the minimum of 250 square metres prescribed by Principle of Development Control 3 of the Northern Policy Area 13.
2. The development will not contribute to an “attractive residential environment” as it is not compatible with the existing low scale, low density housing in the area and is therefore at variance to the Desired Character, Objective 3 and Principle 1 of the Northern Policy Area 13.
3. The development does not provide for a “a range of dwelling types to meet a variety of accommodation needs”, in that each dwelling comprises three bedrooms and therefore fails that part of the Desired Character of the Policy Area and Residential Development Objective 2.

4. The front setbacks of the proposed dwellings are not compatible or have a similar setback to the adjacent buildings and therefore the building does not contribute positively to the function, appearance and desired character of the locality in accordance with Design and Appearance Principles 23 and 25.
5. The siting and design of the buildings will restrict the amount of winter sunlight in the private open space and habitable rooms of Residences 2 and 3, therefore failing to comply with Residential Development Principles 15 (f) and 15 (g) and Energy Efficiency Objective 1, Principle 1 and Principle 3.
6. Landscaping provision throughout the site is poor, does not complement the built form to reduce the visual impact of larger buildings; or enhance the appearance of the road frontage and therefore at variance to Objective 1, Principle 1 (a) and Principle 1 (b).

Refer Attachment I

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court. A preliminary conference was held on 13 October 2014 where the applicant identified that amended plans would be submitted to Council for consideration. A second preliminary conference is scheduled to be held on 15 December 2014. The applicant has provided amended plans for consideration as a compromise prior to the conference. The original report, plans and attachments can be found in the Member's agenda from the 20 August 2014 meeting, or by contacting the author of this report.

In the compromise plans submitted by the applicant, the amendments do not propose a reduction in the number of dwellings, however incorporates the following:

- The row dwellings and land division applications are expressly "linked" to comprise a single development;
- The front dwelling setbacks from the primary road frontage have been increased, ranging from 6.75m (Residence 1) to 5.106m (Residence 4).
- The side setback of the upper storeys have been increased to accommodate a reduction in the rear setback.
- The building envelopes have been reduced, reducing site coverage and increasing private open space.
- Alterations to the facades' design and appearance.
- Additional landscaping added to the front, side and rear of the proposed dwellings.

Any amendments to the proposal are highlighted in the table below.

Refer Attachment II

		Previous Proposal	Amended Proposal
<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>Detached dwelling</i> ▪ <i>Group dwelling</i> ▪ <i>Residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation</i> 	Complies	No change

PDC 3	Minimum Site Area:	Does Not Comply Res 1 – 231m ² Res 2 – 233m ² Res 3 – 226m ² Res 4 – 233m ²	No Change
	Minimum Frontage:	Complies Res 1 – 8.1m Res 2 – 8.5m Res 3 – 8.5m Res 4 – 8m	No Change
	Minimum Depth:	Complies Res 1 – 28.38m minimum Res 2 – 27.28m minimum Res 3 – 29.7m Res 4 – 21.33 m minimum	No Change
Site Coverage			
Maximum site coverage: 40% Northern Policy Area 13: PDC 4		Does not comply Res 1 – 46.7% Res 2 – 47.4% Res 3 – 48.8% Res 4 – 43.1%	Does not comply Res 1 – 45% Res 2 – 45.6% Res 3 – 47% Res 4 – 42.6%
Maximum floor area ratio: 0.6 Northern Policy Area 13: PDC 4		Complies Res 1 – 0.6 Res 2 – 0.59 Res 4 – 0.55 Does Not Comply Res 3 – 0.61	Complies Res 1 – 0.55 Res 2 – 0.55 Res 3 – 0.57 Res 4 – 0.55

Private Open Space

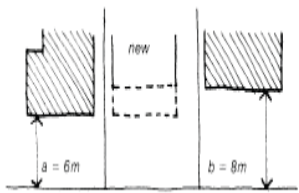
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable room of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p style="text-align: right;"><i>General Section: Residential Development: PDC 15</i></p>	<p>Partially Complies</p> <p>All POS areas are accessed from the lounge room are located at ground level to the side or rear of the dwelling.</p> <p>The orientation and the two storey nature of the dwellings will cause a significant proportion of the POS areas of the dwellings to be overshadowed in winter, particularly Residence 2 which will receive less than 2 hours sunlight between 9am and 3pm.</p> <p>Whilst it is acknowledged that the proposed POS areas comply with the requirements for their respective site area, increasing the site areas to accord with the Development Plan requirements would provide for larger areas, improving the opportunity for access to sunlight during the winter months.</p>	<p>See discussion below re: 'overshadowing/energy efficiency.</p>
<p>Site area less than 250 m²:</p> <p><i>20% of the site area or 35 m², whichever is the greater</i></p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Res 1 – 54m² (23%) Res 2 – 56m² (24%) Res 3 – 54m² (24%) Res 4 – 69m² (30%)</p> <p>Each provides a minimum dimension of 4m x 4m, accessible from a living room.</p>	<p>Complies</p> <p>Res 1 – 60m² Res 2 – 60m² Res 3 – 57m² Res 4 – 73m²</p> <p>If there were three row dwellings on the land, the average site area would equate to 307m², whereby 61.5m² POS would be required with a minimum dimension of 5m x 5m.</p>

Street Setbacks

Except in areas where a new character is desired, the setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the locality.

General Section: Design and Appearance: PDC 23

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

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

General Section: Design and Appearance: PDC 25

Minimum setback from primary road where no established streetscape exists: 5m

Residential Zone: PDC 7

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

Does Not Comply

Adjacent dwelling (6 Bowden) approximately 8.5m

Residence 1 – 5.76m
Residence 2 – 5.2m
Residence 3 – 5.4m
Residence 4 – 4.6m

The proposed dwellings are setback substantially forward of the adjacent dwellings in a street where the setback of the majority of dwellings are between 7-9m.

Furthermore, Residence 4 does not achieve the minimum setback of 5m.

The average setback of the minimum requirement of Residence 4 (being 5m) and the dwelling on the adjoining site to the east being 8.5m, suggests that the minimum setback of Residence 1 should be 6.75m, with Residences 2 and 3 transitioning towards Residence 4.

Given the existing open landscaped character of the locality, it is my view that the proposal fails in regards to providing a front setback which is compatible with dwellings in the locality and does not contribute positively to the desired character of the locality.

This further suggests that the density is inappropriate and larger site areas are required to accommodate a greater front setback.

Does Not Comply

Residence 4 - 2m

This non-compliance only relates to the lower storey and only for a small portion of the building. The setback increases as the boundary widens and the majority of the dwelling meets this requirement. Therefore, this departure is not considered fundamental.

Complies

Residence 1 setback amended to 6.75m

Residence 2 setback increased to 5.4m

Residence 3 setback increased to 6.3m

Residence 4 no change

A minimum of 3.4m has been provided to the corner cutoff, although apparent setback would appear greater when viewed from the street if the area remained open, i.e. not fenced

No Change

	Residences 2 to 4 have a two storey wall on the boundary located forward of its eastern adjoining dwelling. Due to the small length of the wall, it is not considered to cause unreasonable visual impacts or restrict light into the room and is therefore acceptable.	
<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Complies</p> <p>The proposed dwellings are considered to be adequately setback from adjoining property boundaries such that they will not unreasonably impact on adjacent dwellings by way of visual impact or overshadowing.</p>	No change
Rear Setbacks		
<p>6 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>Residence 1 – minimum 6m</p> <p>Residence 4 – minimum 6.2m</p>	Residence 4 - no change
<p>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:</p> <p>(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</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Residence 2 – 7.5m then reduced to no less than 5.2m</p> <p>Residence 3 – 9.6m then reduced to no less than 4.2m</p>	<p>Residences 2 and 3 - no change</p> <p>Residence 1 – 6m reduced to no less than 4.5m</p>
<p>8 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>Residence 1 – 10.6m</p> <p>Residence 2 – 10.2m</p> <p>Residence 3 – 8m</p> <p>Residence 4 – 10.6m</p>	<p>Res 1 - increased to 13m</p> <p>Res 2 – increased to 14m</p> <p>Res 3 – increased to 12m</p> <p>Res 4 – increased to 11m</p>
Building Height		
<p>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>2 storey building with a height of 7m</p>	No change

Garages, Carports and Outbuildings		
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Minimum setback from secondary road frontage: 5.5 metres for a single-width structure.</i></p> <p><i>Not less than the specified setback of the associated dwelling for a double-width structure.</i> <i>Residential Zone: PDC 8</i></p>	<p>Complies Residence 1 – 5.5m Residence 2 – 6.6m</p> <p>Does not comply Residence 3 – 5.4m Whilst not in accordance with the Development Plan, the setback complies with AS 2890 for the length required for a car parking space for a B85 vehicle.</p> <p>All garages/carports are located 0.5m behind the main face of the dwelling.</p> <p>Does not comply Res 4 – 5.4m from secondary road frontage for a single width freestanding carport. The distance accords with AS 2890 for the length required for a car parking space for a B85 vehicle.</p>	<p>Res 1 - setback increased to 6.75m Res 2 - increased to 7.4m Res 3 - increased to 5.6m Res 4 – no change</p> <p>Res 4 – No change</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i> <i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>	<p>No change</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i> <i>General Section: Residential Development: PDC8</i></p>	<p>Complies The garages of Residences 1 to 3 have their garages/carports located underneath the main roof of the dwelling.</p> <p>The detached carport associated with Residence 4 has a feature parapet and flat roof. The materials are in keeping with the associated dwelling and the parapet will hide the flat roof of the carport.</p>	<p>No change</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> <i>Residential Zone: PDC 6</i></p>	<p>Complies The garages maintain a maximum width of less than 50% of the allotment frontage width.</p>	<p>No change</p>

Car Parking

<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i> <i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i> <i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p style="text-align: right;"><i>Residential Zone: PDC 7</i></p>	<p>Complies Each has an undercover car parking space and external parking space for a three bedroom row dwelling.</p>	<p>No change</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p style="text-align: right;"><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p>	<p>No change</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 style="text-align: right;"><i>General Section: Land Division: PDC 22</i></p>	<p>Complies Approximately 1 on-street car park can be accommodated adjacent the northern side boundary of the site on Bowden Grove and at least 2 on-street spaces can be accommodated adjacent the western side boundary.</p>	<p>No change</p>
Access		
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p>	<p>No change</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p style="text-align: right;"><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies Driveway crossovers are a minimum width of 1m away from the stobie pole and more than the 2m required to the existing street trees.</p>	<p>No change</p>

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

Complies

The dwellings incorporate stepped walls, variation in setbacks, fenestration and protruding porticos to provide articulation in the street presentation.

All four dwellings have their entrances presenting to the street.

Where the buildings are exposed to public view the upper storey is recessed in from the lower storey, with the lower storey roof pitch to 'break up' the façade and windows to provide some relief in the built form.

The building is to be clad in rendered Hebel panel with 'Sycon Matrix' entry pier, aluminium framed fixed and awning windows and 25 degree colorbond pitched roof.

The use of these materials are unlikely to result in unreasonable glare to neighbouring properties and are considered to generally reflect the desired character of the locality.

The dwellings have been designed with an external outlook to all living rooms.

See discussion re 'Design and Appearance'

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

Partially Complies

Overshadowing diagrams indicate that overshadowing from the dwellings will not have an unreasonable impact on the adjoining properties to the east and the south in that they will still receive a sufficient amount of sunlight over their POS and into habitable rooms during the winter months.

Proposed Residences 2 and 3 will have their associated POS areas significantly shaded during the winter months with Residence 2 not receiving the minimum amount of 2 hours direct sunlight as sought in Residential Development Principle 15 (g).

See comments re 'overshadowing/energy efficiency'.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

All upper storey windows to the side and rear have sill heights or are fixed and obscured to a height no less than 1.7m above the finished floor level of the upper storey.

No change

Landscaping, Fences and Walls		
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Does Not Comply</p> <p>Landscaping proposed for the site is limited to turf with a sparse allocation of shrubs or succulents. The proposal fails to provide a selection of taller, broader plants to reduce the visual impact of the larger built form.</p> <p>The additional site above the desired density, in my view, increases the amount of hardstanding areas for driveways and limits opportunities for landscaping.</p> <p>A reduction in the number of sites would provide for wider frontages, providing greater space for a variety of plantings and resulting in the driveways being a less dominant aspect, thereby enhancing the appearance and bringing the sites more in line with the open landscaped character of the locality.</p>	See discussion re 'Landscaping'
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>Fencing is limited to 1.8m high fencing around the boundaries of the site.</p> <p>Fencing along the secondary street boundary is limited and starts from behind Bedroom 1, allowing for the built form and landscaped areas to present to the street.</p>	No change

DEVELOPMENT ASSESSMENT

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

Site area and allotment dimensions

The proposed amendments have not resulted in a change to the number of dwellings on the site and therefore still maintain a shortfall in site area for the development.

It was highlighted in the original application that the locational attributes of the site did not display sufficient merit to warrant an additional allotment, which resulted in all four allotments being between 24m² and 17m² short of the 250m² site area requirement.

It was my view that the dwellings, which would be the first incursion within the immediate locality, does not represent the low scale and low density character of the area and the proposed development was more akin to that within Medium Density Policy Area 12.

Additionally, the site, whilst located centrally to the desirable locational attributes where higher densities are envisaged, is still some 850m away from the nearest train station and over 1km away from shops within a Local Centre. Higher densities are generally justified where they are located directly adjacent these infrastructure provisions as the convenience of being closely located improves the viability of these services and reduces the need to use a motor vehicle.

The applicant has sought to address the Panel's reasons for refusal by altering the design to improve the compliance with other provisions of the Development Plan.

However, whether the proposed amendments are sufficient enough to suggest that the development will result in an "attractive residential environment" (reason for refusal 2), will not be intrusive on the street and display comfortably within the context of its surroundings, is a decision for the Panel.

Further discussion on the proposed changes will be discussed below. The ability for the proposal to address the other reasons for refusal such that site area alone is the only substantial variance to the Development Plan will play a role as to whether the number of dwellings proposed is acceptable.

Having said this, substantial consideration needs to be given to the intent provided by the Development Plan in providing site areas and to what extent that 'figure' should be exceeded. The likely impacts that an additional dwelling will have on the street will also be a considerable determinant in the outcome.

Housing diversity

The dwellings' internal makeup has not changed in that they still comprise three bedrooms. The applicant has put forward a justification intimating that in their opinion, the assessment regarding housing diversity is not limited to the rigid assessment of bedroom numbers. Furthermore, it is not limited to the site itself but regard must be had for the Policy Area as a whole.

Additionally, the adaptability of a floor plan and the variety of allotment sizes in the Policy Area must be taken into account.

In the applicant's view, the proposed development offers a different form of housing to that which currently exists in the locality and more generally in the Policy Area. Row dwellings are expressly envisaged in the Policy Area, on allotments at a slightly higher density than others in

the locality and this satisfies the Desired Character Statement to provide a variety of accommodation needs in the Policy Area.

Accordingly, the applicant argues that reason for refusal 3 is not justified.

Front setbacks

The front setback of the dwellings have increased and in my view comply with the relevant Development Plan principles in that Residence 1 is the average of the adjacent dwelling to the east and Residence 4, with Residences 2 and 3 transitioning towards Residence 1.

The setback of Residence 4 comes as close as 3.7m to the northern boundary due to the corner cut-off, which although would generally be closer than what is normally accepted, providing that a fence is not placed on the corner, the apparent setback when viewed from the street would be in excess of 5m.

Given the increase in setback, I am of the view that the amended plans have addressed reason for refusal 4.

Side Setbacks

The upper storey side setbacks have reduced for Residences 1 to 3, compensating for the reduction in depth in the dwellings.

Residence 1's two storey side setback on the eastern side has reduced from 3.1m to 2m and although it further encroaches on the neighbouring property, still complies with the relevant side setback requirements.

Residences 2 and 3 have reduced their respective western and eastern upper storey side setback from 3.5m to 1.8m. Although a significant reduction that does not comply with the 2m requirement prescribed in the Development Plan, the 'internal' boundaries of both dwellings are affected and neither room has a window facing the affected wall. As such, this variation will have negligible impacts beyond the boundaries of each respective dwelling.

Rear Setbacks

The lower storey rear setback is the same for all dwellings with the exception of Residence 1 which has reduced slightly due to the increased front setback, however still complies with the Development Plan requirement.

The upper storey rear setback has increased for Residences 1 to 3 from between 2m to 4m, creating additional separation between the dwellings and No. 2 Bowden Grove.

Site coverage and floor area ratio

The amended plans have seen a reduced building footprint, culminating in slightly reduced site coverage. The Development Plan requirement of 40% is still exceeded, however given that it is now less than the previous proposal and was not raised as a reason for refusal, this is not considered to be a matter of concern.

The floor area ratio for each dwelling has been reduced and now complies with the Development Plan for all dwellings whereas Residence 4 previously exceeded the 0.6 requirement.

Overshadowing/Energy Efficiency

Overshadowing diagrams have been provided which indicates the level of shadow proposed taking into consideration the alterations to the upper storey rear setback.

I disagree with the applicant's interpretation of the diagrams in that I am of the view that the level of overshadowing has not significantly changed as a result of the upper storey changes. Whilst there are some periods of the day on 22 June where there will be sunlight available over the POS of Residence 2 (between 1 and 2pm) and Residence 3 (between noon and 2pm), it is not considered to be 50% of the POS area as is the standard set in Design and Appearance, Principle 10 (b) for existing dwellings.

It is my opinion however that a large proportion of the overshadowing is attributed to the lower storey built form.

The lower storey rear setback is compliant with the prescribed setback requirements and the private open space provided is relatively generous, providing above 20% of the site area for each dwelling. The area provided is greater than what would be required if the allotments met the minimum site area of 250m² and is only marginally below what would be required if the number of dwellings were reduced to three.

The overshadowing is an unfortunate consequence of the orientation of the dwellings. For the dwellings, in the layout proposed, north facing POS could only be achieved by placing it in front of the dwelling, which is impractical and lacks streetscape appeal. Although Residence 2 and 3's POS does have significant shading in winter, it will not be completely in shade for the entire day.

To this end, it is not considered that reason for refusal 5 has necessarily been addressed. However given that a proportion of shadow is created by the lower storey, it cannot be categorically said that a reduction in the number of dwellings would significantly improve the amount of sunlight received over the POS of the middle dwelling, particularly if the built form was increased relative to the allotment size.

As such, given that treatments to the dwellings have been made, including a reduction in floor area and increased upper storey rear setbacks, which have also sought to address other reasons for refusal, I am of the view that the overshadowing is not so severe that, aside from site area, this being the only other significant shortfall of the development is sufficient to warrant refusal of the development.

Design and Appearance

The buildings' design and appearance has not significantly changed from the original proposal and it was considered that the dwellings were acceptable in their presentation to the street, providing articulating design features and visually interesting facades.

It is noted that the separation between Residences 2 and 3 reduces the bulk, giving the appearance of two sets of semi-detached dwellings, or to a lesser extent two large detached dwellings.

It is arguable whether a reduction in the number of dwellings to three would be less imposing on the street. The resultant site area would still only be sufficient for row dwellings and there would be every possibility that the dwellings' size would increase to fit the allotments boundary to boundary, this being requisite of row dwellings.

Objective 1 of the Design and Appearance section of the Development Plan states that *'development (should be) of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form'*. The proposed dwellings will

be the first incursion of its kind within the predominantly single storey, low scale, low density locality and a density over and above what is sought within the Policy Area is seemingly contradictory in this regard.

Having said this, the two storey built form is in keeping with the Development Plan Principles, the frontage widths comply with the prescribed requirements (albeit are less than that of existing allotments) and the dwellings exhibit design features characteristic of the existing built form.

As such, it is my view that the Development Plan is not intended to be so prescriptive that the positive aspects of the local environment is only limited to the scale and density of the locality.

The dwellings' relative compliance with the Development Plan suggests that the shortfall in site area will not be noticeable on the street and the dwellings, with the incorporation of traditional elements such as hipped roofs as well as the separation of the upper storeys from boundaries will not, in my opinion, be so far out of character in the locality that they will be incompatible with the adjoining residential development.

Landscaping

The increased front setback of the dwellings and additional plantings have improved this aspect of the development. An ornamental pear tree has been incorporated in front of each of the dwellings as a taller tree with broader canopy to soften the impacts of the larger built form as well as retaining the original smaller shrubs and succulents.

Whilst the reduction in one dwelling on the site would result in wider frontages, thereby providing greater opportunity for additional landscaping, it cannot be discounted that a wider frontage may also increase the scope for the inclusion of double garages and driveways, negating the benefit of the wider frontage for increased landscaping.

Accordingly, I am satisfied that reason for refusal 6 has been addressed.

ANALYSIS/CONCLUSION

The design changes to the proposal have addressed some, but not all of the reasons for refusal.

The increase in the front setback displays greater compatibility with the adjacent properties and has allowed for increased landscaping to soften the built form. A reduction in the upper storey rear setback improves the separation to the southern side boundary without significantly altering the side setbacks such that they would have unreasonable impacts.

Notwithstanding this, I am of the view that the proposal is still finely balanced. It is arguable whether the distance to the key locational attributes of public transport and local centres, being just outside convenient walking distance justifies an increase in density to the extent proposed. The allotment sizes also result in frontage widths that are somewhat smaller than the existing allotments, displaying some incongruence within the context of its locality.

However, it must be acknowledged that the dwellings are effectively compliant with the majority of numerical criteria of the Development Plan and where there are minor variances, they are unlikely to unreasonably impact upon existing properties.

Furthermore, it is questionable whether the bulk and scale of the built form, the overshadowing and the extent of landscaping within the front yard would significantly change with the reduction in the number of dwellings, nor is it considered that an additional dwelling would result in significantly greater traffic movements on the street that the adjacent road network could not absorb.

The shortfall in site area is, for the smallest allotment, 24m², which is equivalent to an additional length of 2m to 3m. This shortfall has not impacted on the dwellings' ability to meet the rear setback requirement. When viewed from the street, the shortfall in site area will have negligible impacts.

I am of the view that the applicant has made improvements to the proposal such the dwellings' are not severely incompatible with the immediate locality, will function appropriately on their respective sites, will not cause unreasonable impacts on the adjacent dwellings and is substantially consistent with the Development Plan criteria and the Objectives and Desired Character of Northern Policy Area 13.

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

RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the compromise proposal submitted by Alex Asteris for Development Application No: 100/2014/1006 and raises no concerns with the granting of Development Plan Consent pending deposit of the**

Plan of Division (associated with Development Application 100/D155/14) with the Lands Titles Office and recommends the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1006, being drawing number Job #160, Revision G, pages 1 of 13 to 13 of 13 (inclusive), and received by Council on 6 November 2014, except when varied by the following conditions of consent.**
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.**
- 3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of Council.**
- 4. Stormwater from 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

- 5. The portion of the upper floor windows to eastern and southern elevations of Residences 1 to 4 and western elevations of Residences 1 to 3 less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council. (Note, suggested treatments include, but are not restricted to, permanently fixed translucent glazing in any part of the window below 1.7m above the internal floor level or a window sill height of 1.7m above the internal floor level).**
- 6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.**
- 7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**
- 9. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**

10. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
11. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

NOTES

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

Attachments

Attachment I: Decision Notification Form
Attachment II: Compromise Proposal Plans and Supporting Documentation