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DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 July 2015

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

BACKGROUND

Prior development applications for the construction of a two storey detached dwelling on the subject land have been processed by the Council. This includes development application 488/2011 and development application 1532/2013. Both ostensibly were for the construction of a two storey detached dwelling, verandah and ancillary works including retaining walls. Development Application 488/2011 also included the construction of an in-ground swimming pool.

Both applications were granted Development Plan Consent by Council; in fact Development Application 488/2011 was granted Development Approval (August 2012). Construction of a dwelling on the subject land commenced after issue of this Development Approval.

Interweaved during this period between 2011 and 2013, appeals were lodged to the Environment, Resources and Development Court (ERD Court) by the owners of the neighbouring western property at 13 Westcliff Court against the determination of both development applications. An appeal was also lodged to the Supreme Court of South Australia (SASCFC 77) based on legal matters raised during the appeal processes.

The relevant legal and application history of the subject land has primarily led to:

- the quashing of the earlier Development Approval for 488/2011
- the quashing of Development Plan Consent for 1532/2013
- the change in legal interpretation/classification of a detached dwelling for assessment purposes - a state-wide planning matter
- clarification from the ERD Court on the processing of a development application where the component elements (such as retaining wall(s)) may not reasonably be considered minor, pursuant to Schedule 9 Part 1 clause 2(a)(i) of the Development Regulations 2008 - a state-wide planning matter.

As a result of most recent ERD Court (SAERDC42) decision, the applicant chose to pursue development application 1532/2013 where amended plans were lodged with the City of Marion on 19 January 2015.

The subject application was processed as a Category 3 form of development by virtue of the fact the proposed retaining wall (up to 1.6 metres) is not considered to be of a minor nature and the application cannot be assigned as a Category 1 development, pursuant to Schedule 9 Part 1 clause 2(a)(i) of the Development Regulations 2008. As such, it must be treated as a Category 3 development.

During the assessment process (and since the lodgement of the revised plans on 19 January 2015), the following modifications to the proposal plans were requested to address the following concerns:

| Amendments Requested | Amendments Made |
|--|--|
| Reduction in total width of verandah from 12.0m to 9m, plus associated increase in upper floor privacy screen in front of upper floor west facing windows where verandah has been omitted. | Verandah reduced in width to 9.0m and commensurate upper level privacy screen inserted. |
| Increased planting and screen fencing adjacent northern boundary to minimise potential overlooking from utility areas and other areas of private open space. | Inset privacy screen fencing to be installed adjacent northern boundary setback 600m from common boundary. Additional screen planting. |
| Amended verandah elevation drawing to accurately represent total height of northernmost pergola and add landscaping at base. | Drawing amended to show total height of verandah post. |

SUBJECT LAND & LOCALITY

The subject land is located at 73 The Cove Road, Marino. The land is primarily regular in shape and has a 38.5 metre frontage to The Cove Road and a depth varying between 20.08 metres and 21.5 metres (average depth of 20.8 metres). There is a minor step along the rear boundary of 1.62m where the subject land intersects with the boundaries of neighbouring properties at 12 and 13 Westcliff Court. The subject land has an overall area of 793 square metres.

The subject land was formerly part of the rear yard of 12 Westcliff Court and was annexed following the granting of Development Approval to Community Title Land Division Application (100/C057/12) in June 2012 and Section 51 clearance in November 2012. The subject land is now formally described as Allotment 702 Primary Community Plan 27588 in the Area Named Marino Hundred of Noarlunga.

The subject land has a total crossfall of approximately 2.07m from the front south-eastern corner at 99.67 to the rear north-western corner at 97.29. The lowest point on the land is

located midway along the rear or western boundary at 96.94. The fall in gradient is not consistent across the site with the land being flatter in the mid and eastern (front) section, with the site then steeply inclining adjacent the northern (side) and western boundaries (rear). The dwelling is to be constructed on land primarily outside of these steeper parts on the site.

The subject land contains no significant or regulated trees. It is generally devoid of any notable vegetation.

A two storey dwelling is nearly completed on the subject land. The exterior of the dwelling is primarily completed except for a rear verandah. Landscaping and other site works have not been completed.

The locality is residential in nature, primarily containing detached dwellings at relatively low densities. A number of dwellings are two storey in height, with most sited and orientated to take advantage of the coastal and ocean views to the north and west. There is a mixture of architectural styles and finishes.

The Cove Road is a 2 lane road (1 way in either direction) that forms part of the Bike Direct network and also contains a regular bus service. The road has a limited number of dwellings with direct access in this section. The Seaford Railway line runs parallel to the Cove Road along its eastern edge. The Marino Conservation Park and Linwood Quarry are located to the east on the opposite side of The Cove Road.

Refer Attachment I

PROPOSED DEVELOPMENT

The application proposes the construction of a two storey detached dwelling. The footprint of the dwelling is primarily orientated in a north-south direction to match its alignment to The Cove Road. The dwelling has a ground floor of approximately 168.2 square metres that incorporates three bedrooms, games room, rumpus room, home theatre, bathrooms and laundry. There is also a double garage and semi-enclosed undercroft/bbq area under the main roof. The upper floor measures approximately 160.1 square metres and includes an open plan kitchen/dining/sitting area, circulation space, a master bedroom and parent's retreat. A balcony measuring 2.39 metres wide and 12.8 metres long is proposed at the upper floor directly accessed from the living area.

A verandah is attached to the rear of the dwelling providing a covered outdoor living space. The verandah has a skillion roof to match the main dwelling roof.

The dwelling incorporates a contemporary design idiom utilising regular shaped floor patterns (with a smaller upper floor) sitting under a skillion roof that extends over the proposed upper level balcony in order to provide protection against solar heat gain. Materials and finishes comprise face brick and varied rendered wall treatments combined with accented detail finishes above the entry door. The roof is to be clad in Colorbond with slatted finishes to the upper level privacy screens.

The colour palette incorporates a grey/brown brick colour and predominant off white rendered finish for the balance of external walling.

A proposal also includes a run of retaining walls along or adjacent common boundaries, new landscaping and outdoor paving / driveway.

Refer Attachment II

PUBLIC NOTIFICATION

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| Properties notified: | 7 properties were notified during the Category 3 public notification process. |
| Representations: <i>Refer Attachment III</i> | 3 representations were received by Council 1 representation was in favour of the application. 2 representations were against the application |
| Persons wishing to be heard: | <ul style="list-style-type: none"> • C & D Gardiner • A & D Paor |
| Summary of representations: | <ul style="list-style-type: none"> • Comments on legal matters and processing of application including alleged invalid nature of land division approval. • Dwelling does not comply with qualitative criteria and desired character of the policy area. • Excessive building bulk and scale. • Dwelling does not comply with density, setback, bulk and height, material and car parking criteria • Excessive earthworks. • Dwelling will increase overlooking and overshadowing into neighbouring properties. • Attainment of view not supported in Development Plan. • Increased noise and amenity impacts <p style="text-align: right;"><i>Refer Attachment III</i></p> |
| Applicant's response: | <p>The applicant's planning consultant has responded to the concerns raised by the representors by separate letter.</p> <p style="text-align: right;"><i>Refer Attachment IV</i></p> |

GOVERNMENT AGENCY REFERRAL

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|-------------|---|
| DAC: | <p>Following the lodgement of amended plans on 19 January 2015, an adjacent landowner (and instigator of previous appeals against the decision of Council) requested Council seek the Minister to declare the Development Assessment Commission as the relevant authority in determining the application.</p> <p>Council wrote to the Hon John Rau, whose delegate advised on 6 March 2015 "I do not consider that the proposal would compromise the ability of the Council through its independent Development Assessment Panel to conduct a fair and impartial assessment of the application."</p> <p>As such, the processing and determination of the application remained with Council.</p> |
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DEVELOPMENT ASSESSMENT

The Objectives of the Residential Zone, and the relevant Objectives, Principles and Desired Character of the Hills Policy Area 11 are as follows:

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.

Hills Policy Area 11

Objectives

- 1 A policy area primarily comprising of detached dwellings at low densities.
- 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts.
- 3 Development that contributes to the desired character of the policy area.

Principles of Development Control

- 1 The following forms of development are envisaged in the policy area:
 - detached dwelling
 - group dwelling.
- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.
- 3 Development should be designed and sited to relate to the slope of the land, so that:
 - (a) the bulk and scale of the buildings do not dominate the landscape
 - (b) the amount of cutting and filling of the natural ground profile is minimised.
- 4 Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.
- 5 Development that would be prominently visible from the Adelaide plains should:
 - (a) achieve a profile that blends with the topography of the land
 - (b) avoid the use of bright and highly reflective external materials and finishes
 - (c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.
- 6 Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:
 - (a) incorporating stepping in the design in accordance with the slope of the land
 - (b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.

Desired Character

...The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes.

Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.

Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites.

Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.

It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.

Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.

The Desired Character of Hills Policy Area 11 seeks a high quality residential environment with low density detached dwellings of different architectural styles set on relatively large, sloping allotments with space for attractive gardens. The proposed development maintains this desired outcome seeking the construction of a dwelling on an existing allotment of almost 800 square metres.

The dwelling is aligned in a north-south direction reflecting the orientation of the allotment. The placement of the dwelling with garaging on the southern side and living areas and private open space to the west and north resembles the arrangement of the neighbouring southern property at 15a Westcliff Court.

The dwelling incorporates a contemporary architectural style which will be enhanced by landscaping proposed to be planted as part of this application. The dwelling is setback from all boundaries to allow sufficient space for landscaping meeting the Desired Character for the Policy Area. Screen planting is proposed along the western and northern boundaries to help screen the new building.

The dwelling does not incorporate a split level design primarily due to the current topography of the land which has a large benched area appropriate for dwelling construction. While there will be some cut and fill and need for retention along or close to boundaries this is not considered excessive for the nature of the locality and will not substantially alter site topography that existed prior to land division.

The upper floor of the dwelling is setback from the footprint of the ground floor along eastern, western and northern elevations. This is complemented by articulation in the façade design and a mix of materials and finishes that create visual interest and reduce bulk and scale. It avoids the use of bright and highly reflective external materials. The dwelling will not be strikingly larger than dwellings in the local area. It is more visible to western neighbours by virtue of the orientation of the allotment and proposed floorplan.

The dwelling will sit partially below The Cove Road and form part of the collective grouping of dwellings along Westcliff Court. Given the elevation of the subject land it will project above lower rooftops when viewed from the west but is not considered to be prominently visible from the Adelaide Plains.

The loss of a view can have an amenity impact for the occupier of a dwelling. The City of Marion assesses the potential loss of view(s) from adjacent land with regards to the Marion Council Development Plan, but also recent ERD Court and Supreme Court Decisions.

In the Supreme Court judgement of *Hutchens vs City of Holdfast Bay*, Justice DeBelle stated that, when determining whether to grant consent to a new building which will obstruct views enjoyed by existing developments, regard, "must be had to the nature and extent of the view, the extent to which the view will be obstructed by the proposed development, and the reasonableness of the proposal as determined by reference to planning controls".

In this determination, Justice DeBelle endorsed a four part test for the assessment of development where views may be impacted. In short:

- Step 1: Assess the views to be affected such as water, land, coast etc
- Step 2: Consider from which part of the property the views were being obtained
- Step 3: Assess the extent of impact on the loss of views
- Step 4: Assess the reasonableness of the development proposal

The subject land will not affect the attainment of coastal or ocean views from adjoining properties except for 15a Westcliff Court.

This neighbouring property to the south contains a two storey detached dwelling that is setback from the common boundary with the subject land. The property further comprises a ground level covered area that adjoins an outdoor pool area. An upper level balcony enables views to the north and west. The primary obstruction to views afforded to occupiers of this property are existing fencing when viewed from ground level, existing vegetation / trees and the obstructing effect of other dwellings. The primary views are towards the west and to a lesser degree towards the northwest.

The dwelling will obstruct some views to the northwest, however, will have no adverse affect on the otherwise expansive upper floor views to the west. Given the two neighbouring dwellings on the subject land and at 15a Westcliff Court are generally aligned with each other and the proposed dwelling is reasonable in scale, design and siting I am satisfied that the partial loss of view to the north-west is not unreasonable. I note that no objection has been received from this neighbour.

Overall, the proposed development has been designed to minimise the potential impact on the privacy and amenity of existing development, by the incorporation of privacy treatments, building design, landscape treatments and adequate separation. I consider that the application adequately complies with the applicable Objectives, Principles and Desired Character of the Residential Zone and the Hills Policy Area 11.

QUANTITATIVE ASSESSMENT

The following table assesses the proposal's compliance with quantitative provisions from the Marion Council Development Plan:

| MARION COUNCIL DEVELOPMENT PLAN PROVISIONS | | ASSESSMENT |
|---|---|--|
| General Section / Residential Zone | | |
| PRIVATE OPEN SPACE <i>General Section: Residential Development: Principle 27</i> | <i>Private open space should be provided for each dwelling and should be sited and designed:</i> (a) to be accessed directly from the internal living areas of the dwelling (b) generally at ground level to the side or rear of a dwelling and screened for privacy... (f) to have a northerly aspect to provide for comfortable year-round use (g) to not be significantly shaded during winter by the associated dwelling or adjacent development... | Complies Complies Complies Complies |
| <i>General Section: Residential Development: Principle 29</i> | 20% of site area One part of the space is directly accessible from a living room and has an area at least 10% of the site area with a minimum dimension of 5 metres and maximum gradient of 1-in-10. | Complies Approx 270m ² (34%) Partially Complies (See Table Discussion) |

| | | |
|--|---|---|
| ON-SITE CAR-PARKING & ACCESS <i>Residential Zone: Principle 7</i> | <i>4 or more bedrooms: 3 spaces (one of which is covered)</i> | Complies 2 covered spaces, plus on site driveway area for the parking of at least 1 car subject to manoeuvring requirements |
|--|---|---|

TABLE DISCUSSION

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

- Garage setback
- Rear setback
- Private open space - directly accessible space

Garage setback

The proposed garage sits under the main roof of the dwelling with the garage door oriented internally within the allotment. The garage door will not be directly visible from the street and a large reversing area is provided to ensure vehicles can exit the site in a forward direction. The dwelling façade has an integrated appearance that is not interrupted or impacted by the position or design of the internal facing garage.

The proposed garaging arrangement where the garage door is obscured from view is considered to provide an attractive streetscape appearance for the dwelling. The total length of the driveway also exceeds 5.5 metres providing sufficient reversing or car parking space. The non-compliance with Principle 8 is considered to be minor as the intent of this policy is fully met by the application.

Rear setback

The proposed dwelling has a ground floor setback between 5.83 metres from the rear boundary at 13 Westcliff Court and 5.275 metres from the rear boundary at 12 Westcliff Court. The upper floor is setback further from the rear boundary at 6.62 metres and 8.24 metres from 12 and 13 Westcliff Court respectively. Residential Zone Principle 7 seeks an 8 metre setback for either a single or two storey dwelling within Hills Policy Area 11.

On this basis, the proposed dwelling has a quantitative rear setback shortfall for the ground floor and the upper floor excluding a portion of the upper floor of the dwelling setback adjacent to the rear boundary with 13 Westcliff Street.

In assessing this shortfall, I also consider General Section Residential Development Principles 17 and 18 which to paraphrase, seeks a dwelling that:

- is setback from allotment boundaries to contribute to the desired character or the area
- progressively increase setbacks as building height increases to minimise visual impact from adjoining properties and minimise overshadowing

The proposed dwelling will alter the rear yard outlook of properties at 11, 12, 13, 14 and 15a Westcliff Court. The two most affected properties are 12 and 13 Westcliff Court.

12 Westcliff Court is setback a large distance from the front street boundary and is positioned in very close proximity to the common rear boundary. The dwelling contains two areas of private open space in this rear space flanking either side of the dwelling. Area 1 incorporates an undercover outdoor entertaining area on the northern side of the dwelling and Area 2 contains an open area that appears to be utilised for the keeping of pets. Taking into account the arrangements of private open space on this property, I do not consider that any shortfall in rear setback, notwithstanding notable level changes, will adversely impact the function or useability of exiting open space or visual impact when viewed from this property.

The owners of 13 Westcliff Court have objected to the proposed dwelling for a number of reasons including insufficient rear setback and related visual impact of the two storey dwelling and associated verandah. In assessing this component of the application, I note the following:

- the upper floor is setback from the ground floor along the northern and western elevation
- the land slopes upwards from the rear yard of 13 Westcliff Court which amplifies apparent bulk and scale when viewed from this property
- a verandah attached to the rear of the dwelling is setback approximately 1 metre from the rear boundary
- 13 Westcliff Court is set closer to the street and has a setback to the rear boundary of approximately 25 metres
- the adjoining section of the rear property at 13 Westcliff Court does not appear to be a highly utilised portion of private open space and has a steep gradient
- two mature trees are located in the rear yard of 13 Westcliff Court
- orientation of the allotments reduce potential for shadow of 12 and 13 Westcliff Court after midday

The dwelling incorporates a staggered setback between the ground and upper floors intended to reduce the visual impact of the dwelling. The proposed ground floor is setback just over 5 metres allowing sufficient space for outdoor entertaining between the dwelling and common boundary. This partially replicates the form of development and reduced rear setback found on the southern neighbouring property at 15a Westcliff Court.

The subject land is orientated in a north-south direction which differs from the western neighbouring properties that are both generally elongated along the east-west axis. This change in cadastre layout means that existing dwellings and the proposed dwelling are sited perpendicular to each other. In addition, properties to the north which cluster around the end of Westcliff Court are orientated at different angles creating a mix of building alignments at the northern end of the cul-de-sac. The overall effect means that building elevations form a wide arc of view and the proposed dwelling effectively adds to this existing arrangement.

In my view, given the relatively narrow 20 metre depth of the subject land in comparison to the neighbouring western properties, some degree of encroachment may be expected. It is important that this is minimised as far as possible and the dwelling incorporate articulation and upper floor setbacks as sought by Development Plan policy to offset visual impact.

On this basis, I consider that the proposal incorporating articulation within the rear facade, rear screen landscaping, a total building height that is 2.4 metres less than the maximum prescribed building height, and an increased upper level setback achieve a reasonable balance in delivering a functional living space within the proposed dwelling and maintaining sufficient built form separation in this locality.

The dwelling will also not unduly enclose the adjoining section of the rear yard of 13 Westcliff Court which, in any event, does not appear to form a primary or highly utilised part of the neighbour's private open space.

Private open space

General Section Residential Development Principle 29 seeks one part of the private open space to be directly accessible from a living room with an area at least 10% of the site area (plus a minimum dimension of 5 metres and maximum gradient of 1-in-10).

The dwelling contains a large verandah / landscaped garden area directly accessible from the ground floor rumpus room. This primarily level space measures a minimum of 55-60 square metres. The total area of this part of the private open space is less than 10% of the site area (793 square metres) which represents a part shortfall against Principle 29.

The verandah is well integrated to the dwelling and has sufficient dimension to be useable throughout the year. It is complemented by:

- a 30 square metre balcony at the upper level also directly connected to living areas
- a 21 square metre semi-open undercroft bbq area adjacent the verandah and directly accessible to the ground floor rumpus room
- a large utility area and side yard for outdoor purposes
- a large landscaped front yard
- landscaped gardens beds on more steeply sloping parts of the site

The sum total of all open space provision on the subject land exceeds 20% of the site and highly useable mix of outdoor areas.

Further, the combined provision of the balcony and verandah that are both directly accessible to living areas at either level exceeds 10% of the site area. I consider this a reasonable provision of immediate private open space for the occupiers of the two storey dwelling

I am satisfied that the non-compliance with this principle is minor.

QUALITATIVE ASSESSMENT

The following sections of the report assess the proposal's compliance with qualitative provisions from the General Section of the Marion Council Development Plan.

Overshadowing

- 8 *The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:*
 - (a) *windows of habitable rooms, particularly living areas*
 - (b) *ground-level private open space*
 - (c) *upper-level private balconies that provide the primary open space area for any dwelling*
 - (d) *access to solar energy.*
- 10 *Development should ensure that 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 9:00 am and 5:00 pm on the 21 June.*
- 11 *Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*
 - (a) *half of this space*
 - (b) *35 square metres of this space (with at least one of the area's dimensions measuring 2.5 metres).**In cases where overshadowing already exceeds these requirements, development must not increase the overshadowed area.*

The subject land is positioned to the north of the dwelling at 15a Westcliff Court and west of the properties at 12 and 13 Westcliff Court. No other properties will be affected by shadow from the dwelling.

A set of shadow diagrams were prepared as part of the previously-considered proposal for this Development Application. The general siting, height and setbacks of the proposed dwelling sufficiently accords with the former application to re-utilise the shadow assessment.

The shadow assessment identified that the neighbouring property at 13 Westcliff Court will be in shadow (arguably at a decreasing rate as the morning progresses) until approximately midday when the proposed dwelling casts no shadow onto this property. As the afternoon progresses, the dwelling at 13 Westcliff Court begins to cast its shadow on the private open space of that property.

The shadow assessment further identifies that 15a Westcliff Court may experience some shadow during early afternoon to part of its private open space. Any direct shadow will likely be offset by the ample access to daylight given the elevated open nature of the southern neighbouring property. This neighbour has not objected to the proposed dwelling and has been living adjacent to the existing near completed dwelling for more than 2 years (*note: this is for reference purposes only and the Panel is reminded that case law makes clear that the existence of the dwelling should not influence its assessment against the relevant provisions of the Development Plan*).

As such, the proposed dwelling satisfactory complies with Principles 8, 10 and 11.

Garages, Carports and Outbuildings

- 12 *Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.*
- 13 *Garages and carports facing the street should not dominate the streetscape.*
- 14 *Double carports or garages clearly visible to streets should be designed to reduce the apparent total width of the doorway, which should be no wider in dimension than 50 per cent of the frontage of the allotment.*
- 20 *Carports and garages should be setback from road and building frontages so as to:*
 - (a) *contribute to the desired character of the area*
 - (b) *not adversely impact on the safety of road users*
 - (c) *provide safe entry and exit*
 - (d) *not dominate the appearance of dwellings from the street.*

The proposed garage is sited under the main roof of the dwelling and orientated internally to the allotment. The garage will not be clearly visible from the public realm and will have minimal streetscape impact.

The garage is accessed via a curved driveway that has sufficient setback and manoeuvring space to ensure safe entry and exit on The Cove Road.

Visual Privacy

- 34 *Direct overlooking into habitable room windows and onto the useable private open spaces of other dwellings from windows, especially from upper-level habitable rooms and external balconies, terraces and decks, should be minimised through the adoption of one or more of the following:*
 - (a) *building layout*
 - (b) *location and design of windows and balconies*
 - (c) *screening devices*
 - (d) *landscaping*
 - (e) *adequate separation.*
- 35 *Permanently fixed external screening devices should be designed and coloured to blend with the associated building's external material and finishes.*

The subject land sits higher than adjoining properties to the north and west. As a former part of 12 Westcliff Court, the land always had potential for use in an ancillary or subordinate manner to the residential nature of the site. This may have been for outdoor activities or construction of outbuilding/s or other structures for residential purposes. It is considered likely that some loss of privacy would have resulted for neighbouring properties if the subject land was more intensively utilised or developed prior to land division.

The subject land now has the right to be developed for residential purposes subject to approval, where required. The envisaged forms of development for the zone include a dwelling and domestic outbuildings and structures.

The dwelling has a finished floor level that at its highest sits approximately 3-400 mm above existing ground level. This rises slightly up to 500mm underneath the proposed paved area within the verandah. This demonstrates that the proposed dwelling does not incorporate excessive cut and fill for sloping land.

Principle 34 identifies a range of design options and treatments that may be implemented in order to minimise direct overlooking into habitable rooms and onto useable private open spaces of other dwellings. In accordance, the dwelling proposal incorporates:

- 1.7m high screens at either end of the upper level balcony
- a 1.7m high screen along a portion of the balcony where the ground level verandah has been reduced in width
- high level windows on side elevations with sill heights of 1.7m above the upper floor level
- a raised parapet (and no direct access onto the gently sloping roof area) to prevent direct overlooking from upper level bedroom 1 and parent's retreat
- the installation of a 1800 high privacy fence along the edge of the ground level verandah and pathway in front of bedrooms 2 and 3
- the construction of a ground level skillion roofed verandah projecting outwards approximately 4m from the dwelling up to a maximum height of 3.3 metres above paving level (partially roofed in opaque light grey polycarbonate)
- a 2.0m high privacy screen setback 600m from the northern boundary positioned along and either side of the proposed utility area to minimise direct overlooking from the utility area into 11 Westcliff Court
- screen landscaping (conifers up to 4 metres in height) along the common boundaries with 11 and 13 Westcliff Court

Site Sections DD and EE on Sections and Details drawing no. 13613-02 incorporate a line of sight reference to demonstrate that the parapet wall and skillion roofed verandah will minimise direct overlooking into the private open space and habitable room windows of 12 and 13 Westcliff Court. While there may still be a potential for overlooking into upper level windows of 13 Westcliff Court, I consider that this is acceptable due to the adequate separation distance between the balcony and the neighbouring dwelling of just over 25 metres, the focus for any views beyond the immediate environs in front of the balcony and existing overlooking potential from 15a Westcliff Court. I would also contend that there is often a need for a slight adjustment in privacy expectations in areas of sloping land.

Overall, the proposed privacy measures are considered to adequately minimise overlooking issues in accordance with Principle 34.

Noise

- 39 *External noise and light intrusion to 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.*

The proposed development incorporates a two storey detached dwelling on a large allotment within a residential area. The subject land sits adjacent The Cove Road which carries around 3,000 vehicles per day and runs adjacent the Seaford Railway line. The Linwood Quarry is located further to the east. With the exception of potential noise intrusion from passing traffic and the railway line (now electrified) noise levels should be typical for suburban locales.

The 4 bedrooms in the proposed dwelling are sufficiently protected by noise and light intrusion either through siting to the rear of the dwelling (master, bedrooms 2 and 3) or minimising the use of excessively large windows (coupled with a setback below road level) for the front facing bedroom 4.

The proposed privacy treatments incorporating construction of a 1.8m high fence directly abutting the ground level living and private open space and the upper level parapet wall will also concurrently protect bedroom occupiers from noise and light intrusion.

The proposed residential development is not expected to generate unusually excessive noise beyond that typically associated with residential living. No service equipment is proposed in close proximity to common boundaries.

Access

- 41 *Driveway crossovers should be appropriately separated, and the number should be minimised to optimise the provision of on-street visitor parking.*
- 42 *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.*
- 43 *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.*

The proposed crossover does not exceed the 5 metre maximum width for a double driveway as sought by Principle 42. The driveway will be sited no less than 1.0 metre from the existing street tree in accordance with Principle 43. The driveway crossover will be constructed in accordance with Council's specifications.

Car Parking

- 44 *On-site 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 needs 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 (e.g. an increase in number of driveway crossovers).*

The proposed dwelling incorporates two off street car parks (both undercover) with potential for an additional car park within the large driveway area. The driveway has been designed to ensure cars can exit the site in a forward direction therefore limiting options for a clearly designated third car parking space. I am satisfied that the amount of driveway area allows space for the parking of a third car (85th percentile) subject to careful manoeuvring by drivers.

This carries similar requirements for occupiers of dwellings with single width driveways or adjacent main roads. In my view, limiting the amount of driveway space and working within likely sufficient available space is an acceptable outcome. However, if required, additional driveway space could be achieved adjacent the undercroft verandah/bbq area which is already paved.

As part of previous negotiations with the land owner, agreement had been reached for the installation of a visitor parking bay adjacent the property. This car park is now provided and creates an additional car parking option for visitors or occupiers of the subject land.

DESIGN & APPEARANCE:

- 2 *Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.*
- 3 *Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:*
 - (a) articulation*
 - (b) colour and detailing*
 - (c) small vertical and horizontal components*
 - (d) design and placing of windows*
 - (e) variations to facades.*
- 15 *Balconies should:*
 - (a) be integrated with the overall architectural form and detail of the building*
 - (b) be sited to face predominantly north, east or west to provide solar access*
 - (c) have a minimum area of 2 square metres.*

(General Section: Residential Development: Design and Appearance)
- 5 *Where a dwelling has direct frontage to a street the dwelling should be designed to provide surveillance and address the street.*

The proposed dwelling avoids extensive areas of uninterrupted walling with a combination of different glazing options and changes in material and finishes (in particular along the front facade) as sought by Principle 2.

The visual bulk of the dwelling is reduced by articulation at ground and upper floor levels, increased upper level setback from northern and western boundaries, a projecting entry door canopy and different window sizes and arrangements. The material selection further assists in reducing visual bulk by creating an interplay between brick, texture coated and vertically routed rendered Hebel blocks and the metal / timber of the verandah and balcony.

The balcony is integrated with the appearance of dwelling and is shaded by the skillion roof overhang. The balcony primarily faces west to capture coastal and ocean views available above the roofline of adjoining dwellings. The minimum width of the balcony is 2.39 metres with an area of approximately 30.6 square metres providing a functional adjunct to internal living areas.

The design and appearance of the contemporary styled dwelling is in-keeping with the locality and does not create a discordant or excessively bulky building. The proposed dwelling accords with the relevant principles of the Development Plan.

ENERGY EFFICIENCY:

- 1 *Development should provide for efficient solar access to buildings and open space all year around.*
- 2 *Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.*

- 3 *Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.*
- 4 *Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.*

The subject land is orientated in a north–south direction with exceptional views available primarily to the west and north-west. The internal layout of the dwelling, in particular living areas, will be orientated to capture these views. To offset adverse solar gain potential, the proposed dwelling incorporates a ground level verandah to shield adjacent living areas and a skillion roof that cantilevers above the upper level balcony to provide a measure of shadowing during summer months.

The large skillion roof provides sufficient space for use of solar hot water services and photovoltaic cells. The shallow east-facing pitch is not ideal, however, does not preclude their future usage given high access to morning direct sunlight and indirect sunlight and daylight throughout the day.

The primary open space is adjacent the west facing living areas, however, a utility area and other areas of private open space will have a northerly aspect to provide choice for future occupiers.

The overall balance of achieving desired outlook and views and good energy efficient design is considered appropriate.

LANDSCAPING, FENCES & WALLS:

- 1 *Development should incorporate open space and landscaping in order to:*
 - (a) *complement built form and reduce the visual impact of larger buildings (e.g. 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.*
- 5 *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.*

The proposed development incorporates open space (covered and uncovered) and landscaping that accords with Principle 1 as follows:

- taller boundary screen planting as part of a mitigation package to reduce the visual impact of the proposed dwelling when viewed from some neighbouring properties
- tree planning and landscaping in the front yard to enhance appearance of the dwelling
- boundary screen planting and landscaped beds adjacent the utility area

- planting along the perimeter of the driveway to define its edge and soften overall appearance
- boundary screen planting as a further action to minimise privacy impacts on western and northern neighbours

The proposed landscaping mix will provide some habitat value, although there is a limited selection of native species. This is considered acceptable as the key elements of the landscaping selection have been chosen for their screening characteristics.

The subject land slopes in a general east-west direction and the site prior to land division contained existing retaining in the form of boundary fencing, walling and a rock retaining wall adjacent 12 Westcliff Court.

The proposed retaining walls and fencing seek to balance visual impact and maximisation of privacy for adjoining occupiers. Previous applications have incorporated different approaches for safe retention of soil on the site. For this application, I am satisfied that the proposed development adequately meets Principle 5 as:

- the proposal seeks to retain as much existing fencing as possible
- no damage to neighbouring trees is anticipated
- no front fencing is proposed as part of this application maximising visibility of the dwelling from the street and passive surveillance opportunities
- rear and side retention incorporates retaining walls less than 1 metre in height (with the exception of 12 Westcliff Court) and privacy screens generally setback from boundaries in order to minimise total apparent bulk while achieving adequate privacy

Proposed privacy screen adjacent the edge of the verandah and pathway is setback approximately 1.3 metres to 4 metres from the western boundary. The inset nature of this privacy screen means that the occupiers have, in part, foregone the enjoyment of simply utilising or viewing part of their private open space. Likewise, the privacy screen along the northern boundary is inset 600mm from the boundary in order to maintain the height of the existing boundary fence and minimise direct overlooking.

SLOPING LAND:

- 2 *Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:*
 - (a) *minimises their visual impact*
 - (b) *reduces the bulk of the buildings and structures*
 - (c) *incorporate roof lines which complement the natural slope of the land*
 - (d) *minimises the extent of cut and/or fill*
 - (e) *provide a stable and readily accessible building site*
 - (f) *minimises the need for, and the height of, retaining walls*
 - (g) *does not cause or contribute to instability of any embankment or cutting*
 - (h) *avoids the silting of watercourses*
 - (i) *protects development and its surrounds from erosion caused by water run-off.*
- 8 *Retaining walls should:*
 - (a) *not exceed 1 metre in height*
 - (b) *be stepped in a series of low walls*
 - (c) *be landscaped to enhance their appearance.*

The subject land contains a relatively large area of gently sloping land which then dramatically falls away along the western boundary and to a lesser degree along the northern boundary. Some form of retention has existed along all or part of the common boundaries since the earliest construction of existing dwellings.

The sharp change in levels near the western and northern boundaries means that any dwelling that seeks to avoid substantial cutting will sit much higher than the two closest dwellings at 11 and 12 Westcliff Court.

The proposed floor level of the dwelling is 98.8 which equates to the spot level almost mid-point within the allotment. The proposed level of the dwelling is either below, equal to or does not exceed the relative ground level underneath by more than 400mm. The two areas of greatest difference between existing and proposed levels are for the external utility area and the paved area underneath the rear verandah. The utility area reaches a maximum of 600mm above existing ground level (setback 600mm from the northern boundary). The paved area under the verandah is approximately 400mm above adjacent ground level albeit the land slopes at a very sharp angle along the western edge of the paving area and this will appear greater when viewed from the neighbouring property at 13 Westcliff Court.

The proposed finished floor levels achieve an appropriate balance between cut and fill and do not excessively alter the existing topography of the land.

The proposal incorporates new retaining walls along the western and northern boundaries. The nature of retaining walls was examined as part of the assessment of application 1532/2013 and the associated ERD Court judgements. That said, the proposal incorporates a different approach to retaining than the most recent Development Application. The proposed retaining comprises:

- a 1.0 metre high retaining wall along a portion of the common boundary with 11 Westcliff Court
- a 1.6 metre high retaining wall along much of the common boundary with 12 Westcliff Court designed to replace an existing moss rock retaining wall
- a retaining wall up to 1.0 metre high adjacent the majority of the common boundary with 13 Westcliff Court set behind an existing 1.8 metre high fence

The retaining walls along or near the common boundaries with 11 and 13 Westcliff Court do not exceed 1 metre in height and accord with Principle 8.

The proposed arrangement for retention along the common boundary with 13 Westcliff Court retains the existing fencing at the lower level with the retaining wall behind separated by a narrow section of battered slope (with screen landscaping) rising to meet the proposed privacy fencing around the edge of the verandah paved area.

This stepped arrangement will alter the visual outlook from the rear yard of 13 Westcliff Court, however, on balance this is considered acceptable given the deep nature of that adjoining rear yard and the inclusion of screen landscaping between the retaining wall (which shall be hidden from view by the existing fence) and the privacy screen that will soften and enhance the overall appearance of this component of the proposed development.

SITING & VISIBILITY:

- 4 *Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:*
 - (a) *the profile of buildings should be low and the rooflines should complement the natural form of the land*
 - (b) *the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land*
 - (c) *large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.*
- 5 *The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.*

The proposed dwelling will be visible from The Cove Road and neighbouring properties. Partial views of the dwelling will also be available between or over dwellings from Westcliff Court. The degree of exposure of the dwelling varies subject to angle and height of view in this locality.

The proposed dwelling will sit partially below the level of The Cove Road up to a maximum of 1.9 metres from the south-eastern corner. When viewed from The Cove Road the proposed dwelling, while elongated, incorporates façade articulation, a smaller upper floor footprint, an arrangement of narrow windows, a mix of material and finishes and a low skillion roof profile to minimise visual impact in accordance with Principle 5. The overall height of the front façade of the dwelling is approximately 5.9 metres which is relatively modest for a two storey dwelling (and well below the 9 metre applicable maximum building height).

When viewed from other angles, I consider that the application sufficiently accords with Principle 4 due to:

- Minimising excessive wall height and maintaining a modest 2.7m internal ceiling to ensure an overall total height of 6.56 metres (Policy Area maximum is 9 metres)
- Increased upper level setbacks from western and northern boundaries
- Subtle changes in wall projection to add visual interest
- Changes in external colours and finishes comprising brick, render and timber materials.
- An array of window sizes and designs along each elevation reflecting internal room layouts that respond to the contours of the land and westward facing expansive views
- Incorporation of an upper level balcony additionally shaded by a large roof overhang, ground floor verandah/ pergola and narrow eaves on northern and southern walls to create shadow and light interplay

The skillion roof is set at a low angle and projects upwards to the west primarily to capture daylight and available views. The skillion roof projects in an opposite manner to the contours of the land, however, the overall visual impact is acceptable due to its low height (710mm) and slimline nature.

As part of assessment negotiations, the total width of the rear verandah was reduced by 3 metres (or 25%) in order to minimise the visual impact of this structure close to the western boundary and incorporates additional articulation in plan form of the entire building. This amendment more closely reflects the guidance contained in General Section Residential Development Principle 16 that addresses, amongst others; pergolas and outbuildings on side or rear boundaries.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to building height, scale and setback, direct overlooking, overshadowing and earthworks 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 the nature of development and the classification of the development as non-complying. I am satisfied with the classification and processing of the application undertaken by Council. I also agree with the applicant's consultant planner that the application has been correctly described.

ANALYSIS/CONCLUSION

The local area is characterised by a mix of large, single and two storey dwellings of a generally high architectural standard positioned to enjoy the expansive coastal and ocean views. Allotments are generally orientated in an east-west direction except for some variation on the subject land and adjoining southern neighbour, plus around the head of the Westcliff Court cul-de-sac. The dwelling, like its southern neighbour, will sit above lower elevation properties to the west and by virtue of allotment orientation present a more elongated elevation to the street (and neighbours) than other properties in the street. This is not considered to be detrimental to the appearance of the local area, nor create adverse visual impact, despite a lesser front setback, when viewed from The Cove Road.

The dwelling does not meet all quantitative standards for rear setbacks, garage setback and accessible private open space. As assessed, these shortfalls are considered acceptable and do not adversely affect the assessment of the application. The shortfall to the garage setback and accessible private open space is arguably the confluence of precise drafting of the relevant principles and the specific site design responses for this application.

The dwelling is most prominent when viewed from the immediate neighbours at 11, 12 and 13 Westcliff Court. Taking into account separation distances between buildings, adequate compliance with setback criteria, level of articulation, acceptable level of overshadowing, proposed landscaping and amendment to the width of the verandah, I am satisfied that the proposed dwelling will not create such an unacceptable visual impact to warrant refusal.

A degree of overlooking was available from the land prior to division. The land sits higher than the majority of its neighbours and the application is considered to incorporate a sufficient set of measures sought by the relevant Development Plan principles to adequately moderate direct overlooking. Some of these measures including inset privacy screens will result in the loss of direct enjoyment of part of the subject land for future occupiers.

The proposal to minimise direct overlooking into the rear yards of 12 and 13 Westcliff Court via raised parapets and opaque roof of the verandah achieves an appropriate reduction in direct overlooking having regard to site context and separation distances between buildings.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35(2) of the Development Act, 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2013/1532 for a two storey detached dwelling, with balcony, verandah and associated earthworks and retaining walls at 73 The Cove Road, Marino be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2013/1532, being Sections and Details dated 15.01.15, Site Plan/Floor Plans/Elevations dated 17.06.15 Version 04 and Dimensioned Plans/Elevations dated 17.06.15 Version 04 except when varied by the following conditions of consent.
- 2. A revised, fully engineered site works plan, detailing top of kerb level, proposed finished floor levels, any cut/fill and/or retaining walls proposed, shall be provided to Council for consideration and approval prior to Development Approval being issue.
- 3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties, including the verandah, screening, fencing and landscaping shall be installed and in use prior to occupation of the premises.
- 5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 6. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 July 2015

Agenda Ref No: DAP150715 – 2.2

Originating Officer: Joanne Reid
Development Officer - Planning

Applicant: Mr Clive Riches

Development Description: Single storey dwelling presenting to Condada Avenue and two single storey dwellings to the rear with associated common driveway, car parking and landscaping

Site Location: 1 Condada Avenue, Park Holme

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 13/04/2015

Development Plan: Consolidated – 19 March 2015

Application No: 100/2015/621

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 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 |
|--|---|
| Increase front setback to House 1 to 5m | House 1 front setback increased from 4.2m to 5m |
| Suggested to provide landscaping in front of the bedroom windows of House 3 to restrict headlight glare of vehicles entering the site. | Landscaping provided in front of House 3 which will grow to a minimum height of 1.5m. |

| | |
|--|---|
| Increase rear setback of House 1 to improve separation and POS availability. | Rear setback increased from 2.52 to 3.42m |
|--|---|

SUBJECT LAND & LOCALITY

The subject site is located at 1 Condada Avenue, Park Holme. The land is a rectangular shaped allotment with a frontage width of 18.3m and a depth of 45.76m, culminating in a total site area of 837.4 metres squared.

The site contains a single storey detached dwelling with ancillary outbuildings. The site maintains no discernable slope and the tree to the rear is *Corymbia Maculata* (Spotted Gum) which is within 10m from the dwelling to the rear (2/2 Pildappa Avenue) and is therefore not a regulated tree. There is a street tree on the road verge towards the eastern side of the property.

To the west of the subject site, the locality is primarily residential with a mixture of dwelling types. Dwellings are predominantly single storey in the form of detached, semi-detached and group dwellings, many of which are on sites which have been redeveloped.

The site is located in close proximity to Marion Road. The adjoining property to the east, despite its residential appearance, is located within a commercial zone. To the north-east of the site on the corner of Marion Road and Condada Avenue is a place of worship (mosque), which received Development Plan Consent at the Panel's previous meeting for substantial additions to the north and west of the building.

On-street car parking in front of the site is restricted by a yellow line which runs approximately along half of the property's frontage.

Bus transport is available on Marion Road to Adelaide City and surrounding suburbs.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to construct a single storey dwelling at the front of the site presenting to and with exclusive access from Condada Avenue. This dwelling is considered to comply with the Schedule 1 definition of a detached dwelling, and is assessed accordingly. Additionally, two single storey dwellings are proposed to the rear of the site with shared driveway access from Condada Avenue. These dwellings are considered to comply with the Schedule 1 definition of group dwellings.

Each dwelling will contain three bedrooms (one with ensuite), an open plan kitchen/family/meals area, bathroom, laundry and single garage. Landscaping is proposed to both sides of the common driveway.

The dwellings are to be constructed of face brick with a rendered finish with colorbond roofs at a 25 degree pitch.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

| | |
|---------------------|--|
| Engineering: | Vehicle manoeuvring out of Houses 2 and 3 is sufficient. It was advised that a 3.2m width between the rear boundary of House 1 and northern wall of House 2 would be sufficient to provide adequate turning room (to determine if rear setback of House 1 could be increased). |
|---------------------|--|

| | |
|---|---|
| Development Officer - Arboriculture: | Tree to the rear of the site is a <i>Corymbia Maculata</i> – ‘Spotted Gum’. It is not a regulated tree as its location is within 10m from the dwelling to the rear (2/2 Pildappa Avenue). |
|---|---|

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"> ▪ detached dwelling ▪ group dwelling | Complies |
| PDC 3 | <p>Minimum Site Area: Detached dwelling – 375m² Group dwelling – 300m²</p> | Does Not Comply House 1 – 283m ² Houses 2 and 3 – 210.3m ² |
| | <p>Minimum Frontage: Detached dwelling – 12m Group dwellings – 4m driveway width</p> | Complies H1 – 14.29m H2 & 3 – 4m driveway width |
| | <p>Minimum Depth: Detached dwellings – 20m Group dwellings – 45m</p> | Complies H 1 – 20.2m H2 – 45.76m overall |

Assessment

The proposed development seeks to replace one dwelling with three, thereby increasing the site density as sought by the desired character. The proposed development will increase the variety of housing types within the locality.

The development will not result in the removal of any street trees, however it is acknowledged that several mature trees on the site will be removed. The trees are not Regulated or Significant and are sited on the land in locations where the trees' health would be impacted by the dwellings' construction and are therefore unable to be retained.

The site area of Dwelling 1 equates to 283 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 92 square metres; 24% below that sought. However, it is noted that the allotment maintains a frontage width of 14.3 metres and depth of 20.2 metres, where a minimum width of 12 metres and depth of 20 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.

In addition, if House 1 was to share access with the rear dwellings, it would be classified as a group dwelling where a minimum site area of 300 square metres would be sought. Further, it is acknowledged that the undersized nature of Dwelling 1 will not result in substantial design limitations with respect to the dwelling's ability to meet the Development Plan requirements. As such, the proposed site area of Dwelling 1 is considered to 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 210 square metres. Given the minimum site area of 300 square metres applies, this equates to a shortfall of 90 square metres (30%).

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 277 square metres per dwelling and closer to the prescribed minimum site area.

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 837 square metres; resulting in an average site area of 280 square metres per dwelling; 6.66% less than the minimum of 300 square metres sought 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.

As such, should it be shown that the proposal adequately addresses the Development Plan criteria and it is determined that the shortfalls are not considered to unreasonably jeopardise the function of the development or impact on adjacent dwellings, the lack of site area, in my view, is not considered to be fatal to the proposal.

DEVELOPMENT ASSESSMENT

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

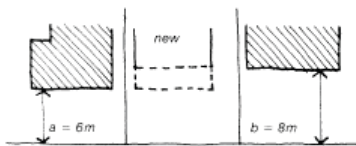
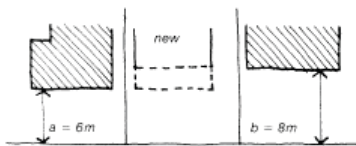
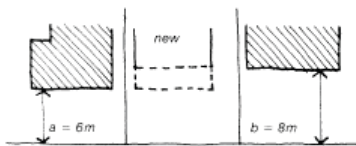
Principles of Development Control

Assessment

| Site Coverage | |
|--|---|
| <p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p> | <p>Does Not Comply</p> <p>H 1 – 48.8%</p> <p>H2 & 3 – 49.5%</p> <p>Whilst site coverage, in isolation appears high, when the driveway is included in the calculations, total site coverage reduces to 42.7%.</p> <p>Notwithstanding this, each dwelling is considered to be afforded with sufficient POS and space to meet the storage needs identified in Principle 13 below.</p> |
| <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p> | <p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p> |
| Private Open Space | |
| <p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p> | <p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from a habitable room of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwelling and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings . e) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional. <p>Does not comply</p> <p>f) and g)</p> <p>The proposed POS areas maintain a southerly aspect and will be shaded during winter by the associated dwelling.</p> <p>This is an unfortunate consequence of the allotment's orientation facing north and it would be impractical for the POS to be north facing</p> |

| | |
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| | <p>as it would then be forward of the building line or potentially affect the rear setbacks.</p> <p>However, the failure to meet this aspect of the Development Plan is not, in itself, so severe as to warrant refusal of the development, particularly as the POS still achieves the remaining criteria identified in Residential Development Principle 15.</p> |
| <p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p>Site area less than 250 m²: <i>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.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p> | <p>Partially Complies</p> <p>H1 – 63m² (22%)</p> <p>The area falls 0.9m² short of achieving a full 5m x 5m area due to the corner cut-off. This is a minor shortfall given that there is a greater amount of area available to the east of this space.</p> <p>Complies H2 & 3 – 49m² (20.3%) Incorporates a 4.2m x 9.145m area directly accessible from the family rooms.</p> |

Street Setbacks

| <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (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> <p><i>General Section: Design and Appearance: PDC 23</i></p> | <p>Complies</p> <p>See discussion relating to Design and Appearance Principle 25 below.</p> | | | | | | |
|---|---|-------------------------|----------------|---|-----------------------|--|---|
| <p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When b > a: 2, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p> | Setback difference between buildings on adjacent allotments | Setback of new building | Up to 2 metres | <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When b > a: 2, setback of new dwelling = a or b</p> | Greater than 2 metres | At least the average setback of the adjacent buildings | <p>Does not comply House 1: 5 metres (Average of adjacent dwellings is 5.2m)</p> <p>The setback proposed is forward of its required average setback, albeit marginally, by approximately 200mm. However, in my view, this variance will not be apparent on the street.</p> <p>House 1 will be the first dwelling on this side of Condada Avenue coming from the east from Marion Road to face the primary street. The additional separation provided by the driveway on the western side will mask the relative difference in setback between the dwelling at No. 3 Condada Avenue and will appear to step up to an acceptable transition to the neighbouring dwelling.</p> <p>To this end, I am satisfied that Design and Appearance Principle 23 above will be met and will contribute positively to the desired character of the locality.</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: 2, setback of new dwelling = a or b</p> | | | | | | |
| Greater than 2 metres | At least the average setback of the adjacent buildings | | | | | | |

| | |
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| <p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p> | <p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p> |
| Side Setbacks | |
| <p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Complies</p> <p>H1- 1m (eastern side), 4m (western side)</p> <p>H2 - 1.005m (eastern side)</p> <p>H3 – 1.005m (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> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p> | <p>Complies</p> <p>Houses 2 and 3 have been designed so that their respective walls on the boundary are the same height and length.</p> |
| Rear Setbacks | |
| <p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p> | <p>Partially Complies</p> <p>H1 – 6.9m with a 3.4m incursion for greater than 50% of the rear boundary of its allotment, however the area lies adjacent the vehicle manoeuvring area of the rear dwellings and will have negligible visual impact.</p> <p>Complies</p> <p>H2 & 3 – 6m with 4.2m incursion for 44% of the rear boundary.</p> |
| Building Height | |
| <p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Complies</p> <p>H1 – 4.6m</p> <p>H2 & 3 – 4.6m</p> |

Garages, Carports and Outbuildings

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

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

Residential Zone: PDC 8

Complies

H1 – 6.56m and 1.2m 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

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

Car Parking

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

Residential Zone: PDC 7

Complies

Each dwelling provides two car parking spaces, one of which is undercover.

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

General Section: Transportation & Access: PDC 43

Complies

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.
- b) Centre facilities and public transport are located in walking distance of the dwellings
- c) The likely occupants are anticipated to have standard mobility and transport requirements.

Does Not Comply

d) e) There is no on-street parking directly in front of the site due to restrictions as shown by a yellow line.

It is acknowledged that House 1 could be 'flipped', however it would result in the removal of a healthy, mature street tree and I consider that given that there is sufficient on-site parking and on-street car parking within the locality, I am of the view that there is sufficient parking to meet the demands of the likely occupants.

| | |
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| <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>Complies</p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p> |
| <p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p> | <p>Complies</p> <p>The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p> |
| <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>There is no on-street parking adjacent the subject site and additional parking has not been provided in the common area above what the Development Plan seeks for group dwellings.</p> <p>However, as discussed above in section relating to Transportation and Access Principle 43, there is considered to be sufficient off-street and on-street parking nearby to cater for the likely needs of the residents.</p> |
| <h2>Access</h2> | |
| <p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p> | <p>Complies</p> <p>House 1 - 3m</p> |
| <p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p> | <p>Complies</p> <p>The existing crossover will be used to gain access to Houses 2 and 3 which has already been created in close proximity to a stobie pole.</p> <p>The crossover will be widened to accommodate the driveway for House 1 and avoids the street tree on the opposite side of the site.</p> |
| <p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p> | <p>Partially Complies</p> <p>There are no more than 2 access points however, the driveway to House 1 is located next to the crossover to avoid removing the street tree on the eastern side of the property.</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:

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

General Section: Residential Development: PDC 41

Complies

The width of the common driveway associated with Houses 2 and 3 is 4m, 3m for the driveway and an additional 0.5m on each side for landscaping.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

Whilst Houses 2 and 3 will have limited visibility from the street, Dwelling 1 incorporates a rendered façade with a western red cedar gable infill, varying ridgelines and roof forms and large windows to provide articulation and variation in the façade.

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

The side elevations of the dwellings also incorporate brick cladding with fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

House 1 has been designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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 dwellings are single storey and compliant in their setbacks to the boundary, and therefore it is deemed that the impacts of overshadowing will not be over and above what is expected in a residential area.

Any shadow cast by Houses 2 and 3 in the early morning over the land at 3A Condada Avenue will not be to such an extent that it will contravene Design and Appearance Principles 9 and 10.

To this end, the development will not result in unreasonable overshadowing upon the existing dwellings and POS areas of adjoining land.

Visual Privacy

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 on a battleaxe allotment are single storey and designed to maintain the privacy of adjoining residential properties.

Noise

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

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

General Section: Residential Development: PDC 29

Complies

House 3 features bedroom windows adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.5 metres.

Landscaping has been provided between the driveway and bedroom window of House 3 which will assist in shielding headlight glare from the bedroom.

This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

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

General Section: Residential Development: PDC 30

Partially Complies

a) There is sufficient space at the entrance of the site to provide common letterboxes for Houses 2 and 3.
 b) Not applicable, as the development does not contain more than 6 dwellings.
 c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Does Not Comply

It is acknowledged that the proposal is generally lacking when assessed against the Energy Efficiency provisions of the Development Plan.

The private open space to the rear of the dwellings means that the area will be in shadow for a large proportion of the day during the winter months and the main activity areas of the dwellings also fail to achieve northerly orientation for receipt of winter sun to warm the areas.

The ability to reduce the need for mechanical heating and cooling has also been diminished with only 300mm eaves provided to the northern side of the dwellings.

To this end, the proposal fails to satisfy Energy Efficiency Principles 1 and 2.

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

A 1.8m high fence will be installed on the boundaries of the site where necessary.

It is not anticipated that retaining walls in excess of 300mm will be necessary due to there being no discernible slope on the site.

ANALYSIS/CONCLUSION

The proposed development, although displaying some shortfalls in site area, site coverage, on-street parking and energy efficiency, is compliant or producing minor shortfalls in the majority of other Development Plan provisions.

In my view, the proposed development is functional, likely to meet the needs of the occupants and presents appropriately in its design and appearance. Furthermore, the variances are not considered to compromise the amenity of the adjacent land owners and occupiers nor will it have detrimental impacts on the streetscape.

The proposal is considered to be consistent with the Objectives and Desired Character of the Development Plan in that it will increase the density on the site and add to the variety of housing types in 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: 100/2015/621 for a single storey dwelling presenting to Condada Avenue and two single storey dwellings to the rear with associated car parking and landscaping at 1 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. 100/2015/621, being the site plan and elevations prepared by Urban Design and Drafting Pty Ltd, and documentation titled 'Proposed Residences for: NGENERATION PTY LTD; At: No 1 (Lot 160) Condada Avenue Parkholme, 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.

7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
10. All waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 July 2015

| | |
|---------------------------------|--|
| Agenda Ref No: | DAP150715 – 2.3 |
| Originating Officer: | Stephen Both Senior Development Officer - Planning |
| Applicant: | Civil Surveys & Design Pty Ltd |
| Development Description: | Land Division Residential Torrens Title 1 into 2 allotments |
| Site Location: | 20 Minchinbury Terrace, Marion |
| Zone: | Residential Zone |
| Policy Area: | Residential Character Policy Area 17 |
| Application Type: | Category 1 / Consent |
| Date Lodged: | 09/02/2015 |
| Development Plan: | Consolidated – 13 March 2014 |
| Application No: | 100/2015/219 (DAC Ref 100/D027/2015) |
| Recommendation: | Development Plan Consent and Land Division 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 or function of an existing road as a Category 1 development.

The proposed land division relates to an associated land use application (100/2103/2014), which has been assessed concurrently. This associated land use application is to be considered by the Panel at the same meeting as the subject land division.

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed allotment areas being less than the minimum of 420 square metres required for detached dwellings within the Residential Character Policy Area 17.

Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The subject land is located at 20 Minchinbury Terrace, Marion and comprises a large regular shaped allotment which is situated on the north-western corner of Minchinbury Terrace and Bassi Street – a secondary side street. The subject land provides a combined frontage of 18.95

metres (including 4m x 4m corner cut off) to Minchinbury Terrace and a 45.72 metre frontage along Bassi Street to provide a total site area of 804 square metres.

The subject land is relatively flat and is developed with an existing single storey detached dwelling (circa 1950s) with an associated out-building located to the very rear of allotment. The subject land is devoid of any regulated or significant 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 older housing stock in the form of single storey detached dwellings at low densities on large regular shaped allotments. Some redevelopment has occurred within the locality with examples of older “in-fill” development sites noted in close proximity to the site of the development, with existing corner allotments developed with new dwellings (circa mid to late 1990s housing development) either to the rear or to the side of existing dwellings. Examples of this type of development are best exhibited to the north-west of the subject land at 13 Abbeville Terrace and at 1, 2 and 5 Bassi Street.

Other notable features within the locality include the recently redeveloped Marion Railway Station located directly opposite the subject land to the south-east on the other side of Minchinbury Terrace, and the Westminster College (a private Secondary School) which is located on the eastern side of the railway line fronting Allison Avenue, some 250 metres further south of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create 2 (two) Torrens Title allotments to accommodate the future construction of two single storey detached dwellings, as demonstrated in Development Application 100/2103/2014.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

| Residential Zone |
|--|
| <p>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> |
| Residential Character Policy Area 17 |
| <p>Objectives</p> <p>1 Preservation of the existing development patterns and built form. 2 Infill development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape. 3 Development that contributes to the desired character of the policy area.</p> |

Desired Character

Marion

In that part of the policy area located in the suburb of Marion, the established character is primarily low density detached dwellings on large allotments. This form of development will continue through the replacement of detached dwellings with the same. In this area the design and style of new dwellings, or alterations and additions to existing dwellings, is less constrained and more diverse, while the maintenance and enhancement of the generous and vegetated garden character is most important.

Buildings should be well setback from all property boundaries, and existing vegetation should be protected and enhanced wherever possible. Front and side garden landscaping is particularly important and should complement and reinforce the street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses.

Buildings of up to two storeys in height are appropriate, provided that landscaping is available or proposed to soften the visual impact of the second storey.

Fences forward of the building line will be low and constructed of stone, masonry or timber and in a style that complements those in the locality.

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| PDC 1 | <i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ detached dwelling(s)▪ semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie. | Complies As listed opposite, detached dwellings are an envisaged form of housing type within Residential Character Policy Area 17. |
| PDC 8 | <i>Land division should create allotments with an area of greater than 420 square metres.</i> | Does Not Comply (see comments below) |
| PDC 9 | <i>Land division should not result in the creation of allotments in the form of a battleaxe configuration.</i> | Complies The subject land is situated on a corner allotment which provides direct road frontage to both Minchinbury Terrace and Bassi Street |
| PDC 6 | <i>Minimum Site Area: Detached Dwellings 420 m²</i> | Does Not Comply Proposed Lot (1) = 403 m ² Proposed Lot (2) = 401 m ² |
| | <i>Minimum Frontage: Detached Dwellings 15 metres</i> | Complies Lot (1) = 22.8 metres Lot (2) = 18.9 metres |
| | <i>Minimum Depth: Detached Dwellings 20 metres</i> | Does Not Comply Lot (1) = 17.68 metres Complies Lot (2) = 22.92 metres |

Assessment

In respect to the future use of the land, it is to remain for residential purposes with the proposed allotments to each accommodate a detached dwelling being a form of housing that is anticipated by Principle of Development Control 1 above.

Whilst the proposed allotments display some level of non-compliance with the minimum site area and allotment depth criteria as set out within the above table, I am of the opinion after assessing the corresponding land use application for the subject land (100/2103/2014) that each of the proposed allotments can be satisfactorily developed to accommodate two separate dwellings in accordance with the Desired Character for Residential Character Policy Area 17, with dwellings well setback from boundaries to allow for the creation of suitably dimensioned landscaped garden areas to the front and side of dwellings.

As set out above, a minimum site area of 420 square metres is prescribed for detached dwellings within Policy Area 17, which equates to a shortfall of 17 square metres (4%) for proposed Lot (1) and 19 square metres (4.5%) in respect to proposed Lot (2). This results in a 4.3% discrepancy for the total site area. The shortfall in the allotment depth of proposed Lot (1) at 17.68 metres equates to a 2.32 metre shortfall where the prescribed minimum depth for an allotment within Policy Area 17 is 20 metres.

In my view, the shortfalls identified above are not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the ability of the application to maintain a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from the Development Plan (as discussed further in the Table Discussion of this report).

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area and allotment depth do not significantly jeopardise the underlying merits of the proposal. It is therefore considered that the proposed development appropriately satisfies the Objectives, Principles and Desired Character for Residential Character Policy Area 17.

| 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> | Complies Notwithstanding the shortfalls identified above, I am of the opinion that the proposed allotments are suitably dimensioned and of adequate size to accommodate the dwellings proposed in Development Application 100/2103/2014 |
| <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> | Complies The land division is likely to be supported by the necessary infrastructure, and is located within close walking distance to the Marion Railway Station and an existing educational facility – Westminster College. |
| PRINCIPLES OF DEVELOPMENT CONTROL <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> | Complies |

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| <p><i>2 Land should not be divided if any of the following apply:</i></p> <p><i>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</i></p> <p><i>(b) any allotment will not have a frontage to one of the following:</i></p> <p style="padding-left: 40px;"><i>(i) an existing road</i></p> <p style="padding-left: 40px;"><i>(ii) a proposed public road</i></p> <p style="padding-left: 40px;"><i>(iii) access to a public road via an internal roadway in a plan of community division</i></p> <p><i>(c) the intended use of the land is likely to require excessive cut and/or fill</i></p> <p><i>(d) it is likely to lead to undue erosion of the subject land or land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotments will straddle more than one zone, policy area or precinct.</i></p> | <p>Complies</p> <p>a) The proposed site areas are less than that required for the intended use of the allotments for detached dwellings. That having been said, the associated land use application (100/2103/2014) demonstrates that the site areas for each of the allotments is suitably dimensioned to allow for the orderly development of individual detached dwellings. As such, the proposed allotments are considered suitable for their intended use.</p> <p>b) Being located on a corner, both allotments maintain a frontage to a public road.</p> <p>c) As the subject land is relatively flat it is unlikely to expect that excessive cut/fill or earthworks will be required</p> <p>e) As the subject land is located within an established area of the Council the area is sewerred. That having been said, SA Water has advised that a sewer extension will be required.</p> <p>f) Despite being undersized, it has been identified above that the proposed allotments are complementary to the zone objectives.</p> <p>g) The subject land does 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> <p><i>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</i></p> <p><i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i></p> <p><i>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</i></p> <p><i>(d) suitable land set aside for useable local open space</i></p> <p><i>(e) public utility services within road reserves and where necessary within dedicated easements</i></p> <p><i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i></p> <p><i>(g) protection for existing vegetation and drainage lines</i></p> <p><i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i></p> <p><i>(i) the preservation of significant trees.</i></p> | <p>Complies</p> |

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| <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>Based upon the land use application (100/2103/2014), the main activity areas associated with each of the dwellings is to be oriented in a northerly direction.</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 community 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 (100/2103/2014), a total of five (5) on-street visitor spaces are capable of being provided along Bassi Street with at least one (1) on-street parking space to be provided to the front of the dwelling fronting Minchinbury Terrace.</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 proposed development seeks to sub-divide an existing corner allotment to allow for the future construction of two single storey detached dwellings on two separate allotments. Whilst the proposed allotments fall marginally short in respect to the depth and minimum site area required for detached dwellings within Residential Character Policy Area 17, it is considered that the associated land use application (100/2103/2014) demonstrates that these shortfalls will not detrimentally restrict the future development of these parcels for their intended use.

Further to the above, it is also considered that the shortfall in site area will not seriously compromise the desired character of the locality given the existence of other similar examples within the immediate locality. Moreover, it is considered that the subject land is suitably located directly opposite the site of the recently redeveloped Marion Railway Station which provides transport links to existing community facilities and shopping opportunities. As such, the subject land is considered to be an appropriate site for in-fill development in accordance with Objective 2 of the Residential Zone.

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, Land Division 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, Land Division Consent and Development Approval for Development Application No: 100/2015/219 (DAC Ref 100/D027/15) for Residential land division (Torrens Title) 1 into 2 allotments at 20 Minchinbury Terrace, Marion be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/219, except when varied by the following conditions of consent.
- 2. The Telstra Pit within the road reserve shall be made trafficable or relocated prior to Section 51 clearance. Documentation from Telstra shall be provided to Council, prior to Section 51 clearance is issued, confirming which method is to occur to the reasonable satisfaction of Council.
- 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. The alteration of internal drains to the satisfaction of SA Water is required. SEWER EXTENSION 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 \$6,488.00 into the Planning and Development Fund (1 allotment @ \$6,488.00/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

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

Note: The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding this land division proposal.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 15 July 2015

Agenda Ref No: DAP150715 – 2.4

Originating Officer: Stephen Both
Senior Development Officer - Planning

Applicant: Neil David Elson

Development Description: To construct two single storey dwellings with associated car parking and landscaping.

Site Location: 20 Minchinbury Terrace, Marion

Zone: Residential Zone

Policy Area: Residential Character Policy Area 17

Application Type: Category 1 / Consent

Date Lodged: 20/11/2014

Development Plan: Consolidated – 13 March 2014

Application No: 100/2014/2103

Recommendation: That Development Plan Consent be Granted following the deposit of the plan of division for Land Division Application 100/2015/219 (DAC Ref: 100/D027/15).

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 assessed by the Development Assessment Panel as the proposed new dwellings each support allotment areas that are less than the minimum of 420 square metres required for detached dwellings within Residential Character Policy Area 17. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

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

| Information Requested | Information provided |
|---|--|
| The applicant is to provide a fully engineered site works and drainage plan for assessment purposes. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench | The requested details have not been provided to Council however, as the subject land is relatively flat and not located within a flood prone area of the City of Marion, it has been proposed to include a condition of approval |

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| 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. | which seeks to obtain such details from the applicant prior to the issuing of Development Approval. (Refer to Conditions 4 & 5) |
| The applicant is to provide elevation plans illustrating the south facing side wall of proposed Dwelling (1) and the rear elevation of proposed Dwelling (2). | <p>The requested plans have not been provided to Council however, the applicant has advised that these plans will be provided for Council's consideration prior to the issuing of Development Approval.</p> <p>To ensure this occurs, a condition of approval has been included seeking this additional information prior to the issuing of Development Approval. (Refer to Condition 3)</p> |

SUBJECT LAND & LOCALITY

The subject land is located at 20 Minchinbury Terrace and comprises a large regular shaped allotment which is situated on the north-western corner of Minchinbury Terrace and Bassi Street. The subject land provides a combined frontage of 18.95 metres (including 4m x 4m corner cut off) to Minchinbury Terrace and a 42.67 metre frontage along Bassi Street, a secondary side street, to provide a total site area of 804 square metres.

The subject land is relatively flat and is developed with an existing single storey detached dwelling (circa pre-1950s), with an associated out-building located to the rear of allotment. The subject land is devoid of any regulated or significant 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 older housing stock in the form of single storey detached dwellings at low densities on large regular shaped allotments. Some redevelopment has occurred within the locality with examples of older "in-fill" development sites noted in close proximity to the site of the development, with existing corner allotments developed with new dwellings (circa mid to late 1990s housing development) either to the rear or to the side of existing dwellings. Examples of this type of development are best exhibited to the north-west of the subject land at 13 Abbeville Terrace and at 1, 2 and 5 Bassi Street.

Other notable features within the locality include, the recently redeveloped Marion Railway Station located directly opposite the subject land to the south-east on the other side of Minchinbury Terrace, and the Westminster College (a private Secondary School) which is located on the eastern side of the railway line fronting Allison Avenue, some 250 metres further south of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to demolish the existing dwelling and construct two single storey detached dwellings with one dwelling fronting Bassi Street (Dwelling 1) and the other facing Minchinbury Terrace (Dwelling 2). The dwellings will be accommodated on separate regular shaped allotments providing site areas ranging between 401 to 403 square metres in area.

The proposed dwellings will each provide three bedrooms (master bedroom with en-suite) together with bath/shower, laundry and open plan kitchen/dining/living areas which are to be directly accessible to areas of private usable open space to the rear.

In respect to on-site car parking, all dwellings will be provided with a double width garage under the main roof, with provision for two visitor parks within the individual driveways. The proposed development also includes additional landscaping comprising small trees and shrubs, vegetated strips and areas of open lawn to front and rear yards of each dwelling.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

| Residential Zone | | |
|---|--|---|
| <p>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> | | |
| Residential Character Policy Area 17 | | |
| <p>Objectives</p> <p>1 Preservation of the existing development patterns and built form. 2 Infill development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape. 3 Development that contributes to the desired character of the policy area.</p> | | |
| <p>Desired Character</p> <p><u>Marion</u></p> <p><i>In that part of the policy area located in the suburb of Marion, the established character is primarily low density detached dwellings on large allotments. This form of development will continue through the replacement of detached dwellings with the same. In this area the design and style of new dwellings, or alterations and additions to existing dwellings, is less constrained and more diverse, while the maintenance and enhancement of the generous and vegetated garden character is most important.</i></p> <p><i>Buildings should be well setback from all property boundaries, and existing vegetation should be protected and enhanced wherever possible. Front and side garden landscaping is particularly important and should complement and reinforce the street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses.</i></p> <p><i>Buildings of up to two storeys in height are appropriate, provided that landscaping is available or proposed to soften the visual impact of the second storey.</i></p> <p><i>Fences forward of the building line will be low and constructed of stone, masonry or timber and in a style that complements those in the locality.</i></p> | | |
| PDC 1 | <p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <u>detached dwelling</u> ▪ <i>semi-detached dwelling within the suburbs of Edwardstown, Glandore and Glengowrie.</i> | <p>Complies</p> <p>The proposed land use application is being assessed concurrently with a separate land division application to help determine the nature of the development.</p> <p>Given this, the proposed</p> |

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|-------|---|---|
| | | <p>dwelling have been determined to be detached dwellings as defined within Schedule 1 of the Development Regulations 2008, being an appropriate form of housing within Policy Area 17.</p> |
| PDC 3 | <p><i>Except where located in the suburb of Marion, development should be limited to one storey unless a dwelling faces a public road (ie is not sited on a battleaxe allotment or at the rear of a development site) and any of the following is proposed:</i></p> <p>(a) <i>sympathetic two-storey additions that use existing roof space or incorporate minor extensions of roof space to the rear of the dwelling</i></p> <p>(b) <i>in new dwellings, a second storey within the roof space where the overall building height, scale and form is compatible with existing single-storey development in the locality (refer to the figure below)</i></p> <p>(c) <i>dormer windows with a total length less than 30 per cent of the total roof length along each elevation.</i></p> | <p>Complies</p> <p>Both dwellings are to be single storey in height.</p> |
| PDC 4 | <p><i>Development should preserve and enhance streetscapes by:</i></p> <p>(a) <i>the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</i></p> <p>(b) <i>limiting the number of driveway crossovers.</i></p> | <p>Complies</p> <p>The proposed development seeks to reduce the number of driveway crossovers associated with the land by closing two crossovers (including one located on the very corner of the site at the intersection of Minchinbury Tce and Bassi Street) whilst opening one new driveway via Minchinbury Terrace.</p> |
| PDC 5 | <p><i>Where a new dwelling is constructed alongside or within a group of older style residential buildings, the new dwelling should be of a similar height, scale and proportions and be constructed of materials that complement and reinforce the character and design elements of existing buildings.</i></p> | <p>Complies</p> |
| PDC 9 | <p><i>Land division should not result in the creation of allotments in the form of a battleaxe configuration.</i></p> | <p>Complies</p> <p>The subject land is situated on a corner allotment with both dwellings to be constructed on separate allotments fronting directly onto either Minchinbury Terrace of Bassi Street.</p> |
| PDC 6 | <p><i>Minimum Site Area:</i> <i>Detached Dwellings 420 square metres</i></p> | <p>Does Not Comply</p> <p>Dwelling (1) = 401 m2 Dwelling (2) = 403 m2</p> |
| | <p><i>Minimum Frontage:</i> <i>Detached Dwellings 15 metres</i></p> | <p>Complies</p> <p>Dwelling (1) = 22.8 metres Dwelling (2) = 18.9 metres (including the 4m x 4m corner cut off)</p> |
| | <p><i>Minimum Depth:</i> <i>Detached dwellings 20 metres</i></p> | <p>Does Not Comply</p> <p>Dwelling (1) = 17.6 metres</p> <p>Complies</p> <p>Dwelling (2) = 22.9 metres</p> |

Assessment

The proposed development seeks to demolish an existing dwelling and construct two new single storey detached dwellings which will complement the height and general appearance of existing dwellings within the locality. As such, it is considered that the proposed development will help to preserve the traditional residential character which predominates within the locality.

It is considered that the proposed dwellings have been suitably sited on the subject land so as to complement the siting of more established dwellings within the locality in line with the Desired Character for Policy Area 17. As such, the proposed development achieves generous setbacks from front and rear boundaries, the creation of reasonably dimensioned areas of private open space to the rear of each dwelling and the creation of adequate distances of separation between adjacent dwellings and their associated areas of private open space.

In terms of design and appearance, it is considered that the proposed dwellings will make a positive visual impact on the existing streetscape which replaces less attractive fencing along Bassi Street, and is to be enhanced with the provision of additional landscaping within the individual front yard areas of each dwelling. Whilst not considered as “replacement” dwellings, the proposed dwellings attempt to reflect the traditional character elements of the area and incorporate in their design elements typical of homes in the locality including an articulated roof form comprising gables and hips, the use of timber elements and external walls constructed of a mixture of brick, stone and rendered masonry.

Given the above, it is considered that the proposed development sufficiently achieves a residential built form that is envisaged within Residential Character Policy Area 17.

In conclusion, it is considered that the Objectives and Desired Character of Residential Character Policy Area 17 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 | |
|---|--|
| <p><i>Maximum site coverage: 40%</i></p> <p><i>Residential Character Policy Area 17: PDC 7</i></p> | <p>Does Not Comply</p> <p>Dwelling (1) = 42%</p> <p>Dwelling (2) = 43%</p> |
| <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p> | <p>Complies</p> <p>Notwithstanding the above shortfall, it is considered that the proposed dwellings both provide sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p> |
| <p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p> | <p>Complies</p> |

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

Notwithstanding the minor shortfall identified in relation to the amount of private open space provided for Dwelling (2), it is considered that both dwellings are provided with sufficient open space which satisfies the following criteria.

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

Site Area 250 m² or greater:

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

General Section: Residential Development: PDC 17

Complies

Dwelling (1) = 103 square metres or 25.5%

Does Not Comply

Dwelling (2) = 76 square metres or 19.0%

(refer to comments made above)

Street Setbacks

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

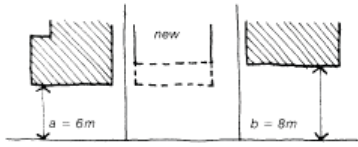
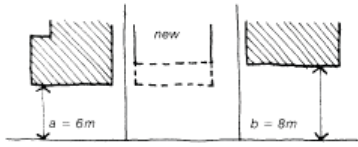
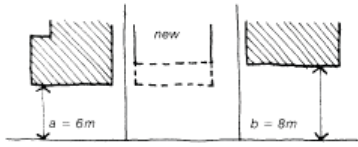
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

Partially Complies

It is noted that proposed Dwelling (2) is to be setback between 5 to 6 metres from the Minchinbury Terrace property boundary, well forward of the adjacent dwelling to the north at number 19 Minchinbury Terrace which is set back approximately 12 metres from the street.

That having been said, it is noted that the existing dwelling on the subject land is currently setback approximately 7 metres from the street boundary, not dissimilar to the setback of the dwellings located at 16, 17 and

| | <p>18 Minchinbury Terrace, which are all setback approximately 8 metres from the street.</p> <p>It is considered that existing dwellings along this side of Minchinbury Terrace exhibit a varied front setback ranging between 7 to 12 metres from the street. As such, I am of the opinion that the proposed setback of Dwelling (2) to be at least similar to, or compatible with, the front setback distances established by the majority of existing dwellings/buildings located along this section of Minchinbury Terrace.</p> <p>As the only dwelling fronting Bassi Street, it is considered that the front setback of Dwelling (1) at 4.2 to 5.9 metres to be appropriate, in that it achieves a reasonable level of transition between the proposed dwelling on the corner and existing buildings and structures on adjacent land located to the north-west.</p> <p>Moreover, it is considered that the front setback distance also allows sufficient space for the parking of two on-site visitor spaces to the front of the garage, whilst also providing adequate space for the establishment of a suitably dimensioned front lawn and garden area to the front of this dwelling.</p> | | | | | | |
|---|---|-------------------------|----------------|---|-----------------------|--|--|
| <p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> </thead> <tbody> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </tbody> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p> | Setback difference between buildings on adjacent allotments | Setback of new building | Up to 2 metres | <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p> | Greater than 2 metres | At least the average setback of the adjacent buildings | <p>Does Not Comply (refer to comments made above)</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>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Does Not Comply</p> <p>The secondary road setback achieved by Dwelling (2) from Bassi Street is two metres. Whilst this is short of the required three metre distance prescribed opposite, it is worthy to note that the existing dwelling on the land is setback closer at approximately one metre from the side street. As such, the proposed side setback of two metres is considered an improvement of the existing situation.</p> | | | | | | |
| <p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p> | <p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p> | | | | | | |

Side Setbacks

| | |
|--|---|
| <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>Does Not Comply Dwellings (1) and (2) : 0.9 m</p> <p>The proposed side setback falls 0.1 metres short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.</p> |
| <p><i>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</p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties.</p> <p>Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p> |

Rear Setbacks

| | |
|--|--|
| <p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p> | <p>Partially Complies</p> <p>Dwg (1) provides a maximum rear setback of 5.7 metres reducing down to 3 metres which is marginally short of the 6 metres prescribed opposite. Dwelling (2) complies in that it achieves a maximum rear setback distance of 6.0 metres, reducing down to 3.0 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> <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>Partially Complies (refer to comments made above)</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</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property.</p> <p>Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p> |

Building Height

Maximum building height (from natural ground level):

(i) within the suburb of Marion, 2 storeys of not more than 9 metres
(ii) in all other areas, one storey with an ability to provide a 2 storey addition within the roof space subject to Principles of Development Control within the policy area

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of between 5 to 5.5 metres, which is less than the maximum permitted in the Policy Area 17.

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

The attached garage associated with Dwelling (2) fronting Minchinbury Terrace is to be setback 6 metres from the street boundary and 1 metre behind the main face of the dwelling.

Complies

The attached garage associated with Dwelling (1) fronting Bassi Street is to be setback 5.9 metres from the street boundary and 1.7 metres 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

As the garages of Dwellings (1) & (2) are to be incorporated under the main roof of each dwelling, they consequently incorporate a roof form, materials and detailing which complement the associated dwelling to which they are to be attached.

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) = 4.7 metres or 20.6%
Dwelling (2) = 4.7 metres or 24.8%

Car Parking

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

Residential Zone: PDC 7

Complies

A total of 4 on-site car parking spaces are provided for each of the detached dwellings with 2 undercover spaces provided within each garage and 2 visitor spaces provided within the driveway forward of each garage.

| | |
|--|--|
| <p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <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><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, as demonstrated by compliance with PDC 7.</p> <p>b) Public transport is located in walking distance of the dwellings with the Marion Railway Station located directly opposite the subject land.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements</p> <p>d) 5 on-street car parking spaces shall remain available adjacent the subject land.</p> <p>e) There will be a reduction in the number of crossovers as a consequence of the proposed development which will allow for an additional on-street car parking space along Bassi St.</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>A total of 5 on-street car parking spaces are capable of being provided for the two allotments accommodating Dwellings (1) and (2), which satisfies PDC 22.</p> |
| <p>Access</p> | |
| <p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p> | <p>Complies</p> <p>The double driveway widths proposed for Dwellings (1) & (2) measure 4.7 metres in width when measured at the street property boundary being less than the prescribed width of 5 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>The proposed driveway crossover for Dwelling (2) fronting Minchinbury Terrace may need to be slightly realigned to avoid an existing Telstra pit located to the front of the subject land.</p> <p>The applicant is to provide amended plans illustrating the final driveway crossover design for this dwelling which will be assessed by Council prior to the issuing of Development Approval.</p> <p>(A condition of approval is to be included to ensure that the applicant provides these details prior to the issuing of Development Approval – Refer to Condition 6)</p> <p>The driveway crossover associated with Dwelling (1) is to be re-used as an existing crossover providing access via Bassi Street and is therefore well clear of any existing infrastructure or street trees.</p> |
| <p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p> | <p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p> |

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of sandstone pillars and rendered finish to external walls including the front façade
- Eave overhang and pitched roof form to be set at 25 degree pitch
- The incorporation of Cedar clad pillar posts and stained western cedar timber gabled ends presenting to the street.

The dwellings incorporate a 25 degree Colorbond roof in Woodland Grey, with rendered “natural white” facades. The garage of each dwelling features a Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

The proposed dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

b) Given that south forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings. However, some shadow will be cast into the north-western adjoining property in morning hours, and to the north-eastern adjoining property in afternoon hours.

That having been said, given the orientation of the subject land and the single storey height of the proposed dwellings, it is likely to expect that any shadow to be cast into the north-western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the north-eastern adjoining property only begins in afternoon hours.

Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with Principles of Development Control 10 and 11.

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

Does Not Comply

The main bedrooms located within each of the proposed dwellings will face towards the existing Adelaide to Seaford railway line and recently redeveloped Marion Railway Station which is located directly opposite the subject land to the south-east.

It is likely to expect that noise generated by train activity such as noise from train horns and trains travelling along the line when arriving and leaving the Marion Railway Station will clearly be heard by the future residents of the dwellings.

Given the likely impact this might have on the amenity of any future residents of the proposed dwellings, a condition of approval is therefore proposed which seeks to have any windows facing the street to be double glazed for sound attenuation purposes. (Refer to Condition 2)

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

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

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

It is considered that the proposed level of visible landscaping to be included to the front or side of the proposed dwellings to be in keeping with the Desired Character for the Residential Character Policy Area 17.

The proposed planting species and distribution of vegetation to the front of side of the dwellings should appropriately complement the built form and enhance the appearance of the land and buildings when viewed from surrounding land.

TABLE DISCUSSION

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

- Site Area (Dwellings 1 & 2)

Site Area (Dwellings 1 & 2)

As identified above, the future allotments for each of the proposed dwellings will provide site areas of 403 square metres for Dwelling (1) and 401 squares metres for Dwelling (2) where the minimum site area for detached dwellings within Residential Character Policy Area is 420 square metres. This essentially equates to a shortfall 17 square metres or 4 % in respect to allotment to accommodate Dwelling (1) and a shortfall of 19 square metres or 4.5% for the allotment associated with Dwelling (2).

Whilst these shortfalls are acknowledged, it is my opinion that each of the proposed allotments are still considered capable of providing adequate provision for each of the detached dwellings, including areas of usable private open space, front and rear setbacks and on-site car parking provision. What this indicates is that the site dimensions of these particular allotments are not restrictive and will suitably accommodate the dwellings as proposed.

Moreover, as one of proposed allotments is to present a frontage to a residential side street – Bassi Street, it is considered that this allotment will not have a detrimental impact on the pattern of development within the locality, nor will it directly interfere with the existing character and streetscape established within Minchinbury Terrace. In summary, in terms of siting, layout and streetscape impact, the proposed development exhibits a similar density of development to that located within the locality and is therefore considered appropriate in this instance.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed new dwellings accord with many of the design principles that are envisaged for new dwellings or “in-fill” development proposed within Residential Character Policy Area 17. Whilst the existing older style housing stock within the immediate locality is largely intact, the proposed development seeks approval for an envisaged form of housing type (detached dwellings) at a similar density to that which currently exists within the locality. As such, the form and density of housing proposed in this application is considered appropriate for the locality.

In addition to the above, it is worthy to also note that the subject land is suitably located directly opposite the site of the recently redeveloped Marion Railway Station which provides transport links to existing community facilities and shopping opportunities. As such the subject land is considered to be an appropriate site for in-fill development in accordance with Objective 2 of the Residential Zone.

It is considered that the proposed dwellings have been suitably sited on the subject land so as to complement the siting of existing dwellings within the locality, with the front setback of the dwelling fronting Minchinbury Terrace providing a staggered setback not dissimilar to that of adjacent dwellings fronting this same section of road. As such, the proposed development achieves generous setbacks from rear and side boundaries, the creation of reasonably dimensioned areas of private open space and the creation of adequate distances of separation between adjacent dwellings and their associated areas of private open space.

It is also considered that the proposed development also complies with a majority of the quantitative and qualitative provisions of the Development Plan with both dwellings providing adequate building setbacks from adjoining properties, suitable areas of private open space and sufficient on-site car parking provision for four vehicles per dwelling. Where shortfalls have been identified with the proposed development, they have been found to be minor in nature without having a detrimental impact on the function of the dwellings.

In terms of design and appearance, the proposed dwellings will be single storey in height and will therefore not look out of place within the locality, projecting a similar roof pitch, building height, mass and proportions to that of existing dwellings within the locality. In addition, the proposed dwellings also attempt to reflect the traditional character elements of existing older style dwellings within the locality by incorporating design elements and materials of construction such as articulated roof forms, exposed timber elements and external walls incorporating a mixture of sandstone and rendered masonry.

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: 100/2014/2103 to construct two single storey dwellings with associated car parking and landscaping at 20 Minchinbury Terrace Marion be GRANTED subject to the deposit of the plan of division for Development Application 100/2015/219 (DAC Ref: 100/D027/15) and the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/2103, being the plans dated received 20 November 2014 prepared by Ettridge Building Design Pty Ltd, except where varied by the following conditions of consent.
- 2. The front bedroom windows of Dwellings (1) and (2) hereby approved shall be double glazed for sound attenuation purposes.
- 3. The applicant shall provide elevation plans to Council for consideration and approval prior to Development Approval being issued which illustrate the south facing side wall of proposed Dwelling (1) and the rear elevation of proposed Dwelling (2) .
- 4. 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.
- 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 Telstra Pit within the road reserve shall be made trafficable or relocated prior to the occupation of Dwelling (2). Documentation from Telstra shall be provided to Council, prior to Development Approval being issued, confirming which method is to occur to the reasonable satisfaction of Council.
- 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 15 July 2015

| | |
|---------------------------------|---|
| Agenda Ref No: | DAP150715 – 2.5 |
| Originating Officer: | Rhiannon Hardy Development Officer - Planning |
| Applicant: | Landmark Homes |
| Development Description: | Application to vary Development Application 100/2014/1187 (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): to increase the floor area of Residences 3 and 4 to provide for an additional bedroom in each dwelling |
| Site Location: | 1-3 Hill Street, Plympton Park |
| Zone: | Residential Zone |
| Policy Area: | Regeneration Policy Area 16 |
| Application Type: | Category 1 / Consent |
| Lodgement Date: | 09/06/2015 |
| Development Plan: | Consolidated – 19 March 2015 |
| Application No: | 100/2015/1018 |
| Recommendation: | Development Plan Consent (Granted) |

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(g) of the Development Regulations 2008, which assigns development that is of a minor nature only, and that will not unreasonably impact on adjacent land, as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel (DAP) given that, in Administration staff's view, the proposed increase in the number of bedrooms for Residences 3 and 4 may compromise or undermine the Panel's previous decision.

BACKGROUND

The original application was considered and granted Development Plan Consent by the DAP on 10 December 2014. This application was a Category 3 / Consent form of development, but did not receive any valid representations during the public notification period. The application was delegated to the DAP given that it proposed undersized allotments.

Community Title land division application 100/C255/14 was also considered and approved by the DAP at this meeting. The new land titles are still pending Section 51 Clearance.

Development Approval was granted to the dwelling application on 8 April 2015, and construction has commenced on site.

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 previously accommodated two single-storey maisonettes built by the South Australian Housing Trust in approximately 1948.

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.

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 application proposes to increase the floor area of Residences 3 and 4 (the single-storey dwellings located at the rear of the site) by an additional 2.0 square metres per dwelling. The floor plan has been amended to re-orientate the ensuite and Bed 2 layout to facilitate the provision of an additional bedroom for each dwelling. As such, Residences 3 and 4 are proposed to incorporate 3 bedrooms, where previously only 2 bedrooms were incorporated.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

| | |
|---------------------|--------------------------------------|
| Engineering: | Vehicle manoeuvring is satisfactory. |
|---------------------|--------------------------------------|

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.</p> <p>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.</p> <p>2 Improved quality of living environments.</p> <p>3 Improved quality of housing.</p> <p>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.</p> <p>5 Improved environmental outcomes.</p> <p>6 Increased dwelling densities and population.</p> <p>7 More efficient use of land.</p> <p>8 Improved community services and infrastructure.</p> <p>9 Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> <p>10 A smooth transition in the character and scale of development between this and adjoining residential policy areas.</p> <p>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> | | |
| PDC 1 | <p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ student accommodation ▪ supported accommodation. | <p>Complies</p> <p>Proposal incorporates dwellings in the form of residential flat buildings</p> |

| | | |
|-------|--|--|
| PDC 2 | <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> |
| PDC 4 | <p>Minimum Site Area:</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>Residence 3: 188 m²</p> <p>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> |

Assessment

The proposed variation application remains compliant with a majority of Objectives and the Desired Character of the Regeneration Policy Area 16, as the development will still achieve redevelopment of under-utilised land, increased dwelling densities and population, and more efficient use of land.

However, the Desired Character also encourages a wide range of dwelling types to meet a variety of accommodation needs. It is my view that the original proposal contained greater merit given that it incorporated a mixture of three bedroom and two bedroom dwelling options to cater for different household types. The proposed variation application proposes for all six proposed dwellings on the land to contain three bedrooms, thereby reducing housing diversity.

The subject variation application does not propose to alter the site areas. However, it is noted that the site areas 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. It is my view that the 2 bedroom nature of Residences 3 and 4 contributed to balancing the non-compliance of site areas in the original proposal.

It is also noted that Residences 1, 2, 5 and 6 are also undersized with site areas of 162.5 square metres, where a minimum of 200 square metres applies.

Based on these considerations, it is clear that the proposed variation has decreased the merit of the proposal. Whether this amendment should be supported will be considered further in relation to the amended design and layout of Residences 3 and 4.

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><i>Site area less than 220 m²: 80 m² or 45% (whichever is the greater)</i></p> <p>45% is applicable for Res 3 & 4</p> <p><i>Regeneration Policy Area 16: PDC 5</i></p> | <p>Does Not Comply</p> <p>Residences 3 & 4: 109 m² = 58.0%</p> |
| <p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p> | <p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p> |
| Private Open Space | |
| <p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p> | <p>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 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>Partially Complies</p> <p>f) g) Residence 4 features 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.</p> |

| | |
|--|---|
| <p>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.</p> <p><i>General Section: Residential Development: PDC 17</i></p> | <p>Complies Residences 3 & 4: 40.7 m² = 21.65%</p> <p>All POS is directly accessible from a living room with a minimum dimension of 4.5 metres and negligible gradient</p> |
| <h2>Rear Setbacks</h2> | |
| <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> (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><i>General Section: Residential Development: PDC 37</i></p> | <p>Does Not Comply Residences 3 & 4: 3.5 metres (35.8% of lot width) and 4.5 metres</p> |
| <h2>Car Parking</h2> | |
| <p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> 1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</p> <p><i>Residential Zone: PDC 7</i></p> | <p>Complies Residences 3 and 4 both provide one carport space and one open visitor space, which equals a total of 4 on-site parking spaces.</p> <p><i>Note: 1.5 resident spaces x 2 dwellings = 3 Plus 1 visitor space required for 2 dwellings = 4 on-site spaces required</i></p> |
| <p><i>On-site vehicle parking should be provided having regard to:</i> (a) the number, nature and size of proposed dwellings (b) proximity to centre facilities, public and community transport within walking distance of the dwellings (c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons (d) availability of on-street car parking (e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</p> <p><i>General Section: Transportation & Access: PDC 43</i></p> | <p>Complies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings. Residences 3 and 4 each have 2 on-site parking spaces, which meets requirements for 3-bedroom dwellings. b) Centre facilities in the Local Centre Zone are located in walking distance of the dwellings, as well as bus routes along Bray Street. c) The likely occupants are anticipated to have standard mobility and transport requirements. 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 of a size and location to:</i> (a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely (b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area (c) reinforce or contribute to attractive streetscapes.</p> <p><i>General Section: Transportation & Access: PDC 44</i></p> | <p>Complies Council's Development Engineer has confirmed that the development provides adequate space for vehicles to manoeuvre between the street and parking area.</p> |

TABLE DISCUSSION

The amended proposal remains compliant with 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

The proposed variation application proposes to increase site coverage by 2.0 square metres per dwelling, which results in an increase from the previously approved site coverage of 56.9% to 58.0%. Although site coverage significantly exceeds the applicable standard of 45%, the actual 1.1% increase is considered relatively minor. It is noted that, in assessing the subject variation application, Council can only *“identify the elements of the proposed development which are not comprehended by the original approval...the extent of the proposed variation must then be assessed against the applicable Development Plan”* (Holds and Anor v City of Port Adelaide Enfield and Ors [2011] SASC 226). As such, the original 13% excess in site coverage must be accepted; it is only the 1.1% increase which must be assessed on merit. Given that the dwelling maintains adequate private open space, storage areas, car parking, etc., the additional 1.1% is considered acceptable.

Rear Setback

The rear setbacks of the dwellings remain the same, however the portion of the dwelling set back from the rear boundary by 3.5 metres will increase in width by 0.6 metres. This means that the 3.5 metre rear setback will extend for 35.8% of the lot width, which remains compliant given that a 3 metre rear setback is permitted for 50% of the lot width. The 4.5 metre setback remains as per the original approval.

ANALYSIS/CONCLUSION

The proposed variation remains compliant with a majority of applicable quantitative Development Plan criteria. The additional 2.0 square metres of floor area is relatively minor in nature, and therefore will only marginally affect setbacks and site coverage.

This being said, the minor numerical increase will have greater implications on the nature of the development, as Residences 3 and 4 will change from 2-bedroom to 3-bedroom dwellings. Given that the dwellings are already located on undersized allotments, the increase of dwelling size to accommodate increased household sizes further undermines the suitability of the site's density. The change to 3-bedroom dwelling size also detracts from the Desired Character of the Policy Area because the development site will not cater for a range of dwelling types and sizes in the same manner as the previous approval.

Whilst the outcome of the proposed variation is undesired, the Development Plan does not contain criteria which specifically relate to the number of bedrooms within a dwelling. Indeed, the proposed site areas, POS and car parking technically maintain the same merit as the previous application because these criteria are not based on the number of bedrooms.

For this reason, it is my view that, although finely balanced, the proposed variation maintains sufficient merit to warrant consent.

Based on 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: 100/2015/1018 for Application to vary Development Application 100/2014/1187 (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): to increase the floor area of Residences 3 and 4 to convert into 3 bedroom dwellings at 1-3 Hill Street, Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

- (1) The development shall proceed in accordance with the relevant plans and details submitted with and forming part of Development Application No. 100/2014/1187 and 100/2015/1018, 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 Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 15 July 2015

CONFIDENTIAL

Agenda Ref No: **DAP150715 – 2.6**

RECOMMENDATION:

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Manager of Development Services, Team Leader Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
2. Under Section 56A (12) of the Development Act 1993 an order be made that item 2.6 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (viii) of the Development Act 1993, and in accordance with Section 56A(16) shall be kept in confidence until a decision of the Environment Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session the meeting be re-opened to the public.

**DEVELOPMENT ASSESSMENT PANEL
WEDNESDAY 15 JULY 2015**

| | |
|----------------------------|--|
| Agenda Ref No: | DAP150715 – 3.1 |
| Originating Officer | Steve Hooper Manager – Development Services |
| Description: | Review of sub-delegations |

REPORT OBJECTIVE:

To provide members of the Development Assessment Panel with the opportunity to revise the current sub-delegations from the Panel to the administration.

DISCUSSION:

Pursuant to Section 20 of the Development Act 1993, Council must delegate certain powers, functions and duties to either staff under delegation or, in the alternative, to the Development Assessment Panel.

Pursuant to Section 33 of the Development Act 1993, Council has delegated the power, as the relevant authority to assess a development against the provisions of the Development Plan and grant with or without conditions or refuse consent with respect to certain types of development to the Development Assessment Panel.

A copy of the current delegations to the City of Marion Development Assessment Panel is attached (Refer Appendix I). It is noted that the "*said powers, functions and duties of the Panel, may be sub-delegated by the Panel to an officer or officers of the Council.*" The most recent sub-delegations were made on 5 November 2014 and are outlined in Appendix II.

As the current Development Assessment Panel comprises new membership (including a new Presiding Member), a review of the sub-delegations is timely. Members are asked to familiarise themselves with each of the sub-delegations. Staff will be available at the meeting to clarify how the sub-delegations operate in practice, including the frequency and rationale behind each sub-delegation.

- Sub-Delegation e)

Members are requested to review sub-delegation e). This sub-delegation was introduced at a time when it was standard practice to approve residential land-uses prior to consideration of the associated land division application. As members would be aware, by virtue of various decisions in the Environment Resources and Development Court, it is now standard practice for certain dwelling types to require a land division approval prior to a land-use application being considered.

In this respect, Members are asked to consider whether they would support revising sub-delegation e), so as to contemplate either a land division or a land use application being processed under delegation once the Development Assessment Panel has approved the corresponding land use or land division application. If this approach is adopted, the wording of sub-delegation e) could be revised as follows:

- e) Applications (land division or land-use) that relate to a previously approved and corresponding land division or land-use where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan.

CONCLUSION

Sub-delegations to administration for certain types of applications enables those applications to be handled more efficiently and the Panel to focus and deliberate on more complex and/or contentious applications (such as proposals subject to representations).

Notwithstanding the above, nothing prevents the Manager Development Services from referring any matter for consideration or determination to the Panel that may otherwise be considered or determined under delegation by the administration. In other words, any sub-delegations will be used with discretion ensuring that any applications which might be contentious and/or complex in nature to be determined by the Panel, should the Manager Development Services consider such a course of action warranted.

RECOMMENDATION

That the Development Assessment Panel sub-delegate to the Manager Development Services, Team Leader Planning, Senior Development Officers Planning and Development Officer Planning, the powers, duties, and functions of the Council to deal with development applications that satisfy the following requirements:

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Appendix I: Delegations from Council to the Development Assessment Panel.
Appendix II: Current Sub-Delegations from the Development Assessment Panel to administration.

INSTRUMENT OF DELEGATION UNDER THE
DEVELOPMENT ACT 1993 AND DEVELOPMENT REGULATIONS 2008

**DELEGATIONS UNDER THE DEVELOPMENT ACT 1993
AND DEVELOPMENT REGULATIONS, 2008**

Pursuant to Section 20 of the Development Act 1993 and effective from 22nd May 2012, the Council delegates to the Development Assessment Panel the following powers, functions and duties of the Council under the Development Act and Regulations, and the said powers, functions and duties may be sub-delegated by the Development Assessment Panel to an officer or officers of the Council.

| Ref DA/DAP-__ | Sub-delegation |
|---|--|
| <p>1. The power, as the relevant authority and pursuant to Section 33 of the Development Act 1993, to assess a development against the provisions of the appropriate Development plan and grant with or without conditions or refuse consent in respect of each of the following:</p> <ul style="list-style-type: none">a Development that has been the subject to Category 2 or 3 public notification where there has been written representations by third parties expressing opposition to the proposal that cannot be satisfied by conditions or modifications to the plans.b Development that has been classified as non-complying. The Manager Development Services may determine to proceed with further assessment with a non-complying development. Such decisions shall be reported to the next meeting of the DAP.c Development that includes or is likely to include a new Liquor License or substantial amendment to an existing Liquor License other than for applications or amendments of a minor nature which may be determined by the Manager Development Services. Such applications shall be reported to the next meeting of the DAP.d Residential development and land division applications received by Council after 14 August 2003 that incorporate proposed allotments or site areas below the minimum allotment or site areas designated in respective zones and policy areas in the City of Marion Development Plan, unless the Manager Development Service intends to refuse such an application.e Development that includes:<ul style="list-style-type: none">• Outdoor advertising signs of a freestanding/pylon design where the face of the advertising structure exceeds 5m² in area (each side when double sided).• Outdoor advertising signs attached to a building or structure where the face of the advertising structure exceeds 10m².• Additions to existing signage where the proposed additions exceed 5m².• Outdoor advertising signs of a "billboard" construction/designf Any matter that is referred for consideration or determination under Part 4 of the Development Act 1993 at the discretion of the Manager Development Services that may otherwise be considered or determined by the Manager Development Services, Team Leader Planning or Development Officer Planning under separate delegation from Council or the Chief Executive Officer. | <p>Remains with Development Assessment Panel</p> |

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OTHER BUSINESS**3.11 Appeals update****3.12 Policy Observations****3.13 Resolution of Delegations**

The Development Assessment Panel resolve to endorse the following:

That the Development Assessment Panel (DAP) sub-delegate to the Manager Development Services, Team Leader Planning, Senior Development Officer Planning and Development Officer Planning the powers, duties, and functions of the DAP to assess a proposed development against the provisions of the Marion Council Development Plan and to grant or refuse consent to that application, in relation to the following:

- a) Applications (land division and/or land use) for group dwellings and/or residential flat building(s); if the overall area of an allotment or site (including any common areas such as driveways, etc.) when divided by the proposed number of dwellings and/or allotments satisfies the minimum site area designated for that dwelling type as prescribed within the relevant zone and/or policy area in the Marion Council Development Plan;
- b) Applications for advertisements; which do not exceed the maximum height and display area/panel size requirements as prescribed within the relevant zone and/or policy area and/or within the General Section: Advertisements in the Marion Council Development Plan;
- c) Applications (land division and/or land use) for dwelling(s) (including detached dwellings, semi-detached dwellings, row dwellings, group dwellings and residential flat buildings); where the proposed allotment(s)/site area(s) are no greater than 5% less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- d) Applications (land division and/or land use) for, or that include, detached dwelling(s); that propose allotment/site area(s) for the detached dwelling(s) which satisfy the minimum site area required for semi-detached dwelling(s), as designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- e) Applications for land divisions; that relate to a previously approved land use application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan;
- f) Applications that seek variations to applications previously determined by the Development Assessment Panel (DAP); that, in

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the opinion of the Manager Development Services, Team Leader Planning, Senior Development Officer Planning or Development Officer Planning, do not compromise or undermine the DAP's decision; and

- g) Applications for dwellings; where the application delineates that the development will comprise detached, semi-detached or row dwelling(s) once a plan of division has been deposited with the Lands Titles Office, and where the allotments either satisfy the site area requirements for the above-mentioned applicable form of development, or are no greater than 5% less than the applicable minimum allotment or site area, as designated in the relevant zone and/or policy area in the Marion Council Development Plan.

4 CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 5 November 2014 taken as read and confirmed this fifth day of November 2014

5 CLOSURE

MEETING DECLARED CLOSED AT 9.06PM



Rebecca Thomas
Presiding Member