

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 16 SEPTEMBER 2015**

1.1 PRESENT

1.2 APOLOGIES

1.3 IN ATTENDANCE

1.4 COMMENCEMENT

2. APPLICATIONS:

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To demolish existing buildings and structures and to construct a building to be used as service trade premises with associated car parking, landscaping and advertising signage.

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To vary condition 13 of Development Approval 100/2006/1709, to operate over a 24 hour period, 7 days per week

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2.3 282 OAKLANDS ROAD, PARK HOLME

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DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.1
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Revolution Roofing
Development Description:	To demolish existing buildings and structures and to construct a building to be used as service trade premises with associated car parking, landscaping and advertising signage.
Site Location:	576 Marion Road, Plympton Park
Zone:	Commercial Zone
Policy Area:	Marion Road Policy Area 1
Application Type:	Category 3 / Consent
Lodgement Date:	05/01/2015
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2015/5
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application was treated as a Category 3 form of development and was publicly notified pursuant to Section 38(5) of the Development Act 1993. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
The applicant was requested to provide additional on-site car parking for the proposed use of the building as “service trade premises” with only 7 spaces provided for a total floor area of 569 square metres. It was recommended that the floor area of the	The applicant made no changes to the plans stating that 7 on-site parking spaces would be sufficient for the proposed use of the building. Council engaged an independent traffic consultant (GTA Consultants) to review the car parking numbers proposed for the use of the

building be reduced and the number of on-site car parking spaces increased in accordance with the requirements set out within Council's Development Plan. (i.e. 4 spaces per 100 square metres of floor area for a "service trade premises").	building. Advice received from the consultant was that whilst 7 spaces was at the low end of the scale being the very minimum (1.2 spaces per 100 square metres of floor area), this number was considered acceptable and should cater for parking generally on the site.
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SUBJECT LAND & LOCALITY

The subject land is located on the south-western corner of Bray Street and Marion Road at 576 Marion Road Plympton Park and comprises two separate allotments (being Lots 537 and 538) which collectively provide a total site area of 1,505 square metres. The certificates of title for the subject land confirm that allotment 538 is subject to an unrestricted "right of way" over an area marked "C" on the plan which includes portion of the adjacent site immediately to the west of the subject land at 4 Bray Street.

The subject land is currently unoccupied but has previously been used as a second hand car dealership and for the display and sale of caravans and campervans. The land contains a number of existing free-standing pylon and billboard signs as well as many of the original buildings that were used in association with the previous uses of the land including a work shop, administration building, garage and carport. The site also maintains a number of existing light poles along the eastern and northern boundaries of the land.

Vehicular access to the land is currently provided via Bray Street, however it is noted that an existing unused driveway crossover does exist via Marion Road. A part from the existing buildings and structures located adjacent the western boundary of the site, the subject land is covered with extensive areas of hard surface paving once used for the display and sale of vehicles and campervans. The land is devoid of any existing trees or established vegetation.

The locality is characterised by a combination of residential development and commercial type land uses with existing commercial premises located on the north-western corner of Marion Road and Bray Street (existing second hand car dealership), directly opposite the subject land to the north, and on the north-eastern corner of Marion Road and Raglan Avenue (existing Bob Jane Tyre Mart). An existing commercial building also abuts the subject land immediately to the west but appears to be vacant.

Residential development generally abuts the commercial properties fronting Marion Road and comprises a predominance of single storey detached dwellings on regular shaped allotments fronting Bray Street and Marion Road. Some existing medium density unit development also exists within the locality with units fronting Marion Road as exhibited directly to the south of the subject land at 578 Marion Road which is developed with a single storey residential flat building containing four dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes to develop the land by constructing a new building to be used as "Service Trade Premises" for the display and sale of rolled-formed steel products including roofing and cladding in a range of profiles and structural decking, verandahs, patios, carports, corrugated steel products and fences. The applicant advises that the proposed use of the land is strictly for the sale and display of the above mentioned products with no fabrication of any steel products to occur on the subject land.

The proposed building will be located adjacent the western and southern boundaries of the site and will range in height from 3.2 to 6.7 metres above natural ground level. The building will provide a gross floor area of 568 square metres with the internal floor area accommodating space for the storage of stock, two general storage areas, the display of products and a small amenities area for the use of staff.

The applicant advises that a maximum of 5 staff will occupy the premises at any one time whilst the hours of operation will be Monday to Friday between 7:30 am to 5:30 pm and Saturdays between 8:00 am to 1:00 pm. The business will not be open on Sundays or public holidays.

With respect to deliveries to the subject land, it is proposed that a single delivery will occur to the site from the distribution centre each morning with this delivery to occur no earlier than 7:00 am in the morning. Deliveries to the site will occur using a ridged vehicle in the Revolution Roofing fleet with tray lengths of six to eight metres in length. During the day, drivers collecting goods from the site will do so in either a small truck or a utility.

A total of 7 on-site parking spaces are proposed which are to be located along the front of the building along the northern and eastern boundaries of the site. The car parking area also provides provision for the turning of staff/customer vehicles and delivery trucks. Access in and out of the site will be provided via two existing driveway crossovers along Bray Street which are to be modified to suit vehicle turning paths.

The building will be setback from all boundaries of the site and will provide landscaping to the front of the building primarily along the boundaries of Bray Street and Marion Road. A one metre wide strip of landscaping is also proposed along the southern boundary of the site which is to act as a landscape buffer between the proposed building and the existing residential properties to the south. Landscaping will generally include trees, ground covers and a large area of lawn to be used for display purposes.

In respect to advertising signage, the applicant intends to re-use two existing free-standing signs on the land, being signs "A" and "B" as illustrated on the plans. Existing sign "B" along the southern boundary is to be modified by being reduced in size so that it no longer over hangs the Council footpath. Only one new sign is proposed being sign "C" which is to be attached along the northern side of the building above the main roller door entry facing Bray Street.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 3 public notification process.
Representations:	7 representations were received by Council with 2 in favour of the application and 5 against the proposed development.
Persons wishing to be heard:	5 persons have indicated a desire to be heard by the Development Assessment Panel with all 5 individuals to be represented by Mr Phillip Brunning, a qualified Town Planning Consultant (Phillip Brunning and Associates)
Summary of representations:	Mr Brunning has provided a letter highlighting a number of shortfalls and potential amenity impacts associated with the proposed development under various headings including;

	<ul style="list-style-type: none"> • Land Use & Floor Area • Building Form & Appearance (Scale & Bulk) • Amenity (Outlook, Shadow & Noise) • Traffic & Access • Car Parking • Rights of Way & Easements
	<i>Refer Attachment IV</i>
Applicant's response:	<p>In response to the concerns raised by the representors, the applicant has made various changes to the application plans which include as follows;</p> <ul style="list-style-type: none"> • The roofline of the "stock storage" space has been converted to feature a central ridge. • The total height of the proposed building has been reduced by 300 mm. • The southern elevation of the building has been reduced in height to the eaves from 7 metres to 6.1 metres. • A new 2 metre high Colourbond fence is to be proposed along the western boundary of the site. • New swing gates are to be provided (to be open, pool-style in nature) near the north western vehicle egress point. • The car park dimensions adopt MFY's recommendations and are in accordance with the dimensional requirements of AS 2890. <p>The applicant has provided a set of amended plans together with a comprehensive collective response to the concerns raised within Mr Brunning's letter. This response is considered to be self-explanatory with individual responses provided by the applicant's solicitor, architect and traffic consultant to the concerns raised.</p> <p><i>Refer Attachment V</i></p>

GOVERNMENT AGENCY REFERRAL

Department of Transport, Energy and Infrastructure:	<p>The following comments were provided by the Safety and Service Division of DPTI:</p> <ul style="list-style-type: none"> • It is DPTI Policy to minimise the number of access points on the arterial road network in the interests of public safety, particularly where access is available via the local road network, therefore all access via Bray Street is supported. • It is DPTI policy that vehicles should enter and exit arterial roads in a forward direction. It appears that sufficient space is available for B99 vehicles and 8.8m Medium Rigid Vehicles (MRV) to enter and exit the site in a forward direction. • DPTI has reviewed the proposed signage. Given that the proposed signs are not to be internally
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	<p>illuminated, DPTI is of the opinion that the signs are unlikely to impact on the conspicuity of the nearby signal lanterns.</p> <p><u>CONCLUSION</u></p> <p>DPTI raised no objection in-principle to the proposed development subject to the inclusion of various conditions. (Refer to recommended Conditions of approval 28 – 36)</p>
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Whilst early concerns were raised by Council's Engineer in relation to the original stormwater management plan submitted with the application, these concerns have since been addressed by the applicant.</p> <p>Members are advised that the revised stormwater management plan which is attached to this report has been re-assessed by Council's Engineer as now being acceptable.</p>
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Commercial Zone and Marion Road Policy Area 1 are listed in the following table and discussed in further detail below:

Commercial Zone		
<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>	Complies
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Generally Complies
<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ <i>bulky goods outlet</i> ▪ <i>consulting room</i> ▪ <i>motor vehicle related business other than wrecking yard</i> ▪ <i>office</i> ▪ <i>petrol filling station</i> ▪ <u>service trade premises</u> ▪ <i>shop with a gross leasable area of 250 square metres or less</i> ▪ <i>store</i> ▪ <i>warehouse.</i> 	Complies
<i>PDC 3</i>	<i>Retail development in the zone should not hinder the development or function of any centre zone.</i>	Complies

Assessment

As previously discussed, the subject land has historically been used as “services trade premises” over many years having been previously used for the sale and display of campervans and caravans. More recently, the land has been used for the sale and display of second hand vehicles but now remains unoccupied. As members would be aware, “service trade premises” is defined within Schedule 1 of the Development Regulations 2008 as follows;

service trade premises means premises used primarily for the sale, rental or display of—

- (a) basic plant, equipment or machinery used in agriculture or industry; or*
- (b) boats; or*
- (c) caravans; or*
- (d) domestic garages; or*
- (e) sheds; or*
- (f) outbuildings; or*
- (g) motor vehicles; or*
- (h) marquees; or*
- (i) trailers; or*
- (j) swimming pools, equipment and accessories; or*
- (k) building materials; or*
- (l) landscaping materials; or*
- (m) garden plants (primarily in an indoor setting),*
or similar articles or merchandise;

In respect to the proposed use of the land, it is considered that “service trade premises” is a kind of business or form of commercial land use that fits comfortably within the intent of Objective 1, and is a kind of development that is listed as an envisaged use within Principle of Development Control 1 of the Commercial Zone.

In respect to Objective 2 of the Commercial Zone, it is considered that the applicant has done much to minimise potential amenity impacts associated with the proposed development by creating a landscape buffer along the southern boundary of the subject land, setting taller sections of the proposed building away from adjacent residential properties to the south and reducing the overall height of the building by 300mm.

Whilst the proposed building is to be located only 1.9 metres from the southern boundary, sections of the building located along this boundary will stand no more than 3.2 metres in height, then raising up to 6.7 metres some 7 metres from the southern boundary. This should help to reduce the visual impact of the building when viewed from the residential properties to the south as well as help to minimise excessive overshadowing of the private yard areas and habitable windows of these dwellings/properties.

In summary, it is considered that the proposed building has been designed and articulated in such away so as to create a suitable distance of separation along the southern property boundary. Whilst some visual intrusion is expected, it is unlikely that the presence of the proposed building will have a detrimental visual impact on the residents located directly to the south of the subject land.

As such, I am of the opinion that the Objectives and Principles of the Commercial Zone are adequately represented by the proposed development.

Marion Road Policy Area 1

Objectives		Complies														
<div>1Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road.</div> <div>2Development that enhances the visual qualities and streetscape of the Marion Road corridor.</div> <div>3A policy area where development provides an appropriate transition and visual and acoustic buffers between non-residential and residential use in adjoining zones.</div>																
Desired Character The non-residential development in the policy area fulfils a significant local servicing role to the Marion council area and particularly to local residents. The policy area is to be further developed and upgraded by relatively small-scale, low-intensity uses with high design qualities and management measures to enhance the streetscape and to protect residential amenity in adjacent residential zones. The intensity, floor size, scale and height of development therefore needs to provide for an appropriate transition to residential uses. High impact uses, such as the petrol filling station at 646 Marion Road and the fitness centre at Plympton, are not to be expanded but, rather, further development seek to reduce such impacts and improve residential amenity. The architectural style and finishes of building development are to be imaginative and creative, but are expected to exhibit an overall domestic scale and character. Off-street car parking areas will be located at grade and be designed and landscaped to present an attractive view from public roads, particularly Marion Road, with servicing and loading areas screened from general public view.		Complies The proposed building will range in height between 3.2 to 6.7 metres thereby projecting a similar building height to that of a standard two storey dwelling.														
PDC 1	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none">▪ bulky goods outlet▪ community uses▪ consulting rooms▪ indoor entertainment facilities▪ motor vehicle related activities▪ office▪ recreation facilities▪ <u>service trade premises.</u>	Complies														
PDC 2	<div>The gross leasable floor area of the following forms of development should be limited to that shown in the table below:</div> <table><tr><th>Form of development</th><th>maximum gross leasable floor area</th></tr><tr><td>Bulky goods outlet</td><td>300 m²</td></tr><tr><td>Community uses</td><td>250 m²</td></tr><tr><td>Consulting room</td><td>250 m²</td></tr><tr><td>Office</td><td>250 m²</td></tr><tr><td><u>Service trade premises</u></td><td><u>300 m²</u></td></tr><tr><td>Shop (excluding bulky goods outlet)</td><td>150 m²</td></tr></table>	Form of development	maximum gross leasable floor area	Bulky goods outlet	300 m ²	Community uses	250 m ²	Consulting room	250 m ²	Office	250 m ²	<u>Service trade premises</u>	<u>300 m²</u>	Shop (excluding bulky goods outlet)	150 m ²	Does Not Comply The proposed development provides a gross leasable floor area of 568 m ² . That having been said, the subject land comprises two separate allotments which could be potentially developed with two separate “service trade premises” each providing a gross leasable area of 300 m ² for a total gross leasable area of 600 m ² over the land.
Form of development	maximum gross leasable floor area															
Bulky goods outlet	300 m ²															
Community uses	250 m ²															
Consulting room	250 m ²															
Office	250 m ²															
<u>Service trade premises</u>	<u>300 m²</u>															
Shop (excluding bulky goods outlet)	150 m ²															
PDC 3	Higher traffic volume generating development including take-away food, most shop types and motor fuel outlets should not be established. Further development of existing uses of this kind should not involve an extension in the existing floor area.	Complies														

<i>PDC 5</i>	<i>Buildings should not exceed 2 storeys or 8 metres in height above natural ground surface level.</i>	Complies The proposed building has a maximum building height of 6.7 metres above natural ground surface level.
<i>PDC 6</i>	<i>Development adjacent residential zones should incorporate all of the following: (a) a minimum 6 metre setback for buildings from the zone boundary (b) visual and acoustic buffer features (c) landscaped areas having a minimum width of 2 metres (d) 2 metre high fencing</i>	(a)Does Not Comply (b)Complies (c)Does Not Comply (d)Complies
<i>PDC 7</i>	<i>Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.</i>	Complies

Assessment

In respect to Objective 1 of Marion Road Policy Area 1, it is noted that the applicant's traffic consultant together with Council's traffic consultant both agree that the proposed use of land will generate low volumes of traffic to the site. In addition, DPTI have raised no objections in relation to access and traffic related issues associated with the proposed development and have given in principle support for the proposal.

In terms of design and appearance, it is considered that the proposed building will make a positive visual contribution to the streetscape along this section of Marion Road and Bray Street, whilst the provision of additional landscaping will greatly enhance the appearance of the land when viewed from surrounding land. Whilst the western side wall of the building provides little detail or visual interest by comparison, this wall will not be obviously visible from the street as it will be largely obscured from public view by the existing commercial building located directly to the west of the subject land at 4 Bray Street. Notwithstanding, it is considered that the proposed development accords with Objective 2 of Marion Road Policy Area 1.

The proposed building has been designed and articulated in such away so as to create a suitable distance of separation along the southern property boundary. In addition, the applicant also intends to include a landscape buffer comprising a line of "pencil pine" trees along this boundary to provide an appropriate level of transition between the units to the south and the subject land. As such, it is considered that the proposed development accords with Objective 3.

In respect to the desired character statement for Marion Road Policy Area 1, I am of the opinion that the proposed use of the land to be appropriate being in keeping with previous uses approved on the land and not dissimilar to the scale and intensity of other existing commercial uses located within the immediate locality (i.e. Bob Jane Tyre Centre).

Whilst the gross floor area of the proposed building exceeds the 300 square metres listed within the table set out within Principle of Development Control 2, it is considered that the proposed use of the land and the type of products that are to be displayed and sold from the subject land, will not generate a high traffic demand or large amounts of customers at any one time. As such, the proposed use of the land is considered to be a low intensity use as envisaged within the desired character statement. Furthermore, it is considered that the proposed building incorporates high design qualities that seek to enhance the streetscape and attempt to protect the residential amenity of the adjacent residential properties to the south of the subject land.

The scale and height of the proposed building is considered appropriate being less than two stories or 8 metres in height and provides an appropriate level of transition in respect to the residential properties located to the south of the subject land. It is further considered that the architectural style and finishes of the building together with the provision of additional

landscaping and vegetation along the southern, eastern and northern boundaries of the site will greatly enhance the general appearance of the site when viewed from surrounding land.

Whilst some level of non-compliance is noted in respect to the provisions set out above, on balance, it is considered that the proposed development generally accords with the primary Objectives and Principles of Development Control and Desired Character for Marion Road Policy Area 1.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies</p> <p>Despite being located just 1.9 metres from the nearest residential property boundary to the south, I am of the opinion that the proposed building accords with PDC 1 and will make a positive visual contribution to the existing streetscape along this section of Bray Street/Marion Road.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <ul style="list-style-type: none"> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The external wall of the proposed building along the southern elevation has been well articulated to minimise the visual impact of the building along this boundary.</p> <p>The visual impact of the proposed building will be further reduced with the inclusion of a line of 'Pencil Pines' which are to be planted along the southern boundary.</p> <p>The shadow diagrams provided by the applicant indicate that the proposed building will cast very little appreciable shadow over the properties located to the south of the subject land.</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p>

<p>Overshadowing</p> <p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p>(a) windows of habitable rooms (b) upper-level private balconies that provide the primary open space area for a dwelling (c) solar collectors (such as solar hot water systems and photovoltaic cells).</p> <p><i>General Section: Design & Appearance: PDC 9</i></p>	<p>Complies</p> <p>The attached shadow diagrams provided by the applicant indicate that whilst some overshadowing of the private yard areas of the dwellings to the south will occur, there will be only a marginal increase in the amount of shadow to be cast by the new development when compared to the current level of overshadowing that presently occurs at 10:00 am, 1:00pm and 3:00pm on the 21st of June.</p>
<p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p>(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.</p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p>
<p>Visual Privacy</p> <p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures: (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms (c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p> <p>As no openings are proposed along the southern elevation of the building, the proposed building provides no opportunity to overlook into the private yard areas of the adjoining residential properties to the south.</p>
<p>Relationship to the Street and Public Realm</p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	<p>Complies</p> <p>The proposed building provides an attractive street presentation to both Bray Street and Marion Road with the main public entry point facing Bray Street.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p>

<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies</p> <p>The proposed building has been well articulated along the northern, eastern and southern boundaries and incorporates a mix of colours and materials which will provide a satisfactory level of visual interest when viewed from surrounding land.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p>	<p>Complies</p>
<p>Outdoor Storage and Service Areas</p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 22</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p> <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>The proposed building provides a suitable front setback from the boundaries along Marion Road and Bray Street to provide an attractive street presentation.</p>
Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p>It is worthy to note that the existing amenity of the locality is already largely compromised by the high traffic volumes/noise and air pollution impacts generated by vehicles travelling along Marion Road during the day and night.</p> <p>Given the proposed use of the land it is unlikely to expect that the amenity of the locality will be detrimentally affected by the activities that are to be undertaken within the building and on the on the land. As previously mentioned, no manufacturing or general fabrication is to be undertaken on the land.</p> <p>In addition, it is also considered that the proposed hours of operation and delivery times associated with the operation of the land to be acceptable with deliveries to occur no earlier than 7:00am in the morning.</p>

<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p> <p>The main activity areas associated with the proposed building are all orientated towards the boundaries of Marion Road and Bray Street and away from the existing adjacent residential properties to the south of the subject land.</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Complies</p> <p>There will be a marginal increase in the amount of shadow to be cast by the proposed building but this should not have a detrimental impact on the amenity of the owners and occupiers of adjacent land.</p>
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies</p>
<p>Noise Generating Activities</p> <p><i>Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 7</i></p>	<p>Complies</p> <p>Given the proposed use of the land, it is unlikely to expect that any significant levels of noise will be emitted from the building.</p> <p>As previously mentioned, no manufacturing of any type is to occur on the land with the building to be used for the display and sale of products.</p>
<p>Transportation and Access</p>	
<p>Land Use</p> <p><i>Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.</i></p> <p><i>General Section: Transportation and Access: PDC 1</i></p>	<p>Complies</p> <p>The proposed development is suitably located along an existing arterial road making good use of Marion Road.</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p>
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>General Section: Transportation and Access: PDC 9</i></p>	<p>Complies</p> <p>The proposed building is well setback from both Marion Road and Bray Street and therefore maintains suitable sightlines for all road uses and pedestrians.</p> <p>No issues were raised by DPTI in relation to access and safety concerns following their assessment of the proposed development.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p>Complies</p> <p>The number of existing crossovers associated with the subject land is to be reduced by one with the closure of an existing driveway via Marion Road.</p>

<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p><i>General Section: Transportation and Access: PDC 12</i></p>	<p>Generally Complies</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p>	<p>Generally Complies</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies This aspect of the application has been comprehensively assessed and has been found to be acceptable.</p>
<p>Cycling and Walking</p> <p><i>Development should ensure that a permeable street and path network is established that encourages walking and cycling through the provision of safe, convenient and attractive routes with connections to adjoining streets, paths, open spaces, schools, pedestrian crossing points on arterial roads, public and community transport stops and activity centres.</i></p> <p><i>General Section: Transportation and Access: PDC 15</i></p>	<p>Complies The proposed development provides provision for the parking of bicycles as indicated on the application plans.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <ul style="list-style-type: none"> <i>(a) located in a prominent place</i> <i>(b) located at ground floor level</i> <i>(c) located undercover</i> <i>(d) located where surveillance is possible</i> <i>(e) well lit and well signed</i> <i>(f) close to well used entrances</i> <i>(g) accessible by cycling along a safe, well lit route.</i> <p><i>General Section: Transportation and Access: PDC 20</i></p>	<p>Complies</p>
<p>Access</p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Complies</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i> <i>(b) provides appropriate separation distances from existing roads or level crossings</i> <i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i> <i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Complies</p>
<p><i>Development should not restrict access to publicly owned land such as recreation areas.</i></p> <p><i>General Section: Transportation and Access: PDC 24</i></p>	<p>Complies</p>

<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <p><i>(a) limited to local roads (including rear lane access)</i></p> <p><i>(b) shared between developments.</i></p> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p>Complies</p>
<p><i>Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 26</i></p>	<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p>
<p><i>Structures such as canopies and balconies that encroach onto the footpath of a road should not cause visual or physical obstruction to:</i></p> <p><i>(a) signalised intersections</i></p> <p><i>(b) heavy vehicles</i></p> <p><i>(c) street lighting</i></p> <p><i>(d) overhead electricity lines</i></p> <p><i>(e) street trees</i></p> <p><i>(f) bus stops.</i></p> <p><i>General Section: Transportation and Access: PDC 29</i></p>	<p>Complies</p> <p>The existing billboard advertising sign located along the southern boundary of the subject land currently overhangs the Council footpath along Marion Road. This sign is to be reduced in size so as to be located wholly within the boundaries of the subject land.</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><i>(a) follow the natural contours of the land</i></p> <p><i>(b) minimise excavation and/or fill</i></p> <p><i>(c) minimise the potential for erosion from surface runoff</i></p> <p><i>(d) avoid the removal of existing vegetation</i></p> <p><i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p>Complies</p>
<p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p>	<p>Complies</p>
<p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p>Complies</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Does Not Comply</p> <p>As a "service trade premises" the proposed development should provide a total of 23 on-site car parking spaces for a building providing a gross floor area of 568 square metres, in accordance with Table Mar/2.</p> <p>As previously mentioned, the proposed development provides a shortfall of 16 car parking spaces when assessed against the criteria set out within Table</p>

	Mar/2 of the Development Plan
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	Complies
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Generally Complies</p> <p>The proposed development provides provision for 7 suitably placed on-site car parking spaces to the front of the building with sufficient space to enter, turn around and leave the site in a forward direction.</p> <p>As previously mentioned, Council's Traffic Consultant has concluded that the traffic anticipated to be generated by the proposed development will be appropriate without having an adverse impact on the adjacent road network.</p> <p>The proposed development seeks to use two existing driveway crossovers which are to be modified to suit vehicle turning paths. An existing unused crossover via Marion Road is to be deleted and reinstated.</p> <p>The proposed development incorporates areas of strip landscaping within the proposed car parking area to the front of the building and along the eastern and northern boundaries of the subject land.</p> <p>Such landscaping is to include ground covers and trees which once established will provide shade and enhance the appearance of the on-site parking area fronting Bray Street.</p>
<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Complies</p> <p>Whilst the subject premises is not to be in use during non-daylight hours, the subject land does have existing light poles which could be used to illuminate the site at night.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	Complies
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	Complies
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	Complies

Advertisements

<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>Only three advertising signs are proposed in association with the proposed use of the land with two of these signs being existing free-standing signs already in place on the land.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>Complies</p> <p>All existing or proposed signage to be used for advertising purposes is to advertise the corporate logo for Revolution Roofing which is to be printed in red on a white back ground.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p>Complies</p> <p>An existing billboard advertising sign located along the southern side boundary of the subject land currently over hangs the Council footpath area adjacent Marion Road.</p> <p>This application seeks to reduce the size of this sign so that no part of the sign over hangs the Council footpath and to ensure that it is entirely contained within the boundaries of the subject allotment.</p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i></p> <p><i>(b) a road, median strip or traffic island</i></p> <p><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> <p><i>(d) residential land.</i></p> <p><i>General Section: Advertisements: PDC 6</i></p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p>Complies</p>
<p><i>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p> <p><i>General Section: Advertisements: PDC 9</i></p>	<p>Complies</p>

<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p>Complies</p>
<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <p>None of the proposed or existing signs to be used for advertising purposes are to be internally illuminated.</p> <p>As previously mentioned, DPTI has raised no issues of concern in relation to the advertising signage that has been proposed for the land.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p>Complies</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p><i>General Section: Advertisements: PDC 17</i></p>	<p>Complies</p> <p>The proposed signage will not be internally illuminated or utilise LED, LCD or other similar technologies.</p>
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Does Not Comply</p> <p>The subject land contains two existing free-standing signs which have existing use rights to be re-used in respect to the proposed use of the land.</p> <p>The larger of the two existing free-standing signs on the land is to be modified by being reduced in advertising area. This is considered a positive outcome for the site.</p>
<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p>Complies</p> <p>Marion Road has a speed limit of 60 km/h</p>
<p>Crime Prevention</p>	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies</p> <p>The subject land will provide open fencing along the boundaries of the subject land fronting Marion Road and Bray Street.</p>

<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Complies</p> <p>The subject land contains existing light poles which could be used to illuminate the new building and car parking area to the front of the subject land.</p>
<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <ul style="list-style-type: none"> <i>(a) screen planting areas susceptible to vandalism</i> <i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i> <i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p>Complies</p>
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>General Section: Crime Prevention: PDC 10</i></p>	<p>Complies</p> <p>Pedestrian areas located to the front of the site are open to the street and clear of potential entrapment spots.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p>	<p>Complies</p> <p>The subject land is currently devoid of any existing vegetation and is in a state of disrepair having been left vacant for some time.</p> <p>The proposed development is to incorporate areas of strip landscaping within the proposed car parking area to the front of the building and along the eastern and northern boundaries of the subject land.</p> <p>Such landscaping is to include ground covers and trees which once established will provide shade and enhance the appearance of the on-site parking area fronting Bray Street.</p>
<p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The site of the development is already fenced along all boundaries with open style “pool” fencing provided along the eastern and northern side boundaries facing Marion Road and Bray Street.</p> <p>This fencing is to be retained along these boundaries except where it is to be modified to incorporate new entrance gates. The open style fencing is considered appropriate as it provides security, casual surveillance and open sight lines to assist motorists turning left onto Bray Street from Marion Road.</p> <p>New fencing is proposed along the western boundary of the site and is to incorporate a combination of 2.0 metre high colour-bond fencing along some portion of the boundary together with open style “pool” fencing and gates providing access over an existing “right of way” within this portion of the site.</p>
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TABLE DISCUSSION

As the proceeding assessment confirms, the proposal generally satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. However, the following non-compliance is noted and discussed in further detail below:

On-site Car Parking Provision

As mentioned throughout this report, the one major shortfall identified with the proposed development has been in relation to the number of on-site car parking spaces that have been proposed in respect to the use of the building on the land. As the proposed building is to be used as “service trade premises” providing a gross floor area of 568 square metres, a total of 23 car parking on-site spaces should be provided in accordance with Table Mar/2 of the Council's Development Plan. The applicant is proposing a total of 7 spaces representing a shortfall of 16 on-site car parking spaces for the proposed use of the building.

The applicant's traffic consultant has indicated on a number of occasions that a lesser number of car parking spaces would adequately cater for the demand anticipated for the proposed use of the building on the subject land. This number being derived from an assessment undertaken of the car parking demand/numbers associated with another Revolution Roofing franchise which currently operates within Lonsdale, which is similar in size and scale and provides a gross floor area almost the same as the proposed building on the subject land at 576 Marion Road.

Given the above shortfall, Council engaged an independent traffic consultant (GTA – Traffic Consultants) to review the car parking numbers for the proposed use of the land and provide an opinion regarding an appropriate number of spaces for the proposed development. After considering the supporting car parking and traffic information provided by the applicant, Council's consultant was of the opinion that whilst 7 car parking spaces would be the minimum number of spaces considered acceptable for the proposed use of the land, this number of parks should nonetheless cater for parking generally on the site.

Members are advised that a copy of the traffic advice provided by GTA is attached together with a copy of the response that was received from the applicant's traffic consultant responding to concerns raised by GTA following their assessment of the traffic information submitted with the application (Refer to Attachments VII & VIII). In conclusion, it has been determined that all

traffic related issues related to the development of the subject land have now been satisfactorily addressed and that an adequate number of on-site car parking spaces have been provided in respect to the proposed use of the building on the land.

That having been said, concerns have been raised by staff regarding potential future traffic and car parking implications should Revolution Roofing decide to vacate the premises and a high traffic generating “service trade premises” or similar use, was to move in and occupy the site with only 7 on-site car parking spaces available on the land.

As Members may be aware, the change of tenancy from one “service trade premises” to another “service trade premises” does not require the consent of Council. This concern was conveyed to the applicant during the assessment of the proposed development, with the applicant advising that he would be happy for the Council to impose a condition of approval which specifically identified the use of the site with the activities proposed by Revolution Roofing.

Should this condition be imposed, this would then allow Council to have control over the assessment of any new development proposals involving the subject land which would have to comply with the limited number of on-site car parking spaces available on the site. This outcome works as a double edged sword as it allows control over the assessment of any new applications for the land but also may result in the site remaining vacant for long periods of time.

That having been said, it is important that Council has a role in assessing potential new uses for the land, because if a high traffic generating land use was to move in or be approved on this particular site without sufficient car parking, then this potentially would have severe traffic related consequences especially in respect to the local road network and the movement of traffic through the existing intersection of Marion Road and Bray Street.

As such, the applicant has agreed to the imposition of the following condition which reads as follows;

(1) The proposed service trade premises herein approved, is limited in its use and goods to be stored, displayed and sold, to only those generally comprising domestic and steel products and associated items, including:

- 1. Roofing and cladding products;*
- 2. Structural decking and verandahs;*
- 3. Patios and carports;*
- 4. Corrugated and rolled-formed steel products*
- 5. Fencing products;*
- 6. Rain-water goods, including tanks, gutters and flashings; and*
- 7. or similar articles or merchandise.*

Should the Development Assessment Panel decide to approve the proposed development, it is recommended that the above condition be included as a condition of approval.

REPRESENTOR'S CONCERNS

The concerns and issues raised by the representors in relation to the proposed use of the land, the design and appearance of the building, the potential detrimental impacts of the development on the amenity of adjacent residents, the excessive floor area of the building as well as traffic and access related issues have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development generally accords with the majority of the most relevant provisions of the Council's Development Plan. The applicant has had regard to the issues raised within the representations and has subsequently made minor design changes to the building including reducing the overall height of the building. The amended changes whilst considered minor will help to reduce the bulk and scale of the building as well as minimise the amount of overshadowing to be cast over the existing residential properties to the south of the subject land. This is considered a reasonable compromise in the circumstances in that it achieves a positive design outcome whilst maintaining an economically viable building footprint on the land for future commercial land use purposes.

In terms of design and appearance, it is considered that the proposed building displays a high degree of articulation and architectural merit whilst also providing adequate areas of landscaping and added vegetation along the eastern and northern boundaries of the site fronting Marion Road and Bray Street. It is considered that the proposed building presents well to both these roads and incorporates a high degree of glazing along those elevations of the building that provide a presentation to the street. As such, it is considered that the proposed development will greatly enhance the appearance of the site when viewed from surrounding land.

Whilst the number of on-site parking spaces proposed for the land falls substantially short of the requirements set out within the Council's Development Plan for "service trade premises," it has been determined by an independent traffic consultant that the 7 on-site car parking spaces provided in respect to this application to be at the low end of the scale, but nonetheless sufficient in number to cater for parking generally on the site. In addition, it has been determined that all traffic and access related issues have now been satisfactorily addressed with sufficient space provided for the internal movement of customer and delivery vehicles to be suitably undertaken on the land.

Assessment relating to the qualitative principles of development control has concluded that the proposed development satisfies a majority of the relevant criteria. 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 amenity of the owners and occupiers of adjoining land.

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

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: 100/2015/5 to demolish existing buildings and structures and to construct a building to be used as service trade premises with associated car parking, landscaping and advertising signage at 576 Marion Road Plympton Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/5, including the letters prepared by Botten Levinson Lawyers stamped dated received 5 January 2015 and 20 July 2015, the amended site and elevation plans prepared by Brown Falconer Architects both marked Job Number 2014062, Drawing Number 02 (Rev B) and stamped dated received 18 August 2015, the letter prepared by MFY – Traffic Consultants stamped dated received 18 August 2015 and the amended Stormwater Management Plan prepared by FMG – Engineering marked Revision A and stamped dated received 20 July 2015 except when varied by the following conditions of consent.
2. The proposed service trade premises herein approved, is limited in its use and goods to be stored, displayed and sold, to only those generally comprising domestic and steel products and associated items, including:
 - Roofing and cladding products;
 - Structural decking and verandahs;
 - Patios and carports;
 - Corrugated and rolled-formed steel products
 - Fencing products;
 - Rain-water goods, including tanks, gutters and flashings; and
 - or similar articles or merchandise.
3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. 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.
5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of 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. 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).
8. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
9. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
10. All commercial vehicles visiting the site shall enter and exit the land in a forward direction.
11. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
12. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
13. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
14. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
15. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
16. All car parking spaces shall be line marked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
17. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times.
18. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
19. All goods and materials placed in the area designated for the outside display of goods and materials shall be kept in a tidy manner and condition at all times.
20. At no time shall any stored goods, products or materials be visible above the height of the fence and/or screen surrounding the storage area(s).

21. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.
 22. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - 7:00am - 7:00pm 7 days a week;
 23. The hours of operation of the premises shall be restricted to the following times:
 - 7:30am – 5:30pm Monday to Friday
 - 8:00am – 1:00pm Saturday
 24. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
 25. The advertisement(s) and supporting structure(s) shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
 26. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of the Council.
 27. The proposed sign(s) shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.
- DPTI CONDITIONS (Safety and Service Division)**
28. Access to/from the site shall be via Bray Street only.
 29. All vehicles shall enter and exit the site in a forward direction.
 30. The largest vehicle permitted on-site shall be an 8.8 metre Medium Rigid Vehicle (MRV).
 31. The obsolete crossover on Marion Road shall be reinstated to Council standard kerb and gutter at the applicant's cost. This work shall be completed prior to the operation of the development.
 32. Signage upon the site shall not contain any element that flashes, scrolls, moves or changes.
 33. Any lighting shall be positioned and or/shielded so as not to produce glare or create an undue distraction/discomfort to passing motorists.
 34. Non illuminated signage on the site shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
 35. The utilisation of Trailer Mounted Variable Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
 36. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Marion Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

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

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>
<i>Attachment VII:</i>	<i>Report prepared by GTA Traffic Consultants</i>
<i>Attachment VIII:</i>	<i>Response prepared by MFY Traffic Consultants</i>

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.2
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Kelly Robb
Development Description:	To vary condition 13 of Development Approval 100/2006/1709, to operate over a 24 hour period, 7 days per week
Site Location:	312-314 Diagonal Road Oaklands Park
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 3 / Consent
Lodgement Date:	18/03/2015
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2015/467
Recommendation:	Development Approval (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of Section 39 (7) (c) of the Development Act, 1993 where the application sought to be varied was previously notified as a Category 3 development, the variation application must also be dealt with as an application for Category 3 development if any representations were made on the previous development that is related to any aspect of the development that is now under consideration.

The issue of noise was raised in a representation for the original application, and this was deemed to be a relevant consideration in the current proposal to which Category 3 notification was warranted.

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

BACKGROUND

The original application was lodged in August 2006 to change the land use from a motor sales outlet and repair station to a health and fitness centre. Four representations were received, two unopposed to the development and two raising issues of noise and car parking. Development Approval was subsequently granted on 6/9/2007.

A variation was submitted in July 2008 for the installation of two roof mounted air conditioning units, associated duct work and louvred screens. Development Approval was granted on 30/3/2009.

The original development application 100/2006/1709 was delegated to the Development Assessment Commission (DAC) for a determination as, at the time, Council believed there could be a perceived conflict of interest from owning the land which now sites the SA Aquatic Centre, where Council's decision making could be seen as being prejudiced by the fact that a gymnasium was a possible secondary use to the primary use of the aquatic centre.

Council advised the DAC of the lodgement of the variation and were advised that there was no objection to Council considering a change to an existing operational condition.

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

Information Requested	Amendments Made
Likely numbers of people to attend beyond the current operating hours	Details of patron numbers provided
Details of staffing and security measures required to operate on a 24 hour basis	Details of staffing levels and measures for patron safety provided
Requested that traffic control measure be put in place for northern car park to restrict vehicles parking in area during night time hours	Applicant indicated that they would install a swinging arm gate and signage at the entrance of the northern car park to restrict vehicle parking in the evening and early hours of the morning.
Acoustic report	Acoustic report provided

SUBJECT LAND & LOCALITY

The subject site is located at 312-314 Diagonal Road, Oaklands Park and maintains an existing health and fitness centre operating as "Goodlife Gym".

The subject land comprises an irregular shaped allotment incorporating an approximate 94 metre frontage to Diagonal Road, terminating at the southern end of the site at a point where the land abuts Sturt Road. The land also has an approximate 96 metre frontage to Finniss Street and a total site area of approximately 3793 square metres.

The gym's approved operating hours consist of 6am to 9pm Monday to Friday; 7.30am to 7pm on Saturdays and 9am to 7pm on Sundays.

The site has two car park areas, one to the southern side of the building and one to the northern side of the building. Each car park maintains an access point on both Diagonal Road to the west and Finniss Street to the east and incorporates a total of 80 car park spaces.

There are approximately 25 on-street parking spaces at 90° angles between the subject land and Finniss Street.

On the opposite side of Finniss Street, together with land abutting the subject land to the immediate north, are residential allotments comprising detached dwellings. Residential uses also prevail to the immediate south-west on the opposite side of Sturt Road, west of Diagonal Road.

To the immediate east on the opposite side of Diagonal Road is the Westfield Marion Shopping Centre which is located within the Regional Centre Zone. This zone also includes those properties to the south-east on the opposite side of Sturt Road and which includes civic and community buildings including Council's Administration Building.

The nature of the locality is somewhat mixed. Although residential uses prevail to the north and east of the subject land, the locality is also dominated by commercial buildings within the adjoining Regional Centre Zone to the west and south-east. Further, within the residential zone along Diagonal Road, residential development is interspersed with long standing non-residential development including health and medical consulting rooms at 304 and 306 Diagonal Road, Oaklands Park.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to vary Condition 13 on the original approval to alter the approved operating hours from opening in the morning and closing in the evening to operating on a 24 hour basis, 7 days a week.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	25 properties were notified during the Category 3 public notification process.
Representations:	<p>3 representations were received by Council.</p> <ul style="list-style-type: none"> • City of Marion (Land and Property Department) – In favour subject to certain amendments or provisions being met. • H Kourch – Against the application • P & J Tharaldsen – Against the application
Persons wishing to be heard:	No persons have indicated a desire to be heard by the Development Assessment Panel.
Summary of representations:	<ul style="list-style-type: none"> • Any variation should ensure that there is adequate parking for staff and patrons. Finniss Street which is adjacent has a bike lane. • Noise needs to be considered to ascertain if the variation will result in unreasonable levels of noise from trading 24 hours, 7 days a week. • Already a problem with people parking along Finniss Street at the no standing area. This makes driving in and out of our driveway and turning out form Finniss Street into Sturt Road dangerous. • Sturt Road traffic is already too busy and we don't want Finniss Street to be busy too. Opening the Fitness Centre 24 hours will make it far too busy and hard for us to cope.

	<ul style="list-style-type: none"> • Please monitor Finniss Street closely because it is dangerous for people to get in and out. • It is too close to the Finniss Street residential houses. • It has become noisier and busier since the Fitness Centre was built. We accept this during the day, but a 24 hour period, 7 days per week is too much. • The fitness centres mentioned are in industrial areas. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The club will not operate at full capacity during the proposed extended hours of operation. • During the extended hours of operation: <ul style="list-style-type: none"> • No group classes will be running; • Air conditioning systems will be switched off with fans to remain active – this will eliminate any airborne noises. • Background music will be set to a minimum. • Goodlife will be monitoring these noise levels to ensure compliance with regulatory requirements. • The Northern car park will be closed off to all members during the extended period of time to eliminate any noise disturbances to neighbouring properties. • This has been further justified in our acoustic report prepared by Sonus. • Expected patronage numbers during the extended hours will be no greater than 1-15 members per hour. • It is anticipated that the overall impact will be minimal when considering the above. • It is unlikely that street parking will be required and will be policed through Goodlife's induction process. • In regards to staff parking, the facility will be unmanned during the extended hours of operation. • <p style="text-align: right;"><i>Refer Attachment V</i></p>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	
Objectives 1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.	
PDC 1	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling ▪ dwelling addition ▪ small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - health and welfare services

	<ul style="list-style-type: none"> - open space - primary and secondary schools - recreation areas - shops, offices or consulting rooms <p>▪ supported accommodation.</p>
PDC 2	Development listed as non-complying is generally inappropriate.
PDC 4	<p>Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</p> <p>(a) serves the needs of the local community</p> <p>(b) is consistent with the character of the locality</p> <p>(c) does not detrimentally impact on the amenity of nearby residents.</p>

Regeneration Policy Area 16

Objectives

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

Desired Character

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

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

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

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

Assessment

The desired character statement is silent on non-residential uses within the Policy Area and it is apparent that the proposed development is not an expressly envisaged use.

The subject land enjoys existing use rights as a health and fitness centre as approved in Development Application 100/2006/1709. The site has historically contained a commercial

building and there is scope within the Residential Zone provisions to contemplate non-residential activities within residential zones.

Given the unique circumstances of the site, there is some merit in considering the proposed change in operating hours further, with its appropriateness being determined by how the proposed use will impact on neighbouring residential properties with respect to noise, traffic, pollution and other operational matters.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control		Assessment
Interface Between Land Uses		
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p>See Comments below</p>	
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>		
<p><i>Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 4</i></p>		
<p><i>Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 5</i></p>		
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>		
Noise Generating Activities		
<p><i>Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 7</i></p>		
<p><i>Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 8</i></p>		

<p><i>Development proposing music should include noise attenuation measures that achieve the following desired noise levels:</i></p>		<p>Complies See Comments below</p>
<p>Noise level assessment location Adjacent existing <i>noise sensitive development</i> property boundary</p>	<p>Desired noise level Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level. Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.</p> <p><i>General Section: Interface Between Land Uses: PDC 10</i></p>	
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>		<p>Complies The proposed development will have no impact on the privacy of adjacent residential properties nor will it result in additional overshadowing.</p>

The proposed change to the operating hours of the fitness centre to remain open to members for 24 hours has the potential to result in impacts on the adjacent residential properties by way of noise, light spill and traffic impacts.

The applicant however, has sought to incorporate measures that would limit the level of interference that would be caused by these interface issues, such that the impacts upon adjacent residential properties would not be unreasonable.

The possible interface issues and their impacts on the nearby residential properties are discussed below.

Noise

The facility will operate differently during the extended operating times compared to the daytime function of the fitness centre.

The following measures will be implemented to minimise noise intrusion beyond the bounds of the property:

- The air conditioning system will be deactivated to eliminate any airborne noises with the ventilation fans only remaining active;
- There will be no group fitness classes during the extended hours;
- Background music throughout the club will be set at a lower level and constantly monitored;
- Members will be made aware during induction that parking will be easily accessible from the Diagonal Road entrance and will be encouraged to enter and exit this way.
- Members will be instructed to keep all noises to a minimum whilst entering and exiting the property.

It is noted that whilst the internal noise within the facility can be controlled, external noise levels within the car park area, such as opening and closing of vehicle doors, vehicles starting, vehicles idling, vehicles moving and accelerating from their car park positions and people talking as they approach or vacate their vehicles, has the potential to be cause for nuisance upon the amenity of the nearby residential properties during night time operations.

In response to this concern, the applicant has provided an acoustic report, undertaken by Sonus acoustic engineers to understand the potential noise impacts and determine whether the noise impacts will in fact result in an unreasonable interference during sleep disturbance hours.

The consultant identifies the *Environment Protection (Noise) Policy* as the guide that provides the relevant objective criteria to determine the unreasonable interference on the amenity of an area.

Principle 7 is also explicit in stating that noise generating activities should achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.

The report concludes that the noise level at the nearby residences from the proposed activity (based on a range of previous noise measurements and observations at similar facilities) are predicted to be less than the day and night time goal noise levels of the Policy.

As such, the report anticipates that the facility will not result in unreasonable adverse impacts such that the health and amenity of the community will be seriously affected.

The report identifies that any perception that a 24 hour fitness centre will result in large numbers of people attending the facility during the hours that the majority of people are sleeping are unfounded. The applicant anticipates patron numbers during the extended operating times may range between 1-15 patrons per hour. This is well below the numbers that would attend the facility during the day and it is expected that patron numbers are likely to be higher one to two hours before and after the existing opening and closing hours, with very few people attending the facility in the hours between 12 midnight and 3am.

Additionally, the facility is located at the intersection of Diagonal and Sturt Road with traffic numbers along these roads in the vicinity of between 27000 and 38000 vehicles in a 24 hour day (*Source: DPTI Metropolitan Traffic Volume Maps*). As such, there is likely to be some existing intermittent traffic noise throughout the evenings and therefore, it is probable that an existing level of noise intrusion is experienced by occupants along Finnis Street, particularly the dwellings between Sturt Road and Shelley Avenue.

To this end, I am of the view that given the low anticipated numbers to attend the facility during the extended hours, the anticipated noise levels produced are not likely to be significantly above and beyond the surrounding noise levels that currently occur in the immediate vicinity of the site.

Accordingly, with the measures proposed to be put in place to minimise the internal noise being emitted from the building and the advice from the acoustic engineer determining that the external noise generated will not exceed the limits set by the *Environment Protection (Noise) Policy*, I am satisfied that the noise impacts will not cause unreasonable interference and conflict between the subject site and the adjacent residential land uses.

Light Spill

Lighting will be provided in the southern car park only during the extended hours of operation as a matter of safety for patrons.

The applicant has indicated that the external lighting on the site will be baffled or dimmed such that it will not result in glare or spill over onto the neighbouring residential properties.

A condition has also been recommended on the consent to ensure that lighting is directed and shielded in a manner such that it does not cause a nuisance on to the adjoining residential land.

Traffic Impacts

The extended operating hours will not result in an increase in traffic volumes to the site. On the contrary, the number of vehicles expected to the site range from between 1 and 15 per hour. There is sufficient car parking on-site to accommodate these numbers and there would be no requirement for vehicles to park on the street.

Furthermore, there are sufficient spaces on the southern side car park to accommodate the demand and the northern car park will be 'closed off' to negate any noise impacts to the northern adjoining properties.

The applicant has indicated that they are in favour of installing both a barrier, in the form of a swinging arm gate as well as signage to advise patrons that parking is not permitted in the northern car park during the extended hours.

Accordingly, I am satisfied that the measures proposed will assist to further minimise the noise impact upon the adjoining properties to the north and that all vehicles will be able to be accommodated on site within the southern car park, thereby providing adequate separation of vehicles to the adjacent dwellings such that the *Environment Protection (Noise) Policy* standards are able to be achieved.

Transportation and Access	
<p>Access</p> <p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i><i>(b) provides appropriate separation distances from existing roads or level crossings</i><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i> <p style="text-align: right;"><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Complies</p> <p>As mentioned previously, the site will be able to accommodate the numbers anticipated at the site during the extended operating hours.</p> <p>The northern car park will incorporate a barrier on both the Diagonal Road and Finnis Street entry/exit points. The time in which these barriers are activated should not be when there are high volumes of traffic on Diagonal Road and should therefore not interfere with the flow of traffic.</p> <p>Nevertheless, it is proposed that members will be made aware that the northern car park is not available during the extended operating hours and are not likely to attempt to park in the area.</p> <p>To this end, the parking restrictions proposed, in my view, achieve the requirements set in Transportation and Access Principle 23.</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p style="text-align: right;"><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Complies</p> <p>The car parking provided in the southern car park is expected to meet the anticipated demand during the extended operating hours.</p>
<p><i>Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.</i></p> <p style="text-align: right;"><i>General Section: Transportation and Access: PDC 37</i></p>	<p>Complies</p> <p>Both a barrier and signage will be placed at the access points of the northern car park to indicate to patrons that parking is only available in the southern car park.</p>

<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Complies As identified in the 'Interface Between Land Uses' section, lighting will be provided in the southern car park and is proposed to be shaded in a manner that will not cause nuisance to the neighbouring residential properties,</p> <p>Lighting will be switched off on the northern car park to ensure neighbouring properties are not impacted upon and to discourage vehicles from parking in this area.</p>
Crime Prevention	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies Lighting will be provided in the car parking area and at the entrance of the facility. The southern car park is an open, visible space with clear lines of sight and low level landscaping to avoid the appearance of entrapment spots.</p> <p>32 CCTV cameras will be installed throughout the club and monitored by a security company.</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Complies The main entrance is located on the southern side of the site and is clearly visible from the available car parking on that side.</p> <p>It is the only entrance to the building and potential members will need to have used this entrance during the day to receive membership and go through the induction process for 24 hour access. As such, I am of the view that the entrance to the facility will be well known to patrons and the single entry swipe system is designed to ensure that there is no unauthorised entry.</p>

REPRESENTOR'S CONCERNS

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

ANALYSIS/CONCLUSION

The building on the subject site has, for a number of years, operated in a commercial capacity and the appearance and layout of the building and the land makes this apparent.

Whilst the zoning of the subject site is within Regeneration Policy Area 16, the commercial nature of the built form, provides sufficient circumstances whereby the merits of the application should be further considered.

Given that the Residential Zone contemplates non-residential uses, justification on the appropriateness of the proposed extended operating hours should be determined by whether there are unreasonable impacts on the amenity on the adjacent residential land.

Whilst the proposed variation to the hours will provide existing and new patrons with the flexibility of attending over a 24 hour period, it is not anticipated that vast numbers will make use of the additional operating hours.

Notwithstanding this, the applicant intends to implement a number of measures that will significantly reduce the amount of noise that emanates from the building and the site compared to the day time operations, namely no group fitness classes and music in the facility turned down, switching off the air conditioning and restricting car parking to the southern side only.

The acoustic report submitted by the applicants confirms that any noise created as a result of patrons entering and exiting the site will achieve the standard levels prescribed in the Environment Protection (Noise) Policy.

The number of patrons expected during this time is able to be accommodated within the existing designated on-site car parking area and will not result in an overflow of vehicle parking on Finnis Street.

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 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 Approval for Development Application No: 100/2015/467 to vary condition 13 of Development Approval 100/2006/1709, to operate over a 24 hour period, 7 days per week at 312-314 Diagonal Road, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the development shall be established in strict accordance with the details and plans submitted with and forming part of Development Application No.100/2015/467.
- 2. Except where varied by this approval, all other conditions, approved plans and details relating to Development Application Numbers 100/1709/2006 and 100/1709/06 V1 continue to apply to this amended application.
- 3. All measures identified on page one of the written correspondence responding to representations and dated 7 August 2015 to limit noise emissions from the building and the site shall be implemented at no later than 9pm on each day.
- 4. Barriers shall be provided at both entry/exit points of the northern car park to restrict vehicles from entering the area after 9pm. The barriers shall be installed prior to commencement of the extended operating hours and shall be maintained in good condition for the life of the development.
- 5. That noise levels from the roof-mounted air-conditioning units and associated ductwork shall meet the *Environment Protection (Noise) Policy 2007*.
- 6. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.
- 7. That all loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely enter and exit the subject land in a forward direction.
- 8. That all materials and goods shall be loaded and unloaded within the boundaries of the subject land.
- 9. That all driveways, parking spaces and vehicle manoeuvring areas shall conform to *Australian and New Zealand Standard 2890.1: 20004 – Parking Facilities – Part 1 – Off Street Car Parking* and be constructed, drained and paved with bitumen in accordance with sound engineering practice to the reasonable satisfaction of the Development Assessment Commission prior to the occupation or use of the development.

10. That the landscaping shown on the plans forming part of the application shall be maintained and nurtured at all times with any diseased or dying plants being replaced.
11. That a watering system shall be installed and operated so that all plants receive sufficient water to ensure their survival and growth.
12. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practices to ensure that stormwater does not adversely affect any adjoining property or public road.
13. That all driveways, car parking spaces, manoeuvring and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
14. That all car parking areas, driveways and vehicle manoeuvring areas shall be maintained at all times to the reasonable satisfaction of the City of Marion.
15. That all signs and bunting located on the subject site shall be removed prior to the commencement of the use and any future signs shall be the subject of further consents, except those signs designated as being retained on the approved plans of those identifying the parking area access points.
16. That no amplified sound shall be emitted from any device on the subject land so as to impair or impinge upon the enjoyment of residents or users of adjoining residential properties.
17. That no additional air-conditioning plant or associated ductwork – except those a/c units and ductwork approved by the Development Assessment Commission on 12 June 2008 – shall be installed on the roof of the building.
18. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
19. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 “Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines”. Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 September 2015

APPLICATION

Agenda Ref No:	DAP160915 – 2.3
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Mr Peter Nicolaides
Development Description:	A two storey building, comprising 12 units for the purpose of student accommodation (including one 'care-taker's' room), with associated common areas, masonry front fencing, car parking and landscaping
Site Location:	282 Oaklands Road, Park Holme
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 3 / Consent
Development Plan:	Consolidated – 19 January 2012
Application No:	100/2012/1603
Recommendation:	Development Plan Consent (Granted)

BACKGROUND

The subject application is a Category 3 form of development, as it is was not considered to be a minor form of development, and is not identified as a Category 1 or 2 form of development in Schedule 9 of the Development Regulations, 2008.

The subject application received representations against the proposal during the public notification periods which cannot be resolved by conditions of consent or amendments to the proposal plans, and as such, Council has delegated such decisions to the Development Assessment Panel.

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

Amendments Requested	Amendments Made
Reduction in the bulk and scale of the building	Total footprint of building reduced, to achieve the following; <ul style="list-style-type: none">• Total floor area reduced from 789 sq metres to 544 sq metres (31% reduction);• Site coverage and floor area ratio reduced from 46.4% and 0.79, to 36.6% and 0.54,

	respectively; <ul style="list-style-type: none"> • Front setback increased from 7.0m to 11.86m; • Number of units reduced from 15 to 12.
Increase in side setbacks	Upper level side setbacks increased from (typically) 2.0m – 2.8m to 2.4m – (ranging up to) 6.2m.
Increase in resident amenity to ensure appropriate natural light and outlook can be gained from bedrooms	Fully screened balconies to upper level units deleted from proposal.
Provide a more domestic/residential appearance and scale to the building via treatments to building height, roof pitch and articulation	<ul style="list-style-type: none"> • Skillion roof pitch altered to hip-end with dutch-gable; • Wall height reduced from (maximum) 7.9m to 5.7m;
Provide direct access to the communal open space from the ground floor 'Common Area'/Lounge	Ground floor plan altered to provide Common Area/Lounge with northern orientation and direct access to Communal Open Space
Increase in number of on-site parking spaces to align with recent survey undertaken by Council and independent traffic engineer	On-site parking spaces increased from 4 to 8 (for 12 units).
Increase landscaping forward of building and reduce hard-stand areas where possible	Area of landscaping at front of building increased from 80 sq metres to 90 sq metres
Provide solid masonry fencing at front of property to improve resident amenity by minimising road noise	Front fencing, set back from property boundary for landscape provision, provided.

SUBJECT LAND & LOCALITY

The subject land is located at 282 (Lot 13) Oaklands Road, Park Holme. The land incorporates a frontage to Oaklands Road of 30.48 metres, side boundary lengths of 40.9 metres (maximum depth of 42.3 metres), providing a total site area of 994 square metres.

An easement, 3.5 metres in width (measured perpendicular to the easement boundary), in favour of the Minister of Public Infrastructure, is situated adjacent the full length of the rear boundary.

At present, a single storey detached dwelling, in average condition, constructed in the 1960s, is situated some 7.5 metres from the front boundary of the property. Vegetation of varying forms and height, none of which are classified as regulated, are situated throughout the property.

The locality comprises a mix of housing types. North of Oaklands Road, older dwellings within this part of the locality are reflective of the low density housing constructed in the 1960s, on large allotments generally between 650 – 800 square metres. On other properties however, an increasing mix of single and double storey detached and semi-detached dwellings have been constructed in recent years (four, two storey row dwellings abut the subject site to the east). A majority of new dwellings are sited on allotments between 250 – 400 square metres and are sited within both the Northern and Regeneration Policy Areas.

South of Oaklands Road, within the Residential Character Policy Area, low density, single storey detached dwellings are the predominant housing form – most of which are the original

dwelling stock constructed by (the then) Housing Trust of South Australia and private owners in the 1950s and 60s.

Approximately 100 metres to the west of the site, the heritage-listed Oaklands vines and the Marion Outdoor Swimming Pool and surrounds is situated; bound by Duncan Avenue (north), Western Avenue (east), Oaklands Road (south) and Hendrie Street (west).

Further afield, to the west-south-west, is the Oaklands Wetlands, which includes water ponds, skate park, recreation and picnic areas and various vegetation.

The Marion train station is situated some 480 metres (walking distance) to the south-south-east, the Park Holme Shopping Centre is located approximately 410 metres (walking distance) to the east, and the Park Holme Tennis Club and Ascot Park Bowls Club are located 270 metres and 600 metres (walking distance), respectively, to the east-north-east.

Refer Attachment I

PROPOSED DEVELOPMENT

The application seeks to demolish the existing dwelling and to construct a two storey building, comprising a total of 12 units (including one 'care takers' room) for the purpose of student accommodation.

As part of the application, the management of the site, in conjunction with a set of House Rules is proposed, that includes (but not limited to (please refer Attachment III)) the following;

1. Residents must be;
 - a. Enrolled in, and attending at, a secondary or tertiary educational establishment in South Australia; or
 - b. Enrolled in, and attending at, an English language or other course undertaken as a prerequisite to admission to a secondary or tertiary educational establishment in South Australia.
2. At least one (1) adult (being someone of at least 18 years of age), being a resident, must be in attendance on the premises to ensure compliance of the 'House Rules'. This adult will be deemed to be the 'on-site manager' and live in the Caretakers Room.
3. The number of students residing on the site is to be no greater than 12 (ie one per room).

The building will be setback 11.86 metres from the front boundary and a minimum of 8.0 metres from the rear boundary.

The ground floor will comprise entry hall, 5 bedrooms/units, laundry and common area/lounge with direct access to a rear verandah and the communal open space (COS).

The upper floor will comprise hallway, 7 bedrooms/units (including 'care taker's' room), common area/lounge.

Each bedroom/unit will incorporate an area between 20 – 29 square metres, and include adequate area for a bed, robe, desk, small lounge or dining table, cooktop, sink, refrigerator, cupboards and ensuite.

The 'care taker's' room holds an area of 34 square metres; the additional floor area enabling both a small dining table and lounge to be accommodated, together with the same features as the student rooms.

Outside of the building, it is proposed that ground floor units will be provided with areas of private open space ranging in area between 16 square metres (unit 5) to 23.3 square metres square metres (unit 1).

A storage shed (2.6m x 6.0m) is located centrally along the eastern side boundary and will be available for all residents.

The rear verandah is situated within the western 'half' of the COS. The COS incorporates a total area of 183.8 square metres.

The car park area is to accommodate a total of eight (8) car parking spaces, six of which will be located adjacent the eastern side boundary of the property.

Landscaping is proposed throughout the front yard area (outside of the car parking and driveway area), with a mix of low and medium height plantings.

The driveway is designed to enable in-only access adjacent the western side boundary and out-only movements adjacent the eastern side boundary.

A masonry fence is proposed to be constructed adjacent the front boundary, stepping into the property to enable landscaping street-side.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified: <i>Refer Attachment II</i>	Given the substantial changes made to the application during processing and the length of time between notification and receipt of changes, the Category 3 public notification of the application occurred twice. 10 properties were notified, and the public generally through notice in the Messenger Newspaper, during the two Category 3 public notification processes.
Representations: <i>Refer Attachment III</i>	5 representations (all against) were received by Council during the first public notification. 3 representations (one in favour, two against) were received by Council during the second public notification.
Persons wishing to be heard:	During the first notification, Mrs L Roberts (3 Beauford Avenue, Marion) identified she wished to address the Panel. In addition, Kim and Darren Strickland (285 Oaklands Road) identified they wish to be represented by the Oaklands Estate Residents Association. During the second notification of the application, no representor identified they wish to address the Panel.
Summary of representations:	First Notification: Traffic; Noise; Streetscape; Overshadowing;

	<p>Out of place within locality; Removal of vegetation; Risk of lack of parking on-site; Noise from air-conditioning plant; Over-development of site; Commercial development (due to live-in care taker) in residential zone; Lack of bicycle parking; Site coverage; Overlooking; Car park noise adjacent rear yards;</p> <p>Second Notification: Commercial development (due to live-in care taker) in residential zone; Risk of lack of parking on-site; Noise from air-conditioning plant; Over-development of site; Site coverage; Lack of privacy;</p> <p><i>Refer Attachment IV and VI</i></p>
Applicant's response:	The applicant has provided responses to both sets of representations received – please refer Attachment IV and VII

GOVERNMENT AGENCY REFERRAL

<p>Department of Planning, Transport and Infrastructure:</p> <p><i>Refer Attachment VIII</i></p>	<p>The Department for Transport were referred the application twice, given the substantial changes made during processing.</p> <p>The most recent correspondence from that office advises;</p> <p>“In-principle, no objection is raised to the proposed development subject to [a number of]...conditions”.</p> <p>These conditions are reflected in the recommended conditions of consent.</p>
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INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Council's Development Engineer has advised that the disabled persons parking space does not comply with the relevant Australian Standard and will require (minor) revision. This modification has been included as a recommended condition of consent, and will not significantly alter the car park layout nor reduce the landscaping provision.</p>
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DEVELOPMENT ASSESSMENT

The Objectives of the Residential Zone, and the relevant Objectives, Principles and Desired Character of the Northern Policy Area 13 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.

Northern Policy Area 13

Objectives

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

Principles of Development Control

- 1 The following forms of development are envisaged in the policy area:
 - affordable housing
 - detached dwelling
 - group dwelling
 - residential flat building
 - row dwelling
 - semi-detached dwelling
 - supported accommodation.
- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

Desired Character

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

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

The subject application finds some support in the Zone and Policy Area, by being a form of residential development in a Zone and Policy Area that predominantly seeks residential development. However, student accommodation, a long-standing recognised land use, is expressly envisaged only within the Regeneration Policy Area 16 of the Residential Zone; the subject land is situated within the Northern Policy Area 13.

In my opinion, such a land use is sought in the Regeneration Policy Area 16 given the increased densities desired (to justify improvements to infrastructure and services), greater site coverage and reduced setbacks permitted, and the location of some pockets of the Policy Area to educational facilities and public transport options. Given the built form sought in this Policy Area, it is likely that student accommodation, which often takes the form of a larger building than surrounding housing stock, will not look out of place within the redeveloped streetscapes.

In this regard, on face value, the land use proposed is somewhat finely balanced. The Northern Policy Area 13 seeks for low scale, low to medium density housing. The scale and density of the

built form envisaged within this Policy Area is 'conservative' compared to that of the Regeneration Policy Area 16.

To this end, whether the proposal is an acceptable one within the Northern Policy Area 13, will, in my view, depend significantly upon the likeness of the built form to that sought within the Policy Area, along with the streetscape outcome, impacts upon adjoining land and locational attributes of the site that are of high importance for student accommodation.

It is noted the Residential Zone seeks for "[i]ncreased dwelling densities in close proximity to centres, public transport routes and public open spaces" (Objective 2), whilst envisaged land uses include "affordable housing and supported accommodation" (Zone and Policy Area Principle 1), development of which could have a similar appearance and scale to the subject proposal. In addition, Zone Principle 3 identifies that "vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice..."

The Desired Character of the Northern Policy Area 13 seeks, "...an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles...[and] the range of dwelling types will increase to meet a variety of accommodation needs".

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

The proposal does not seek for dwellings, but rather bedrooms/units that rely upon common lounge areas, laundry and communal open space. As such, the proposal is akin to a multiple dwelling, whereby individual 'units' cannot be sub-divided in future. As such, the minimum site area, frontage width and depth requirements for new dwellings in the Policy Area are not applicable.

The building, incorporating a maximum height of two storeys, site coverage of 36.58% and floor area ratio of 0.547, with setbacks of 11.8 metres to the front boundary, a minimum of 8.0 metres to the rear boundary and upper level side setbacks between 2.4 metres to 6.0 metres, satisfies the applicable criteria for built form density within the Policy Area.

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

Having said this, new development on arterial roads typically comprise greater levels of sealed surface at the front of the site, due to the desire of DPTI and Council for vehicles to have the ability to exit the site in a forward manner. In addition, Council's Development Plan (Residential Development Principle 36 and 37) seeks for properties with a frontage to an arterial road to "protect these areas [bedrooms, living rooms etc] with appropriate noise attenuation measures" such as a "landscaped buffer...as well as front fences and walls".

In this regard, whilst the balance between landscaping and paving is weighted towards paving, the masonry fence proposed adjacent the front boundary, with landscaping placed street-side is entirely consistent with that likely to occur (and encouraged) on an arterial road.

Whilst nonetheless a large building, the proposal has been designed to reduce its visual impact upon adjoining properties, with generous setbacks to all property boundaries. As such, the building is unlikely to have an unreasonable impact upon adjoining land via building bulk, setbacks and overshadowing (discussed further in this report). In addition, overlooking has been addressed via the provision of opaque glass to 1800mm above upper floor level.

Despite being located in a Policy Area that does not expressly envisage student accommodation, when one is to consider the locational attributes appropriate for student accommodation, proximity to public transport options, shopping and employment facilities are paramount, as well as access to public open space and other recreational facilities.

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

As identified in the 'Subject Land and Locality' section of this report, the land is in close proximity to bus routes (on Oaklands and Marion Roads and Hendrie Street), rail transport (Marion train station is approximately 480 metres walking distance to the south-south-east) and shopping and employment facilities (Park Holme Shopping Centre is located 410 metres to the east).

The Marion Outdoor Swimming Pool, a large reserve, the Oaklands Wetlands and the Park Holme Tennis Club are all within 280 metres walking distance.

In the event residents were to study at southern facilities, the Ascot Park train station (1.1km walking distance) provides rail access to Tonsley Station; convenient for the Tonsley site (Flinders University and TAFE) and Flinders University in Bedford Park.

In addition, it is of value to note the subject land is situated within 30 metres of the Regeneration Policy Area 16 (albeit a small pocket of Housing SA and ex-Housing SA dwellings), which does envisage student accommodation. In my view, the subject land provides greater convenience to the abovementioned facilities than land within this Policy Area.

As such, it is my view that the above has identified the land use proposed is not so at odds with that sought in the Policy Area as to warrant its refusal. The assessment of the proposal against the Council's qualitative and quantitative provisions will further examine the appropriateness of the application having regard to other relevant assessment criteria.

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
Residential Zone – Northern Policy Area 13		
SITE COVERAGE <i>Northern Policy Area 13: Principle 4</i>	40%	Complies 36.58% (footprint of 363.3 sq metres)
FLOOR AREA RATIO <i>Northern Policy Area 13: Principle 4</i>	0.6	Complies 0.547 (floor area of 544 sq metres)

<p>PRIVATE OPEN SPACE</p> <p><i>General Section: Residential Development: Principle 27</i></p>	<p><i>Private open space 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 the internal living areas of the dwelling</i> <i>(b) generally at ground level to the side or rear of a dwelling and screened for privacy...</i> <i>(f) to have a northerly aspect to provide for comfortable year-round use</i> <i>(g) to not be significantly shaded during winter by the associated dwelling or adjacent development...</i> 	<p>See discussion below</p>
<p><i>General Section: Residential Development: Principle 28</i></p>	<p><i>Dwellings should have associated private open space of sufficient area and shape to be functional, taking into consideration the likely needs of the occupant(s), the location of the dwelling, and the dimension and gradient of the site</i></p>	<p>See discussion below</p>
<p><i>General Section: Residential Development: Principle 29</i></p>	<p><i>20% of site area</i></p> <p><i>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.</i></p>	<p>See discussion below</p>
<p><i>General Section: Residential Development: Principle 31</i></p>	<p><i>Private open space should not include driveways, effluent drainage areas, rubbish bin storage, sites for rainwater tanks and other utility areas, and common areas such as parking areas and communal open space in residential flat buildings and group dwellings, and should have a minimum dimension of:</i></p> <ul style="list-style-type: none"> <i>(a) 2.5 metres for ground level or roof-top private open space</i> <i>(b) 2.0 metres for upper level balconies or terraces</i> 	<p>See discussion below</p>

The proposal seeks to provide ground-level units (1 – 5 inclusive) with private open space (POS). Upper-level units (6 – 11 (inclusive) and 'care taker's' room) are not provided with any POS.

During the assessment of the application, the upper level balconies (providing some POS for units 6 – 11) were removed from the proposal, as their full-height screening was considered to impair the amenity of those rooms, by significantly reducing the light available, whilst their proximity to side boundaries were considered to result in a visual impact upon adjoining land.

Due to the need to increase setbacks and reduce floor area, the ground level POS areas have been increased. The proposal plans have also been amended to comply with Principle 31 by providing a minimum dimension of 2.5 metres to all POS areas. The entire site supports total of 94.4 square metres of POS; equating to 9.5% of the total site area.

The units provide POS as follows:

Unit	POS (square metres)
1	23.3
2	19.7
3	16.1
4	19.3
5	16.0

Including the communal open space (COS), a total of 27.98% POS and COS is maintained.

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

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

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

In my view, the provision of POS to units 1 – 5 is satisfactory and will complement the larger-dimensioned COS.

The lack of any POS for units 6 – 11 (inclusive) and 'care taker's' room, is, in my view, not overly detrimental to the merits of the application, although an area of POS (balcony or similar) for the 'care taker's' room would provide benefits given such resident may (but not necessarily) spend a significantly greater amount of time in the building than other residents.

In my view, whilst the 'units' are referred to as such, they perform more like a large bedroom – there is limited 'comfort' space within the units for relaxing and socialising, compared to what would ordinarily be provided within a dwelling (such as a lounge room). As such, it is expected (and encouraged by the building layout) that residents will spend some part of their time socialising within the common areas/lounge – the ground floor of which provides direct access to the north-facing, generously-proportioned COS.

In instances where there are limited or no POS areas provided, communal open space, part of which is covered for all-weather use, provides a net benefit over and above individual POS areas equating to 20% of the site area, for reasons of socialisation and providing occupants with an outdoor area comprising dimensions much greater than would be provided in private open space areas (typically a minimum of 4-5 metres).

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

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

The case continued to stress the importance of communal areas being accessible and in high movement areas if they were to promote student interaction and thereby a "sense of community". In this regard, the COS is located to the rear of the building, with direct access (and view from) the common area/lounge. Whilst it is acknowledged, this area is not in a "high movement area", given its northern orientation, verandah for all-weather use and relationship to the common area/lounge, in my view, the location of the COS is entirely functional for the likely occupant needs.

In my opinion, the proposed POS and COS areas remain sufficient for likely occupant needs, and therefore satisfy Principles 27 and 28.

STREET SETBACK <i>General Section: Design and Appearance: Principle 18</i>	<i>Development (excluding verandas, porches and similar), fronting the primary street should be setback:</i> (a) <i>the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2 metres; or</i> (b) <i>not less than the average of the setbacks of the adjoining buildings, if the difference between the setbacks of the adjoining buildings is greater than 2 metres.</i>	Complies 11.86m (average setback of adjacent dwellings = $3 + 8 / 2 = 5.5\text{m}$)
REAR SETBACKS <i>General Section: Residential Development: Principle 21</i>	<i>The rear boundary setback for single storey dwellings should be a minimum of 6 metres however 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>	Complies Min 8.0m

<i>General Section: Residential Development: Principle 22</i>	<i>Two storey components of dwellings should be setback a minimum of 8 metres from the rear allotment boundary.</i>	Complies Min 8.0m
SIDE SETBACKS <i>Residential Zone: Principle 7</i>	<i>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</i>	Complies Min setback 2.4m (north-east corner of building)
BUILDING HEIGHT <i>Residential Zone: Principle 7</i>	<i>2 storeys of not more than 9 metres.</i>	Complies Max 8.4m measured from top of footings

The above table demonstrates the building, in terms of site coverage and floor area ratio, front, side and rear setbacks and maximum height all comply with that sought in the Northern Policy Area. As such, despite the generous proportions of the building, it is nonetheless akin to other two storey residential development expected to occur within the locality on a site of this size.

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.

RESIDENTIAL DEVELOPMENT:

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.*

Given the allotment maintains a north-south orientation, a majority of shadow will be cast south within the front yard of the subject land.

Shadow will be also cast from the proposed building into the western adjoining property of 280 Oaklands Road during the morning hours. While this will directly affect the east-facing ground-level POS and habitable room windows of the dwelling on that land, the shadow will be limited to morning hours, and therefore adequate access to solar energy should be maintained in a manner conforming to Principles 8, 10 and 11.

The afternoon shadow will affect the eastern neighbours at 21, 23, 25 and 27 Parsons Grove, with shadow cast into the rear yard of these properties. However, adequate northern sunlight will be available to the POS areas and living areas throughout the late morning hours (the

subject dwellings overshadow the associated POS in early morning hours) and early afternoon hours.

On balance, the design of the proposed building ensures that adequate direct sunlight is available to adjacent dwellings in accordance with Principles 8, 10 and 11: Residential Development.

Site Facilities and Storage

- 33 *Site facilities for group 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*
 - (c) *household waste and recyclable material storage areas away from dwellings*
 - (d) *external clothes drying areas, which are readily accessible to each dwelling and complement the development and streetscape character for dwellings which do not incorporate ground level private open space.*

The proposal does not incorporate a mail box facility adjacent the front boundary, however, such can be provided within the masonry fence, being within convenient reach of the main pedestrian entrance to the site, and without altering the appearance of the fencing. A recommended condition of consent seeks for such to be detailed prior to Development Approval being issued.

Bicycle parking could be available within the storage shed adjacent the eastern side boundary.

The proposal plans do not detail the provision of waste bin storage. The provision of such has been removed following the increasing of on-site car parking at Council's request (see further in this report for discussion). Given the number of persons on site, one would anticipate a maximum of two waste bins, two recycling bins and one organics bin to be required for the waste generation of the residents.

There appears to be adequate space north of the eastern-most section of the front fence, which would enable the convenient placement of waste bins away from the units and adjacent dwellings and out of view from the street.

It has been included as a recommended condition of consent that details of the waste bins storage area be provided to Council prior to Development Approval being issued.

A communal external clothes drying area is incorporated in the COS. On balance, the proposal incorporates facilities that generally comply with those prescribed by Principle 33: Residential Development.

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 application proposes for most upper level windows (except those facing the street) to incorporate fixed, obscure glazing to a sill height of 1800mm above floor level. Windows that are

proposed to be openable below 1800mm are awning windows that, pursuant to the Building Code of Australia, can have a maximum opening of 125mm.

It is acknowledged that due to the location of the adjoining property to the south-east (27 Parsons Grove), oblique-angled views will be achieved into the private open space of that property from the south-facing 'care taker's' room windows. Whilst this is not ideal, view into the centre of the rear yard is achieved at approximately 30 degrees to the window/building face, and therefore does not achieve direct overlooking (where such windows would be oriented to that POS area).

As such, I do not consider this to be "direct overlooking" as sought to be addressed by Principle 34 above, whilst the benefits derived from clear windows (providing a more attractive streetscape façade and enabling passive surveillance), in view, outweighs the limited reduction in privacy that may be experienced by the adjoining property to the east.

As such, I am satisfied the privacy of adjoining properties is reasonably protected by the proposal.

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.
- 40 *Attached dwellings should be designed to protect habitable rooms from possible noise intrusion by minimising the transmission of sound between dwellings and ensuring that bedrooms in one dwelling do not share a wall with the living room or garage of the attached dwelling.*

Whilst bedrooms 3, 6 and 7 abut the common area/lounge, such positioning should not result in any unreasonable amenity disturbances for the residents.

In the event that noise/activity from the common areas was impacting upon residents, ultimately, this is a matter for management and residents to resolve.

As a recommended condition of consent, it is sought for the south-facing (street façade) windows to incorporate double glazing to minimise the audible impacts from being in close proximity to an arterial road.

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 proposal seeks for ingress only adjacent the western side boundary and egress only towards the eastern side boundary.

The Department for Transport has sought the proposal be amended to incorporate driveway widths of 4.0 metres (ingress) and 4.5 metres (egress) to enable safe vehicle movements into and out of the site.

Whilst this exceeds the width sought for single driveways, given the driveway services the parking of up to eight vehicles, it could be argued that the applicable criteria is that for double driveways (five metres).

Nonetheless, the width of the driveways enable safe entry and exit of the site, a minimum of three on-street parking spaces (available during restricted times) and does not result in unreasonable impacts upon the streetscape.

Car Parking

*Table Mar/2 Guesthouse or Hostel:
1 per 3 beds*

*Serviced Apartment:
1 per room, plus 1 per employee*

- 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).
- 45 *Parking areas servicing more than one dwelling should be of a size and location to:*
(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely
(b) provide adequate space for vehicles to manoeuvre between the street and the parking area
(c) reinforce or contribute to attractive streetscapes.
- 46 *On-site visitor parking spaces for group and multiple dwellings and residential flat buildings should be sited and designed to:*
(a) serve users efficiently and safely
(b) not dominate internal site layout
(c) be clearly defined as visitor spaces not specifically associated with any particular dwelling
(d) ensure they are not sited behind locked garages and are accessible to visitors at all times.

Council's Development Plan does not incorporate a minimum car parking ratio for student accommodation.

In previous student accommodation proposals, Council relied upon the applicant's traffic engineer to identify an appropriate on-site car parking rate. Based upon interstate surveys and assessment regarding those sites' proximity to public transport routes, a car parking ratio of 1 space for every 4 residents was identified.

As Members are likely to be aware, in Council's experience, the rate applied was significantly less than was occurring in reality. As such, earlier this year, Council engaged the services of a traffic engineer to undertake a survey of existing student accommodation facilities to gain a greater understanding as to the likely vehicle ownership rate of students.

From that study, it was concluded that a car ownership rate of 0.7 vehicles per person, or where student accommodation is provided in individual dwellings, a rate of 1 space per dwelling, was appropriate to apply in a suburban setting.

The subject proposal provides a total of eight car parking spaces on site – a rate of 0.66 spaces per person (including the on-site caretaker).

Whilst this figure is marginally less than that identified (0.7), a ninth space would achieve a rate

of 0.75 spaces per person, and would further compromise the layout and extent of landscaping forward of the building.

The manoeuvring of vehicles, particularly into space 8 (nominated for small vehicle only) appears tight and will require the careful traversing of the vehicle into and out of this space. The applicant has confirmed the manoeuvring of vehicles has been reviewed by traffic engineer, Frank Siow, who has confirmed the area provided is acceptable for a small vehicle. Council's Development Engineer has reviewed the proposal and has advised the disabled persons parking space will require minor alteration to comply with the relevant standard. A recommended condition of consent has been included to this effect.

In addition, it is of value to note the site's position on a bus route (Oaklands Road) and within convenient walking distance to other bus routes (Marion Road and Hendrie Street) and fixed rail (Marion Train Station). Given the proximity of the property to this infrastructure, reliance upon a vehicle may be reduced.

Due to the location of the proposed driveways, a total of three on-street parking spaces will be available in front of the subject land (excluding times when the bicycle lane is operational).

To this end, the proposal is considered to provide sufficient on-site car parking for the likely needs of the residents.

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

Whilst the extent of paving is not ideal, new development on arterial roads typically comprise greater levels of sealed surface, due to the desire of DPTI and Council for vehicles to have the ability to exit the site in a forward manner. In addition, Council's Development Plan seeks for properties with a frontage to an arterial road to incorporate features such as landscaped buffers and front fences and walls to assist in reducing traffic noise.

In this regard, whilst the balance between landscaping and paving is weighted towards paving, and the proposal therefore fails to satisfy Residential Development Principles 45(c) and 46(b), the masonry fence proposed adjacent the front boundary, with landscaping placed street-side is consistent with that likely to occur (and encouraged) on an arterial road.

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.*
- 5 *Where a dwelling has direct frontage to a street the dwelling should be designed to provide surveillance and address the street.*
- 7 *The design of residential flat buildings should:*
 - (a) define individual dwellings in the external appearance of the building*
 - (b) provide transitional space around the entry*
 - (c) ensure building entrances provide shelter, are visible and easily identifiable from the street.*

The design of the building has been amended to incorporate greater articulation and a more domestic scale, following request of Council staff. A hipped roof form with eave overhang has been introduced, while sections of protruding walls (600mm protrusion) have been incorporated along the eastern side elevation in order to create variation in the facade, and to avoid extensive areas of uninterrupted walling.

Colour and detailing have been incorporated on the external facades, including render in “Paper bark”, while the feature stone work of the portico shall be “Sandstone”. The Colorbond roof is to be finished in “Loft” colour.

The building presents to the street via generous fenestration and an entrance portico above the front door; making the entrance easily identifiable from the street and providing shelter for residents and visitors prior to entering the building.

It is acknowledged however, that the streetscape presentation incorporates a ‘bird-mouth’ above the ground-level car park space (south-eastern corner of the building); creating a large shadowed area which will appear somewhat unwelcoming and giving an uneven appearance to the building. This element of the proposal is unfortunate, and one of the larger failings of the proposal together with the extent of hard surface street-side of the building.

Whilst the design of the building should not be justified due to achieving car parking numbers, for Member’s reference, the ‘bird-mouth’ overhang was increased during the processing of the application, due to the need to provide additional on-site car parking following Council’s recent survey of student accommodation facilities.

In this regard, it is my view that whilst the side and rear elevations appear as a generic two storey building/dwelling, the eastern side of the front façade (and southern end of the eastern façade) detracts from the domestic scale/appearance of the building. A reduction in the number of units would ultimately allow a reduction in on-site car parking, and therefore a reduction in the cantilevered section of the building.

To this end, the proposal is deemed to satisfy Design and Appearance Principles 2, 3, 5 and 7, however, elements of the building do not satisfy that part of the Desired Character of the Northern Policy Area that seek for an “attractive residential environment”.

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 land is oriented with north-facing COS. This has enabled the building to be designed with the ground floor common area/lounge to incorporate a northern orientation, which will be shaded in summer by the verandah, but will nonetheless achieve direct northern sunlight during winter months when the sun’s height above the horizon is low.

As discussed in the ‘Overshadowing’ section of this report, the proposal satisfies the minimum number of hours sought for direct sunlight to be available to adjoining land and the north-facing windows of dwellings on those properties.

Ground level POS areas for units 1 – 5, and all windows of all units (except the south-facing windows of units 1, 6 and ‘care taker’s’ room), will achieve a minimum of three hours direct morning or afternoon sunlight in winter months.

The building incorporates a generous north-facing roof pitch in which to site solar hot water services and photovoltaic cells.

The proposal is considered to satisfy Principles 1, 2, 3 and 4.

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.*

Landscaping of the property is proposed to occur throughout the front yard of the property (outside the driveway and car parking areas) and adjacent the northern (rear) boundary of the property.

The Site Plan nominates a generous mix of low and medium level planting throughout both the front and rear of the property.

The proposed variety of species and projected growing heights will complement the built form, minimise water use (given a number are native species) and assist in shading the COS area and front paving.

To ensure the landscaping planted is of an appropriate density to assist in reducing the visual impact of the paved surface street-side of the building, and of an appropriate height to assist in settling the building into the local environment, a number of recommended conditions of consent have been included.

The front fence proposed complies with all applicable criteria contained within Principle 5, including enabling visibility of the building to and from the street via the driveway openings and 1.0 metre-high and 1.5 metre-wide openings adjacent the driveway points (the eastern opening will also enable visibility of pedestrians on the footpath), providing articulation via the stepping away from the front boundary and enabling landscaping street-side and ensuring compatibility with the associated building by incorporating render of a complementary colour.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to traffic, streetscape, overshadowing, bicycle parking, site coverage and overlooking 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 noise from residents and air-conditioning plant and whether the proposal represents a commercial development within a residential zone.

In this regard, it should be noted that any noise emanating from the site is likely to be noise typically associated with a residential land use. There are no vehicles accessing the site, nor machinery or plant that would not be of a domestic scale and nature as to consider such a use and building will have unreasonable impacts upon adjoining land via noise.

In relation to the concern that the proposal is of a commercial nature, Members are likely to be aware that nursing homes and other forms of supported accommodation, whilst having an element of management, on-site carers, on-site cooks and other staff, are nonetheless considered residential in nature given their primary role in providing accommodation for persons, and such uses are expected to occur within residential zones. To this end, the provision for an on-site caretaker does not render the proposal anything other than residential, whilst the proposal is sited in a residential zone.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development shall contribute to the provision of a range of accommodation types which is envisioned in the Residential Zone and by the Desired Character of the Northern Policy Area 13.

The proposal however, comprising student accommodation, is a form of development specifically envisaged to occur only within the Regeneration Policy Area 16. To this end, one could argue it is not entirely a suitable development within the Northern Policy Area 13.

However, the proposal nonetheless seeks for a residential form of development in a residential zone, whilst the built form is of a scale, height and density (site coverage, floor area ratio and setbacks) that meet that sought for two storey development in the Northern Policy Area 13. Given that the subject land is located in a highly accessible location, in close proximity to bus and rail transport, several areas of open space, and a Neighbourhood Centre Zone, the property fulfils the criteria for which redevelopment at higher densities (and student accommodation) is appropriate.

The proposal provides for a management regime and 'House Rules' that identify how the site will be managed and operated, and confirms there will be a maximum of one student per room/unit.

Given the operation of the site for sole student tenants (and one on-site 'care taker'), the amount of private open space, communal open space and car parking provided is considered adequate for likely occupant needs.

On balance, the proposal satisfies a majority of other applicable Development Plan criteria, and for these reasons, the proposal is considered to maintain sufficient merit to warrant support.

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: 100/2012/1603 for a two storey building, comprising 12 units for the purpose of student accommodation (including one 'care-taker's' room), with associated common areas, masonry front fencing, car parking and landscaping at 282 Oaklands Road, 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. 100/2012/1603, including;
 - a. Project Number 1412J - Site Plan revision K, Ground Floor revision K, First Floor Plan revision K, Elevations Page 05 revision K, Elevations Page 06 revision K and Perspective Views revision J, dated as received by Council on 9 September 2015; and
 - b. Student Accommodation Facility Patronage, Facility Management and House Rules dated as received by Council on 8 September 2015, except when varied by the following conditions of consent.
2. A fully engineered site works plan detailing top of kerb level, proposed finished floor levels, any cut/fill and/or retaining walls proposed, shall be provided to Council for consideration and approval, prior to Development Approval being issued.
3. A mailbox facility shall be provided within the masonry front fence, north of the egress point of the car park. Amended plans detailing the above, shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
4. All south-facing windows (on the ground and upper floors) shall incorporate double-glazing to minimise noise impacts from the adjacent arterial road. Amended plans, detailing the above, shall be provided to Council for consideration and approval, prior to Development Approval being issued.
5. Details of the location of the waste bin storage area shall be provided to Council for consideration and approval, prior to Development Approval being issued.
6. The disabled persons parking space shall comply with the relevant Australian Standard. Amended plans, detailing the above, shall be provided to Council for consideration and approval, prior to Development Approval being issued.
7. With exception to staff and caretaker(s)/supervisor(s) residing on the premises, no person is permitted to be an occupant of the approved building unless he or she is:
 - a. a student currently enrolled full time in, and attending at, a secondary or tertiary educational establishment in South Australia; or

- b. a student enrolled in, and attending at, an English language or other course undertaken as a pre-requisite to admission to a secondary or tertiary educational establishment in South Australia.
8. Stormwater from all structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's Information Sheet "Stormwater Detention" to the reasonable satisfaction of the Council (copies of relevant documents are attached).
 9. 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.
 10. A minimum of 50% of the landscape plantings to be planted in the front and rear yard of the property shall be of a minimum height of 1.5 metres at the time of planting.
 11. 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.
 12. 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.
 13. 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).
 14. 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.
 15. All car parking, driveways and vehicle manoeuvring areas shall be constructed of paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
 16. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

DPTI CONDITIONS:

17. The ingress shall be narrowed to 4.0 metres in width and angled at 70 degrees to the road in order to encourage the desired traffic flow.
18. The egress shall be narrowed to 4.5 metres in width and angled at 70 degrees to the road in order to encourage the desired traffic flow.
19. The access point shall be appropriately flared to the road to facilitate unimpeded ingress or egress and restrict contra flow movements.
20. The access points shall be located a minimum of 1.0 metre from all roadside furniture (stobie poles / street signs).

21. Any portions of existing crossover that become redundant shall be closed and reinstated to Council satisfaction at the applicant's cost.
22. All vehicles shall enter and exit the site in a forward direction.
23. All car parking and turnaround area/s shall be provided in accordance with AS/NZS 2890.1:2004 and 2890.6.
24. Any landscaping adjacent the access points shall be restricted to vegetation with a mature height no greater than 1.0 metre in order to maintain driver sightlines to/from Oaklands Road.
25. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the arterial road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

NOTES

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

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph/Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations (first public notification)</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations (first public notification)</i>
<i>Attachment VI:</i>	<i>Statement of Representations (second public notification)</i>
<i>Attachment VII:</i>	<i>Applicant's Response to Representations (second public notification)</i>
<i>Attachment VIII:</i>	<i>DPTI referral comments</i>

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.4
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Mr Richard Little
Development Description:	Demolition of existing dwelling and to construct a car park containing 16 spaces, accessed from the existing driveway, adjacent the Chalfont Way frontage
Site Location:	86 Oaklands Road, Glengowrie
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 3 / Consent
Lodgement Date:	25/06/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1122
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development, as it is not considered a minor form of development and is not listed as a Category 1 or 2 form of development pursuant to Schedule 9 of the Development Regulations 2008.

BACKGROUND

In 2007, Development Approval was granted by Council for the substantial redevelopment of the Eldercare site, which included demolition of a majority of the residential wings of the complex, and the construction of a two storey building on the eastern 'third' of the site and adjacent the Chalfont Way.

Earlier this year, the Development Assessment Commission granted Development Plan Consent for the redevelopment of the remaining 'two thirds' of the site, which is to incorporate additional accommodation wings throughout the site and adjacent the northern, southern and western (Diagonal Road) boundaries of the site.

During the assessment process, Council staff requested amendments and additional information to address the following concerns:

Amendments Requested	Amendments Provided
Council's Development Engineer requested turn-around area at northern end of car park to enable the manoeuvring of vehicles in the event the car park is full	<p>The applicant had traffic engineers, MFY to review car park concern. MFY advise that as car park is intended for staff only, a sign is to be placed at the entrance. Given the limited turn-over of vehicles, signage is considered adequate.</p> <p>Council's Development Engineer is comfortable with this justification and approach</p>
Information Requested	Information Provided
Landscape plan to detail how land street-side of the car park will be beautified following construction	Landscape plan provided

SUBJECT LAND & LOCALITY

The subject land is located adjacent the intersection of Oaklands and Diagonal Roads, with frontages also to York Street to the north and Chalfont Way to the east.

The land comprises a two storey aged care facility on the eastern 'third' of the site, with additional two storey aged care accommodation currently under construction on the western 'two thirds'.

The land subject to the application currently contains a single storey dwelling, constructed in the 1950s which is to be demolished.

The subject locality is divided into two distinct characters. To the south and west of the site, a number of non-residential land uses exist, including a petrol filling station, shops, service trade premises, offices and a church.

Land to the east and north of the subject site largely contains single storey detached dwellings, many of which appear to be between 40 and 50 years of age. This area has a distinct and attractive residential nature, incorporating relatively low density dwellings sited on large allotments of approximately 700-800 square metres.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to demolish the existing single storey dwelling and construct a 16-space, at-grade car park. Access to the car park is to be gained from the existing driveway, which provides access to Chalfont Way.

The car park is to be paved, with landscaping to be planted street-side.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	48 properties (and the public, generally) were notified during the Category 3 public notification process.
Representations:	7 representations were received by Council.
Persons wishing to be heard:	1 representor, Mr Michael Jongejan has identified he wishes to address the Panel.
Summary of representations:	4 in favour; 3 against – concerns with safety and security from car park <i>Refer Attachment IV</i>
Applicant's response:	The applicant has provided a response – please refer Attachment V

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Applicable Principle

- 4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:
 - (a) Serves the needs of the local community
 - (b) Is consistent with the character of the locality
 - (c) Does not detrimentally impact on the amenity of nearby residents

Northern Policy Area 13

Objectives

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

Desired Character

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

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the

development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	<p>Partially Complies</p> <p>Whilst the use of the land is not envisaged in the Policy Area, the car park is an adjunct to a supported accommodation facility, which is sought in the Policy Area</p>
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Assessment

The construction of a car park is not an envisaged land use within the Zone or Policy Area. However, the car park is ancillary to the existing aged care facility, which is an envisaged land use (supported accommodation) within the Zone and Policy Area.

Car parking, to accommodate expected vehicles of staff, is an anticipated adjunct for such land uses.

As such, whilst the proposed land use is not specifically anticipated, it relates to an existing land use that is sought in the Zone.

The merits of the proposal are better guided by relevant provisions contained in the Council-wide sections of the Development Plan.

DEVELOPMENT ASSESSMENT

Transportation and Access	
<p><i>Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i></p> <p><i>(b) provides appropriate separation distances from existing roads or level crossings</i></p> <p><i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i></p> <p><i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Complies</p> <p>(a) The car park is not expected to increase traffic demands, whilst all vehicles will have the ability to enter and exit the site in a forward manner.</p> <p>(b) Complies</p> <p>(c) Complies</p> <p>(d) The proposed car park is located no less than 20 metres from adjoining residential properties</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>Proposed car park is to be accessed from existing crossover serving adjacent car park</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><i>(a) follow the natural contours of the land</i></p>	<p>Complies</p> <p>The car park will be constructed on relatively flat land and will not result in</p>

<p>(b) minimise excavation and/or fill (c) minimise the potential for erosion from surface runoff (d) avoid the removal of existing vegetation (e) be consistent with Australian Standard AS: 2890 - Parking facilities.</p> <p>General Section: Transportation and Access: PDC 30</p>	<p>erosion.</p> <p>The adjacent Regulated Tree (Lemon Scented Gum) will be retained and will not be unduly impacted upon by the car park construction.</p> <p>Council's Development Engineer has confirmed the car parking satisfies the relevant Australian Standard.</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p>General Section: Transportation and Access: PDC 34</p>	<p>Complies</p> <p>The consents granted in 2007 and 2015 provided on-site car parking compliant with the applicable Development Plan criteria.</p> <p>The proposed car park provides additional spaces for staff to reduce the reliance upon the public road network.</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p>General Section: Transportation and Access: PDC 35</p>	<p>Complies</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <p>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network (c) not inhibit safe and convenient traffic circulation (d) result in minimal conflict between customer and service vehicles (e) avoid the necessity to use public roads when moving from one part of a parking area to another (f) minimise the number of vehicle access points onto public roads (g) avoid the need for vehicles to reverse onto public roads (i) not dominate the character and appearance of a site when viewed from public roads and spaces (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</p> <p>General Section: Transportation and Access: PDC 36</p>	<p>Complies</p> <p>(a) Convenient pedestrian access is provided for staff to the building (b) N/A (c) Car park maintains access from existing driveway and complies with relevant Australian Standard (d) It is expected the car park will be used by staff more so than visitors (e) Complies (f) Complies (g) Complies (j) Manturian Pear trees to be planted adjacent northern and southern sides of car park</p> <p>Partially Complies</p> <p>(i) As viewed from Chalfont Way, a significant proportion of this section of the property will comprise car parking. Refer Table Discussion for assessment.</p> <p>Does Not Comply</p> <p>(k) The car park will not enable the recharging of electric vehicles</p>
<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p> <p>General Section: Transportation and Access: PDC 38</p>	<p>Complies</p> <p>The proposal incorporates bollard lighting to ensure appropriate illumination of the car park area.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p>General Section: Transportation and Access: PDC 39</p>	<p>Complies</p> <p>The car park is to incorporate a paved surface</p>

<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Complies</p>
<p><i>On-site visitor parking spaces should be sited and designed to:</i> <i>(a) not dominate internal site layout</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation and Access: PDC 42</i></p>	<p>Partially Complies (a) See Table discussion (c) This car park is for the exclusive use for staff. Adequate on-site visitor parking is available at other parts of the site.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies (c) It is not expected that aged persons will utilise the car park. Nonetheless, the car park will be relatively flat and easily accessed on foot. (d) (e) Consents granted for the aged care facility in 2007 and 2015 provided on-site car parking compliant with the applicable Development Plan criteria. The proposed car park provides additional spaces for staff to reduce the reliance upon the public road network.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p>	<p>Complies (a) The landscaping will be adjacent the proposed at-grade car park. Landscaping adjacent the existing and approved (yet to be constructed) two storey buildings are subject to separate applications. (b) The species proposed, in conjunction with proposed condition of consent 2 should ensure an attractive road frontage (d) A majority of species proposed require low amounts of water and can tolerate Adelaide's hot summers (e) Complies (f) Shade will be provided to the car park via the Manturian Pear trees proposed to be planted on the north side of the car park (h) Complies (j) Complies (k) Complies (l) Complies</p> <p>Does Not Comply (i) The landscaping will not re-use stormwater directed from the car park</p>
<p><i>Landscaping should:</i> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i></p>	<p>Partially Complies (a) A number of species proposed are native to Australia, however, they are not locally indigenous. Given the</p>

<p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>relatively small size of the landscape area, the species chosen is nonetheless considered appropriate.</p> <p>(b) Landscaping will be located street-side of the carpark</p>
<p>Interface Between Land Uses</p>	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(e) light spill</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p>(a) (b) Whilst vehicles will emit some impacts (exhaust fumes, engine and closing door noise), the number and frequency of vehicles utilising the car park will not be such that it will result in unreasonable impacts upon adjoining land.</p> <p>(e) Standard 1.8m-high fencing is located on existing property boundaries to prevent headlight glare to the rear of adjoining properties.</p> <p>(g) Whilst the associated aged care facility will be staffed 24 hours a day, very little traffic movement is expected to occur outside of waking hours.</p> <p>(h) The car park will not necessarily result in an increase in vehicles accessing Chalfont Way, given the capacity of the aged care facility has previously been granted. The additional car parking space is likely to lead to a reduction in the number of vehicles being parked on the public road.</p>
<p>Crime Prevention</p>	
<p><i>Development should provide lighting in frequently used public spaces including those:</i></p> <p><i>(b) around public facilities such as toilets, telephones, bus stops, seating, litter bins, automatic teller machines, taxi ranks and car parks.</i></p> <p><i>General Section: Crime Prevention: PDC 4</i></p>	<p>Complies</p> <p>The proposal incorporates bollard lighting to ensure appropriate illumination of the car park area.</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Complies</p>

TABLE DISCUSSION

The proposal satisfies a majority of the relevant Development Plan assessment criteria. However, it is acknowledged the proposal will result in a substantial amount of hard-standing area towards the north-eastern part of the site. Further, the proposal does not provide opportunity for the recharging of electric vehicles. To this end, the proposal partially complies with Transport and Access Principle 36(i) and fails to satisfy Principle 36(k).

As Members are likely to have witnessed, a majority of the Chalfont Way frontage of the site is generously landscaped with low and medium-level landscaping. It is expected the same quality of landscaping will be continued street-side of the proposed car parking – this is to be reinforced by way of recommended condition of consent 2.

This landscaping will complement the retention of the large Lemon Scented Gum tree north of the proposed car park and will contribute to reducing the visibility of the car park from the street.

To this end, it is my view that whilst this immediate part of the subject land is dominated by car parking (some 59 spaces in total), a majority of the Chalfont Way streetscape will comprise attractive landscaping. Further, the additional landscaping proposed and retention of the Regulated Tree will go some way to diluting the impact of the extensive hard surfaces on this part of the site.

Whilst the car park does not allow for the recharging of electric vehicles, the car park is intended for the exclusive use of staff; it is not anticipated that such persons will be driving electric vehicles. As such, the failure of the proposal to comply with Transport and Access Principle 36(k) is, in my view, inconsequential.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to noise 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 security of property and a preference for acoustic fencing. While these concerns are noted, the subject car park is not located in immediate proximity to property boundaries, and as such, it is outside the scope of this assessment.

Concerns regarding fencing and security have been raised by these residents with Eldercare, and it is understood additional security treatments (bollards or the like) are to be installed adjacent the property boundary/ies.

ANALYSIS/CONCLUSION

The proposal seeks for additional car parking to be provided adjacent the north-eastern position of the Eldercare aged care facility. The additional car parking will reduce staff's reliance upon the public road network for car parking.

Whilst the proposed car park will result in a bank of some 59 spaces in this immediate area, street-side of the car park will be landscaped with a variety of species. It is expected the density and quality of landscaping should match that already in existence on the Eldercare site, south of the proposed car park.

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: 100/2015/1122 for demolition of existing dwelling and to construct a car park containing 16 spaces, accessed from the existing driveway, adjacent the Chalfont Way frontage at 86 Oaklands Road, Glengowrie be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1122, except when varied by the following conditions of consent.**
- 2. An amended site plan shall be provided to Council, for consideration and approval, detailing the location, size and details of the sign to be placed at the entrance of the car park, nominating use for staff only.**
- 3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 4. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**

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 redundant crossovers shall be reinstated to upright kerb, prior to the available use of the car park.**
- 3. 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).**
- 4. 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.**

- 5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.5
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Mr Daniel Hay
Development Description:	Telecommunications facility and associated works
Site Location:	634 South Road Glandore
Zone:	Commercial Zone
Policy Area:	Commercial
Precinct:	South Road Policy Area 2
Application Type:	Category 2 / Consent
Lodgement Date:	02/04/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/571
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2 (19) of the Development Regulations 2008, which assigns a change of use of land, referred to in clause 6 of the same schedule, where the site is adjacent land to land in a zone which is different to the zone that applies to the site of the development, as Category 2 development.

Schedule 9, Part 1 (6) (q) lists the construction of a telecommunications facility, the total height of which does not (or will not) exceed 30 metres in a Commercial Zone, where it is adjacent land in a different zone.

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

BACKGROUND

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

Amendments Requested	Amendments Made
Reduce the size of the headframe to minimise the visual impact of the structure.	Headframe reduced by more than half that originally proposed.
Show aircraft warning light on elevation plans	Aircraft warning light noted on elevation plans.
Information Requested	Information Provided
Provide an analysis of the demonstrated need for the facility and the viability of the location of the proposed telecommunications tower.	Commentary provided on need for the tower and individual site analysis on considered locations for tower.

SUBJECT LAND & LOCALITY

The subject site is located at 634 South Road, Glandore and is situated immediately adjacent the Adelaide-Glenelg tram overpass.

The site currently contains a single storey building with a current land use made up of a retail showroom and two offices with associated car parking of 17 spaces. The part of the site which contains the building and car parking comprises 1337m² total land area and incorporates two allotments (Lots 15 and 16). A third allotment (Lot 14) is located to the rear of Lot 16 and forms an easement for a right of way to gain access off Nottingham Crescent. The site has an additional access point which allows entry and exit from South Road, to and from the main car park.

The locality contains a variety of land uses. To the south of the site, along both the western and eastern sides of South Road, the land uses are primarily of commercial nature including shops, service trade premises and consulting rooms.

In the adjoining Council areas of Unley and West Torrens residential land uses surround the site, including along South Road, directly to the west and north of the site and are zoned accordingly in their respective Council areas, albeit some dwellings on the opposite side of South Road are used as offices.

Directly to the west of the site are detached and semi-detached dwellings within the Residential Character Policy Area 17.

Buildings within the locality are primarily single storey, however a small number of buildings up to two storeys in height exist within the commercial precincts on South Road in a southerly direction from the subject site.

The site does not contain any regulated or significant trees, nor is there any in close proximity to the subject land.

Refer Attachments I and II

PROPOSED DEVELOPMENT

The proposal is for the installation of a 25m telecommunications facility towards the western side of Allotment 16 in Filed Plan 7195.

The development will comprise the following elements:

- Installation of one new 25m monopole;
- Installation of three new panel antennas, each measuring less than 2.8m in length, to be mounted on a headframe at the top of the monopole;
- Installation of one new equipment shelter, with a floor area of 7.5m², located adjacent to the monopole on the western side; and
- Installation of ancillary equipment associated with operation of the facility.

The antennae and other equipment are to be finished in a standard factory grey colour.

The new facility is to be located within a leased compound and surrounded by a 2.4m high colorbond fence with a 1.5m lockable gate.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	31 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council. <ul style="list-style-type: none">• L Ellis – 1 Nottingham Crescent, Glandore
Persons wishing to be heard:	The representor has indicated a desire to be heard by the Development Assessment Panel.
Summary of representations:	<ul style="list-style-type: none">• Is most affected by the proposed development as the occupier of the adjoining allotment to the proposed site;• The proposed tower is sited within a few metres of the back corner and there are a number of issues of concern;• Concerned about unknown long term health implications.• Research is divided on the health implications but the ongoing uncertainty demands a precautionary approach.• I should not have to accept the unknown risks of living in such close proximity to a telecommunications tower.• The tower is unsightly and would greatly affect the amenity of the area.• Due to its planned close proximity, the constant level of noise from the ongoing operation of the associated air conditions will be disturbing, and this, combined with the visual impact, will affect my enjoyment and use of my backyard area. <p><i>Refer Attachment IV</i></p>
Applicant's response:	Health impacts <ul style="list-style-type: none">• While not a relevant planning consideration in regards to the proper assessment pursuant to the

	<p>Development Act, 1993, community safety and wellbeing is of utmost importance to Vodafone.</p> <ul style="list-style-type: none"> • All radio communications facilities are required to comply with stringent limits with respect to electromagnetic energy (EME) and the community. • The EME report related to the proposed facility predicts the maximum level to be 1.073% of the national standard and actual measured levels at the base station are typically much lower than such predictions. • Mobile telephone base stations need to be in or near the area they are designed to provide coverage to because they operate at very low power levels. • Independent surveys demonstrate that the background electromagnetic fields (EMF) levels in the community from base stations is very low and as such, they are a common presence in residential areas, on sporting facilities, shopping centres and in hospitals. • The Carriers' first preference is to place mobile facilities in industrial or commercial areas, but inevitably some facilities need to be located in residential areas to provide reliable, continuous service where people live, such as the subject site. • All mobile phone networks must comply with strict regulations set by the Federal Government in relation to EMF exposure, known as the ARPANSA standard. • A survey coordinated by ARPANSA of EME levels arising from mobile phone base station antennas in 2007-2008 showed that the levels were very low in relation to the Standard and ARPANSA confirms that <i>'the balance of evidence does not indicate a risk to the health of people, including children, living in the vicinity of base stations where the exposure levels are only small fractions of the ARPANSA Standard'</i>. <p>Visual Impacts</p> <ul style="list-style-type: none"> • The Commercial Zone along South Road is the only non-residential area within the search ring and the preferred location for the Telecommunications Facilities within the zoning hierarchy for the area. • The proposed design has been amended to increase the physical separation between the proposed monopole and the adjoining residential boundary. A greater separation is not achievable without adversely impacting on the function of the existing parking area. • While the subject site is located close to the residential boundary, the compound will be enclosed by a 1.8m high colorbond fence which will further help to minimise the visual impact of the base station. • While the monopole will be visible within the landscape, the facility will not appear out of character within the context of the telecommunications facilities within the broader regional context. • The development is not dissimilar to the monopoles at the corners of South and Cross Roads, Edwardstown
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	<p>and South Road and Anzac Highway, Ashford.</p> <ul style="list-style-type: none"> • Photomontages have been provided to illustrate how the proposal is likely to appear in the landscape. • While the tower will have a visual presence within the landscape, the existing telecommunication facilities along Main South Road set a visual precedent for such development that residents or passers-by would be accustomed to viewing. • It is anticipated that there will be some visual impact but this is not expected to be of detrimental value. • While the facility is visible, it will be viewed within the context of well-established vertical structures, including the tram overpass and associated power cables as well as the street power line network. <p>Noise generation</p> <ul style="list-style-type: none"> • The air-conditioning units that will be installed will, extremely rarely to never, switch on at night. • The units do not switch on unless the temperature is upwards of approximately 35 degrees which will result in predominately day time hours of operation. • The units are programmed to cycle once every 2 weeks during daytime hours for 30 minutes, should they not be required to switch on to maintain functionality. • The new zone-cooling technology within the shelter is run by an air inlet at one end that uses individual extractor fans for each piece of equipment to keep them cool which reduces the need for the split system units mentioned. • The fans themselves are very quiet and the noise would not be above the standard operating noise that is associated with the shelter installation. <p style="text-align: right;"><i>Refer Attachment V</i></p>
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GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport and Infrastructure (DPTI):	DPTI does not object in-principle to the proposed development subject to the following conditions: 1. The electricity and optical cables shall be directed to Nottingham Street, via the right-of-way at the rear of the site, then to South Road to minimise the future impact on these cables as a result of any upgrading to South Road.
Airspace Protection Civil Aviation Safety Authority (CASA) Airservices Australia Adelaide Airport Limited	<p>The Inner Horizontal Surface of the Obstacle Limitation Surface (OLS) above this site is at a height of 48.5 metres Australian Height Datum (AHD) and hence prescribed airspace above the site commences at 48.5 metres. At a maximum height of 51.232 metres AHD, the building will penetrate the OLS by 2.732 metres.</p> <p>Accordingly, the proposed construction of the development would constitute a “controlled activity”</p>

	<p>under Section 182 of the <i>Airports Act 1996</i>. Section 183 of the Act requires that controlled activities cannot be carried out without approval.</p> <p>Regulation 14 provides that a proposal to carry out a controlled activity must be approved unless carrying out the controlled activity would interfere with the safety, efficiency or regularity of existing or future air transport operations into or out of the airport concerned.</p> <p>In accordance with regulation 14 (1) (b) an approval is granted subject to conditions (5 conditions listed)</p>
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Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed below, beginning with the Zone and Policy Area provisions, followed by provisions from the General Section of the Development Plan. The proposed telecommunications facility is discussed in relation to the relevant objectives, principles of development control and desired character statement at each section.

Commercial Zone

<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>
<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ <i>bulky goods outlet</i> ▪ <i>consulting room</i> ▪ <i>motor vehicle related business other than wrecking yard</i> ▪ <i>office</i> ▪ <i>petrol filling station</i> ▪ <i>service trade premises</i> ▪ <i>shop with a gross leasable area of 250 square metres or less</i> ▪ <i>store</i> ▪ <i>warehouse.</i>
<i>PDC 3</i>	<i>Retail development in the zone should not hinder the development or function of any centre zone.</i>
<i>PDC 4</i>	<i>Shops, other than a bulky goods outlet, should have a gross leasable area of 250 square metres or less.</i>
<i>PDC 5</i>	<i>Land division should not create additional allotments but facilitate the amalgamation of sites so that better integration with adjoining sites in terms of shared access points, driveways, parking areas and pedestrian connections can be achieved.</i>

South Road Policy Area 2

	<p>Objectives</p> <ol style="list-style-type: none"> 1 Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road. 2 Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential zones. 3 Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor. 4 Development that contributes to the desired character of the policy area.
	<p>Desired Character</p> <p>Development along South Road is highly commercialised and provides an important servicing role to local, neighbourhood and significant district and metropolitan wide population. It contains a major concentration of motor vehicle related uses, service trade premises and bulky goods outlets. Due of the importance of South Road as a major arterial road, new development must be consistent with its arterial road function.</p> <p>The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.</p> <p>The architectural style and finishes of building development will be varied and display high aesthetic qualities to enhance the visual 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"> ▪ bulky goods outlet ▪ indoor recreation and leisure facilities ▪ light industry ▪ motor vehicle related activities ▪ service industry ▪ service trade premises ▪ small-scale office ▪ storage uses ▪ transport related activities ▪ wholesale uses.
PDC 4	<p>Buildings should not exceed 2 storeys or 10 metres in height above natural ground surface level, except where located within 20 metres of a residential zone in which case the building height should not exceed one storey or 6 metres.</p>
PDC 5	<p>Development adjacent residential zones should incorporate all of the following:</p> <ol style="list-style-type: none"> (a) a minimum 6 metre setback for buildings from the zone boundary (b) visual and acoustic buffer features (c) landscaped areas having a minimum width of 2 metres (d) 2 metre high fencing (e) screened or obscured building openings.
PDC 6	<p>Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.</p>

Assessment

A telecommunications facility is not expressly listed as an envisaged use in the Commercial Zone or South Road Policy Area 2 and whilst a telecommunications tower exceeding 30 metres in height would be deemed non-complying, this facility, with a 25m overall height, does not achieve this. Given that it is neither encouraged nor discouraged in the Zone, the proposal should be further considered on its merits.

The highly commercialised nature of South Road and the servicing role it plays to local and metropolitan wide businesses as identified in the Desired Character Statement suggests that a telecommunications facility could be an appropriate use within the zone. The use will not

generate high levels of traffic movement, therefore its impact upon the arterial function on South Road will be minimal.

Having said this, the land adjoins a Residential Zone and the height of the structure will form a notable visual element in the locality when viewed from the adjacent residential land. Principle 4 of the Policy Area specifies that buildings should not exceed 6m in height where located within 20 metres of a Residential Zone, which the proposal evidently exceeds by 19m. A discussion on the visual appearance of the structure will be discussed further in the report, however, it is noted that the structure has different characteristics to a building with its slender built form and furthermore, the area is surrounded by a number of structures with similar heights and appearance.

The structure does maintain a minimum setback of 6m from the Zone boundary but despite this, on account of the structure's height, it will be a dominant element that will not be able to be completely screened by fencing, landscaping or other buildings. Accordingly, I am of the view that the proposed development will not contribute to enhancing the visual character of the locality as sought within the Desired Character.

To this end, there are deemed to be inconsistencies with the proposal and the Policy Area Principles in the Development Plan. Nonetheless, the proposal is best assessed against the Telecommunications Facilities provisions of the Development Plan to further consider the merits of the proposal.

DEVELOPMENT ASSESSMENT

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

GENERAL SECTION

Telecommunication Facilities: Objectives

OBJECTIVES

- 1 Telecommunications facilities provided to meet the needs of the community.*
- 2 Telecommunications facilities sited and designed to minimise visual impact on the amenity of the local environment.*

Telecommunication Facilities: PDC 1

PDC 1 Telecommunications facilities should:

- (a) be located to meet the communication needs of the community*
- (b) use materials and finishes that minimise visual impact*
- (c) have antennae located as close as practical to the support structure*
- (d) be located primarily in industrial, commercial, business, office, centre and rural zones*
- (e) where technically feasible, be co-located with other telecommunications facilities*
- (f) incorporate landscaping to screen the development, particularly equipment shelters and huts*
- (g) be designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points and significant vistas.*

Objective 1: Need

Objective 1 and PDC 1(a) of the General Section: Telecommunications Facilities stipulate that telecommunications facilities should be provided to meet the needs of the community. The applicant (Daly International on behalf of Vodafone) has made the following comments in relation to the need for the proposed facility:

"The primary coverage objective is to provide Glenelg Tramline coverage between Stop 4 Forestville and Stop 8 Beckman Street.

The secondary objective is to provide coverage improvements to the residential areas of Glandore, Everard Park, Forestville and Black Forest.

The existing Vodafone network does not provide sufficient indoor coverage along with technological capabilities to improve the user experience on data services.'

Notwithstanding this explanation, recent decisions by the Supreme Court and Environment, Resources and Development (ERD) Court have determined that the need for telecommunications facilities is implicit when an application is lodged by a licenced telecommunications carrier.

In the case of the Development Assessment Commission v 3GIS Pty Ltd & Anor [2007] SASC 216, the Supreme Court has summarised that:

"Telecommunications facilities are therefore to be constructed in the area covered by the Development Plan in order to satisfy the community need for access to the relevant telecommunications technologies. The concern of the Development Plan then is to ensure that those necessary facilities are constructed in a manner which ensures that coverage is available to satisfy the need, but in a way which minimises the visual impact of those facilities on the amenity of the local environment.

It is not... a matter of balancing the impact of a particular development on the amenity against some demonstrated demand need. The demand need is given."

In this respect, it is accepted that the proposed development complies with Objective 1 and PDC 1(a).

Objective 2: Visual Impact

Objective 2 stipulates that telecommunications facilities should be "sited and designed to minimise visual impact on the amenity of the local environment". The proposed monopole will have a considerable visual impact on the amenity of properties within the local environment due to its substantial height.

However, the fact that the structure will have a visual impact and may impair the amenity of the locality does not necessarily establish non-compliance with Objective 2, as the objective seeks only to minimise visual impact by (a) siting and (b) design.

(a) Siting

The structure is sited as far away from the residential zone boundary as practicable without impeding the access and car parking associated with the existing commercial premises. The existing vegetation on the adjoining land to the north and the 2.4m high fence will screen the lower portion of the monopole, however, the upper half of the monopole, including antennae, will be unobscured and clearly visible from surrounding areas.

It would, however, be impractical for the upper portion of the monopole to be sited in a manner that would effectively screen its entire height, given that mature trees rarely grow to this height and commercial buildings in the subject locality should not exceed 10 metres in height. As such, it is considered that the proposed facility has been sited as well as practicable in the subject locality to minimise its visual impact.

The immediate locality contains a number of vertical elements, most notably the power-poles associated with the tramline overpass as well as light poles. However, this does not necessarily imply that an additional structure in the locality is warranted given that it may further diminish the visual amenity of the locality.

When considering whether the structure has been appropriately sited to minimise visual impact in accordance with Objective 2, parts (d), (e) and (g) of PDC 1 are relevant.

PDC 1(d) states that telecommunications facilities should be located primarily in industrial, commercial, business, office, centre and rural zones, and the proposal is satisfactory in this regard. According to the applicant, the subject land is part of the only non-residential strip identified within the search area. Due to the linear nature of the Commercial Zone and restrictions on the targeted search area, a development site with greater residential separation was unable to be identified and all sites considered as part of the investigation process were unable to achieve significant land use separation.

PDC 1(e) recommends that telecommunications facilities should be co-located with other telecommunications facilities, where technically feasible. The applicant has asserted that *“There are no co-location options available within the search area.”*

The existing rooftop facility on the South Road Tram Overpass was a considered Low Impact option but was discounted due to significant build, access and workplace health and safety issues that could not be reconciled.

Co-location with other telecommunications facilities is therefore not deemed to be a practical solution to cater for the required demand. However, the failure to comply with PDC 1(e) is not in itself considered to warrant refusal of the subject application.

PDC 1(g) stipulates that telecommunications facilities should be *“designed and sited to minimise the visual impact on the character and amenity of the local environment, in particular visually prominent areas, main focal points and significant vistas.”* The locality of the subject site does not, in my view, display characteristics of being a visually prominent area due to the location adjacent a main arterial road with heavy vehicle traffic, prominent public infrastructure and very little landscaping in the vicinity of the site and beyond. There are no focal points or icons of merit, nor attractive views.

As such, there is scope to suggest that while the proposed structure will not add to the visual aesthetics of the area, it will not significantly detract from the locality given the proposal's compliance with PDC 1 (g).

This interpretation of satisfactory minimisation of visual impact is consistent with various recent decisions of the ERD Court. The following cases relate to similar telecommunications facilities proposed in Residential Zones, which were granted Development Plan Consent by the ERD Court.

In the case of *Telstra Corp Ltd v The Corp of the City of Whyalla* [2012] SAERDC 43 (27 July 2012), Commissioner Green observed that:

“Most of the target area is also relatively flat with few trees taller than 8 metres, no buildings taller than conventional two storey (and only a few of those) and no other structures available that may be useful to screen/mask/off-set the 31 metre height and exposure of the proposed structure.

The structure is designed, to an extent, with minimising visual impact in mind, by the following measures:

- *it is of relatively slim-line appearance (but for the tuft antennas at the top);*
- *it is likely (to be nominated and confirmed) to be a light grey colour...;*

- *the absence of any additional ground level structure/shed for housing equipment, with the ability of the proposal to use the existing enclosed building adjacent for such purposes; and*
- *use of some screening afforded from some angles of view by the building and trees about the site, and along Risby Avenue, perhaps and in a number of instances, obscuring the lower one quarter to one third of the proposed pole.*

I, nor any other expert witness, were able to offer any further design adjustments or treatments that would achieve more, in the way of minimising visual impact to a locality containing several dwellings and several vacant residential allotments.”

Similar conclusions were offered in the case of *Telstra Corp Ltd v City of Onkaparinga & Anor* [2013] SAERDC 25 (22 May 2013). In relation to visual impact, Commissioner Green stated:

“Whilst no individual tree or vegetation screen planting is practical or feasible, or proposed, the above aspects mean that the proposed TF [telecommunications facility] will minimise negative impacts to visual amenity to some degree, though undoubtedly it would remain most visible from various residential properties in the near vicinity to the east and north. I can envisage no further design modifications to further minimise visual impact, whilst meeting the technical RF [radio frequency] requirements on this site and location.”

When considering minimisation of visual impact, the Courts have established that the planning authority must consider whether minimisation of visual impact could be better achieved at alternative sites, but must also consider whether alternative sites would result in an obviously better outcome whilst meeting facility demand.

In the case of the *Development Assessment Commission v 3GIS Pty Ltd & Anor* SASC 216 (18 June 2007), the Full Court determined that:

“To the extent that a planning authority must ensure that the installation of a proposed facility will minimise the effect on the environment, the planning authority will need to consider, where alternative sites or low-impact facilities are suggested, whether that minimisation can be better achieved by installation of a facility at some other preferred site. But it will also need to consider whether that possible preferred site will meet the facility demand. If it will not, it may be discarded. There may be other reasons why a particular alternative site is inappropriate or impracticable.”

In the judgement of *Telstra Corp Ltd v City of Onkaparinga* [2013] SAERDC 28, Commissioner Green further summarised that:

“with regard to the role of alternative sites it is appropriate to consider obvious alternative sites which would clearly better meet the objectives and principles of the Plan and to consider them in a practical and commonsense fashion; and where alternative sites are under consideration, the Court is required to consider only the proposed facility and not whether some alternative site with some modified form of development would be more environmentally sensitive. An alternative site would have to be a reasonably practical alternative (including the likelihood of tenure being obtained) that would meet the facility demand and be a feasible alternative.”

Several alternative sites have been considered for the proposed telecommunications facility. These alternative sites are detailed in the following table:

Site	Visual impact	Technical Outcome	Tenure Likelihood
1. Subject land: 634 South Road Glandore	<p>The site is located in Commercially Zoned land and adjacent South Road and the tram overpass with associated power-poles. The proposed structure will be another vertical element in a locality already blemished by existing infrastructure.</p> <p>The lower portion of the structure will not be visible from the adjacent residential properties and the existing vegetation from the property at 1 Nottingham will lessen the visual impact, however it would be near on impossible to screen the upper portion of the monopole and the structure will therefore be seen for some distance particularly from the residential areas to the east and south of the site.</p>	Candidate achieves all coverage objectives.	The site has a willing landlord.
2. South Road tram overpass (Roof top facility on overpass)	Utilising the existing tram infrastructure would be the ideal outcome as it would eliminate the need for a monopole and provides reasonable separation from residential properties. The facility would be approximately 9m lower than the proposed monopole and would have significantly less visual impact upon nearby residential properties.	Due to the limitation in the height of the facility, coverage objectives cannot be met.	The site has a willing landlord but overhead power cables restrict access and there are significant WPHS and build restrictions.
3. 640-642 South Road Gladore (Corner of South Road and Nottingham Terrace)	<p>The visual impacts would be similar to Candidate 1 (subject site) in that the upper portion of the structure would still be able to be seen from the adjoining residential properties and for some distance beyond.</p> <p>The structure would have greater separation from the POS of property at 1 Nottingham, but would not have the benefit of the existing vegetation when in view from the front yard of the property, albeit the existing sheds on the candidate's land may provide some mitigation of the structure in lieu of vegetation.</p>	Coverage along the Glenelg Tramline would be achieved, however, it ranks second to the subject site which is preferred due to its location towards the tramline which will provide better line of sight and a superior user experience.	Since lodgement of the Development Application, the landlord has confirmed an unwillingness to pursue land access.
4. Unley Council reserve adjacent overpass	A structure in this location is likely to have similar visual impacts to the subject land but be more greatly felt by the residential properties along Norman and Aroha Terrace, Black Forest, particularly the retirement units.	<p>The coverage objectives are achieved if the monopole is constructed at 25m. However, to construct the monopole at this height would result in build limitations due to the proximity of the overpass and multiple underground services.</p> <p>Whilst building the structure at</p>	The applicant has not divulged whether the Unley Council are a willing landlord, however, the proposal would be deemed non-complying in the residentially zoned land and it is unlikely that the applicant has pursued this option for that reason.

		20m would allow constructability, the coverage objectives would not be achieved.	
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Note: Visual impact comments have been asserted by the author of this report, whilst technical outcome and tenure likelihood comments have been provided by the applicant.

The above table identifies a number of alternative locations, however the applicant has asserted that each of these alternative locations face either difficulties in tenure likelihood, maintenance issues or marginal technical outcomes. A number of the sites identified would also result in a similar or heightened visual impact than the subject location, and therefore can be discarded.

Having said this, Candidate 3, in my view, would result in a slightly better visual impact than the subject site when viewed from the adjacent properties to the east and west and would still achieve (albeit less superior) coverage requirements. The visual impact would be improved for the occupant at 1 Nottingham Crescent as the structure will not be directly located adjacent the POS of the property.

However, it is noted that there is an unwillingness of the landlord on this site to negotiate with the carrier to come to a suitable leasing arrangement. In my opinion, the improved outcome for the occupant would not be so substantial that the proposed location should be ruled out on account of the Candidate 3 site being a preferred option. From the Candidate 3 site, the structure will still be seen from the POS of the adjacent western property, albeit slightly further away, and will have similar outcomes when viewed from the adjacent residential areas and the South Road streetscape. Given the limitations on the tenure likelihood of the preferred site combined with the negligible differences in overall visual impact, refusal of the proposal on these grounds is not considered warranted.

As a result of these considerations, it is accepted that no other alternative sites are available which offer a greater minimisation of visual impact. On balance, the visual impact of the proposed facility is deemed acceptable with reference to the relevant provisions of the General Section: Telecommunications Facilities and with regard to various decisions of the ERD Court and Supreme Court.

(b) Design

When considering whether the structure has been appropriately designed to minimise visual impact in accordance with Objective 2, parts (b), (c) and (f) of PDC 1 are relevant.

PDC 1(b) encourages the use of materials and finishes that minimise visual impact. The applicant has asserted that the monopole and antennas will be constructed in concrete and remain unpainted and finished in standard factory grey colour. This should result in a muted and dull appearance, and therefore are considered to minimise visual impact as well as possible.

This view has been reinforced in the case of *TELSTRA CORP LTD v CITY OF ONKAPARINGA* [2013] SAERDC 28 (6 June 2013), where Commissioner Green observed that:

“... the concrete material and grey colours of the pole are probably the best possible to minimise visual impact; the grey concrete lightens when very dry making it less visible in clear skies, whilst it darkens up with rain or moisture which is a better matching shade and fit in darker skies.”

A 2.4m high fence around the monopole will assist in screening the ancillary equipment and shelter and will maintain a colorbond finish.

The obstacle lighting required to be installed as directed by the Airports Authority is not considered to be a visually prominent element on the structure and will incorporate low level luminosity such that it will not be glary or bright when seen from adjacent properties.

PDC 1(c) stipulates that the antennae should be located as close as practical to the support structure. The applicant has amended the design to reduce the total width of the headframe to less than half of what was originally proposed. This has also resulted in a reduction in the height of the total structure as the top of the antennae aligns with the top of the monopole. The applicant has confirmed that the number of antennas proposed is the minimum required for this location as any less will impact on the necessary coverage objectives.

PDC 1(f) stipulates that the facility should incorporate landscaping to screen the development, particularly equipment shelters and huts. The applicant has conceded that due to the location of the rear access lane, a landscaped area along the zone boundary is impractical and whilst some landscaping exists upon the subject site it is not placed in a position that will soften the impact of the structure. It is however acknowledged that landscaping could hinder the function of vehicle movements and car parking within the site. A site inspection from the property at 1 Nottingham Crescent revealed that relatively dense landscaping does exist on that property along the shared boundary between the two sites. This will not alleviate the visual impact, however will go some way to reducing it.

Given that parts (b), (c) and (f) are reasonably satisfied, it can be seen that the facility has been designed to minimise visual impact as far as practicable in accordance with the relevant criteria of PDC 1, and therefore satisfies Objective 2 with respect to design.

Telecommunication Facilities: PDC 2

PDC 2 Telecommunications facilities in areas of high visitation and community use should use innovative design techniques (eg sculpture and other artworks) where possible and where the resulting design would positively contribute to the character of the area.

The applicant has stated that *'the proposed monopole is the most appropriate form for a telecommunications tower within an urban area'*.

The location of the proposed monopole is not deemed to be within an area of high visitation and community use which would warrant the need for the structure to be integrated within artwork.

The structure is designed similarly to other nearby facilities including the facility on the corner of ANZAC Highway and South Road, Ashford and the facility at the intersection of South Road and Cross Road, Edwardstown.

Accordingly, I am of the view that the structure presents reasonably in the form proposed.

Telecommunication Facilities: PDC 3

PDC 3 Telecommunications facilities should be located in residential zones only if sited and designed to minimise visual impact by:

(a) using existing buildings and vegetation for screening

(b) where possible, incorporating the facility within an existing structures that may serve another purpose maintaining that structure's character

(c) taking into account the size, scale, context and characteristics of existing structures, landforms and vegetation so as to complement the local environment.

The site in which the proposed telecommunications facility is to be located is within a Commercial Zone.

Despite this, the site is surrounded by residential zones and the ability for the structure to minimise its impact on the landscape is still relevant.

The visual impact of the structure has been discussed in the section relating to Telecommunications Principle 1 and whilst it is acknowledged that the overall height of the structure will result in it being a prominent structure within the landscape, when considering the overarching need for the facility, the structure has been designed as best as practicable to minimise the visual impact.

Furthermore, there are existing structures which are of a similar scale and appearance that will assist in screening and minimising the structure's dominance within the landscape and the dense landscaping situated on the property at 1 Nottingham Crescent will go some way to mitigating the view of the lower third of the structure when viewed from that property.

Telecommunication Facilities: PDC 4

PDC 4 Telecommunications facilities should not have a direct or significant effect on the amenity, character and settings of Historic Conservation Areas, local heritage places, State heritage places or State heritage areas.

The adjacent residential zone to the west of the subject site is the Character Policy Area 17 and whilst the Policy Area seeks to preserve the traditional character elements of the built form and development patterns, it is not a Historic Conservation area.

There are two local heritage places at 3 and 5 Maude Street, Glandore. Maude Street is one street further to the south of the subject land and sufficiently separated from the site, being some 100m away and with several buildings obscuring its line of sight from the subject land.

As such, the proposed development is not considered to have a material impact on the heritage value of the Local Heritage places.

Design and Appearance

OBJECTIVES

1 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.

PRINCIPLES OF DEVELOPMENT CONTROL

1 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.*

The proposed telecommunications facility, and in particular the monopole, does not reinforce the positive aspects of the local environment and built form due to its substantial height of 25 metres, which exceeds the height of dwellings and vegetation located in the immediate locality.

The desired character of the locality seeks for the intensity, floor size, scale and height of development to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.

It is acknowledged that as a result of the height of the monopole, the structure does not provide an adequate transition to the adjacent residential zone, however, the area is somewhat already

marred by a number of large scale structures, namely the tram overpass and its associated power poles, and therefore not completely at odds with the existing landscape of the locality.

To this end, while the proposal does not clearly satisfy the relevant provisions of the General Section: Design and Appearance, telecommunications facilities seldom “reinforce positive aspects of the local environment”, but this does not imply that such facilities are inappropriate. The proposed treatments are considered adequate to enhance design/appearance of the facility as best as practicable.

Interface between Land Uses

OBJECTIVES

- 1 Development located and designed to minimise adverse impact and conflict between land uses.*
- 2 Protect community health and amenity from adverse impacts of development.*
- 3 Protect desired land uses from the encroachment of incompatible development.*

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*
 - (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
 - (b) noise*
 - (c) vibration*
 - (d) electrical interference*
 - (e) light spill*
 - (f) glare*
 - (g) hours of operation*
 - (h) traffic impacts.*
- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*
- 3 Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.*

As discussed, the proposed development has been located and designed as best as practicable to minimise adverse impact and conflict between land uses.

Any noise generated by the facility is not considered to be unreasonable and is likely to satisfy the relevant standards identified by the Environment Protection (Noise) Policy. The applicant has specified that the only noise produced by the facility, when in operation, is low level noise from the air conditioning equipment on the equipment shelter and will be at comparable levels to a domestic air conditioner.

With regard to traffic generation, once constructed, the facility will only require periodic visits for maintenance purposes, generally 1-5 times per year. The facility can otherwise operate on a continuously unmanned basis. The development is therefore not deemed to result in additional traffic to the area which will impact on the flow of traffic on South Road or overflow of car parking on the adjacent street network.

It is acknowledged that the proposed facility may result in the perception of adverse impacts on the health and amenity of the community, which is demonstrated by the concerns raised in the representation received by Council through the Category 2 notification.

Although Objective 2 seeks to protect community health, the Courts have established that any perceived or actual health impacts cannot be considered by the Council in its assessment of the proposed facility.

In relation to amenity, it is clear that the proposed facility will result in adverse visual impacts, and therefore fails to satisfy Objective 2.

However, the fact that this objective is not satisfied should not necessarily warrant refusal of the application. Commissioner Hamnett offered an interpretation of the above objectives and principles in the case of *Bettcher v City of Charles Sturt & Anor* SAERDC 39 (14 August 2013):

“The key question... was not whether the proposed facility would have a visual impact – clearly it would – but whether, in accord with Objective 2 under the heading “Telecommunications Facilities”, it would be “sited and designed to minimise visual impact on the amenity of the local environment”. Ms McKinlay ... pointed to other relevant provisions in the General Section of the Development Plan, including Objective 1 under the heading “Interface between Land Uses”, which requires development to be “located and designed to prevent adverse impact and conflict between land uses”; and Principle 2 under the same heading which requires that development adjacent to a residential zone or residential area “should be designed and sited to minimise negative impacts to existing and future land uses considered appropriate in the locality”.

Ms McKinlay acknowledged that the existing dwellings adjoining the side and rear boundaries of the subject land would have their amenity adversely affected by the development as a result of the visual impact of the monopole and its proximity to their boundaries. In her opinion the site was “not ideal in terms of impact on its neighbours”.

However, Ms McKinlay was satisfied that, given the demonstrated need for the facility, all possible steps had been taken to minimise its visual impact. On balance, therefore, she concluded that the proposal was sufficiently in accord with all relevant provisions of the Development Plan to merit consent. As noted earlier, Ms McKinlay was the only expert planner to give evidence. I agree with her analysis and accept her conclusions.”

The facility should not result in overlooking of adjacent land given that the monopole shall not be subject to activity except in the case of infrequent maintenance activities. Given that the monopole maintains a slender appearance, shadow from the structure is likely to be cast in a narrow strip which would not overshadow habitable areas in a manner that would offend the relevant provisions of the Development Plan (see General Section: Design & Appearance: Overshadowing). Accordingly, the proposal is considered to adequately comply with PDC 3.

Orderly and Sustainable Development

OBJECTIVES

- 1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.*
- 3 Development that does not jeopardise the continuance of adjoining authorised land uses.*
- 4 Development that does not prejudice the achievement of the provisions of the Development Plan.*

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not prejudice the development of a zone for its intended purpose.*
- 7 Development should be located and staged to achieve the economical provision of public services and infrastructure, and to maximise the use of existing services and infrastructure.*

The proposed facility is considered to be orderly, and shall fulfil economic objectives by contributing to network coverage for the target area. Although the visual impact of the facility will not contribute toward a pleasant environment in which to live for the immediate locality, this impact is not considered to outweigh the underlying compliance with the provisions of the Telecommunications Facilities section of the Development Plan. Indeed, there are limited circumstances where a telecommunications facility would “create a pleasant environment in which to live”, but this does not imply that telecommunications facilities are fundamentally inappropriate.

The development does not jeopardise the continuance of adjoining authorised land uses, as the siting of the facility will permit the subject land to continue its authorised use as a retail

showroom and office use, which are envisaged uses within the zone. Furthermore, it will not restrict the adjacent residential properties from continuing to function as they are intended.

PDC 7 emphasises that infrastructure should be provided to maximise the use of existing services and infrastructure. While the proposed telecommunications facility does not clearly satisfy this provision because it proposes a new monopoly, it will allow the existing local business to benefit from the technology, improving their function and viability within the area.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to visual impact and noise have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns over health impacts. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

PDC 1(d) (General Section: Telecommunications Facilities) stipulates that telecommunications facilities should be located in industrial, commercial, business, office, centre or rural zones and the proposal is therefore satisfactory in this regard.

However, despite the use being located within a Commercial Zone, the site is located adjacent residential properties. The Policy Area Objectives and Desired Character are explicit in stating that the scale and appearance of development should provide an appropriate transition to the neighbouring residential properties, and with a structure height of 25m and likely to be the tallest element in the locality, it is clearly of a size which far exceeds the scale of development anticipated by the Zone and Policy Area.

Nonetheless, the Policy Area does not discourage telecommunication facilities that are below 30m in height and it is deemed appropriate to further consider the merits of the proposal against other provisions of the Development Plan, and in particular those provisions which relate wholly to Telecommunications Facilities.

The facility satisfies a majority of the applicable provisions of the General Section: Telecommunications Facilities. The facility will meet the needs of the community, as the facility is required to ensure ongoing network coverage for tram commuters as well as residents and businesses of Glandore, Everard Park, Forestville and Black Forest.

Recent decisions by the ERD Court and Supreme Court have recognised the community need for such facilities but have acknowledged that it must be balanced in a way which minimises the visual impact of those facilities on the amenity of the local environment.

The facility is considered to be satisfactorily designed and sited as best as practicable to minimise visual impact on the amenity of the local environment. Although the facility will certainly result in a visual impact due to its substantial height, a number of factors will assist in minimising visual impact, such as:

- a) The antennae headframe being located as close to the monopole as can be achieved;
- b) The height of the structure being the lowest that it can be to achieve the necessary coverage objectives;
- c) The use of grey muted materials on the monopole and antennae, which should not be overly bright or obtrusive;
- d) The setback of the monopole being located 7m away from the residential boundary, as far as possible without jeopardising the function of the existing land use;
- e) The existing dense vegetation on the adjacent land at 1 Nottingham Street, which will screen the lower portion of the structure;
- f) The location of the monopole amongst other large scale infrastructure buildings, in particular the tram overpass and associated power-poles.

When considering whether visual impact has been adequately minimised, it is important to consider whether an alternative site is available and would provide a superior planning outcome, whilst being technically viable. Various alternative sites have been considered and assessed in this report, however it has been reasonably concluded that no other alternative sites are available which meet the technical requirements for the facility and achieve a notably reduced impact on the amenity of the locality.

The proposal does not favourably complement the provisions of the Development Plan in relation to Design and Appearance and some aspects of the Interface Between Land Uses because the facility will not enhance the amenity of the locality, and is likely to result in considerable visual impact. However, telecommunications facilities are requisite infrastructure and are seldom designed to enhance amenity. As such, failure to complement these provisions

of the Plan should not necessarily warrant refusal of the application, provided that the provisions under Telecommunications Facilities are reasonably satisfied.

For the reasons outlined above, it is my view that the proposal adequately meets the relevant objectives and principles of the General Section: Telecommunications Facilities.

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: 100/2015/571 for a telecommunications facility and associated works at 634 South Road, Glandore 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. 100/2015/571, being drawing numbers 580030-G1 to 580030-G6 (inclusive), received by Council on 18 August 2015, except when varied by the following conditions of consent.**
- 2. The telecommunications tower must not exceed a maximum height of 51.232 metres AHD.**
- 3. The tower must be obstacle lit with low intensity steady red lighting in accordance with the Manual of Standards (MOS) for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS) Section 9.4. Obstacle lights are to be arranged to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of Part 139 MOS. Characteristics for low intensity lights are stated in subsection 9.4.6.**
- 4. Adelaide Airport or the structure's owner is to monitor the ongoing availability of the obstacle lighting. For detailed requirements for the monitoring of obstacle lights within the OLS area of aerodromes, refer to subsection 9.4.10 of MOS Part 139.**
- 5. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the tower. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.**
- 6. The proponent must provide AAL with the finished height of the tower in metres AHD from a certified surveyor upon completion.**
- 7. The electricity and optical cables shall be directed to Nottingham Street, via the right-of-way at the rear of the site, then to South Road to minimise the future impact on these cables as a result of any upgrading of South Road.**
- 8. The structure herein approved shall be maintained, kept tidy, free of graffiti and in good repair and condition at all times.**
- 9. The finished colour of the subject tower hereby approved shall be of light grey hues and non-reflective hues.**

10. If the subject telecommunications facility and/or any associated equipment become obsolete or unused, it shall be removed and, where applicable, the site restored to its original condition within a period of 12 months from the date when the facility or equipment becomes obsolete or unused.
11. All buildings and paved areas shall be connected to a stormwater collection and disposal system that is connected to the street watertable or, where relevant, back of block drainage pipes.
12. Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.

NOTES

1. Breaches of approval conditions are subject to significant penalties under sections 185 and 187 of the *Airports Act 1996*.
2. 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.
3. 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.
4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
5. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.
6. As part of the North-South Corridor planning, on the 13 December 2013, the Australian Government approved and \$8.5 million South Road Planning Study from Anzac Highway to the Southern Expressway. This included the planning that resulted in \$620 million of funding being committed towards the Darlington Upgrade Project from both the Australian and South Australian Governments.

The study is identifying a broad range of options and associated risks that will inform the next phase of planning for the corridor from Anzac Highway to Darlington. This will help inform decisions on the timing and funding commitments to deliver the North-South Corridor.

For further information, please contact the North South Corridor Project Team via email at dpti.southroad@sa.gov.au.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 19 August 2015

Agenda Ref No:	DAP190815 – 2.6
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Scentre Group
Development Description:	Variation to Development Application 100/2007/48 (as subsequently varied by 100/2387/2010, 100/1297/2012, 100/2014/1536 and 100/2015/417): Amendment to Reserved Matter 1
Site Location:	293-297 Diagonal Road, Oaklands Park
Zone:	Regional Centre Zone
Precinct:	Precinct 10 Retail Core Marion and Precinct 11 Retail Support Marion
Application Type:	No Category
Lodgement Date:	29/06/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1145
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION

The subject application cannot be categorised pursuant to the Development Act or Regulations, given that the proposal does not incorporate any act of “development”. Rather, it seeks to vary a reserved matter imposed on a previous consent.

BACKGROUND & DELEGATION

As part of the assessment process for Development Application 100/1297/2012, Council’s Development Engineer recommended that a Design Road Safety Audit shall be undertaken “*of the internal car park, pedestrian, lighting and access changes*”. This was identified as a reserved matter in Council staff’s report.

When the proposal was granted Development Plan Consent by the DAP on 3 October 2012, the wording of the reserved matter was changed to request the Design Road Safety Audit be undertaken “... of the whole of the site, including assessment of the internal car park, pedestrian movements, lighting and access arrangements”. [changes underlined]

This reserved matter was subsequently amended in variation Development Application 100/2015/417 as follows:

"A Design Road Safety Audit shall be undertaken of the whole of the site, including assessment of the internal car park, pedestrian movements, lighting and access arrangements, prior to the issue of Development Approval to Stage 2. Any amendments that are proposed will require the further consent of Council." [changes underlined]

Given that the application proposes to alter a reserved matter previously imposed by the Development Assessment Panel, Council has delegated authority for assessment of the proposed variation to the Development Assessment Panel.

AMENDMENTS

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

Amendments Requested	Amendments Made
Recommend that Design Road Safety Audit be undertaken for the car parking areas to be constructed or amended as part of the subject Development Application, <u>and</u> areas which may be impacted by proposal.	Agree to proposed amended wording to include areas which may be impacted by the proposal.

SUBJECT LAND & LOCALITY

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

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

The shopping centre currently comprises 132,222 square metres of gross leasable floor area, including two full-line department stores, four discount department stores, two supermarkets, nine 'mini major' stores, 270 speciality shops, an office tower, food court and restaurants, 26-cinema complex and other entertainment facilities surrounded by at-grade and decked car-parking. A bus interchange, partly on the subject site is located to the immediate south of the centre.

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

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

Refer Attachment I

PROPOSED DEVELOPMENT

The application proposes to vary the wording of the existing Reserved Matter 1 as follows:

Existing Reserved Matter	Proposed Reserved Matter
<i>A Design Road Safety Audit shall be undertaken of the whole of the site, including assessment of the internal car park, pedestrian movements, lighting and access arrangements, prior to the issue of Development Approval to Stage 2. Any amendments that are proposed will require the further consent of Council.</i>	<i>A Design Road Safety Audit shall be undertaken of the parking areas to be constructed or amended as part of the subject Development Application, including assessment of the car parking areas, pedestrian movements, lighting and access arrangements which may be impacted by the proposal. Any amendments that are proposed will require the further consent of Council.</i>

Refer Attachment II

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport and Infrastructure (DPTI):	The proposed variation to Reserved Matter 1 is not considered to: (a) alter an existing access; or (b) change the nature of movement through an existing access; or (c) create a new access; or (d) encroach within a road widening setback under the Metropolitan Adelaide Road Widening Plan Act 1972, and therefore does not require referral to the Commissioner of Highways pursuant to Schedule 8 of the Development Regulations 2008.
Development Assessment Commission (DAC):	The proposed variation application does not propose an increase in the retail floor area. As such, referral to DAC is not required by Schedule 8 of the Development Regulations 2008.

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Proposed amendment to reserved matter should include not only the proposed development areas, but also car parking areas, pedestrian movements, lighting and access arrangements which may be impacted by the proposal.</p> <p>The Design Road Safety Audit should be done before construction commencement after the design has been completed by an independent Auditor. It is an Audit of the Design Plan, not of any construction, so should be done before any works are commenced.</p>
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DEVELOPMENT ASSESSMENT

Regional Centre Zone

Desired Character Statement

Access and Movement

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

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

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

The existing bus interchange, located immediately adjacent to the shopping centre, provides an essential facility and service by enabling public transport users convenient access to the shopping centre without having to cross major traffic flows or walk through large car parking areas. In the future, as substantial development occurs in Precinct 9 Northern Fringe Marion and Precinct 11 Retail Support Marion, the interchange should move further north towards the centre of the zone to one of the two locations shown on Concept Plan Map Mar/5 - Marion Regional Centre as the main public transport destination. Either potential location would be immediately adjacent and directly accessible to the existing shopping centre and thereby provide the greatest convenience in the longer term to the largest number of centre users, and to others who are likely to access public transport such as users of the cinemas, entertainment facilities, library and educational facilities.

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

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

The current Reserved Matter 1 requires the applicant to undertake a Design Road Safety Audit for the whole of the site, including the proposed and existing internal car park, pedestrian movements, lighting and access arrangements. This would require assessment and potential modification of existing areas which are unaffected by the proposed shopping centre additions/alterations.

When the Design Road Safety Audit was originally requested by Council's Development Engineer in 2012, it did not entail an audit of the "whole of the site". This wording was imposed after deliberations by the DAP.

Council's Development Engineer has reviewed the current proposed amended reserved matter and is content with the wording to include the car parking areas to be constructed or amended as part of the subject Development Application, and areas which may be impacted by proposal.

The applicant has provided a report by MFY Traffic Consultants, which recommends support for the proposed variation. MFY have advised that:

"The process for completing a Road Safety Audit is detailed in the Austroads "Guide to Road Safety – Part 6: Road Safety Audit". These criteria provide guidance to accredited Road Safety Auditors and include a requirement for auditors to identify all aspects of the subject facility which warrant review from a safety perspective. The audit process then requires that the recommendations are reviewed and either actioned or responded to by the relevant authority.

In this instance, the condition refers to an audit of the whole of the site. This would mean that any existing safety issues would need to be identified. While the existing car park may be a matter for Westfield review, I do not consider that it is appropriate to audit the

existing car park in the context of the Development Application. This would not only extend outside the scope of the development, but would potentially link historical design issues with a new development.”

The Desired Character statement for the Regional Centre Zone seeks for the zone to “... develop an integrated, safe and convenient movement system for vehicles, pedestrians and cyclists” and that “Development should provide, and the design of buildings and open spaces should promote, pedestrian linkages that form an integrated network for safe and convenient movement within and between the policy areas in the zone”.

The Design Road Safety Audit should ensure that the movement systems and pedestrian linkages associated with the proposed development accord with these provisions. Whilst it may be desirable for the safety issues of the existing car park to also be identified and addressed, I do not believe that such works could or should be enforced as part of the subject development application.

The wording of the reserved matter to include areas which “may be impacted by the proposal” should ensure that the existing movement system and pedestrian linkages will be appropriately reviewed to achieve adequate integration with the new movement systems.

As such, it is my view that the existing car park, pedestrian linkages, lighting and access arrangements that are unaffected by the proposed development do not warrant review as part of the subject development application.

ANALYSIS/CONCLUSION

The application proposes to amend Reserved Matter 1 to require a Design Road Safety Audit be undertaken for the car park, pedestrian linkages, lighting and access arrangements proposed as part of the subject development application, and those areas impacted by the proposed development. This is likely to exclude most of the existing car park areas from the audit.

It is my view that this proposed amendment does not undermine or jeopardise the proposal's compliance with the Marion Council Development Plan, given that the Development Plan can only guide new development; it cannot enforce change of existing lawful development.

There is argument that the existing car park, pedestrian linkages, lighting and access arrangements should be reviewed to ensure adequate integration with the new development areas. The rewording of this reserved matter to include areas which "may be impacted by the proposal" should ensure that these affected areas will be subject to the audit and review process.

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: 100/2015/1145 for a variation to Development Application 100/2007/48 (as subsequently varied by 100/2387/2010, 100/1297/2012, 100/2014/1536 and 100/2015/417): Amendment to Reserved Matter 1, at 293-297 Diagonal Road, Oaklands Park, be GRANTED subject to the following conditions:

RESERVED MATTERS:

1. A Design Road Safety Audit shall be undertaken of the parking areas to be constructed or amended as part of the subject Development Application, including assessment of the car parking areas, pedestrian movements, lighting and access arrangements which may be impacted by the proposal. Any amendments that are proposed will require the further consent of Council.
2. An additional acoustic report shall be provided, for consideration and approval, prior to Development Approval being issued for Stage 2, assessing the effect of the construction of the deck car park and extension to the food court upon noise emanating from the outdoor dining precinct and any treatments required to reduce such impacts to acceptable levels.

CONDITIONS OF CONSENT:

1. The development shall proceed in accordance with the amended plans and details submitted with and forming part of Development Application No. 100/2015/417, including;
 - i. Drawings Numbered DA-01 to DA-29 (inclusive), Revision 6 and dated as received by Council on 2 April 2015;
 - ii. Landscape Concept Plan prepared by oxigen, being Drawing Number 14.043.101 dated 29.09.14;
 - iii. Landscape Master Plan (drawing no. 210.172.01 Revision A, received 15 November 2010) and Pedestrian Boulevards – Detailed Plan (drawing no. 210.172.02 Revision A, received by Council 15 November 2010) prepared by Herkes Landscape Architects, together with supporting documentation including Crime Prevention Strategy dated 26 July 2007 prepared by Westfield Limited and the car parking analysis; and
 - iv. Traffic and Parking report by MFY report dated March 2015 and received by Council on 12 March 2015.
 - v. Report by Greg Vincent of MasterPlan dated 29 April 2015 and received by Council on 30 April 2015.
2. The outdoor dining precinct shall be limited to the following operating hours, and shall not incorporate any amplified music;
12:00pm, Sunday to Thursday; and
1:00am (the following day), Friday and Saturday

3. The proposal shall satisfy relevant EPA noise criteria through the adoption of all acoustic treatment measures as recommended in the report prepared by 'Sonus Pty Ltd', dated 14 December 2006. All acoustic treatment required as per the abovementioned report shall be installed prior to each stage of the development becoming operational.
4. A detailed design shall be provided prior to full Development Approval being issued for Stage 2 that demonstrates to Council's satisfaction that the new parking for people with disabilities standard, detailed column locations and other suggested modifications recommended in Murray F. Young & Associates' Report, dated November 2010, and received by Council 15 November 2010, will be achieved.
5. The 'wombat'/'zebra' crossing, provided adjacent the plaza space of the outdoor dining precinct, shall be constructed at the same level and of materials (but contrasting colour) with the plaza.
6. A revised Landscape Master Plan for the whole of the site shall be provided to Council, for consideration and approval, prior to Development Approval being issued for Stage 1B, in general accordance with the oxigen Landscape Concept Plans 14.043.101 and the Landscape Master Plan, dated 10 November 2010, and which shall detail a covered focal point midway along the north-south pedestrian link, which shall include opportunities for public art and covered seating, such as that which would be provided by a gazebo or similar.
7. The proposed Diagonal Road Traffic Control Layout dated 19 April 2007 (i.e. additional right turn in lane) shall be designed and constructed to the satisfaction of DPTI with all costs (design, construction and project management) being borne by the applicant. Prior to undertaking the detailed design, the applicant must discuss this matter with Ms Catherine Magraith, Senior Consultant Traffic Engineer, Metropolitan Region, telephone (08) 8226 8325.
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. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
10. All landscaping areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon.
11. That Tree Protection Zones (TPZ) be established around the trees to be retained prior to the construction of the proposed development, and all works in the vicinity of the trees be carried out in accordance with the report and recommendations contained within the report prepared by Arbortech Tree Services Pty Ltd, dated 20 December 2005.
12. All trees to be retained shall be protected from damage during construction in accordance with the 'Tree Management Report', prepared by Herkes & Associates, dated November 2006 and recommendations contained on page 9 of the above-mentioned report, to the satisfaction of Council and until such time as the construction work in the vicinity of each tree has been completed.

13. Prior to the issue of the Development Approval for each stage of the development (excluding Stage 1A), a “way finding” plan shall be furnished to Council which details how the decked car-parking areas, the subject of the respective stages of the development, will be colour and number coded to assist motorists.
14. The rock seating proposed on the north-south pedestrian link shall be spaced at minimum distance of 60 metres excepting where the pedestrian link is under the proposed and existing decks.
15. All car parking spaces shall be line-marked or delineated in a distinctive fashion prior to occupation of the premises, with marking maintained in a clear and visible condition at all times.
16. Entry to and exit from the subject site and direction of traffic flow within the site shall be clearly identified so as to ensure safe and convenient traffic movement at all times.
17. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
18. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
19. Onsite parking shall be designed in accordance with the Australian/New Zealand Standard 2890.2:2004 and the facilities for commercial vehicles shall conform to AS 2890.2 – 2002.
20. Internal road network intersections shall be signposted with ‘give way’ and ‘stop’ signs so as to minimise vehicle conflicts.
21. New bicycle racks shall be positioned in accordance with the applicant’s (MasterPlan) correspondence to Council dated 24 April 2007 and shall be respectively installed prior to the opening of each stage of the Centre additions. On-site bicycle parking facilities shall be designed in accordance with AS 2890.3-1993 and the AUSTROADS, Guide to Traffic Engineering Practice Part 14 – Bicycles (1999). Details of the bicycle racks location shall be shown on the building plans to Council’s satisfaction, prior to the issue of Development Approval for each stage.
22. Any pedestrian links into the site shall be safe and convenient.
23. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
24. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
25. All external lighting of the site, including car-parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as to not cause loss of amenity to any person beyond the site to a reasonable satisfaction of Council.
26. Pedestrian walkways on the subject site shall be adequately lit and such lighting shall be maintained at all times, to the reasonable satisfaction of Council.
27. The glazing to the food court shall comprise low reflectivity glass with a reflectance figure not exceeding 8%.

28. Designated trolley bays shall be secured at night-times to prevent theft and/or vandalism.
29. Details of the proposed rainwater retention tanks (including a report outlining where the rainwater will be utilised) shall be furnished to Council prior to the issue of Development Approval to Stage 2 and shall be installed prior to the opening of the Centre additions.
30. All waste and other rubbish shall be screened from public view to the reasonable satisfaction of the Council.

NOTES:

1. The consent of the Commissioner of Highways is required under the Metropolitan Adelaide Road Widening Plan Act for any new building works located within 6.0 metres of the requirements outlined in DTEI's correspondence dated 24 January 2011.
2. No hoardings, flags, flashing lights, bunting or other advertising devices or signs are to be erected or displayed on the site unless Development Approval is obtained from the Council pursuant to the Development Act 1993.
3. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.
4. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
5. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
6. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council. (A suggested measure is to install a gravelled construction exit with wash down facilities).
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.
8. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
9. Approval from DPTI is to be obtained for any stormwater connection to an existing Side Entry Pit in a Main Road.

Attachments

Attachment I: Proposal Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.7
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Mr Ronald David Meyles
Development Description:	Three, single storey row dwellings, one of which incorporates a garage wall on the western side boundary
Site Location:	14 Elm Grove, Oaklands Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	24/06/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1106
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

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

No amendments were requested during the assessment of the application

SUBJECT LAND & LOCALITY

The subject land is located at 14 Elm Grove, Oaklands Park. The allotment is rectangular in shape with a frontage width of 21.95 metres, depth of 38.0 metres and total site area of 834.4 square metres.

The land currently accommodates a single storey detached dwelling, constructed in the 1950s. A vehicle crossover and driveway are located adjacent the eastern boundary to provide access to the site.

The contour of the land is relatively flat. No regulated trees are located on the subject land.

The locality features a mixture of dwelling types and densities, as a number of nearby properties have been redeveloped to replace the original dwelling stock with two or three new dwellings at low-to-medium densities. Properties directly east and south of the subject land (6 Jacaranda Grove and 43 and 46 Dwyer Road) have been developed with three, two storey row dwellings. These nearby developments support similar site areas proposed in the subject application.

It is noted the Medium Density Policy Area 12 commences on the southern side of Dwyer Road.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct three single storey row dwellings, one of which incorporates a garage wall on the western side boundary.

The floor plan of each dwelling comprises two bedrooms, study, single garage, typical wet areas and open plan kitchen/living/dining area.

The dwellings incorporate a combination of render and brick to the street façade, with brick to the remainder. Roofs are set at 25 degrees, of colorbond construction.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	17 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council. (1 in favour, 4 against)
Persons wishing to be heard:	Two representors, Barry and Roma Fox have identified that Karen Fox will present to the Panel on their behalf.
Summary of representations:	<ul style="list-style-type: none">• Increased traffic and on-street parking;• Sense of enclosure from garage wall on boundary;• Safety and security during/after demolition and removal/replacement of fencing; <p><i>Refer Attachment IV</i></p>
Applicant's response:	The applicant has provided a response to the representations – please refer Attachment V

Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	Minimum Site Area:	<p>Complies</p> <p>Dwg 1: 303 sq metres Dwg 2: 265 sq metres Dwg 3: 266.7 sq metres</p>
	Minimum Frontage:	<p>Complies</p> <p>Dwg 1: 7.97m Dwg 3: 7.045m</p> <p>Does Not Comply</p> <p>Dwg 2: 6.97m</p>
	Minimum Depth:	<p>Complies</p> <p>Min 38.0m</p>

Assessment

The subject land is located approximately 700 metres from the Oaklands Train Station, 800 metres from the Neighbourhood Centre Zone (Oaklands Park), and 800 metres from the Regional Centre Zone (which includes the State Aquatic Centre and Westfield Marion). The proposed increase in density of the subject land is therefore considered suitable in accordance with Objective 2 of the Residential Zone.

The proposed form of development, comprising single storey row dwellings, is envisaged to occur within the Northern Policy Area 13. The building itself shall contribute to the desired variety in architectural styles, whilst also contributing to the delivery of a range of dwelling types in the locality.

No regulated trees or street trees require removal to facilitate the proposed development.

On balance, the proposed development is considered to appropriately accord with the relevant Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

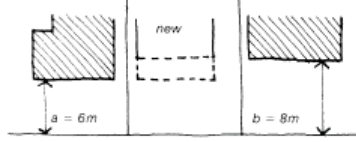
Principles of Development Control

Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Does Not Comply Dwg 1: 49% Dwg 2: 55.2% Dwg 3: 55%
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <i>General Section: Residential Development: PDC 13</i>	Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
<i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i> <i>General Section: Residential Development: PDC 14</i>	Complies
Private Open Space	

<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>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 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. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>f) All POS is located south of the associated dwellings.</p> <p>Whilst this is undesirable, it is a typical result of land on the southern side of an east-west running street. The alternative is to incorporate POS forward of the dwelling, which is detrimental to the streetscape and opportunities for passive surveillance, and discouraged by Council's Development Plan.</p> <p>g) It is likely the POS areas will receive substantial overshadowing during winter months, due to their southerly orientation.</p>
<p>Site Area 250 m² or greater:</p> <p><i>Minimum area of POS: 20% of the site area</i> <i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i> <i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Dwg 1: 63 sq metres (20.8%) Dwg 2: 55 sq metres (20.8%) Dwg 3: 55.7 sq metres (20.9%)</p>
<p>Street Setbacks</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Partially Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>

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

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

General Section: Design and Appearance: PDC 25

Partially Complies

Dwelling 1-3: 6.0 metres

(Dwellings on adjoining land set back approximately 3 and 11 metres, which equals an average setback of 7.0 metres)

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

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

Residential Zone: PDC 7

Does Not Comply

Dwelling 1, 2 and 3: 0.9 m

The proposed side setback falls 0.1 metre 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.

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

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

General Section: Residential Development: PDC 38

Partially Complies

Dwg 3 garage wall:

- (a) This dwelling abuts both side boundaries, however, this is typical for row dwelling development.
- (c) (i) Wall located some 4.4 metres forward of the adjacent dwelling.
- (ii) 5.99m in length
- (iii) 2.7m in height
- (iv) Located adjacent a carport and minimum distance of 4.0 metres from adjacent dwelling

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

- (a) the visual impact of the building as viewed from adjacent properties
- (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Complies

Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Complies
Min setback 7.915m

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

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

General Section: Residential Development: PDC 37

Complies

Building Height

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

Residential Zone: PDC 7

Complies
The proposed dwellings incorporate a maximum building height of 4.4 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings

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

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

Residential Zone: PDC 8

Complies

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

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

Residential Zone: PDC 6

Complies

Car Parking

<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><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. 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.</p> <p>Does Not Comply</p> <p>d) One on-street parking space is available, where two is sought by the Development Plan. e) Additional on-site parking has not been provided to compensate for the shortfall in on-street parking.</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>One on-street car parking space is provided where two is sought by the Development Plan.</p>
<p>Access</p>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</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>Partially Complies</p> <p>The submitted plan demonstrates the driveway of Dwelling 3 is to deviate away from the existing stobie pole. A Telstra Pit is also situated within the road reserve, which will require additional deviation for the driveway. A recommended condition of consent seeks for the driveway to be located no closer than 1.0 metre from both the stobie pole and Telstra Pit, in accordance with Principle 40.</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 brick and render on the front façade
- Protruding portico
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration

The dwellings incorporate a 25 degree Colorbond roof in Woodland Grey, with brick and rendered facades. The garage of each dwelling features 'Paperbark' 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 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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

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

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Partially Complies

The living areas of each dwelling are oriented south; to provide direct access to the POS area. This orientation is not ideal, however, typical of dwellings on the southern side of an east-west running street.

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

Partially Complies

Limited roof area is oriented to the north, however, substantial sections face east and west, which could nonetheless accommodate a large array of photovoltaic cells and/or solar hot water services.

Landscaping, Fences and Walls

<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
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TABLE DISCUSSION

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

- Site coverage;
- On-street parking.

Site coverage

Each dwelling exceeds the maximum site coverage provision of 40%, with Dwelling 1 at 49%, Dwelling 2 55.2% and Dwelling 3 achieving 55%.

In my opinion, the site coverage excess will not detrimentally impact the function of each dwelling, or impact upon the streetscape or adjoining land, as a sufficient amount of private open space will be made available to the rear of each dwelling, whilst the setbacks to property boundaries generally meet, or exceed that sought by Council's Development Plan.

The dwellings will not unreasonably overshadow adjoining properties, whilst the single storey nature of the buildings will limit the visual bulk when viewed from adjoining land.

On-street parking

Council's Development Plan seeks for one on-street parking space to be provided for every two allotments. Rounded up, two spaces are required; the proposal provides one less on-street parking space than sought.

In my view, this is unlikely to result in any detrimental impacts upon the street, given all dwellings comprise two bedrooms only; thereby reducing the likely car park demand, whilst there remains ample on-street parking within the immediate locality.

Given the site's proximity to centre zones and public transport routes, reliance on vehicles for daily commutes may also be reduced.

As such, in my opinion, the proposal provides appropriate on-site and acceptable on-street parking.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking 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 traffic. Council's traffic survey data reveals that at last count (2001), an average of 145 vehicles per day travelled along Jacaranda Grove (there is no data for Elm Grove). Whilst this data was collected 14 years ago, this figure is significantly below the 1000 vehicles per day design capacity of the road. It is unlikely that the increased densities in the locality, in addition to the proposed development, would have substantially increased this figure to jeopardise on-road safety.

The representors have also raised safety and security of their property during demolition and fence removal/replacement. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed single storey row dwellings fulfil the desired built form and residential densities envisaged within the Northern Policy Area 13.

Assessment of the proposal against quantitative Development Plan criteria has identified excess in site coverage and a shortfall in on-street parking. However, further consideration of these shortfalls has demonstrated that their potential consequence is relatively minor in nature.

Assessment of the proposal against qualitative criteria has illustrated that the design, appearance and layout of the proposal achieves an adequate level of compliance with Development Plan provisions.

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: 100/2015/1106 for three, single storey row dwellings, one of which incorporates a garage wall on the western side boundary at 14 Elm Grove, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1106, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. The driveway servicing Dwelling 3 shall be located no closer than 1.0 metre from the existing stobie pole and Telstra Pit within the road reserve. Amended plans detailing the above, shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 September 2015

Agenda Ref No: DAP160915 – 2.8

Originating Officer: Emily Nankivell
Senior Development Officer – Planning

Rob Tokley
Team Leader - Planning

Applicant: Duthy Homes

Development Description: Two storey detached dwelling, freestanding shed & swimming pool with safety fencing

Site Location: 9 Keith Crescent, Marino

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 2 / Consent

Lodgement Date: 18/03/2015

Development Plan: Consolidated – 13 March 2014

Application No: 100/2015/470

Recommendation: Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns dwellings on land located wholly or partly within 30 metres of a Mineral Extraction Zone as Category 2 development.

BACKGROUND

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

Amendments Requested	Amendments Made
Design should incorporate split-level floor plan to provide better relationship to natural ground level and reduce bulk	'Single slab' design has remained, however overall height of the dwelling has been reduced (see below).
Lowering of finished floor levels to reduce building height	Finished floor levels reduced by 400mm and wall height of upper level reduced by 300mm

	(from 3.0 metres to 2.7 metres). Overall reduction in the building height of 700mm.
Amendments to the design/built form to reduce visual bulk	Use of colours, finishes and window openings to break up appearance of the building and reduction in height of building (see above)
Increase setback from upper level to side boundaries, relative to wall height	Eastern side setback increased from 2.0 metres to 3.0 metres. No change to western boundary setback, however, wall height and total building height reduced
Retention and protection of existing street tree must be achieved	Crossover reduced in width to ensure retention of existing tree
The building should avoid use of bright and reflective colours and materials	'Off-white' render amended to 'Shale Grey'
Undercover car parking nominated on the plans	A two car garage is proposed to the rear of the existing dwelling to provide undercover car parking.

SUBJECT LAND & LOCALITY

The subject land is located on the southern side of Keith Crescent, Marino. The allotment has a frontage of 18.34 metres, a depth of 45 metres and total area of 833 square metres. The subject site is currently vacant; the previous timber-frame dwelling, in poor condition, being recently demolished and the site cleared of all structures and vegetation.

The subject land is located on the high side of Keith Crescent and slopes up towards the rear of the allotment. It has a moderate gradient of 1:7.5. There is an existing crossover located adjacent the western side of the site.

The locality is characterised by detached dwellings on large, sloping allotments generally between 600 – 1000 square metres in area. The built form comprises a range of single, two-storey and split level dwellings, being constructed in the 1950s – 60s, and more recently constructed dwellings, typically of more generous footprints and designed to take advantage of the attractive views of the metropolitan area and coastline (north) and Gulf St Vincent (west).

The Marion Golf Park (within the Mineral Extraction Zone) is located some 100 metres east of the site. To the south-east, the Boral quarry (also within the Mineral Extraction Zone) is situated, which is expected to operate for a further 40 – 60 years.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the construction of a two storey detached dwelling, freestanding outbuilding, swimming pool, safety fence and associated earthworks.

The lower level of the dwelling comprises living/dining/kitchen area, bedroom 4 with ensuite, laundry and toilet. The lower level also incorporates a large front verandah that extends towards the front of the site and provides a link from the dwelling directly to the swimming pool, which is located some 9.5 metres from the front boundary. The swimming pool will be raised above ground level and set within a rendered concrete wall.

The upper level comprises three bedrooms (main with ensuite), a bathroom and rumpus room. Bedroom 1, bedroom 2 and the rumpus room have access to the balcony at the front of the dwelling.

The freestanding outbuilding will be constructed of 'colorbond' material and located at the rear of the site. The garage will provide two undercover car parks and will be accessed via a driveway that runs along the western side of the site.

The front boundary will be fenced with a 1.5 metre-high powdercoated steel slatted fence with 6.0 metre-wide automatic sliding gate.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	10 properties were notified during the Category 2 public notification process.
Representations:	2 representations were received by Council.
Persons wishing to be heard:	Mrs Patricia Taylor (11 Keith Crescent, Marino)
Summary of representations:	<p>11 Keith Crescent, Marino</p> <ul style="list-style-type: none"> Concerned that recently installed solar panels on the roof on the western side of the house will be overshadowed by the building. <p>8 Keith Crescent, Marino</p> <ul style="list-style-type: none"> No guest parking available as automatic gate will be closed. Forcing cars to turn around in the street to park. No landscaping in front of fence causing a negative impact to street vista (at present all open garden views) <p><i>Refer Attachment IV</i></p>
Applicant's response:	<p>In response to 11 Keith Crescent, Marino</p> <ul style="list-style-type: none"> The shadow diagrams represent the Winter Solstice which is the 'worst case' scenario for shadow cast by the proposed dwelling. Any shadow cast during the summer months would be far less than the extent during Winter Solstice due to the sun tracking at a higher position. Do not consider that there will be an adverse impact on neighbour's solar panels. Confirm that shadow diagrams prepared have taken into account the contour of the site and are an accurate representation. <p>In response to 8 Keith Crescent, Marino</p> <ul style="list-style-type: none"> The proposed front fence will be 'picket' style which will offer permeability into the front yard from the street. While some neighbours have no front fencing or low masonry fencing, 7 Keith Crescent has a 2m high solid rendered front fence.

	<ul style="list-style-type: none"> • Have observed many other solid front fences within the locality. • Proposal includes provision for two car parks in the rear garage and an additional off street park in the front garden. There is also room along the driveway for several other vehicles to park on site. • Do not consider that the front fence and gate will create abnormal traffic movements or parking concerns within the street. <p style="text-align: right;"><i>Refer Attachment V</i></p>
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INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has raised no concerns regarding driveway access and grade, earthworks and stormwater disposal.
Arborist:	Council's Arborist is comfortable that a 2.0 metre setback to the street tree will not result in any detrimental impacts.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone	
Objectives	<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>
Hills Policy Area 11	
Objectives	<p>1 A policy area primarily comprising of detached dwellings at low densities.</p> <p>2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts.</p> <p>3 Development that contributes to the desired character of the policy area.</p>
Desired Character	<p>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</p> <p><i>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites.</i></p>

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

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.

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 	<p>Complies</p> <p>The application proposes the construction of a two storey detached dwelling.</p>
PDC 3	<p>Development should be designed and sited to relate to the slope of the land, so that:</p> <p>(a) the bulk and scale of the buildings do not dominate the landscape</p> <p>(b) the amount of cutting and filling of the natural ground profile is minimised.</p>	<p>Partially Complies</p> <p>Due to the design of the dwelling it will be reasonably pronounced within the streetscape. However, it is not considered to dominate the landscape. The design has been amended to have FFLs more closely relate to the natural ground level and reduce the overall height of the building.</p>
PDC 4	<p>Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.</p>	<p>Partially Complies</p> <p>The site is currently vacant, with all vegetation being recently removed. The application proposes landscaping in the front yard of the site and within the planter boxes. A 500mm wide landscaping strip is also proposed along the western side of the driveway.</p>
PDC 5	<p>Development that would be prominently visible from the Adelaide plains should:</p> <p>(a) achieve a profile that blends with the topography of the land</p> <p>(b) avoid the use of bright and highly reflective external materials and finishes</p> <p>(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.</p>	<p>Partially Complies</p> <p>(a) The dwelling incorporates a flat roof pitch that does not blend with the topography of the land.</p> <p>(b) During the assessment of the application, the render colour was altered from 'off-white' to 'shale grey'. This colour provides a more 'earthy' tone to assist in limiting reflection during bright sunshine.</p> <p>(c) The site is currently vacant, with all vegetation being recently removed.</p>
PDC 6	<p>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by:</p> <p>(a) incorporating stepping in the design in accordance with the slope of the land</p> <p>(b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</p>	<p>Does Not Comply</p> <p>(a) The dwelling incorporates a 'single slab', which does not step in accordance with the slope of the land.</p> <p>(b) The eastern façade of the upper level is located above the lower level and maintains the same side boundary setbacks. The upper level</p>

		<p>western façade cantilevers over the ground floor; setback at 3.0 metres.</p> <p>In my view, setting the upper storey a greater distance than the lower storey is not necessary, the building will not be readily visible from adjoining properties, due to the low setting of the dwelling to the east and lack of windows oriented to the proposed dwelling from the dwelling to the west (see further discussion below).</p>
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Assessment

The subject proposal seeks to construct a detached dwelling on an existing allotment, and in this regard, the proposal is consistent with the density envisaged within the Policy Area. (It is acknowledged that density is also measured by site coverage, setbacks to boundaries and the height, bulk and scale of buildings – these are discussed throughout the report).

The Policy Area emphasises the importance of development to be “sensitive to the...topography of the area”, so that “the amount of cutting and filling...is minimised”, preferably via split-level dwellings. Further, important features of natural character, such as watercourses and steep gullies “warrant protection from inappropriate development and earthworks”.

As proposed, the footprint of the dwelling results in up to 200mm of cut and up to 1.35 metres of fill. Given the footprint of the dwelling, this is a large volume of earthworks. To consider the appropriateness of such works, the nature of the land should be acknowledged, as well as the design of the development and techniques employed to treat the earthworks proposed.

The average grade of the land equates to 1:8 (12.5%), with steeper sections at the front (1:5) and rear (1:7). Further, the grade of the land falls in a north-easterly direction – diagonally across the site; as such, any conventional dwelling on the land will be constructed over several metres of landfall.

The design of the building has made an attempt at minimising exposed earthworks. Filling towards the front of the site will be held within the footprint of the dwelling and swimming pool (via deepened rebate or similar) – this avoids the need for extensive retaining walls street-side of the dwelling and/or on or adjacent property boundaries.

The extent of cutting is relatively minimal, and whilst exposed, does not exceed a vertical cut of more than 200mm to accommodate the dwelling’s footprint, 600mm to accommodate the driveway and 1.0 metre to accommodate the detached outbuilding. In this regard, I am satisfied the amount of cutting proposed is acceptable, will not compromise the integrity of the Policy Area, nor have a detrimental impact upon the amenity of the subject or adjoining land.

It is acknowledged there could be more done to limit the amount of filling proposed – a more conservative footprint, a split level design or a further lowering of the floor level would reduce the height of the floor level above ground level. However, when having regard to the Desired Character statement of the Hills Policy Area and Council’s Sloping Land Principles, and being cognisant of the ‘diagonal’ slope of the land, it is my view that an acceptable attempt has been made at not only reducing the extent of earthworks required to accommodate the building, but also in treating such works.

The Policy Area seeks for dwellings of more than one storey to “take account of the height and bulk of the proposed building” and “incorporate stepping...in accordance with the slope of the

land”, be split level “to reduce visual bulk” and “[set] back the upper storey...from...the lower storey”. Buildings should “pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development”.

The eastern elevation will be most apparent from parts of the adjacent dwelling and land at 11 Keith Crescent.

The height of the eastern wall measures between 7.2 metres (southern end) to 8.0 metres (northern end) above existing ground level.

The setback of this wall does not meet the minimum setbacks sought in Zone Principle 7 (discussed further in this report - compliant setbacks would be between 3.2 metres to 4.0 metres).

Whilst this is the case, it is of value to note the front facade of the proposed dwelling closely aligns with that of the adjacent dwelling to the east. In addition, the rear wall of the proposed dwelling closely aligns with the rear pergola of the adjacent dwelling. As such, the eastern wall of the proposed dwelling will be viewed only from the side path of the adjacent property – not from the primary area of private open space, nor the living room.

As such, whilst ideally the eastern façade would incorporate a greater level of articulation, via stepping, additional fenestration and/or a mix of materials, given the positioning of the proposed dwelling in relation to the adjacent dwelling, I do not expect an unreasonable visual impact upon that property, given the reasoning above and proposed 3.0 metre side setback.

The western elevation will be most apparent from the dwelling at 7 Keith Crescent.

The height of the wall measures between 6.5 metres (southern end) to 7.9 metres (northern end) above existing ground level, and is setback 3.0 metres to the western side boundary.

The northern ‘half’ of this wall (where the wall height exceeds 7.0 metres above ground level) does not meet the minimum setbacks sought in Zone Principle 7 (discussed further in this report - compliant setbacks would be between 3.01 metres to 3.9 metres).

In relation to the impact of the proposed dwelling upon the adjacent property, it is of value to recognise the adjacent dwelling’s design orientates the occupier’s view to the north (to the attractive views of the coastline and ocean); there are no windows on the eastern façade of the upper level that will gain view of the proposed dwelling.

In this regard, whilst the western façade of the proposed dwelling lacks articulation, and is cantilevered over the ground floor – presenting a somewhat ‘top-heavy’ building, I do not anticipate the building will result in an unreasonable impact by way of bulk and scale upon the adjoining property to the west.

The Objectives, Principles and Desired Character of the Policy Area seek for minimal environmental impacts, and encourage the revegetation of land. The Desired Character statement also seeks for the employment of natural materials and the avoidance of bright and reflective colours and materials.

At present, the land is free from vegetation. The development of the site will provide an opportunity for the land to be revegetated, assisting in minimising erosion and complementing the natural setting of the site.

The Landscape Plan (refer Attachment II) includes a list of plant species to be used as part of the revegetation of the site.

The density and location of plantings proposed are considered to result in an attractive greening of the site, whilst the species chosen will complement the established gardens within the locality.

During the assessment of the application, the render colour was altered from 'off-white' to shale grey (a light grey colour). This colour, in my view, is more appropriate given the setting of the site, and provides greater compliance with the Desired Character of the Hills Policy Area.

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land, if the proposed development is approved. In assessing the loss of views, I have not only had regard to the Marion Council Development Plan, but also recent Environment, Resources and Development (ERD) Court and Supreme Court Decisions.

In assessing the potential loss of view, in my opinion, the two properties most affected by the proposed development are those located at 1 and 3 North Street.

In the Supreme Court judgment of *Hutchens v 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"*.

Justice DeBelle endorsed a four-part test for the assessment of a development which would result in the obstructing of views of existing developments. In the interests of brevity, these are;

- Step 1: Assess the views to be affected (i.e. 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 of the loss of views; and lastly
- Step 4: Assess the reasonableness of the development proposal.

The following assessment considers the potential loss of view experienced by those properties identified, following the four-part test.

Introduction

Prior to undertaking a views assessment, I believe it is of value to recognise that the subject property is a private parcel of land. This land, to the best of my knowledge, was divided at the time of the original division of the area. It has existed, therefore, in its form for some time. The owner of this land has the right to develop their property for a residential dwelling, and given the fact that two storey dwellings are envisaged in the Policy Area, it is inevitable that any dwelling on this land will have an impact upon the views currently available to adjacent properties.

1 North Street

This property is currently vacant. Whilst it is highly likely the proposed dwelling will obstruct views available in a northerly direction from a future dwelling on the land, little to no regard should be had, given the view impact cannot be quantified (ie: whether the view loss will be from living rooms, outdoor spaces, balconies and the like).

Whilst due-north views are likely to be impacted by the proposed development, in accordance with Justice DeBelle's determination, such views are more difficult to preserve as they are achieved over a side boundary.

Having said this, in the event the proposed dwelling was constructed, at the time of writing, attractive views to the north-west and west will nonetheless remain available from 1 North Street (such views would be directed over public land).

These views are more likely to remain intact over time, are gained over the front boundary of the property and span from the north-west to south-west in an anti-clockwise direction.

In conclusion, the proposed dwelling will not have an unreasonable impact upon the views available from 1 North Street.

3 North Street

This dwelling has been designed to gain its primary view in a north-west to west direction – towards the coastline and ocean. It should be noted that these views will remain unaffected by the proposed development.

Views currently available to the direct north from this land and dwelling are over the vacant land at 1 North Street. It is highly likely that a dwelling constructed on 1 North Street (whether single storey or double storey construction) will have a severe impact upon the views available in a due-north direction.

Views gained (to the north) from the ground floor are from the outdoor 'alfresco'/verandah area, over the side boundary, as the relative fence height adjacent this space is approximately 1.0 metre above paving level.

In this regard, it should be acknowledged that in *Hutchens v City of Holdfast Bay*, DeBelle J stated "the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries...The expectation to retain side views...is often unrealistic."

Whilst the proposed dwelling will disrupt the available view to the north, development on the currently vacant land at 1 North Street will have greater impact.

More importantly, the dwelling at 3 North Street will maintain its primary views in a north-west to westerly direction.

As such, I conclude the impact of the proposed dwelling upon the views gained from 3 North Street is minimal.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i>	Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage. Numerically the site coverage is 33%.

General Section: Residential Development: PDC 13	
<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>General Section: Residential Development: PDC 14</p>	<p>Complies 22.2% of the site will be pervious and remain undeveloped.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the habitable rooms of the associated dwelling b) The area of POS located at the rear of the site is at ground level and located to the rear of the dwelling. c) The subject land does not maintain natural features which warrant preservation d) The POS areas will 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 area comprising the swimming pool and verandah in front of the dwelling 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.</p> <p>Partially Complies</p> <p>b) The verandah, balcony and swimming pool area are located in front of the dwelling f) The POS area located to the rear of the dwelling will not maintain a northerly aspect.</p>
<p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area</i> <i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i> <i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies 27.5% comprising:</p> <ul style="list-style-type: none"> • 88m² area at the rear of the dwelling; • 64m² area of swimming pool and deck; • 53m² verandah area at the front of the dwelling (equivalent to 23% of the POS area); and • 24m² of balcony <p>The verandah and swimming pool area are equivalent to 14% of the site area and are accessible from the dining/living area of the dwelling. The rear yard is accessible through the laundry. The balcony is accessible from the rumpus room, bedroom 1 and bedroom 2.</p>
Street Setbacks	

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

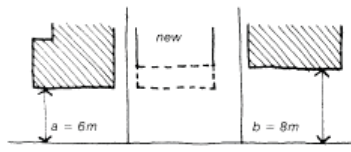
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

Complies

Excluding the swimming pool area, the proposed front setback is considered to be compatible with and similar to the setbacks of buildings on adjoining land and other buildings in the locality, and therefore should contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

Complies

The upper level of the dwelling is setback 14.8 metres from the street which aligns with the two neighbouring dwellings which have an average setback of approximately 14 metres.

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

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

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 7

Complies

The height of the ground floor walls exceeds 3 metres. All portions of the ground floor walls and those parts of the dwelling up to 6 metres in height exceed the 2m setback requirement with setbacks from both the east and west boundaries of 3 metres.

Does Not Comply

Adjacent the eastern boundary the dwelling ranges in height from 7.2 metres towards the rear of the dwelling increasing to 8 metres at the front portion of the dwelling. This requires the upper level to have a setback ranging from between 3.2 metres and 4 metres, where 3 metres is provided.

(See Policy Area discussion above)

Partially Complies

Adjacent the western boundary the dwelling ranges in height from 6.6 metres at the rear to 7.9 metres at the front. Approximately half of the upper level of the dwelling achieves the required side setback of 3 metres with the front portion of the dwelling requiring a setback of 3.9 metres.

(See Policy Area discussion above)

<p>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</p> <p>(a) the visual impact of the building as viewed from adjacent properties</p> <p>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</p> <p>General Section: Design & Appearance: PDC 2</p>	<p>Partially Complies</p> <p>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, having regard to the design and location of windows on the adjacent dwellings (see Policy Area assessment above).</p> <p>Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Rear Setbacks	
<p>8 metres for a single storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>Lower level of the dwelling is setback 10.82 metres.</p>
<p>8 metres for a 2 or more storey dwelling</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>Upper level setback 14.8 metres.</p>
Building Height	
<p>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>The proposed dwelling incorporates a maximum building height of 8 metres above existing ground level, less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<p>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</p> <p>Minimum setback from primary road frontage: 8 metres for a freestanding structure.</p> <p>Residential Zone: PDC 8</p>	<p>Complies</p> <p>The garage is setback behind the dwelling some 38 metres from the front boundary.</p>
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 12</p>	<p>Complies</p> <p>The proposed car parking for the site will not adversely impact on the safety of road users and provides safe entry and exit from the site.</p>
<p>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</p> <p>(a) when located on side or rear allotment boundaries:</p> <p>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</p> <p>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</p> <p>(A) 7 metres for structures with enclosed side walls</p> <p>(B) 8 metres for structures with open side walls</p> <p>(C) 7 metres where there are both enclosed and open</p>	<p>Complies</p> <p>The outbuilding is not sited on the side or rear allotment boundary; maintaining a 1.0 metre setback from both.</p>

<p><i>sided structures</i> (iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</p> <p>General Section: Residential Development: PDC11</p>	
<p>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p>General Section: Residential Development: PDC8</p>	<p>Partially Complies</p> <p>The proposed garage incorporates a roof form, materials that do not reflect the design and finish of the associate dwelling. However, as the structure is positioned well behind the proposed dwelling and to the rear of the subject site, it is considered that it has a limited relationship to the dwelling and therefore the difference in materials is of little consequence in this instance</p>
<p>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.</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Garage is located behind the existing dwelling. Has limited relationship with the streetscape.</p>
Car Parking	
<p>Minimum number of on site car parking spaces (one of which should be covered) : 3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>The proposal includes a total of at least 5 on site car parks, two undercover and three on-site.</p>
<p>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).</p> <p>General Section: Transportation & Access: PDC 43</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. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>
Access	
<p>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.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p> <p>The application proposes increasing the existing 3m wide driveway to have a maximum width of 5 metres.</p>
<p>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossover is set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
<p>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Complies</p> <p>Only one vehicle access point proposed onto the site.</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

Generally Complies

The proposed dwelling generally reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. It is acknowledged however, that the flat roof pitch fails to complement the topography of the land and locality.

The dwelling façade incorporates the following elements to enhance its design and appearance:

- Protruding balcony;
- Mixture of glass and render; and
- Maximised outlook from the front (north facing) façade of the dwelling

The side elevations of the dwelling feature a render finish with limited stepping. The upper level walls are bulky in their design due to the large expanses of unbroken wall, however, given the design and location of adjacent dwellings, it is my view that the design will not have an unreasonable impact upon adjoining land via visual impact and building bulk.

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balcony is integrated into the dwelling design, with clear glass balustrade that enables line of sight to the street.

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

The dwelling is designed so that the main facade faces the primary street frontage, presenting a large expanse of windows from various rooms of the dwelling, verandah, balcony and the front door (access through the side stair onto the verandah) all facing 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 applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:

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

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

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property commences in afternoon hours only.

The owner of 11 Keith Crescent (representor) has raised concern regarding the overshadowing of solar panels (erected after the taking of the aerial photograph in Attachment II). The plans submitted detail that shadow will be cast upon the panels from approximately 2:30pm in winter months. Whilst this is not ideal, west-facing panels are harder to 'protect' than those facing north.

The proposal plans detail that the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in overlooking of habitable areas.

The balcony on the front façade is oriented to obtain views of the streetscape.

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

Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>To ensure that some of the POS areas and internal living spaces of the dwelling are provided with access to northern light, the dwelling is oriented with the swimming pool, verandah area and living spaces facing north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Partially Complies</p> <p>The dwelling incorporates a flat roof which limits opportunity for solar collectors. However, the proposed garage will have north-facing sections of roof upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Partially Complies</p> <p>The proposal nominates landscaping within the front yard of the site. It is considered that the area provided for landscaping within the front yard will allow plantings that complement, enhance and soften the appearance of the dwelling.</p> <p>Whilst it is preferred that the species chosen are indigenous, the proposal will nonetheless add to the landscape character of the locality and complement the established plantings of adjacent properties.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The western boundary fence and retaining wall is proposed to be retained as part of the application.</p> <p>A retaining wall with a maximum height of 1 metre with 1.8m high colorbond fence is proposed along the rear boundary of the site, with a total combined maximum height of 2.8 metres. This retaining wall will be cut into the earth, and will have minimal impact on adjoining properties.</p> <p>This fencing/retaining height is considered necessary to achieve appropriate driveway gradients for vehicle access and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p> <p>The application also proposes a 1.5m high steel slatted front fence and automatic gate. This is considered to provide security to the property whilst still allowing visibility into and out of the property.</p>
<h2>Sloping Land</h2>	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) incorporate roof lines which complement the natural slope of the land</i> <i>(d) minimises the extent of cut and/or fill</i> <i>(e) provide a stable and readily accessible building site</i> <i>(f) minimises the need for, and the height of, retaining walls</i> <i>(g) does not cause or contribute to instability of any embankment or cutting</i> <i>(h) avoids the silting of watercourses</i> <i>(i) protects development and its surrounds from erosion caused by water run-off.</i> <p>General Section: Sloping Land: PDC 2</p>	<p>Partially Complies</p> <ul style="list-style-type: none"> (a) (b) (d) Whilst there is opportunity for the dwelling to incorporate floor levels lower than that currently proposed, given the reasoning through this report, the building is not considered to result in unreasonable visual impact upon adjoining properties. (c) The flat roof line does not complement the natural slope of the land. (e) Complies (f) The maximum retaining wall will not exceed 1.0 metre in height (in cut). All fill will be set within the footprint of the dwelling and swimming pool and will not be exposed to the street or adjoining land. (g) Complies (h) N/A (i) Complies (j) Complies
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i> <i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i> <i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i> <i>(d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i> <p>General Section: Sloping Land: PDC 7</p>	<p>Complies</p> <ul style="list-style-type: none"> (a) Complies (b) The balance between cut and fill is in favour of fill. Whilst there is opportunity for the dwelling to incorporate floor levels lower than that currently proposed, given the reasoning through this report, the building is not considered to result in unreasonable visual impact upon adjoining properties. (c) Complies (d) Complies

<p><i>Retaining walls should:</i></p> <p><i>(a) not exceed 1 metre in height</i></p> <p><i>(b) be stepped in a series of low walls</i></p> <p><i>(c) be landscaped to enhance their appearance.</i></p> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Complies</p> <p>All retaining walls required for the proposal do not exceed 1 metre.</p>
<p>Siting and Visibility</p>	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i></p> <p><i>(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</i></p> <p><i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p>Does Not Comply</p> <p>(a) More could be done to lower the dwelling within the landscape, whilst the roofline does not complement the natural form of the land.</p> <p>(b) The building incorporates limited stepping/variations in the walls of the dwelling, whilst the 'single slab' design does not complement the contours of the land.</p> <p>(c) There are no eaves to the elevations of the building to assist in reducing bulk, however, the front verandah/balcony will assist in providing shadowed areas when viewed from the street.</p>
<p><i>The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.</i></p> <p><i>General Section: Siting and Visibility: PDC 5</i></p>	<p>Complies</p> <p>During the assessment of the application, the render colour was altered from 'off-white' to 'shale grey'. This provides a softer tone and should minimise glare during bright sunlight.</p>

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to overshadowing, fencing, car parking and access have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The proposed development will result in a two storey detached dwelling at a low density as sought by the Desired Character of the Hills Policy Area 11.

It is acknowledged the 'single slab' design and proposed floor level results in substantially more fill than cut. This, combined with the limited articulation to side walls with setbacks to side boundaries that do not meet that sought by the Development Plan, are, in my view, the failings of the proposal.

However, having regard to the location and design of dwellings on adjoining land, I am comfortable the dwelling will not have an unreasonable impact upon the adjoining properties by way of building bulk or visual impact. The neighbouring dwellings are not oriented towards the subject land to such a degree where the side walls will be highly visible. This, combined with the 3.0 metre side setback, in my view, is adequate to accept the lack of articulation proposed to the side walls.

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

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: 100/2015/470 for a two storey detached dwelling, freestanding shed & swimming pool with safety fencing at 9 Keith Crescent, 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. 100/2015/470, being drawing number(s) ZS/3928 No. 1 of 1, PD01A, PD02C, PD03B, PD04B, PD05C, PD06B, PD07B, PD08B, PD09B, PD10B (inclusive) prepared by ANZAS & Associates and Duthy Homes, except when varied by the following conditions of consent.
- 2. 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.
- 3. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 4. 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.
- 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.9
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Louis W Ballestrin
Development Description:	Torrens Title Land Division – 1 into 2 allotments
Site Location:	16 Chambers Street Marion
Zone:	Residential Zone
Policy Area:	Residential Character Policy Area 17
Application Type:	Category 1 / Consent
Date Lodged:	26/06/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1127
Recommendation:	Development Plan Consent, 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 (100/2014/1334), 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 proposed Lot 51 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 site is located at 16 Chambers Street, Marion. It is a corner allotment which has Whittier Avenue as its secondary street frontage. The site is 831 square metres with a frontage width of 18.29m (excluding the corner cut-off) and a depth of 42.67m.

A single storey detached dwelling exists on the allotment and is a conventional brick home typical of the locality. The dwelling includes a 'home business'; a hairdresser's salon, which gained lawful approval in 2010. The site maintains no discernable slope and there are no regulated or significant trees on the land.

There are two existing access points, one located on the eastern side of the allotment from Chambers Street and a 10m wide crossover on Whittier Avenue.

The locality predominantly contains single storey detached dwellings on large allotments of between 500 and 1000 square metres with some exceptions. Directly to the west of the site is a place of worship, a two storey residential flat building is situated on the eastern neighbouring property and the Park Holme Shopping Centre is located opposite to the north.

The site is located approximately 600m from the Marion Train Station, which is serviced by the Adelaide to Seaford Railway line. Additionally, there are several large areas of public open space close by including the Oakland's Wetlands and the Marion Swimming Centre.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create 2 (two) Torrens Title allotments to accommodate the existing dwelling and construction of a single storey detached dwelling, as demonstrated in Development Application 100/2014/1334.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission and SA Water:	Commission has consulted with SA Water and has no further comment to make on application. Comments received from DAC to advise it has requirements and land division approval is to include 3 specified conditions on the land division approval (should such approval be granted).
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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
Objectives <i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i>

Residential Character Policy Area 17

Objectives

- 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.

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.

PDC 1	The following forms of development are envisaged in the policy area: ▪ detached dwelling	Complies
PDC 8	Land division should create allotments with an area of greater than 420 square metres.	Complies Lot 50 - 516m ² Does Not Comply Lot 51 – 315m ²
PDC 9	Land division should not result in the creation of allotments in the form of a battleaxe configuration.	Complies
PDC 6	Minimum Site Area: 420m ²	Complies Lot 50 - 516m ² Does Not Comply Lot 51 – 315m ²
	Minimum Frontage: 14m	Complies Lot 50 – 15.24m Lot 51 – 17.2m
	Minimum Depth: 20m	Complies Lot 50 – 28.52m Does Not Comply Lot 51 - 18.29m

Assessment

The proposed development, which will result in the creation of two allotments (from one), are in convenient reach from all three desirable attributes specified in Objective 2 of the Residential Zone, namely a Neighbourhood Centre (Park Holme Shopping Centre), public open space and public transport routes. Accordingly, the increased density on the site satisfies this requirement.

The proposed land division correlates with the assessment of a corresponding land use application (100/2014/1334) which seeks to retain the existing dwelling and construct a single storey detached dwelling on the newly created allotment.

The retention of the existing dwelling results in a significantly undersized allotment for the proposed dwelling, achieving a site area of 314.5 square metres, some 105 square metres (25%) below the 420 square metre requirement due to the need to utilise the remaining space available, rather than provide a cohesive design to provide two sites that are equal in size and closer to meeting the required site area for the Policy Area.

Having said this, the size of the allotment, is still considered to be 'low density' in character and the frontage width of 17.2m, which is well in excess of the 14m frontage requirement, will mask the undersized nature of the allotment by maintaining the allotment pattern of wide street frontages. Furthermore, it is feasible to suggest that the site could accommodate two dwellings with two equal sized allotments falling just short of achieving the minimum requirements by 4.5 square metres. Therefore, in my view, the proposed density is not considered to be at odds with the Development Plan.

Whilst I am of the view that the merits of the land use application are finely balanced, having assessed the application against all the relevant provision of the Development Plan, I have considered that the undersized allotment can contain a dwelling which satisfies the relevant quantitative and qualitative provisions of the Development Plan and that the resultant consequences of the existing dwelling are not so severe as to warrant refusal of the proposal.

As such, the proposal is considered to display reasonable consistency with the Objectives and Desired Character of the Residential Zone and Policy Area 17.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Land Division	
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 100/2014/1334.
<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, Park Holme Shopping Centre and Public Open Space.

<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p><i>1 When land is divided:</i></p> <p><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></p> <p><i>(b) a sufficient water supply should be made available for each allotment</i></p> <p><i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i></p> <p><i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i></p>	<p>Complies</p>
<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 area for allotment 51 is less than that required for the intended use of the allotments for detached dwellings. That having been said, the associated land use application (100/2014/1334) 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.</p> <p>f) Despite being undersized, it has been identified above that the proposed allotments are consistent with 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>

<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>Partially Complies</p> <p>Based upon the land use application (100/2014/1334), the main POS area associated with the proposed dwelling is to be oriented in a northerly direction.</p> <p>The existing dwelling will maintain a lounge room with a northerly orientation, however a large proportion of the main POS area will be in shadow for a majority of the day.</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 (100/2014/1334), a total of five (5) on-street visitor spaces are capable of being provided along Whittier Avenue. There is no available on-street parking space to be provided to the front of the existing dwelling fronting Chambers Street due to parking restrictions.</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> <p>5 on-street car parks are available on Whittier Avenue.</p>

ANALYSIS/CONCLUSION

The proposed development seeks to sub-divide an existing corner allotment to allow for the retention of the existing dwelling and construction of a single storey detached dwelling on two separate allotments. Concerns remain over whether the resultant allotments will compromise the amenity of the existing dwelling and the ability for the dwelling and associated setbacks to contribute to the Desired Character of the Residential Character Policy Area 17.

Whilst one of the proposed allotments falls 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 (100/2014/1334) 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 a Centre Zone and conveniently situated in close proximity to public transport (Marion Railway Station and bus routes) and public open space. 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.

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, whilst finely balanced, 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: 100/2015/1127 for a Torrens Title Land Division – 1 into 2 allotments at 16 Chambers Street, 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. 100/2015/1127 (DAC ref. 100/D145/15), except when varied by the following conditions of consent.
- 2. All covered areas identified to be removed from allotment 50 in the proposed plan of division, shall be removed prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 3. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from allotment 51, 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. An investigation will be carried out to determine if the water and/or sewer connection/s to your development will be costed as standard or non standard.

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

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.10
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	G & L Venturini
Development Description:	Single storey detached dwelling and carport to the rear of an existing dwelling with associated landscaping
Site Location:	16 Chambers Street Marion
Zone:	Residential Zone
Policy Area:	Residential Character Policy Area 17
Application Type:	Category 1 / Consent
Date Lodged:	01/08/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1334
Recommendation:	That Development Plan Consent be Granted following the deposit of the plan of division for Land Division 100/D145/15

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 determined by the Development Assessment Panel by virtue of the proposed new dwelling supporting an allotment area 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.

An accompanying Torrens Title land division 100/D145/15 has been lodged and is to be determined by the Panel during this meeting. This is as a result of several ERD Court and Supreme Court judgments, including *McNamara v City of Charles Sturt & Anor [2001] SASC 368*, *Kermode v City of Mitcham [2007] SAERDC 57* and *City of Port Adelaide Enfield v Moseley [2008] SASC 88*, where, if an application proposes the construction of a new dwelling on land, that dwelling is not a “detached dwelling” as a matter of law unless the site upon which the dwelling is to be located comprises an allotment of land or otherwise provides the owner of the dwelling with similar, exclusive and unalienable tenure.

The land division precludes the proposal from being a non-complying development, where any dwelling, other than a detached or semi-detached dwelling, is listed as a non-complying form of development in the Residential Character Policy Area 17.

BACKGROUND

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

Amendments Requested	Amendments Made
Increase front and side setbacks for the proposed dwelling in accordance with the Desired Character which states that <i>'Buildings should be well setback from all property boundaries'</i>	Front setback increased from 4m to 5m. Northern side setback increased from 900mm to 1m. Carport removed from boundary and placed 600mm from the southern boundary.
Reduce site coverage on existing dwelling's allotment.	Covered areas on eastern side and a portion of the southern side proposed to be removed.
Provide landscaping plan which <i>'to enhance the leafy, garden suburb character and visual separation between houses'</i> .	Landscape plan submitted.

SUBJECT LAND & LOCALITY

The subject site is located at 16 Chambers Street, Marion. It is a corner allotment which has Whittier Avenue as its secondary street frontage. The site is 831 square metres with a frontage width of 18.29m (excluding the corner cut-off) and a depth of 42.67m.

A single storey detached dwelling exists on the allotment and is a conventional brick home typical of the locality. The dwelling includes a 'home business'; a hairdresser's salon, which gained lawful approval in 2010. The site maintains no discernable slope and there are no regulated or significant trees on the land.

There are two existing access points, one located on the eastern side of the allotment from Chambers Street and a 10m wide crossover on Whittier Avenue. On-street parking is restricted on Chambers Street in front of the subject site and this is represented by a yellow line.

The locality predominantly contains single storey detached dwellings on large allotments of between 500 and 1000 square metres with some exceptions. Directly to the west of the site is a place of worship, a two storey residential flat building is situated on the eastern neighbouring property and the Park Holme Shopping Centre is located opposite to the north.

The site is located approximately 600m from the Marion Train Station, which is serviced by the Adelaide to Seaford Railway line. Additionally, there are several large areas of public open space close by including the Oaklands Wetlands and the Marion Swimming Centre and associated reserve.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to retain the existing dwelling and proposes the construction of a new dwelling to the south of the existing dwelling.

The proposed dwelling comprises three bedrooms, associated wet areas and an open plan kitchen/family/meals area. The carport and new access is located on the southern side of the dwelling.

Modifications to the existing dwelling include the removal of an undercover area located directly behind the carport and the removal of a portion of the rear verandah on the southern side of the dwelling behind the dining room and laundry.

The home business associated with the existing dwelling will also remain.

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>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling 	Complies

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> <ul style="list-style-type: none"> (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> (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> (c) <i>dormer windows with a total length less than 30 per cent of the total roof length along each elevation.</i> 	<p>Complies The proposed dwelling is single storey and presents to a public road.</p>
PDC 4	<p><i>Development should preserve and enhance streetscapes by:</i></p> <ul style="list-style-type: none"> (a) <i>the incorporation of fences and gates in keeping with the height, scale and type of fences in the locality</i> (b) <i>limiting the number of driveway crossovers.</i> 	<p>Complies There are no fences proposed forward of the new dwelling.</p> <p>Each dwelling will maintain a single crossover and the larger crossover on Whittier Avenue will be reinstated.</p>
PDC 5	<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>	Complies
PDC 8	<i>Land division should create allotments with an area of greater than 420 square metres.</i>	<p>Complies Existing dwelling - 517m²</p> <p>Does Not Comply Proposed dwelling – 314.5m²</p>
PDC 9	<i>Land division should not result in the creation of allotments in the form of a battleaxe configuration.</i>	Complies
PDC 6	<i>Minimum Site Area: 420m²</i>	<p>Complies Existing dwelling - 517m²</p> <p>Does Not Comply Proposed dwelling – 314.5m²</p>
	<i>Minimum Frontage: 14m</i>	<p>Complies Existing dwelling – 15.24m Proposed dwelling – 17.2m</p>
	<i>Minimum Depth: 20m</i>	<p>Complies Existing dwelling – 28.52m</p> <p>Does Not Comply Proposed dwelling - 18.29m</p>

Assessment

The proposed development, which will result in the creation of two allotments (from one), are in convenient reach from all three desirable attributes specified in Objective 2 of the Residential Zone, namely a Neighbourhood Centre (Park Holme Shopping Centre), public open space and public transport routes. Accordingly, the increased density on the site satisfies this requirement.

The retention of the existing dwelling results in a significantly undersized allotment for the proposed dwelling, achieving a site area of 314.5 square metres, some 105 square metres (25%) below the 420 square metre requirement due to the need to utilise the remaining space

available, rather than provide a cohesive design to provide two sites that are equal in size and closer to meeting the required site area for the Policy Area.

Having said this, the size of the proposed allotment, is still considered to be 'low density' in character and the frontage width of 17.2m, which is well in excess of the 14m frontage requirement, will mask the undersized nature of the allotment by maintaining the allotment pattern of wide street frontages. Furthermore, it is feasible to suggest that the site could accommodate two dwellings with two equal sized allotments falling just short of achieving the minimum requirements by 4.5 square metres. Therefore, in my view, the proposed density is not considered to be at odds with the Development Plan.

The merits of the application remain with whether the undersized nature of the allotment compromises the ability for each of the dwellings to attain the characteristics sought within the desired character, namely large setbacks from property boundaries and adequate visual separation between houses as well as whether the proposal adequately achieves the numerical and qualitative standards specified in the Development Plan.

The proposed dwelling has been sited so that there is separation from all boundaries and whilst the setbacks provided are not generous to the extent that a majority of dwellings in the Policy Area are, the setbacks are not considered so incompatible within the immediate locality that it will be significantly out of character in its setting. With some dwellings in Whittier Avenue supporting a front setback of between 5m and 6m and similar side setbacks to that of the proposed dwelling, the proposed dwelling is considered to be suitably sited such that it displays some consistency with the Desired Character Statement.

However, in my view, it is arguable that the setbacks afforded to the existing dwelling achieve the desired 'visual separation' contemplated in the Desired Character of the Policy Area. Whilst it is acknowledged that the structures on the eastern and western boundaries exist, the substantial reduction in the rear setback further depletes the landscape character, removing the opportunity to enhance the space in a manner that contributes to the leafy, garden appearance described in the Desired Character.

The reduction in the rear setback, in my view, also further emphasises the substantial development on both the eastern and western boundaries. In my view, this further highlights the existing dwelling's inadequacies with respect to fostering the generous setbacks contemplated in the Desired Character Statement. The main redeeming element in this regard is the existing 8m front setback, which accommodates a manicured front garden that is reflective of what forms the 'character' in this Policy Area.

The design and appearance of the proposed dwelling is deemed to be compatible with dwellings in the locality with respect to its scale, being single storey, and the use of materials. The brick façade and the traditional appearance of the hipped roof are in keeping with the both the older and newer dwellings in the street.

A landscape plan identifies a variety of trees, shrubs and grasses, particularly along the boundaries. Although from the plan, it does not appear that the landscaping is substantial, it does demonstrate that the setbacks will facilitate the provision of additional plantings that can reinforce the garden character of the suburb. The dwelling will also replace less attractive fencing and a garage along the Whittier Avenue boundary, and, providing no fence is erected, could make some contribution to the open landscaped character of the area.

The two street trees planted at the southern end of the site along Whittier Avenue are recent additions. The tree planted furthest south is likely to interfere with the proposed driveway, and should the Panel wish to support the application, will have to be removed. For the Panel's reference, the application was lodged prior to the trees being planted. However, there will be at least one street tree remaining in the event that the tree is not replaced.

In my view, the merits of the proposal are finely balanced given the substantially undersized nature of the proposed new allotment and the implications this has on the siting of the existing dwelling within its reduced allotment. The assessment of the application against the remaining provisions of the Development Plan will contribute to determining whether the proposal is considered worthy of Development Plan Consent.

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>Existing - 51%</p> <p>Proposed – 39%</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>
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>Existing Dwelling</p> <p>Partially Complies</p> <p>The POS area complies with all but items (f) and (g).</p> <p>The POS is located at ground level and is accessible from a living room. However the area is south facing and the limited depth will restrict opportunities for the sun to enter the area during the winter months, therefore the area will be limited in its ability to provide comfortable year round use.</p> <p>Proposed Dwelling</p> <p>Complies</p> <p>The POS area is located at ground level to the rear and provides a north orientated area of a size which should achieve comfortable year round use.</p>

Site Area 250 m² or greater:

Minimum area of POS: 20% of the site area

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

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

General Section: Residential Development: PDC 17

Existing dwelling**Partially Complies**

115m² (22%)

Includes an area equal to 10% of the allotment size that is accessible from a living room but provides a minimum dimension of 4m.

Proposed dwelling**Complies**

103m² (33%)

Includes an area that is equal to 10% of the allotment size that is accessible from a living room with a minimum dimension of 5m.

Street Setbacks

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

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

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

General Section: Design and Appearance: PDC 23

Complies

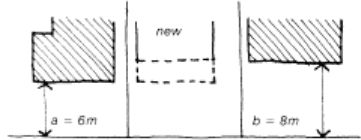
The setback of the proposed dwelling, is, in my view, compatible with the setbacks of dwellings on adjoining land. The existing dwelling maintains structures on the secondary street boundary and the adjacent dwelling to the south is setback at its closest point, approximately 3.5m, albeit, the majority of the dwelling is setback approximately 7m.

As such, the proposed dwelling maintains a setback greater than the average of the two adjacent dwellings.

The dwelling at no. 5 Whittier Avenue, which is sited on an allotment similar in size to the proposed dwelling, also maintains a 5m setback.

To this end, the setback of the proposed dwelling is considered to sufficiently accord with Design and Appearance Principles 23 and 25 of the Development Plan.

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

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below: 
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

Does Not Comply

The existing dwelling does not provide any setback to the secondary street boundary, however, it has existed in this form for some time.

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

General Section: Residential Development: PDC 36

Complies

The habitable rooms of the proposed dwelling are adequately separated from site boundaries for visual privacy from pedestrian and vehicle movement.

Side Setbacks

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

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

(a) 3 metres if adjacent southern boundary

(b) 2 metres in all other circumstances.

Residential Zone: PDC 7

Complies

Proposed dwelling

Northern side wall - 1m

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

(a) the visual impact of the building as viewed from adjacent properties

(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Complies

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Existing dwelling

Does Not Comply

3.8m maximum

Proposed dwelling

Does not comply

5m

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

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

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

General Section: Residential Development: PDC 37

Partially Complies

Neither dwelling maintains a rear setback that extends as far as 6m. However, neither dwelling is setback as close as 3m.

The adjoining property to the rear of the subject site incorporates a driveway area adjacent the rear boundary of the proposed dwelling and therefore will not suffer any impacts as a result of the proposed dwelling's setback not being 6m.

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

Proposed dwelling – 4.4m

Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Minimum setback from secondary road frontage: 5.5 metres for a single-width structure. Not less than the specified setback of the associated dwelling for a double-width structure.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies Proposed dwelling – carport setback at 7.2m and 1.8m behind the main face of the dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> (a) <i>not adversely impact on the safety of road users</i> (b) <i>provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i> (a) <i>when located on side or rear allotment boundaries:</i> (i) <i>be constructed at least 6 metres from any existing structure on the same site and the same boundary</i> (ii) <i>ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i> (A) <i>7 metres for structures with enclosed side walls</i> (B) <i>8 metres for structures with open side walls</i> (C) <i>7 metres where there are both enclosed and open sided structures</i> (iii) <i>have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Complies Proposed dwelling i) Carport on boundary is not located within 6 metres of any existing structure on the same site and same boundary ii) Open structure is located 600mm from the southern boundary</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies The proposed garage/carport incorporates a roof form, materials and detailing which complements the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies The proposed dwelling maintains a single carport that is 2.8m wide and takes up 16.2% of the allotment site frontage width.</p>

Car Parking

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

Residential Zone: PDC 7

Complies

Existing dwelling – 2 car parks, one of which is undercover for a 3-bedroom dwelling.
Proposed dwelling – 2 car parks, one of which is undercover for a 3-bedroom dwelling.

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

General Section: Transportation & Access: PDC 43

Complies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7
b) Centre facilities and public transport are located in walking distance of the dwellings
c) The likely occupants are anticipated to have standard mobility and transport requirements
d) e) Approximately 5 on-street car parking spaces shall remain available adjacent the subject sites.

Access

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

General Section: Residential Development: PDC 39

Complies

Each single crossover is 3m in width.

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

General Section: Residential Development: PDC 40

Does not comply

The crossover for the proposed dwelling is likely to interfere with a street tree. The tree is a recent addition to the street and had not existed at the time this application was lodged.

I am of the view that removal of the tree in this instance is warranted, should the Panel wish to support the application, on the basis that the tree had been planted after the proposed dwelling had been designed and lodged.

A second tree has also been planted further north along Whittier Avenue which will continue to add to the streetscape. The street tree to be removed may be able to be transplanted in a different location on the street.

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

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a minimum distance of 6 metres.

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 design and appearance of new dwellings in this Policy Area is less constrained than other character areas. Nonetheless, the proposed dwelling incorporates features typical of both older and newer dwellings in the locality.

The dwelling is proposed to be constructed of face brick with a rendered feature stonewall at the entrance.

The dwelling incorporates stepping in the brickwork and fenestration to provide articulation to the façade.

The roof is colorbond and clad in red to match the brickwork of the dwelling. The roof incorporates multiple ridgelines to provide additional articulating elements and further enhance the visual appearance of the dwelling.

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 entrances to both dwellings are clearly visible and accessible from the street.

The living rooms of both dwellings will maintain an external outlook.

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 existing dwelling will not unreasonably overshadow the habitable rooms and POS areas of the proposed dwelling.

Despite structures being located on the southern side of the proposed new allotment, there are no habitable room windows on the northern side of the proposed dwelling and the height of the structures will not cast shadow over the entire POS area during the winter months.

Accordingly, the proposed dwelling complies with Design and Appearance Principles 9 and 10.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Partially Complies

The proposed dwelling will receive good solar access over some of their POS areas, however, there are no north facing windows to the main activity areas, albeit, it is likely they would be overshadowed by the structures associated with the existing dwelling.

The existing dwelling, on the other hand, maintains a north facing lounge room, yet the lack of depth in the open space area will forfeit the ability for that area to receive year round sunlight.

Both dwellings incorporate a hipped roof form, 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

Partially Complies

The landscaping plan provided for the proposed dwelling identifies some plantings along the edges of the boundary and driveway. The landscaping proposed appears scant, however it is anticipated that lawn will be planted in the larger section in front of the dwelling.

The street itself is not considered to be the best example of the landscape character of the locality. The front yards of the sites along Whittier Avenue are either grassed or paved with small trees, shrubs or flowers dotted within.

Accordingly, the setbacks provided will adequately enable landscaping to be planted that is in keeping with the remainder of the street.

The reduction in rear setback for the existing dwelling provides limited space for additional landscaping to be provided at the rear of the dwelling. The dwelling does incorporate generous landscaping to the front of the site, however its presentation to the secondary street is generally lacking and will have very little opportunity to be improved with the proposed arrangement.

Fences and walls, including retaining walls, should:

(a) not result in damage to neighbouring trees

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

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

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

(e) assist in highlighting building entrances

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

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

(h) be constructed of non-flammable materials.

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The existing steel fencing along Whittier Avenue will be removed and the proposed dwelling does not incorporate any front fencing, allowing for greater opportunity for casual surveillance and exposing the landscaped front yard of the dwelling.

TABLE DISCUSSION

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

Site Coverage (Existing Dwelling)

The site coverage for the existing dwelling is calculated at 51%, which exceeds the 40% Development Plan requirement by 11%.

This demonstrates that a large proportion of the site is covered by structures despite two existing covered areas being removed from the property.

The proposed site coverage is symptomatic of the failure of the existing dwelling to achieve adequate rear setbacks, combined with the building's existing non-compliance of nil setback to the secondary street boundary. The existing verandah to be retained also increases the site coverage whereby without the verandah, site coverage would be reduced to 43%.

The dwelling does however maintain a large front setback and landscaped front yard as well as achieves the desired amount of POS to the side and rear, despite the lack of depth.

The high site coverage does, in my view, contribute to the lack of visual separation from the boundaries sought in the Desired Character of the Policy Area, and may result in a less functional POS area (due to a reduced rear setback and depth), but does not necessarily result in unreasonable impacts on the amenity of the proposed dwelling and existing surrounding dwellings.

POS orientation and depth (Existing Dwelling)

The retention of the existing dwelling and the creation of a new allotment severely reduces the available POS for the existing dwelling in a manner that does not include a minimum depth of 5m from the area that is accessible from the living room and creates a south facing area that will receive very little sun for year round comfortable use.

The maximum depth of the POS area is 3.8m and there is minimal scope to rectify this issue given that the proposed allotment is already severely undersized.

Removing the two existing undercover areas may enable some sun to enter the area in the early morning and late afternoon, however, the usability of the space is, in my view, limited as a result of the failure to provide a suitably dimensioned 5m x 5m area.

However, as with site coverage above, whilst this shortfall may reduce the enjoyment of the dwelling for the likely occupants, it will not result in adverse impacts to the neighbouring properties.

Rear setback (Existing Dwelling)

The rear setback does not comply with either Residential Zone Principle 7 or Residential Development Principle 37 insofar that it does not provide a setback of 6m to its proposed rear boundary and even fails to incorporate a setback that is between 4m and 5m in order to achieve a suitable area of POS accessible from the living room in accordance with Residential Development Principle 17.

In my view, this is a major shortfall of the development given that generous setbacks are a fundamental element of the desired character to facilitate the provision of space for landscaping to enhance the garden suburb qualities of the locality.

The lack of separation is exaggerated further by the existing dwelling being built on the secondary street boundary, providing minimal opportunities to improve the appearance of the secondary street with landscaping.

The retention of the existing dwelling severely hampers the development in this regard and furthermore, has restricted the proposed new allotment to a size that is substantially below the minimum requirement.

To this end, it is my opinion that the non-compliance of the proposal affects the ability for the existing dwelling to meet the desired character of the Policy Area. However, this is somewhat off-set by the large front setback and landscaped garden at the front of the existing dwelling as well as proposing a relatively compliant dwelling with landscaping in lieu of the less attractive boundary fence on the secondary street.

ANALYSIS/CONCLUSION

The proposed dwelling is located on an allotment that is substantially smaller than the 420 square metres specified in the Development Plan. The retention of the existing dwelling and the need for that dwelling to function in its own right and comply with the relevant Development Plan and BCA standards limits the availability of land for the proposed dwelling. Furthermore, the resultant lack of rear setback and usable POS area for the existing dwelling results in a poor outcome for the occupants and streetscape, limiting availability of land for additional plantings that will be lost from the rear of the existing land.

However, despite the undersized nature of the proposed allotment, there are several aspects to the proposal that display merit when assessed against the provisions of the Development Plan.

The proposed allotment still represents the low density sought in the Policy Area and has a frontage width that complies with the Development Plan and is consistent with the allotment pattern on the street. Furthermore, two dwellings would still be capable of being contained on the allotment if the existing dwelling were to be demolished. As such, despite the shortfall in site area, the proposal does not achieve a density over and above that sought in the Policy Area.

The dwelling proposed on the land is relatively compliant with the Development Plan, with reasonable setbacks from boundaries to satisfy the Desired Character and provide opportunities for landscaping along the boundaries to increase the visual separation between dwellings.

It could also be suggested that the locational attributes of the site provide some justification for the proposed allotment to be considered acceptable.

The land is on the border of the Policy Area where higher densities with smaller allotment sizes are appropriate on the other side of Oaklands Road. The site is in walking distance to a Centre Zone, fixed-rail and bus public transport options and public open space which are all desirable attributes for higher densities. Additionally, there are existing properties in the surrounding locality where the characteristics and site areas of the Policy Area are not observed, namely the adjoining property at 14 Chambers Street which contains a two storey residential flat building with 8 units and a similar sized allotment at 5 Whittier Avenue.

Having said this, a notable court case was the matter between *Sykes V City of Marion [2013] SAERD3*, where Commissioner Nolan observed that an existing character should not necessarily lead to further departures of the Development Plan within a locality.

The merits of the proposal are in my view, finely balanced. The allotment containing the existing dwelling contains functional deficiencies with their open space and setbacks, despite the land area being well over the required minimum allotment size. A redevelopment of the entire site would enable a new dwelling to be built which provides the generous setbacks desired, improved landscaping to the side and rear of the site and an attractive secondary street presentation. Moreover, two allotments would be created that were closer to meeting the minimum allotment sizes sought.

However, the proposed dwelling satisfies the majority of Development Plan provisions as well as the Desired Character; and the streetscape appearance of the existing dwelling, whilst it will not improve, already exists. The proposal will not have such a severe streetscape impact or affect the liveability of the existing dwelling to the extent that the site will appear significantly at odds with the surrounding environment and will still maintain features that are appropriate within a residential area.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, whilst finely balanced, 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: 100/2014/1334 for a single storey detached dwelling and carport to the rear of an existing dwelling with associated landscaping at 16 Chambers Street, Marion be GRANTED following the deposit of the plan of division for Land Division 100/D145/15 and subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1334, being drawing numbers DA00, DA01 and DA03 (Inclusive) and documentation titled 'Site Plan', 'Floor Plan' and 'Elevations' except when varied by the following conditions of consent.
- 2. All works to be undertaken to the existing dwelling shall be completed prior to occupation of the new dwelling.
- 3. 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.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 6. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 7. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

8. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
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.
4. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No: DAP160915 – 2.11

Originating Officer: Dylan O'Brien
Development Officer - Planning

Applicant: Landmark Homes

Development Description: Three (3) single storey row dwellings

Site Location: 12 Ewell Avenue Warradale

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 19/01/2015

Development Plan: Consolidated – 5 December 2013

Application No: 100/2015/91

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 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 row dwellings supporting allotment areas less than the minimum of 250 square metres required 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
Front setbacks: Increase in the front setback of each dwelling to no less than 5.0m.	No change
Rear setbacks: increase in the rear setback to 6.0m allowing only a portion of a dwelling to be setback at 3.0m (which is no wider than 50% of the allotment width) as sought by the Development Plan	Rear setback of dwellings 1 and 2 have been increased to provide a 5.0m setback for at least 50% of the allotment width and a minimum 5.0m by 5.0m dimension for private open space.
Site depth/coverage/density: The	No change

Development Plan (Policy Area 13) advocates a minimum 20m site depth, 250m ² site area (per row dwelling), and 40% maximum site coverage. In this instance the proposal fails on all three accounts to meet the Development Plan. Given the other shortfalls noted in relation to front/rear setbacks, the proposed density is considered too high and the dwellings represent an overdevelopment of the entire site.	
Flood risk area/siteworks plan required: The subject site is located in a flood-risk area. Consequently, the proposed finished floor levels (FFL) and setback of the dwelling(s) must adequately address/reconcile concerns of potential flooding.	Council engineer has assessed the plans and provided comments (refer engineering comments).

SUBJECT LAND & LOCALITY

The subject land is located at 12 Ewell Avenue, Warradale, at the intersection between Ewell Avenue and Sienna Street on the south/western corner. Excluding the corner cut-off, the subject land comprises a regular shaped rectangular allotment with a 34.05 metre frontage Sienna Avenue, a 15.24 metre frontage to Ewell Avenue (proposed secondary street) and a depth of approximately 18.29 metres (east/west) 38.55 metres (north/south) to provide a total site area of 691 square metres.

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

The intersection of Ewell Avenue and Sienna Street comprise mainly single storey detached dwellings at low densities, although a significant public reserve is located diagonally opposite the subject land.

Whilst various examples of semi-detached dwellings at higher densities are evident, the majority of the dwellings in the locality appear to be the original detached dwelling housing stock.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to develop the land for three row dwellings (single storey), with associated car parking and landscaping.

The 'Proposed Site Plan' identifies the corner dwelling at the intersection of Ewell Avenue and Sienna Street as Residence 3, and the dwelling located at the southern end of the site as Residence 1, whereas, the 'Proposed Site/Floor Plan' identifies these dwellings in reverse order. For the purpose of this report, the proposed residences will be referred to as 'dwellings', with Dwelling 1 at the corner, Dwelling 2 in the middle, and Dwelling 3 at the opposite end of the site (southern end).

Dwelling 1 incorporates three (3) bedrooms through the front portion of the dwelling, with an open plan kitchen attached to a laundry and a dining/family room located to the rear with direct access to private open space area at the rear. Dwelling 2 and 3 comprise two (2) bedrooms located to the front and an open plan kitchen attached to laundry and a dining/family room located to the rear with access to respective private open space areas.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

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

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

Residential Zone
Objectives <i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i>
Northern Policy Area 13
Objectives <i>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.</i>
Desired Character

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies Row dwellings</p>
PDC 3	<p><i>Minimum Site Area: 250m² – row dwellings</i></p>	<p>Complies Dwelling 1: 251m²</p> <p>Does Not Comply Dwelling 2: 220m² Dwelling 3: 220m²</p>
	<p><i>Minimum Frontage: 7m – row dwellings</i></p>	<p>Complies Dwelling 1: 10.95m Dwelling 2: 11.55m Dwelling 3: 11.55m</p>
	<p><i>Minimum Depth: 20m</i></p>	<p>Does Not Comply 18.29m</p>

Assessment

In relation to the above provisions and desired character statement, the proposed development seeks to construct three (3) row-dwellings on land where one dwelling currently exists, to provide an envisaged form of housing at a greater density to that which currently exists on the land.

It is acknowledged that two out of the three dwellings (1 and 2) are on allotments no greater than 220 square metres which represents a significant departure from the minimum sought for row dwellings (approximately 12%). With an average site area of 230 square metres, the site results in an approximate 8% shortfall in site area per dwelling.

It is also of value to note that, Dwelling 2 and 3 are limited to two bedrooms, the subject site is in close proximity to a Neighbourhood Centre Zone and a public transport route along Diagonal Road to the west within approximately 200 to 300m of the subject land, and there is a large public open space area diagonally opposite the subject site to the north/east. To this end, the site achieves the locational attributes desired for higher densities.

Apart from the high site coverage and front/rear setback shortfalls which are discussed later in this report, the applicant has reasonably addressed the limited site area by designing 3 dwellings which in my opinion appropriately address a majority of Council's design criteria. In this regard, each dwelling is provided with private open space areas that meets the minimum 20% sought, side and secondary street boundary setbacks are generally compliant, there is unlikely to be any unreasonable impacts upon adjoining land via visual bulk, walls on boundaries or overshadowing, the dwellings will receive an adequate amount of natural light and a high standard of presentation

is provided through the use of different material/finishes and the articulation of the front façade and roofline.

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

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

DEVELOPMENT ASSESSMENT

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

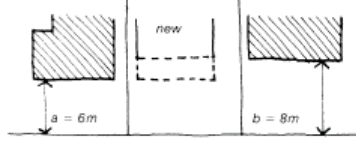
Principles of Development Control

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>Dwelling 1: 50.9% or 128m²</p> <p>Dwelling 2: 52.7% or 116m²</p> <p>Dwelling 3: 52.7% or 116m²</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>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>Dwelling 1: 26.6% or 67m²</p> <p>Dwelling 2: 20.0% or 44m²</p> <p>Dwelling 3: 20.0% or 44m²</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling.</p> <p>b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The POS areas should not be significantly shaded during winter by the associated</p>

<p><i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply f) Whilst the proposed POS areas for Dwellings 2 and 3 maintain a predominantly western aspect, each area features a portion which will gain some northern exposure. To this end the proposal should provide a reasonable / acceptable level of comfortable year round use.</p>
<p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area</i> <i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i> <i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p>Site area less than 250 m²: <i>20% of the site area or 35 m², whichever is the greater</i> <i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i> <i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies Dwelling 1 (251m²): provides 67m² of private open space areas which is directly accessible from the living area and with a minimum dimension of 5m</p> <p>Complies Dwelling 2 and 3 (220m²): provide 44m² private open space areas which is directly accessible from the living area and with a minimum dimension of 5m.</p> <p>In this instance, the respective private open space areas are no less than the minimum 20% of the proposed site areas. Furthermore, each dwelling achieves a minimum dimension no less than 5m by 5m and all private open space areas are directly accessible from the internal living areas.</p> <p>The proposal achieves sufficient compliance with the General Section: Residential Development: PDC 17</p>
Street Setbacks	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies The proposed dwellings incorporate a 4.0m setback to each main face, and 5.5m to each garage for all three dwellings. The adjacent allotment to the south has recently had a dwelling approved with a primary street setback of 3.0m, whereas, the corner location includes a number of dwellings with secondary street setbacks which are closer to 2.0m. As such, the proposed front setbacks are similar to and compatible with buildings on adjoining land and considered to contribute positively to the function, appearance and desired character of the locality.</p>

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

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

General Section: Design and Appearance: PDC 25

Complies

The proposed dwellings provide a minimum primary street setback of 4.0metres. A new detached dwelling on adjoining land to the south is set back approximately 3.0 metres, and more-or-less provides a new setback character in this section of Siena Street between Ewell Avenue (to the north) and Spruce Avenue (to the south). Whilst the proposal fails to match this setback, the setback is compatible with the setback pattern in the locality.

The proposed front setbacks comply with PDC 25.

Minimum setback from secondary road frontage: 3 metres

Residential Zone: PDC 7

Complies

Dwelling 3: secondary street setback 3.04m and increasing to 5.0m

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

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

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

Residential Zone: PDC 7

Does Not Comply

Dwelling 1: 0.6 m. The proposed side setback falls 0.4 metres short of that prescribed by PDC 7. The shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.6 metres complies with the Building Code of Australia.

Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:

- (a) the visual impact of the building as viewed from adjacent properties
- (b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.

General Section: Design & Appearance: PDC 2

Does Not Comply

Although the side setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

- Dwelling 1 and 2: proposed rear setback of 2.61m increasing to 5.0m for 50.2% of the allotment width, and;
- Dwelling 3: proposed rear setback of 1.078m and 2.518m increasing to 7.2m and 13.7m, for 33.4% of the allotment width.

Apart from Dwelling 3, the proposal falls considerably short of the minimum 6.0m

	<p>required.</p> <p>The failure to accord with the Residential Zone: PDC 7 is not deemed fatal to the overall merits of the application which is discussed in the following.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Does Not Comply</p> <p>The proposed dwellings do not meet Residential Development Principle 37, which requires a setback of 6 metres - less a 3 metre incursion for a distance no greater than 50% of the allotment width. However, the proposed rear setbacks are adjacent an established side boundary where a setback of 1.0m would be acceptable (were a dwelling to have Ewell Avenue as its primary street frontage).</p> <p>Given all three dwellings afford a minimum rear setback greater than 1.0 metre with an average setback of approximately 3.8 metres (Dwellings 1 and 2) and 6.12m (Dwelling 3), the overall level of separation is considered to sufficiently reflects the intention of the rear setback criterion and will not detract from the neighbouring amenity either visually or via overshadowing. Furthermore, each dwelling incorporates appropriate area and dimensions of private open space.</p> <p>For these reasons, the discrepancy in rear setbacks for a portion of the allotment is considered acceptable.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setbacks do not comply with quantitative criteria, the level of separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. 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	
<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>The proposed dwellings incorporate a maximum building height of 4.6 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports and Outbuildings

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

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

Residential Zone: PDC 8

Complies

Dwelling 1, 2 and 3: approximately 5.5m and 1.5m behind main face.

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

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

General Section: Residential Development: PDC 12

Complies

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

General Section: Residential Development: PDC8

Complies

Each garage is designed under the main roof and forms the connecting wall (party wall) between Dwellings 1 and 2, whereas, Dwelling 3 incorporates a carport under main roof, adjacent the southern side boundary. The proposed roof form over the garages and carport incorporates materials and detailing which complement the associated dwellings.

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

Residential Zone: PDC 6

Complies

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

Car Parking

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

Residential Zone: PDC 7

Complies

The proposed dwellings comprise no more than three bedrooms while providing two on-site parking spaces, one of which will be under cover.

<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) The subject land is situated in close proximity to public transport links (bus) along Diagonal Road to the west. The subject land is also located within walking distance (approximately 200 to 300 metres) to a Neighbourhood Centre located at the corner of Diagonal Road and Byre Avenue to the north/west.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) whilst the proposal will result in a loss of approximately 1 on-street parking space, room for up to 4 vehicles will be retained in front of the subject site along Sienna Street and Ewell Avenue. There is also ample on-street parking through the immediate locality within convenient walking distance of the subject land.</p> <p>To this end, PDC 43 is sufficiently satisfied</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>Each driveway is single width only approximately 3.0m wide.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>In accordance with PDC 40, the proposed crossovers are set back no less than 1 metre from existing street infrastructure (SEP) and no less than 2 metres from any existing street trees.</p>

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 are single storey, incorporating a mix of a rendered and exposed sandstone coloured brick finishes through the main bedrooms and entrances and Colorbond roofing (Charcoal grey).

Each dwelling incorporates a hipped roof form, set at 20° degree pitch, with 450mm wide eaves that offer shading and further articulation.

The dwellings feature varying setbacks, between the main face/entrance/portico and garages to provide a sufficient level of articulation and visual interest when viewed from both Ewell Avenue and Sienna Street.

Dwelling 1 (corner dwelling) which also faces Ewell Avenue, features varying setbacks between Bedroom 2, 3 and the living area to provide a high level of articulation in the secondary street facade.

The proposal is considered to accord with the Desired Character of Policy Area 13, incorporating a contemporary design, a mixture of materials and level of articulation which should achieve a sufficiently attractive presentation with adequate visual interest.

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

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The adjoining property to the south features private open space to the north of the associated dwelling. Notwithstanding Dwelling 3 falls short of the minimum side setback standard, given the single storey nature of the proposal and level of separation, likely excessive overshadowing will not detract from available winter sunlight to adjacent habitable room windows, roof areas that may suit solar collectors or neighbouring private open space areas.

For these reasons, the proposal is considered to accords sufficiently with General Section: Design & Appearance, PDC 9(a), (c) and PDC 10 (a), (b).

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

The main activity areas of Dwellings 1 and 2 are oriented west, which should nonetheless receive sufficient northern winter sunlight from midday onwards.

Dwelling 1 is located at the corner of Ewell Avenue and Sienna Street is provided with north facing private open space between the secondary street boundary, which will receive exposure to available 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 dwellings incorporate a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has reviewed the proposal and confirmed that the proposed finished floor paving level will provide sufficient flood protection and prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 250 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.05 metres. This fencing/retaining height is considered typical for newer developments and necessary to achieve a level development site and maintain privacy and security, without constituting further development or unreasonably affecting the visual amenity or access to sunlight of adjoining land.

ANALYSIS/CONCLUSION

Having considered the proposed deficiencies in relation to minimum site area/coverage, rear and front setbacks, it is my view that these shortfalls are not fatal as this report has shown that:

- Each dwelling allotment maintains functional dimensions, and to this end, the shortfall in site area does not compromise the ability of the proposal to generally comply with other design criteria, such as private open space and boundary setbacks. Additionally, the proposal offers appropriate setbacks, articulation and transition between adjoining land including primary and secondary streets, and an appropriate standard of presentation through the use of different materials/finishes and the articulation of the front façade and roofline; and
- The property is within close proximity well-provisioned reserve, diagonally across the street and bus routes as well as a Neighbourhood Centre Zone within convenient walking distance to the west, and;
- The shortfall in site area and depth have not had a negative influence as the proposal achieves a high level of compliance with the Development Plan and adheres to the Desired Character of the Northern Policy Area 13 of the Residential Zone and will offer improved housing variety in the form of two (2) and three (3) bedroom dwellings.

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: 100/2015/91 for three (3) single storey row dwellings at 12 Ewell Avenue, Warradale be subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/91, being plans titled, "Proposed Site Plan, Proposed Site/Floor Plan, Ewell Avenue/North Elevation, South Elevation, West Elevation and Sienna Street/East Elevation (inclusive) prepared by Arco. Architecture, and Site & Drainage Plan, prepared by Zafiris & Associates Pty. Ltd., except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
6. 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
Attachment III: Proposal Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.12
Originating Officer:	Kristen Schutte Development Officer - Planning
Applicant:	Alexander Symonds Pty Ltd
Development Description:	Land Division Residential Torrens Title - 1 into 3 allotments
Site Location:	60 Barker Avenue, South Plympton.
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	27/07/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1329
Recommendation:	Development Plan Consent, 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 (100/1725/2014), 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.

SUBJECT LAND & LOCALITY

The subject land is located at 60 Barker Avenue, South Plympton (Lot: 203 CT: 6112/443). The land comprises a rectangular corner allotment, with a northern primary street frontage to Barker Avenue of 15.93 metres, a western secondary street frontage to Ryan Avenue of 33.3 metres, and a total site area of 686 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to a freestanding garage from Ryan Avenue. The subject site does not maintain any discernible slope, nor does it accommodate any trees classified as regulated pursuant to the current legislation.

The locality consists of predominantly single storey detached dwellings at low densities, which are representative of the original dwelling stock. A number of redeveloped/sub-divided properties are also evident in the locality, which typically take the form of single-storey detached and semi-detached dwellings.

The subject land is located 100 metres south of Cross Road; a public transport route with connecting services to Adelaide CBD. A local centre zone is located 400 metres walking distance north west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the existing allotment to create 3 (three) Torrens Title residential allotments. Party wall easements are included on the plan of division, which indicate that the allotments shall accommodate row dwellings, as demonstrated in Development Application 100/898/2015.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>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>

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ row dwellings ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	Complies As listed opposite, row dwellings are an envisaged form of housing type within Northern Policy Area 13.
<i>PDC 3</i>	<i>Minimum Site Area: 250 m²</i>	Does Not Comply Residence 1: 230m ² Residence 2: 228m ² Residence 3: 228m ²
	<i>Minimum Frontage: 7m</i>	Complies Residence 1: 9.2m Residence 2: 12m Residence 3: 12m
	<i>Minimum Depth: 20m</i>	Does Not Comply Residence 1: 18.98m Residence 2: 18.98m Residence 3: 18.98m

Assessment

The application proposes to replace an existing single storey detached dwelling in poor condition, with three two-storey row dwellings, which is a form of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

A minimum site area of 250 square metres is prescribed for row dwellings in the Northern Policy Area 13, which equates to a shortfall of 20 square metres (8%) for Residence 1 and 22 square metres (8.8%) for each Residence 2 and 3. This results in an 8.5% discrepancy for the total site area. In my view, the shortfall in site areas is 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 an adequate level of compliance with other applicable design criteria (as discussed further in the Table Discussion of this report).

The depth of the proposed allotments, at 18.98 metres, falls short of the prescribed minimum of 20 metres. However, the frontage width of each allotment exceeds the minimum of 7 metres. In response to these irregular dimensions, the proposed dwellings have been designed to utilise the greater width of the allotment, and consequently achieve adequate levels of compliance with private open space, site coverage and setback provisions (discussed further below). As such, the 1.02 metre shortfall in depth should not detract from the function or appearance of the proposed dwellings.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area and depth do not jeopardise the underlying merit of the proposal. The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

Land Division

OBJECTIVES

1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.

Complies

2 Land division that creates allotments appropriate for the intended use.

Complies

The proposed site areas are appropriate for the dwellings proposed in Development Application 100/898/2015

3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.

Complies

The land division is likely to be supported by the necessary infrastructure, and is located within walking distance of bus routes.

PRINCIPLES OF DEVELOPMENT CONTROL

1 When land is divided:

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

Complies

The proposed development is likely to result in stormwater being drained safely from the land. Water supply will be available.

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

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

Complies

- a) The proposed site areas are less than that required for the intended use of the allotments for row dwellings. However the associated land use application (100/898/2015) demonstrates that the proposed site areas remain suitable for the intended use.
- b) The allotments maintain a frontage to a public road
- c) Excessive cut/fill is unlikely
- e) The area is sewerred
- f) Despite being undersized, it has been identified above the allotments are complementary to the zone objectives
- g) The allotment will not straddle more than one zone, policy area or precinct

Design and Layout

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.

Complies

<p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p>Complies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Complies The main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.</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 Based upon the land use application (100/898/2015), four (4) on-street visitor car park spaces are available in front of the subject allotments.</p>
<p>22 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p>	<p>Complies</p>

ANALYSIS/CONCLUSION

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

The total site area of the land (686 square metres) falls 8.5% short of the 750 square metres required for three row dwellings. The associated land use application (100/898/2015) demonstrates that this discrepancy does not make the land unsuitable for the intended use.

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

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: 100/2015/1329 for Land Division Residential Torrens Title - 1 into 3 allotments at 60 Barker Avenue, South Plympton, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1329, except when varied by the following conditions of consent.
- 2. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 3. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
- 4. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

LAND DIVISION CONSENT

- 1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services. (SA Water H0024834). The internal drains shall be altered to the satisfaction of the SA Water Corporation.
- 2. 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.
- 3. Payment of \$12976 into the Planning and Development Fund (2 allotments @ \$6488/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 136 North Terrace, Adelaide.

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

Note: The SA Water Corporation will, in due course, correspond directly with the applicant/agent regarding the details of the above condition No 1.

Attachments

Attachment I: Aerial Photograph/Site Locality Plan

Attachment II: Proposal Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

Agenda Ref No:	DAP160915 – 2.13
Originating Officer:	Kristen Schutte Development Officer - Planning
Applicant:	365 Studio
Development Description:	Three two storey row dwellings
Site Location:	60 Barker Avenue, South Plympton.
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	20/05/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/898
Recommendation:	Development Plan Consent (Granted) subject to the deposit of the Plan of Division for Land Division 100/D171/15

CATEGORISATION & DELEGATION

Following the judgement of Judge Cole in *Paor v City of Marion*, the determination of the nature of the development cannot occur until such time as the Plan of Division has been deposited with the Lands Titles Office. As such, the recommended decision reflects the sequence of events to maintain the Category 1 status of the application.

As the associated land division identified allotments with exclusive frontage and party wall attachments, consistent with the dwelling plans proposed as part of this application, Council administration are of the view that the subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings (provided that no such dwelling is more than 2 storeys high) as Category 1 development.

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

BACKGROUND

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

Amendments Requested	Amendments Made
The floor area ratio of each dwelling should not exceed 0.6.	Floor area ratios reduced from 0.66 to 0.63 for Residence 1, 0.65 to 0.56 for Residence 2 and 0.62 to 0.58 for Residence 3.
Reduce the bulk and scale of the dwellings by providing separation between the upper level of each dwelling, greater stepping/articulation to the facades of the dwellings, matching the roof form of the lower levels to that of the upper levels of the dwellings, introducing a greater range of colours and materials and increasing fenestration where appropriate.	Amendments made to reduce the bulk and scale of the dwellings, including providing separation between the upper level of each dwelling, matching the roof form of the lower levels to that of the upper levels of the dwellings, and introducing a greater range of colours and materials.
The layout of the dwellings should be reconfigured so as to provide casual surveillance of Ryan Avenue from habitable windows of the ground floor of each dwelling.	Amendment not made.
A landscaping strip should be provided between the driveways of Residence 1 and 2.	Landscaping strip provided.
Additional landscaping should be provided forward of the dwellings to enhance the street frontage.	Additional landscaping provided.

SUBJECT LAND & LOCALITY

The subject land is located at 60 Barker Avenue, South Plympton (Lot: 203 CT: 6112/443). The land comprises a rectangular corner allotment, with a northern primary street frontage to Barker Avenue of 15.93 metres, a western secondary street frontage to Ryan Avenue of 33.3 metres, and a total site area of 686 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to a freestanding garage from Ryan Avenue. The subject site does not maintain any discernible slope, nor does it accommodate any trees classified as Regulated pursuant to the current legislation.

The locality consists of predominantly single storey detached dwellings at low densities, which are representative of the original dwelling stock. A number of redeveloped/sub-divided properties are also evident in the locality, which typically take the form of single-storey detached and semi-detached dwellings.

The subject land is located 100 metres south of Cross Road; a public transport route with connecting services to Adelaide CBD. A local centre zone is located 400 metres walking distance north west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct three, two-storey row dwellings with associated car parking and landscaping; all incorporating a primary frontage to Ryan Avenue. It is also proposed as part of the application to remove a street tree on Ryan Avenue to provide access to Residence 1.

The ground floor proposal for each dwelling features an open-plan kitchen and meals/living area opening to an alfresco area under the main roof of each dwelling, as well as a separate WC and laundry. The second floor of each dwelling comprises three bedrooms (main with ensuite) and a second bathroom.

The proposed dwellings will gain access from Ryan Avenue, with a single garage servicing Residence 1, and a double garage and carport servicing each Residence 2 and 3 respectively.

The dwellings will have a modern appearance and are to be well articulated. Materials and finishes include Hebel panel external walls with a range of rendered finishes. The dwellings will each provide a hipped roof design to be clad with Colorbond sheeting which is to be set at a 25 degree pitch. Landscaping is also proposed and is to be provided within side and rear yards and to the front of each dwelling.

It is noted that Land Division application 100/D171/15 has been received by Council, which proposes to create three Torrens Title allotments, which reflects the subject dwelling application. This application is also to be determined by the Panel at this meeting.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and 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>

Desired Character

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

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

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none">▪ <i>affordable housing</i>▪ <i>detached dwelling</i>▪ <i>group dwelling</i>▪ <i>residential flat building</i>▪ row dwelling▪ <i>semi-detached dwelling</i>▪ <i>supported accommodation.</i>	Complies
PDC 3	<i>Minimum Site Area: 250 m²</i>	Does Not Comply Residence 1: 230m ² Residence 2: 228m ² Residence 3: 228m ²
	<i>Minimum Frontage: 7m</i>	Complies Residence 1: 9.2m Residence 2: 12m Residence 3: 12m
	<i>Minimum Depth: 20m</i>	Does Not Comply Residence 1: 18.98m Residence 2: 18.98m Residence 3: 18.98m <i>The site depth is noted as 18.98m in order to maintain consistency with surveyed plan of division (land division application 100/D171/15).</i>

Assessment

The application proposes to replace an existing single storey detached dwelling in average condition, with three two-storey row dwellings, which is a form of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

A minimum site area of 250 square metres is prescribed for row dwellings in the Northern Policy Area 13, which equates to a shortfall of 20 square metres (8%) for Residence 1 and 22 square metres (8.8%) for each Residence 2 and 3. This results in an 8.5% discrepancy for the total site area.

In my view, the shortfall in site areas is 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. It is acknowledged the two storey row dwellings appear to be the first incursion of this dwelling type within the immediate locality, however, such

development of this nature is envisaged within the Policy Area, as the Desired Character of the Northern Policy Area 13 includes one and two storey, low-to-medium density dwellings of a variety of architectural styles. The appropriateness of the proposal is reinforced by the ability of the application to maintain an adequate level of compliance with other applicable design criteria (as discussed further in the Table Discussion of this report).

The depth of the proposed allotments, at 18.98 metres, falls short of the prescribed minimum of 20 metres. However, the frontage width of each allotment exceeds the minimum of 7 metres. In response to these irregular dimensions, the proposed dwellings have been designed to utilise the greater width of the allotment, and consequently achieve adequate levels of compliance with private open space, site coverage and setback provisions (discussed further below). As such, the 1.02 metre shortfall in depth should not detract from the function or appearance of the proposed dwellings.

It is acknowledged the proposal seeks for the removal of a street tree, which is discouraged by the Desired Character of the Policy Area. However, as noted by Council's Arborist, the tree is in poor condition, is near the end of its useful life expectancy and contributes little to the streetscape. The applicant has agreed to pay for the removal and replacement of this tree, which will assist in providing trees of a more healthy vigour within the streetscape.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area and depth do not jeopardise the underlying merit of the proposal. The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Residence 1: 49.7% (114.2m²)</p> <p>Residence 2: 53.4% (121.7m²)</p> <p>Residence 3: 54.2% (123.6m²)</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies</p> <p>Residence 2: 0.56 (128.3m²)</p> <p>Residence 3: 0.58 (133.3m²)</p> <p>Does Not Comply</p> <p>Residence 1: 0.63 (144.7m²)</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>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
<p>Private Open Space</p>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from a habitable rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling.</p> <p>b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>e) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) Traffic, industry or other business activities should not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>f) The proposed POS areas maintain a easterly aspect.</p>
<p>Site area less than 250 m²:</p> <p><i>20%of the site area or 35 m², whichever is the greater</i></p> <p><i>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</i></p> <p><i>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Residence 1: 34.8% (80m²)</p> <p>Residence 2: 26.3% (60m²)</p> <p>Residence 3: 26.3% (60m²)</p> <p>Minimum dimension of 4x4 metres provided.</p>
<p>Street Setbacks</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setbacks are considered to contribute positively to the function, appearance and desired character of the locality.</p>

<p><i>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads 5 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Residence 1: 4.5m Residence 2: 4.5m Residence 3: 4.5m</p>
<p><i>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Residence 1: 3m</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i> (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Ground levels Complies: Residence 1: n/a Residence 2: n/a Residence 3: 2m</p> <p>Upper levels Complies: Residence 3 (southern side): 3m</p> <p>Does Not Comply (internal side setbacks) Residence 1 (southern side): 1m Residence 2 (northern side): 1m Residence 2 (southern side): 2.25m Residence 3: (northern side): 1m</p>
Rear Setbacks	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Residence 1: 4m Residence 2: 5m Residence 3: 5m</p>
<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Residence 1: 6m Residence 2: 6.5m Residence 3: 6m</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> (a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary (b) a minimum of 8 metres for two storey components of dwellings</p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Does Not Comply As above.</p>
Building Height	
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies The proposed dwellings incorporate a maximum building height of 8.2 metres, which is less than the maximum permitted in the</p>

	Policy Area.
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 8 metres for a freestanding structure. 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	Complies
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	Complies
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Complies</p> <p>i) Carport on boundary is not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) Open structure length of 6.5 metres on the boundary</p> <p>Does Not Comply</p> <p>iii) Wall height of 2.9 metres</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed garages and carport incorporate roof forms, materials and detailing which complement the associated dwellings.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	Complies
Car Parking	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p>	<p>Complies</p> <p>All dwellings feature three bedrooms and at least two on-site car parking spaces (one of which is covered).</p>

Residential Zone: PDC 7	
<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> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 4 on-street car parking spaces shall remain available adjacent the subject land.
<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>4 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
Access	
<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>Does Not Comply</p> <p>Crossover servicing Res 1&2: Double driveway 6.2m</p> <p>Complies (Existing)</p> <p>Crossover servicing Res 3: Double driveway 5.6m</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>Council's Arborist has confirmed that a street tree located on Ryan Avenue may be removed to provide access to Residence 1. The proposed crossovers are set back a minimum of 1 metre from other street infrastructure.</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 through a reasonable level of articulation and generous glazing to the front facade.

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

- A range of rendered finishes.
- Separation of upper level portions of the dwellings to minimise building mass and proportion.
- Protruding portico, and cantilevered upper levels
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration

The dwellings feature rendered facades in Dulux 'White' and 'Buff It'. Garages and the carport feature 'Surfmist' panel lift doors. The roof of each dwelling is clad in Colorbond 'Woodland Grey' corrugated iron roof at 25 degree pitch.

The secondary street elevation of the proposal features a mixture of render and horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.

These materials are appropriate within the locality and will not result in unreasonable glare to nearby persons and properties. 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

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

Does Not Comply

Casual surveillance of Ryan Avenue not available from the ground floor of the proposed dwellings.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*

- (i) half of the existing ground level open space*
- (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

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

b) Given that south forms the side boundary of Residence 3, a majority of winter shadow will be cast within the rear yard of the adjacent dwelling to the south. The private open space of which will receive direct sunlight for a minimum of 2 hours between 9am and 3pm on 21 June to at least half of the existing POS. Shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10

Visual Privacy

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

- (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*
- (b) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*

(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.

General Section: Design & Appearance: PDC 12

Complies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on rear elevations. Upper storey windows on the front and secondary street elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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

Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>

TABLE DISCUSSION

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

- Site coverage
- Floor area ratio (Residence 1)
- Front setbacks
- Side setbacks
- Rear setbacks
- Carport wall height (Residence 3)

Site coverage:

Site coverage should not exceed 40% of the site area; whereas the proposed dwellings comprise site coverage of 49.7%, 53.4%, and 54.2% for Residence 1, 2 and 3 respectively. The excess in building footprint is considered relatively minor in its extent and consequence. This is reinforced by the fact that the dwellings nonetheless provide adequate private open space above the required 20%, including generous alfresco areas under the main roof of each dwelling, as well as appropriate setbacks (as discussed further below). Accordingly, the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.

Floor area ratio (Residence 1):

Floor area ratio (FAR) should not exceed 0.6 for dwellings within the Northern Policy Area 13; whereas Residence 1 has a FAR of 0.63, which equates to an excess of some 7 square metres. Given that Residence 1 maintains appropriate setbacks and 34.8% private open space, this shortfall is considered to be of little impact upon the occupants of this dwelling and those of adjoining properties. It is further noted that the average FAR of the three proposed dwellings remains below the maximum prescribed, at 0.59.

Front setbacks:

As no other dwellings currently incorporate Ryan Avenue as their primary frontage, no established streetscape exists. Where no established streetscape exists, dwellings should maintain a minimum setback from the primary road frontage of 5 metres; whereas the proposed dwellings each feature a front setback of 4.5 metres. While this setback does not strictly meet the quantitative criteria prescribed, the proposal will provide a level of streetscape presentation not currently available to Ryan Avenue. The proposed front setbacks are nonetheless considered to contribute positively to the function, appearance and desired character of the locality.

Side setbacks:

The internal side setbacks of the upper level of each dwelling fail to adhere to Development Plan Criteria, being 2 metre and 3 metre (when adjacent a southern boundary) setbacks. It is noted that the proposed development originally did not feature separation between the upper levels of each dwelling. In order to reduce the bulk and scale of the proposal it was requested that separation be provided between the upper level sections of the dwellings. Given that the shortfalls apply to internal side boundaries only, and that the internal side elevations of the dwellings do not include habitable room windows such that there may be a visual or overshadowing impacts upon the amenity of these rooms, this shortfall is considered to be relatively minor in extent and consequence.

Rear setbacks:

The rear setbacks of the proposed dwellings fail to comply with Principle 37, as Residence 1 is proposed to be set back 4 metres, while Residence 2 and 3 will be setback 5 metres from the rear boundary. Whilst this does not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate. Despite the shortfall in rear setback, the minimum dimensions of POS are adhered to, with an area of 4x4 metres directly accessible from the main living area.

The upper level rear setback of all three dwellings does not meet the minimum 8 metres sought for two storey dwellings in the Northern Policy Area. The intent for this setback is to provide the level of separation sought for the low to low-medium density sought within the Policy Area, and to minimise the visual impact of buildings upon adjoining land.

In this instance, the (proposed) rear boundary of the sites is the side boundary of the adjoining property (62 Barker Avenue). It is considered that were a proposal received for a two storey dwelling with a primary frontage to Barker Avenue to be constructed on the subject land, the upper level (side) setback from this boundary could be 2 metres. As such, I am of the opinion that the proposed upper level setbacks of 6 metres (Residence 1 and 3) and 6.5 metres (Residence 2), combined with the separation of each two storey section of the dwellings, provide adequate separation from the rear boundary and will not result in unreasonable impacts upon the occupants of adjoining land.

Carport height on boundary (Residence 3):

Carports located on side/rear boundaries should be designed to not exceed a wall height of 2.4 metres. The proposed carport located on the southern side boundary of Residence 3 has a wall height of 2.9 metres. The 0.5 metre excess in wall height is deemed to be of little to no impact upon the adjoining property. It is of worth to note that Schedule 1A of the Development Regulations 2008 permits carports to incorporate a wall height of 3 metres to be constructed on the boundary without requiring Development Plan Consent. As such, this provision of the Development Plan is irrelevant as a result of current standards for “as of right” development.

ANALYSIS/CONCLUSION

The proposed development, in my view, is one envisaged within the Policy Area. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

It is acknowledged the two storey row dwellings appear to be the first incursion of this dwelling type within the immediate locality, however, such development of this nature is envisaged within the Policy Area, as the Desired Character of the Northern Policy Area 13 includes one and two storey, low-to-medium density dwellings of a variety of architectural styles. The appropriateness of the proposal is reinforced by the ability of the application to maintain an adequate level of compliance with other applicable design criteria (as discussed further in the Table Discussion of this report).

Despite shortfalls in site area, site depth, single and two storey rear setbacks and an excess in site coverage and floor area ratio, these non-compliances, when assessed in relation to the extent of departure from Development Plan criteria and the respective consequences, taking into account the characteristics of the subject land and locality, have been identified as having no significant consequence. This assessment has demonstrated that the shortfalls are not of such severity so as to jeopardise the functionality of the proposed development, nor to detract from the amenity of adjacent land or the character of the locality.

As such it is my view that the proposed development is not seriously at variance to the Development Plan in accordance with Section 35(2) of the Development Act, 1993. Furthermore, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to the deposit of the Plan of Division for the associated land division application (100/D171/15).

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: 100/2015/898 for three two storey row dwellings at 60 Barker Avenue, South Plympton be GRANTED subject to the deposit of the Plan of Division for Land Division 100/D171/15 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. 100/2015/898, except when varied by the following conditions of consent.
- 2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

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 16 September 2015

Agenda Ref No:	DAP160915 – 2.14
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Shahin Properties Pty Ltd
Development Description:	Freestanding illuminated advertisement achieving a maximum height of 11.9 metres
Site Location:	2-4 Commercial Road, Sheidow Park
Zone:	Commercial Zone
Application Type:	Category 1/Consent
Lodgement Date:	06/07/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1182
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 1 Consent form of development by virtue of Schedule 9 clause 2(g) of the Development Regulations 2008, as the proposed signage is considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. Council has formed this opinion as the proposed advertisement is replacing an existing pylon sign which achieves a similar height and is located in the same position.

A new freestanding advertisement and/or advertising hoarding within the Commercial Zone exceeding a height of 8 metres is considered to be a non-complying form of development, however, changes to existing non-complying signage are protected from being non-complying due to the existing non-complying use principle as refined in *Caltex Australia Pty Ltd v Holdfast Bay* [2014] SASCFC 59. The Supreme Court in its decision determined that there should be flexibility in consideration for development involving existing non-complying uses, stating an existing non-complying use should be permitted a means of seeking reasonable redevelopment without being subject to the non-complying assessment process.

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

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

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal comprises an outdoor advertising sign of a freestanding/pylon design where the face of the advertising structure exceeds 5m² in area (each side when double sided).

BACKGROUND

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

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

SUBJECT LAND & LOCALITY

The subject land is located on the northern side of Commercial Road at 2-4 Commercial Road, Sheidow Park. The subject land is rectangular in shape and supports a frontage of 53.38 metres to the northern side of Commercial Road, 47 metres to the eastern side of Commercial Road and an overall site area of approximately 3,061 square metres. The land abuts Lonsdale Road to the north and is separated by a road reserve ranging in width from approximately 25 to 30 metres.

The subject land comprises an existing long-standing On The Run motor fuel outlet, associated shop, carwash and various buildings and structures associated with the storage and dispensing of fuel. The land also contains a number of ancillary signs that identify the site and provide fuel pricing information for the benefit of passing motorists, one of which is a 12 high freestanding advertisement. A 2 metre wide drainage easement runs the entire length of the northern boundary.

The immediate locality is characterised by a range of commercial land uses on both sides of Commercial Road and predominately comprises individual commercial tenancies and shops of various sizes, many of which incorporate associated free-standing and fascia advertising signage. The existing On The Run, Hungry Jacks to the north-east and Mitre 10 to the south-west of the subject land all incorporate large freestanding advertisements facing Lonsdale Road.

The Residential Zone is located opposite Lonsdale Road to the northwest and the closest residential property is separated by an approximate distance of 97 metres.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application seeks to remove the existing 12 metre high freestanding advertisement and erect a new 11.9 metre high, 4 metre wide and 1.6 metre deep internally illuminated advertisement. The advertisement will be set back from the Lonsdale Road property boundary by approximately 4 metres (2 metres from the Drainage Easement) and 10 metres from the

western boundary. The proposed advertisement is located in the same position as the existing advertisement.

The proposed advertisement will be double sided and achieves a northeast to southwest orientation in order to gain maximum visual exposure to traffic travelling along both sides of Lonsdale Road. The sign will incorporate the corporate BP logo (various shades of green, white and yellow) and the corporate 'OTR' On The Run logo (black, yellow, white), both of which will be internally illuminated, together with two smaller illuminated advertising panels below, which will be separated by a price sign comprising three separate panels utilising green LED lettering on a black background.

The total display area of the proposed sign equates to 95.2 square metres or 47.6 square metres per sign face which includes the corporate BP and OTR logos along the top, all subsequent advertising panels and the price boards (i.e. the area bound by the entire structure).

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Commercial and are listed in the following table and discussed in further detail below:

Commercial Zone		
<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>	Complies The existing On The Run has been in operation for a significant period of time within the Commercial Zone and the continuation of this use is considered appropriate within the locality and Zone.
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Complies The proposed sign will not result in adverse impacts upon the locality as it is similar in height, design and appearance to the existing free-standing sign it is replacing.
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ consulting room ▪ motor vehicle related business other than wrecking yard ▪ office ▪ petrol filling station ▪ service trade premises ▪ shop with a gross leasable area of 250 square metres or less ▪ store ▪ warehouse. 	Complies Whilst the proposed use of the land does not form part of the assessment of this particular application, it is worthy to note that the proposed free-standing signage is associated with an existing service station site which has been in operation on the subject land for a number of years.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p>(a) <i>consistent with the predominant character of the urban or rural landscape</i></p> <p>(b) <i>in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p>(c) <i>co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p>General Section: Advertisements: PDC 1</p>	<p>Partially Complies</p> <p>The siting and height of the proposed advertisement is considered to be in keeping with existing free-standing advertisement, however, as discussed further in the report, the proposed advertisement achieves a much greater structure width and depth, and is therefore considerably bulkier than what presently exists.</p> <p>Nevertheless, the advertisement will not look out of place within the commercial landscape.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p>(a) <i>clutter</i></p> <p>(b) <i>disorder</i></p> <p>(c) <i>untidiness of buildings and their surrounds</i></p> <p>(d) <i>driver distraction.</i></p> <p>General Section: Advertisements: PDC 2</p>	<p>Complies</p> <p>It is noted the proposed free-standing advertisement will replace the existing freestanding advertising structure in the same location.</p> <p>Whilst standing 11.9 metres in height, the proposed sign will form the only freestanding advertisement for the premises and is therefore considered to minimise clutter and potential driver distraction.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p>General Section: Advertisements: PDC 4</p>	<p>Complies</p> <p>The proposed free-standing sign is limited to information relating to the legitimate use of the subject tenancy.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p>(a) <i>be completely contained within the boundaries of the subject allotment</i></p> <p>(b) <i>be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p>(c) <i>not obscure views to vistas or objects of high amenity value.</i></p> <p>General Section: Advertisements: PDC 5</p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p>(a) <i>a public footpath or veranda post</i></p> <p>(b) <i>a road, median strip or traffic island</i></p> <p>(c) <i>a vehicle adapted and exhibited primarily as an advertisement</i></p> <p>(d) <i>residential land.</i></p> <p>General Section: Advertisements: PDC 6</p>	<p>Complies</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p>General Section: Advertisements: PDC 10</p>	<p>Complies</p>

<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p>Complies</p> <p>The proposed sign is consistent with other BP On The Run branding across metropolitan Adelaide.</p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p><i>General Section: Advertisements: PDC 13</i></p>	<p>Complies</p> <p>The 'Happy Wash' signage element is located to the lower section of the advertisement and only readable when within close proximity to the structure.</p>
<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) The level of illumination emitted by the proposed sign will be controlled by way of a condition of approval. b) The proposed advertisement is not located within close proximity to any traffic signals. c) The proposed sign should not result in unreasonable driver distraction as it does not involve any moving/flashing elements. d) The proposed advertisement is setback approximately 27.5 metres from Lonsdale Road and therefore is not considered to obscure a driver's view or other road features.
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p><i>General Section: Advertisements: PDC 16</i></p>	<p>Complies</p> <p>There are no overhead power lines or stobie poles along this section of Lonsdale Road with all electricity infrastructure having been placed under ground.</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p><i>General Section: Advertisements: PDC 17</i></p>	<p>Complies</p> <p>The proposed advertisement is located in excess of 500 metres from the nearest traffic lights on Lonsdale Road. Although the proposed sign utilises LED technology, this relates only to the petrol price digits and backlit lighting, and does not include any imagery or moving/flashing elements.</p> <p>As such, the LED component associated with the proposed sign should not result in unreasonable driver distraction</p>
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Partially Complies</p> <ul style="list-style-type: none"> a) Only one primary free-standing advertising sign is proposed. b) Whilst replacing an existing advertisement which is of a similar height, the scale and size (face area of 47.6m²) is considerably greater than what presently exists. Nevertheless, the bulk and scale proposed is considered compatible with the commercial character of the locality and the development on the site.

<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p>Does Not Comply</p> <p>The nominated speed limit on Lonsdale Road is 80km/h. As previously mentioned, the size and scale of the proposed advertisement is similar to that of the existing advertisement .</p>
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TABLE DISCUSSION

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

Whilst the Commercial Zone Objectives and Principles of Development Control are silent on advertising signage, signage exceeding a height of 8 metres is considered to be a non-complying form of development. As previously mentioned, the sign is considered to be a consent form of development in accordance with the *Caltex Australia Pty Ltd v Holdfast Bay* [2014] SASCFC 59 decision, as it is a reasonable expansion of an existing non-complying use.

The proposed advertisement is a fully enclosed portrait orientated rectangular cylinder structure, with a slight curve to each face and a minor rounded top. The proposed freestanding advertisement is a maximum 11.9 metres in height, 4 metres in width and 1.6 metres in depth. The structure achieves a total advertising display area of 95.2 square metres, which equates to 47.6 square metres per side.

Whilst the proposed advertisement is of a similar height to the existing advertisement, the width, depth and general appearance (shape, face area) differs considerably. The existing advertisement incorporates several 'air' gaps between signage elements and is of an alternative shape as it incorporates a large landscape orientated rectangular head. The existing structure is 12 metres in height, and the large rectangular head draws the eye towards the top of the structure. Despite the large rectangular head, which increases it's visual bulkiness and is quite 'top heavy' in appearance, the structure achieves a significantly thinner profile and promotes the appearance of a more lightweight structure.

The proposed advertisement will be considerably bulkier and more visually prominent than the existing structure due to the increase in depth and width (and subsequent face area increase). The table below provides a comparison in dimensions for the existing and proposed advertisement, whilst *Attachment IV* provides members with an image of the existing advertisement.

Attributes	Existing	Proposed
Height	12 metres	11.9 metres
Width	3.66m (entire structure) 2.01m (width taken from external pylon sides and excluding rectangular head)	4.0 metres
Depth	400mm	1.6 metres (at the furthest extent)

Table 1. Existing and Proposed Dimensions

The proposed advertisement is substantial in terms of its height and scale in comparison to other free-standing advertisements within the immediate locality that are located adjacent Lonsdale Road, such as the Hungry Jacks franchise to the northeast and Mitre 10 to the South-west. The associated canopy structure of the fuel outlet is approximately 4.7 metres high and the proposed pylon sign will exceed this height by 7.2 metres. Whilst significantly higher than the canopy structure, in terms of the scale proposed, at 4 metres wide, the advertisement's bulk

will be significantly less than that posed by the canopy that attains an approximate length of 30 metres.

Despite the bulky nature and likely visual prominence of the proposed advertisement, significant separation is afforded between the advertisement and Lonsdale Road and aids in reducing potential bulk/scale and height impacts, which would otherwise be considerable if the advertisement were to immediately abut Lonsdale Road. Furthermore, when viewed from the north, the advertisement results in minimal visual bulk/scale impacts, especially when viewed from a distance, as the advertisement will be silhouetted against the existing Mitre 10 building and phone tower, both of which are of a significant height and scale.

Although located on an arterial road which has a designated speed of 80 km/h, it is not anticipated the proposed advertisement will create a hazard to passing motorists, as it is well setback from Lonsdale Road, sited within the confines of the subject land and is simple and uncomplicated in terms of its design and appearance. Whilst illuminated during night-time hours, no part is to be animated or flashing and therefore unlikely to cause a distraction to passing motorists. The advertisement is not considered to result in a high level of risk to the safety of motorists travelling along Lonsdale Road.

In my opinion, despite the freestanding advertisement resulting in a considerable increase in visual bulk/scale impacts to what presently exists, it is worthy to note a freestanding advertisement of a comparable height already exists, the allotment is located within a Zone where some form of advertising signage would be anticipated, and considerable separation is afforded to Lonsdale Road. In my opinion, the proposed advertisement is considered to be in context with the immediate locality and is not considered to adversely impact on the amenity of the locality, nor affect or dominate the existing landscape character.

ANALYSIS/CONCLUSION

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

Whilst of a significant height, it is not anticipated the advertisement will visually dominate the landscape character, nor look out of place within the existing commercial landscape as a result of its overall size and dimensions. The petrol price board, whilst utilising LED technology, is not considered to create a hazard for passing motorists.

In my opinion, whilst the scale and visual bulk of the proposed advertisement is a significant increase on what presently exists, it is unlikely to dominate the landscape character or result in significant visual amenity impacts on adjacent land uses to the extent where refusal is warranted. Moreover, whilst the proposed advertisement will be considerably bulkier as a result of the increased overall width and depth, regard should be given to the fact the proposed freestanding advertisement is replacing an existing freestanding advertisement of a similar height in the same location. Whilst the height and scale of the proposed advertisement is substantial and significantly exceeds the associated canopy height, it is located to the south-western corner of the allotment and away from adjacent land uses, and therefore unlikely to result in adverse visual amenity impacts. Significant separation is afforded between the advertisement and Lonsdale Road and this distance is considered to adequately and appropriately minimise potential bulk/scale impacts.

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: 100/2015/1182 for Freestanding advertisement incorporating illumination to the associated price board and achieving a maximum height of 11.9 metres at 2-4 Commercial Road, Sheidow Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1182, being drawings 'Site Plan' received by Council 1/07/2015 and 'Front/Side' Elevations received by Council 11/08/2015, except when varied by the following conditions of consent.
- 2. The advertisement and supporting structure shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
- 3. The proposed advertisement shall not contain any element of externally visible LED or LCD display, except for the fuel prices on the pylon sign, which shall be limited to static green text on a black background only.
- 4. The colours and illumination of the proposed advertisement shall not create a glare or distraction to passing drivers. All illumination shall be limited to a maximum luminance of 200cd/m2.
- 5. The proposed advertisement shall not include any element that scrolls, flashes, moves or changes.
- 6. The proposed advertisement shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 16 September 2015

INFORMATION ITEM ONLY

Agenda Ref No:	DAP160915 – 3.1
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Kym Smith
Development Description:	Freestanding Sign - 3.5 metres high by 750 millimetres wide
Site Location:	462 Morphet Road Warradale
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 3/Non-Complying
Lodgement Date:	05/06/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1001
Recommendation:	The Report be Noted

The subject application is a Category 3/Non-complying form of development by virtue of the Procedural Matters section of the Residential Zone, where advertisements and/or advertising hoardings are listed as non-complying forms of development, unless satisfying a number of criteria.

The proposed development is considered to be non-complying form of development as there is more than one advertisement on the allotment and each side of the sign's display area exceeds 2 square metres.

The application seeks to erect a free-standing sign in the southern-eastern corner of the allotment. The proposed sign will be approximately 3.5 metres in height and 750 millimetres wide. The sign is to be double-sided with each sign face achieving an area of 2.63 square metres. Each sign face features corporate branding, the street number and directional signage and will be externally illuminated.

Whilst located within a Residential Zone, the site maintains a long-standing commercial use, with the current Dental practice in operation since 2010, and prior to this, the site was used as childcare centre.

Given this, it is staff's view the erection of a freestanding sign to the front of the allotment is considered to display merit. The Manager – Development Services has agreed with staff's position and resolved to proceed to the full assessment of the application.

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

Category 3/Non-Complying public notification of the proposal will occur between 2 September 2015 and 16 September 2015.

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

RECOMMENDATION

Resolved that the determination of the Manager – Development Services to proceed with the further assessment of the Non-complying Development Application No: 100/2015/1001 for a Freestanding Sign - 3.5 metres high by 750 millimetres wide be NOTED.

Attachments

Attachment I: Aerial Photograph
Attachment II: Proposal Plans and supporting documentation