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HELD ON 17 JUNE 2015**

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## DEVELOPMENT ASSESSMENT PANEL

Wednesday 17 June 2015

<b>Agenda Ref No:</b>	<b>DAP170615 – 3.1</b>
<b>Originating Officer:</b>	<b>Joanne Reid Development Officer - Planning</b>
<b>Applicant:</b>	<b>Active Tree Services</b>
<b>Development Description:</b>	<b>To change the use of a portion of the existing site to undertake motor vehicle repairs</b>
<b>Site Location:</b>	<b>42- 44 Dunorlan Road Edwardstown</b>
<b>Zone:</b>	<b>Industry Zone</b>
<b>Policy Area:</b>	<b>Industry/Commerce Edwardstown Policy Area 5</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>29/01/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2015/147</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2 (19) of the Development Regulations 2008, which assigns a change of use of land in a situation referred to in clause 6 of the 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.

The land is adjacent a Residential Zone and a change of use of the land to a motor repair station in an Industry/Commerce Zone is an identified use pursuant to Clause 6 of Schedule 9.

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 subject site was formerly owned and operated by Global Pump Group which utilised the existing building for the supply, manufacture and repair of pumping equipment. Council records indicate that Global Pumps had obtained various consents to undertake this use and that Council, at the time deemed the operations to fall within the realm of 'light industry'.

Since obtaining the property in December 2014, Active Tree Services have continued with the existing use rights within the building as a light industrial use comprising the general office, warehouse, maintenance and servicing of Elevated Work Platforms (EWP) or 'Cherry Pickers'.

The current application seeks to change the use of a portion of the site to host and service motor vehicles as well as EWP's.

During the assessment process, Council staff did not directly request modifications to the proposal plans, however sought further clarification on aspects of the proposal and the applicant also supplied information on their own accord to address concerns raised by the representors, including an acoustic report and a traffic report.

Information Requested	Information provided
Clarification if EWP's will be occupied during elevation.	Notation on plans indicating EWP's will be unoccupied during elevation.

## SUBJECT LAND & LOCALITY

The subject site incorporates two buildings, one located at 42 Dunorlan Road and the other on the adjoining land at 44 Dunorlan Road, Edwardstown. Both buildings are associated with each other and maintain internal access to each. The building on 44 Dunorlan Road is an industrial/warehouse building whilst the building at 42 Dunorlan comprises a building for the purposes of a warehouse, workshop and factory with associated offices. The buildings are typical of the industrial buildings within the Industry Zone of the locality.

Together, the two allotments form an irregular shape as a portion of the land associated with No. 44 Dunorlan Road is located behind the site at No.46 Dunorlan Road. The total combined area of land of the two allotments is 2286m<sup>2</sup> with a front boundary width of 30.2m and rear boundary length of 48.8m and a maximum depth of 60.8m.

The site maintains two existing authorised access points from Dunorlan Road a single crossover on the eastern side of the site and a 8m wide crossover, centrally located on the allotment frontage. There are 20 car parking spaces available on the site.

The locality is a mixture of industrial land and residential land. Industry is located east of the site as well as towards the north east incorporating a range of storage, light industrial and commercial activities. Residential properties directly adjoin the land to the south and are located on the opposite side of Dunorlan Road to the north. Despite being located in an Industrial Zone, the use of the site to the west appears to be residential in nature, however, this is an anomaly in the street, with all other sites to the west (within the Industry Zone) maintaining industrial/commercial uses.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The development application primarily involves the change of use of the building at 44 Dunorlan Road and the adjacent storage yard to a motor vehicle repair workshop in conjunction with the existing light industrial use of storage and maintenance of their EWP fleet.

It is anticipated that Active Tree Services will service approximately 30 EWP's and 30 vehicles per month, mainly trucks up to the size equivalent to a medium rigid vehicle. This will entail, but is not limited to, the undertaking of repair work on the vehicles, raising and lowering of EWP's on the north-west side of the yard of no. 44 Dunorlan Road and use of a wash bay (for the wash down of parts and not whole vehicles).

Other associated works to be undertaken as part of the proposal include:

- Internal alterations to the building to allow better access between buildings;
- Removal of the internal spray booth and external air compressors in the rear service yard of No. 42 Dunorlan Road;
- Altering the existing roller door to the western elevation of the building to allow for suitable vehicular access;
- Alteration to vehicle parking to better reflect the requirements of the Australian Standard which will result in the reduction of 3 car parks;
- Alterations to the existing internal wash bay;
- Replacement signs painted to Dunorlan Road facades
- A 3m high fence to the boundaries shared with 31, 33, 33a, 35 Deloraine Road and 48 Dunorlan Road for acoustic purposes.

The business seeks to operate from 7am to 5.30pm Monday to Friday and from 7am to 3pm on Saturdays. Approximately 12 people will be employed on the site, 6 administrative staff within the office and 6 people in the workshop. Visitors to the site will include delivery couriers and customers dropping off and picking up vehicles.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	26 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	<p>4 representations were originally received by Council, however following a re-notification to representors and affected properties advising of amendments and the provision of an acoustic report, two representors have either withdrawn or advised that they no longer have concerns with the application.</p> <p>2 representations were received against the application  H Moskwa – 48 Dunorlan Road, Edwardstown  P W Sims – 55 Dunorlan Road, Edwardstown</p>
<b>Persons wishing to be heard:</b>	H Moskwa has indicated a desire to be heard personally by the Panel.
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>• Would have less objection if hours of operation did not include Saturdays.</li> <li>• Concerns about increased traffic to the site and the associated noise of “high pitched beeping” from the testing of the equipment and vehicles (has heard more of this since Active Tree Services moved on site).</li> <li>• Concerns of air pollution of motor vehicle use.</li> <li>• Concern water runoff/overflow of bunding/spillage, pollution from washing/cleaning vehicles, oils and toxins being washed into land, drains or as water spray. There are examples of industrial pollution not being monitored in Edwardstown/Marion Area.</li> <li>• Decreasing parking on-site will lead to cars parking on road and vehicles parking on street which will limit access from driveway and make reversing out more difficult.</li> </ul>

	<ul style="list-style-type: none"> <li>• Concern of noise generated by EWP testing and other vehicles such as motor bikes.</li> <li>• Concerns about increased noise, pollution and general activity occurring on the site.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<p><b>Hours of operation</b></p> <ul style="list-style-type: none"> <li>• The applicant is prepared to reduce the operating hours for Saturdays from 7am to 5.30pm to 7am to 3pm.</li> <li>• It should be noted that the current approval on the site for the industrial use does not restrict operating hours.</li> <li>• The proposed hours are within the requirements of the Environment Protection (Noise ) Policy 2007 and with the acoustic treatments proposed, will result in an acceptable impact on the amenity of the adjoining land uses.</li> </ul> <p><b>Noise</b></p> <ul style="list-style-type: none"> <li>• An Environment Noise Assessment has been undertaken and suggests that the construction of a 3m high fence as well as removal of large ventilation and compressor systems near the residential boundary ensures that the proposal meets the requirements of the Environment Protection (Noise) Policy 2007.</li> <li>• The majority of activities will be undertaken within the existing building with the exception of minor works in the storage/service yard;</li> <li>• All activities undertaken on the site will be in keeping with the land uses envisaged in the Industry Zone and will have an acceptable impact on adjoining properties.</li> </ul> <p><b>Pollution</b></p> <ul style="list-style-type: none"> <li>• We contend that the proposal will not result in any additional noise, air or water pollution or waste compared with the existing approved use;</li> <li>• All activities associated with the workshop will be undertaken in accordance with the Environmental Protection Agency (EPA) requirements and will not result in any unacceptable pollution or waste occurring.</li> </ul> <p><b>Traffic</b></p> <ul style="list-style-type: none"> <li>• A traffic assessment was undertaken by a qualified traffic engineer and concluded that: <ul style="list-style-type: none"> <li>• The 17 car parks provided will cater for the anticipated staff (12 spaces) and visitor (2 spaces) needs;</li> <li>• It will not result in any significant increase in traffic movements on the road network and no changes in the manner of vehicles currently accessing the subject site;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>The amendments to the car parking layout will provide a design standard which meets the requirement of the relevant Australian/New Zealand Standards for off-street parking.</li> <li>The two motor cycle parks have been removed from the site plan in response to the concerns regarding motor cycle noise.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>
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## ZONE & POLICY AREA ASSESSMENT

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

Industry		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	<b>Complies</b> A motor repair workshop is considered to fall within the category of 'Industry'.
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> <li>▪ <i>industry</i></li> <li>▪ <i>transport distribution</i></li> <li>▪ <i>warehouse.</i></li> </ul>	<b>Partially Complies</b> Although not specifically mentioned as an envisaged use, a motor repair workshop meets Objective 1 as an industrial use.
<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate</i>	<b>Complies</b> The proposed use is not listed as a non-complying development.
<i>PDC 3</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the zone.</i>	<b>Complies</b> See 'Assessment' discussion.
<i>PDC 4</i>	<i>In areas where a uniform street setback pattern has not been established, buildings should be setback in accordance with the following criteria (subject to adequate provision of car parking spaces and landscaping between buildings and the road):</i> <ul style="list-style-type: none"> <li><i>(a) buildings up to a height of 6 metres should be sited at least 8 metres from the primary street alignment</i></li> <li><i>(b) buildings exceeding a height of 6 metres should be sited at least 10 metres from the primary street alignment</i></li> <li><i>(c) where an allotment has two street frontages, no building should be erected within 3 metres of the secondary street alignment.</i></li> </ul>	<b>Complies</b> There are no changes to building setbacks.
<i>PDC 5</i>	<i>Building facades facing land zoned for residential purposes should not contain openings or entrance ways that would result in the transmission of noise that would adversely affect the residential amenity.</i>	<b>Partially Complies</b> An entrance exists on the western side of the building and will be widened to accommodate vehicles. However,

		the applicant has sought to reduce noise impacts by providing a 3m high acoustic fence on the boundaries.
PDC 6	<i>Any external plant and equipment (including a chimney stack or air-conditioning plant) should be sited as far as possible from adjoining non-industrially zoned allotments, and should be designed to minimise its effect on the amenity of the locality.</i>	<b>Complies</b> The spray booth, air compressor and air conditioning unit are proposed to be removed from the area behind the existing workshop factory, improving the current situation with respect to noise impacts on adjoining properties.
PDC 7	<i>Advertisements and advertising hoardings should not include any of the following: (a) flashing or animated signs (b) bunting, streamers, flags, or wind vanes (c) roof-mounted advertisements projected above the roofline (d) parapet-mounted advertisements projecting above the top of the parapet.</i>	<b>Complies</b> The signage will be painted on the façade and will not be illuminated or exceed the roofline of the building.
PDC 8	<i>Except within Light Industry Policy Area 6, land division should create allotments that: (a) are of a size and shape suitable for the intended use (b) have an area of 1500 square metres or more, unless intended for a specific purpose consistent with the zone provisions and for which a lesser site area requirement can be demonstrated (c) have a frontage to a public road of at least 30 metres.</i>	Land division is not proposed as part of the application.
<b>Industry/Commerce Edwardstown Policy Area 5</b>		
<b>OBJECTIVES</b>  1 A policy area accommodating industry comprising a range of industrial, business, commercial, warehouse and storage activities.  2 Development located and designed to have minimal adverse impact on surrounding uses, especially at the interface with residential zones, and to avoid potential environmental nuisance or harm.  3 Development that enhances the visual qualities and amenity, especially that associated with neighbouring residential areas and the streetscapes adjacent arterial road corridors.  5 Development that contributes to the desired character of the policy area.		<b>Complies</b>  See 'Assessment' Discussion
<b>DESIRED CHARACTER</b>  This policy area includes established industrial areas, some of which are in close proximity to housing, and predominantly commercial strip development along South Road. South Road in particular has an intensive commercial character, and is subject to increasingly high traffic volumes. The level of business activity in the policy area contributes to overflow parking, congestion, and traffic within side streets commonly affecting adjoining residential areas. This calls for minimisation of the number of access points onto arterial roads, a restriction on intensive retail uses in the policy area, and discouragement of excessive traffic movements on side roads connecting with residential areas. The use of residential streets to provide access for traffic, particularly heavy vehicles, servicing industrial or commercial development cannot be supported.		<b>Complies</b> See 'Assessment' Discussion



<p><i>There has been considerable conflict, in terms of external impacts of traffic, noise, air pollution and other factors, between industrial activities in the policy area and the use and enjoyment of nearby residential areas, with the latter areas afforded only minimal, if any, buffering in many instances. The policy area's extensive interface with residential areas calls for special attention to the avoidance of future land-use conflicts, and where opportunity exists, improvement of existing adverse environmental conditions. Where existing uses cause, or are liable to cause, adverse impacts on the amenity of localities, it is important that future development does not prolong or accentuate such impacts but, instead, incorporates measures to improve amenity, particularly the amenity of land in a residential zone.</i></p> <p><i>Assessment of the potential environmental impacts of a development is a necessary precursor to determination of a suitable location if one exists within the policy area. It is also integral to good environmental design which achieves containment of undesirable impacts. Some industrial, storage and other activities, due to their anticipated emission impacts, will need to be well removed from residential zone boundaries. Based on their greater recommended separation distances from housing, some will not be suitable anywhere in the policy area.</i></p> <p><i>At the same time, the policy area's economic function and vitality relies on fostering and developing a range of viable and efficient industrial and commercial activities. Fulfilment of this aim depends, in part, on preventing the encroachment on sites suitable for a wider range of industries (by virtue of greater separation from residential areas) by uses (eg certain offices) likely to be incompatible with, or require protection from, the impacts of such industries. Conversely, any commercial, light industrial or other activities likely to be adversely affected by general industries are appropriate at or near the periphery of the policy area (provided they are compatible with the use of adjoining zones).</i></p> <p><i>The policy area is an area catering for a wide range of environmentally-responsible industries and other businesses, and providing employment opportunities that are sustainable in the long term.</i></p> <p><i>Appropriate location and development of new activities and progressive improvement of site conditions will serve to buffer and protect the amenity of surrounding residential areas from adverse effects of industrial and other operations. In order to protect the amenity of land in a residential zone, development needs to be carefully designed and located.</i></p> <p><i>It is also important that streetscapes, particularly along arterial roads and involving landmark sites, form an attractive and impressive entry to the area.</i></p>		
PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ commercial uses</li> <li>▪ industry</li> <li>▪ office</li> <li>▪ storage</li> <li>▪ warehouse.</li> </ul>	<b>Complies</b>
PDC 2	<p><i>Development should be located, designed and accommodate activities of a scale and intensity to minimise undesirable impacts on the environment and the locality.</i></p>	<b>Complies</b>
PDC 3	<p><i>Industrial development, service trade premises or a motor repair station should be located only where noise, odour and other air quality emissions satisfy relevant environmental performance standards, especially those set out in Environment Protection Policies.</i></p>	<p><b>Complies</b></p> <p>An acoustic report provided demonstrates that once the suggested measures are applied, the motor repair workshop will comply with the Environment Protection (Noise) Policy 2007 – see 'Interface between land uses' section. The use is not considered to create poor odours or air pollution.</p>

PDC 4	<i>Bulky goods outlets should be restricted to sites with a frontage to South Road.</i>	<b>Complies</b> Proposed use is not a bulky goods outlet.
PDC 5	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	<b>Complies</b> See 'Assessment' discussion
PDC 7	<i>Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre or 3 metres where the site abuts a road, a reserve or a residential zone.</i>	<b>Complies</b> The site is already generously landscaped and it is not proposed to change as part of this development.
PDC 8	<i>Advertisements and/or advertising hoardings should satisfy all of the following:</i> <i>(a) no more than one free-standing advertisement appurtenant to a building (including a multi-tenanted building) or no more than one advertisement attached to or displayed on the side or rear of a building.</i> <i>(b) advertisement area of a freestanding advertisement should not exceed:</i> <i>(i) 4 square metres per face</i> <i>(ii) 6 square metres per face if the free-standing advertisement contains more than one panel</i> <i>(iii) if the site abuts South Road:</i> <i>(A) an advertising area (per face) equivalent to (i) or (ii) above plus an additional 0.25 square metres for every metre of South Road frontage of the subject land (inclusive of the corner cut-off)</i> <i>(B) 12 square metres total advertising area.</i>	<b>Complies</b> The proposal only includes fascia signage and does not incorporate free-standing signage.

The subject site contains existing industrial buildings, which for some time has been used in a capacity that involves activities that were considered to meet the Schedule 1 definition of the Development Regulations, 2008 for 'light industry'.

The Zone anticipates development of a commercial and industrial nature to be located in this area providing it is *located and designed to have minimal adverse impact on surrounding uses, especially at the interface with residential zones, and to avoid potential environmental nuisance or harm.*

I am of the view that a motor vehicle repair workshop has elements that are industrial in nature and is therefore a suitable use within the Industrial Zone. However, significant consideration must go to the site's location which directly abuts a residential area. The development's ability to result in activities which do not detrimentally impact on the adjacent residential area, with respect to noise, pollution and traffic will determine whether the use is an acceptable one.

Of particular interest, is that the approvals that relate to the existing use do not include conditions that will assist in reducing the interface issues that can create nuisance upon adjoining residential occupiers, such as limiting hours of operation, delivery times and vehicle movements. The proposed development puts forward specific hours of operations, will remove existing external sources of noise and will provide acoustic fencing, all measures that will assist in improving the current situation for the existing residential properties.

As a motor vehicle workshop, the site will naturally incorporate the movements of vehicles on and off the site. However, unlike a warehouse, which has vehicles that enter and exit the site all day, a motor vehicle repair station generally accepts vehicles in the morning and are often returned at the conclusion of the day. Additionally, the applicant has indicated that the number of vehicles to be serviced is approximately 30 EWP's and 30 vehicles a month. That is, on average, 2 vehicles per day, which is not considered to be a significant increase in traffic to the

site. To this end, the intensity of traffic movements on the site is considered to be less than other industrial uses in the locality for uses such as a storage facility which is also envisaged in the Policy Area.

The site is also not located on a main arterial road, therefore the traffic movements that will occur on the site will not impair the function of nearby South and Daws Road. Dunorlan Road is accessible directly from South Road, meaning that to access the site, vehicles would not necessarily be required to use residential streets and would pass predominantly industrial land to the east of the site when attending the property.

It is considered that the proposal displays some consistency with the Desired Character and Principles of the Industrial Zone and the Industry/Commerce Edwardstown Policy Area 5. Further discussion regarding the impacts on the amenity of the nearby residential properties will determine if the proposal displays sufficient merit to satisfy the remaining provisions of the Development Plan.

### DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Industrial Development	
<p><i>Offices and showrooms associated with industrial, warehouse, storage, commercial and transport development should be sited at the front of the building with direct and convenient pedestrian access from the main visitor parking area.</i></p> <p><i>General Section: Industrial Development: PDC 1</i></p>	<p><b>Complies</b></p> <p>The existing office will remain at the front of the building at 42 Dunorlan Road.</p>
<p><i>Any building or structure on, or abutting the boundary of, a non-industrial zone (other than industrial development on or near the boundary between the Urban Employment Zone and Suburban Activity Node Zone) should be restricted to a height of 3 metres above ground level at the boundary and a plane projected at 31 degrees above the horizontal into the development site from that 3 metre height, as shown in the following diagram:</i></p> <div> <p>The diagram illustrates a height restriction at a 'Zone Boundary'. A horizontal line represents the 'Ground level'. To the left of the boundary is the 'Non-industrial Zone'. A vertical double-headed arrow indicates a height of '3 metres' from the ground level to the top of the boundary. From this point, a dashed line extends at a '31°' angle into the industrial zone. A text box states: 'Industrial building or structure to be contained within this envelope'.</p> </div> <p><i>General Section: Industrial Development: PDC 2</i></p>	<p>Although the building abuts the boundary of a non-industrial zone, the proposal does not include changes to the height of the existing building and this provision is therefore irrelevant.</p>

<p><i>Industrial development should enable all vehicles to enter and exit the site in a forward direction, where practical.</i></p> <p><i>General Section: Industrial Development: PDC 3</i></p>	<p><b>Partially Complies</b></p> <p>The site has existing access rights to a single crossover located at the eastern end of the site to a car park which accesses a car park where the only means of exiting is to reverse out of the park. I do not however, anticipate that this will result in conflicting traffic movements, given that only one vehicle is able to access this portion of the land. It does not differ from a vehicle exiting out of a residential driveway.</p> <p>The main car park area has been reviewed by a traffic engineer and satisfies the Australian and New Zealand standards for vehicles to manoeuvre and enter and exit the site in a forward direction.</p>
<p><i>Industrial development abutting an arterial road, a non-industrial zone boundary, or significant open space should be developed in a manner that does not create adverse visual impacts on the locality.</i></p> <p><i>General Section: Industrial Development: PDC 4</i></p>	<p><b>Complies</b></p> <p>The built form itself will not change when viewed from the adjoining properties.</p> <p>The development does include a 3m high fence proposed along the boundaries of 31, 33, 33a, 7/35 Deloraine Road and 48 Dunorlan Road.</p> <p>The height however, is consistent with that prescribed in Principle 2 of Industrial development where buildings abutting a non-industrial zone boundary should be limited to 3m in height.</p> <p>Accordingly, the likely visual impact for the residential properties is similar to what is generally anticipated for a site adjoining an industrial area, whilst improving the audible amenity for residents to the south of the site.</p>
<p><i>Building facades facing a non-industrial zone, public road, or public open space should:</i></p> <ul style="list-style-type: none"> <li><i>(a) use a variety of building finishes</i></li> <li><i>(b) not consist solely of metal cladding</i></li> <li><i>(c) contain materials of low reflectivity</i></li> <li><i>(d) incorporate design elements to add visual interest</i></li> <li><i>(e) avoid large expanses of blank walls.</i></li> </ul> <p><i>General Section: Industrial Development: PDC 5</i></p>	<p><b>Complies</b></p> <p>The building will maintain its presentation to the street which is currently a modern rendered façade which is generally of a higher standard than many other commercial buildings in the locality.</p> <p>Glass bricks will replace the existing windows to the rear of the building which will improve the level of privacy and noise attenuation without compromising the visual relief in the wall.</p>
<p><i>Industrial development should occur in a manner that minimises significant adverse impact on adjoining uses due to hours of operation, traffic, noise, fumes, smell, dust, paint or other chemical over-spray, vibration, glare or light spill, electronic interference, ash or other harmful or nuisance-creating impacts.</i></p> <p><i>General Section: Industrial Development: PDC 6</i></p>	<p><b>Complies</b></p> <p>It is considered that the proposed development will not produce an unacceptable level of noise, traffic, operating hours, pollution and other harmful impacts.</p> <p>To avoid repetition, this is discussed further in the 'Interface Between Land Use' section.</p>

<p><i>Landscaping should be incorporated as an integral element of industrial development along non-industrial zone boundaries.</i></p> <p><i>General Section: Industrial Development: PDC 7</i></p>	<p><b>Partially complies</b></p> <p>The existing landscaping at the front of the site softens the hard standing areas and reduces the visual impact of the larger buildings on the site and therefore provides an attractive presentation to the street when viewed from the residential area across Dunorlan Road.</p> <p>The rear of the site has limited opportunity for landscaping. It would be impractical to provide it behind the workshop at 42 Dunorlan Road and the existing storage yard is paved to the boundary and would require significant works to allow for this.</p> <p>Whilst landscaping would assist in screening the activities and built form on the site, the view from the side and rear adjoining properties would not change from what currently exists.</p>
<b>Design &amp; Appearance</b>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) building height, mass and proportion</i></li> <li><i>(b) external materials, patterns, colours and decorative elements</i></li> <li><i>(c) roof form and pitch</i></li> <li><i>(d) façade articulation and detailing</i></li> <li><i>(e) verandas, eaves, parapets and window screens.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p>	<p><b>Complies</b></p> <p>The proposed external alterations to the workshop, which include widening the western side roller door and replacing the southern side windows with glass bricks are all considered to be in keeping with the existing built form and will not result in a significant change to the building's appearance.</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"> <li><i>(a) the visual impact of the building as viewed from adjacent properties</i></li> <li><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></li> </ul> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>See below</p>
<p>The installation of a 3m high fence, for the majority of properties, in my view will not create significant visual or overshadowing impacts. For the properties at 31, 33 and 33A Deloraine, the fence will either only be for a small portion of the boundary, or there are existing structures to the rear of the site that will assist in mitigating the view of the fence.</p> <p>Additionally, for the property at 48 Dunorlan, the site is a large property, and the fence will not cause excessive overshadowing, nor will it be seen from the habitable room windows of the dwelling.</p> <p>However, it is acknowledged that the 3m high fence could impact on the property at 7/35 Deloraine Road, particularly being to the south of the site, a shadow may be cast over the property during the winter months and being a smaller rear yard, will be a more imposing structure when viewed from inside the dwelling and their POS.</p> <p>It appears however, that the POS of 7/35 Deloraine Road is fenced and there is a 1.5m wide path north of the POS which could be Strata land and not part of the private property of 7/35 Deloraine Road. If this is the case, I am of the view that the 3m high fence will be not be readily visible from 7/35 Deloraine Road, whilst the (assumed) existing 1.8m high fence around the POS will cause the same, if not greater, overshadowing.</p> <p>In the event that the fencing of 7/35 Deloraine Road is removed and the Strata land transferred to the property, it is pertinent to note that pursuant to Schedule 4 and Schedule 1A of the Development Regulations, a wall up to 8m long and 3m high can be built 'as of right' without any regard for the amenity of the neighbouring property. Although this would not apply to the subject site being industrial land, it highlights what is considered to be a reasonable level of boundary development that will not result in unreasonable impacts upon the adjoining property.</p> <p>Accordingly, I am satisfied that the benefits that the 3m high fence will provide in terms of its acoustic properties, outweighs the likely visual and overshadowing impacts, which in my view, are not deemed to be unreasonable given what is able to be accepted on boundaries of residential properties.</p>	

<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b></p> <p>The existing building does not incorporate external cladding that results in glare to neighbouring properties, drivers or cyclists and this will not be altered as part of the proposal.</p>
<p><b>Visual Privacy</b></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 &amp; Appearance: PDC 12</i></p> <p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 13</i></p>	<p><b>Complies</b></p> <p>There will be no overlooking possible from inside the building or from ground level to the private open space areas and habitable rooms of adjoining properties.</p> <p>In terms of the raised EWP's, there is no need during the repair work for anyone to occupy the elevated element of the structure and as such, will not compromise the privacy of adjoining residential land.</p>
<p><b>Outdoor Storage and Service Areas</b></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 &amp; Appearance: PDC 22</i></p>	<p><b>Complies</b></p> <p>The outdoor storage area which accommodates the raising and lowering of EWP's, is located behind the building at 46 Dunorlan and to the side of the building at 44 Dunorlan.</p> <p>The location is considered to be out of direct view from the public road but can be easily accessed by the necessary vehicles.</p>
<p><b>Interface Between Land Uses</b></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>(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><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><b>Complies</b></p> <p>The proposed use has been designed to minimise adverse impacts upon the existing neighbouring properties.</p> <p>It is not anticipated that the proposed use will generate impacts greater than what occurred with the previous occupant, particularly because further measures will be put in place to reduce likely impacts such as noise and disturbance beyond sleep hours.</p> <p>There does however, need to be some acknowledgement that residential land adjacent to non-residential uses will incur some level of interference from the industrial/commercial use and as such, a balance needs to be found such that the impacts generated by the development is not unreasonable.</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>To minimise impacts the applicant has agreed to restricting the hours of operation to day time hours, when currently there are no conditions limiting the hours as well as providing acoustic fencing on the boundaries with residential land.</p> <p>Although the proposed use has some traffic generating characteristics, it is not anticipated that the number of vehicles entering and exiting the site will result in vehicular overflow which will impede the movements of traffic on the adjacent road network.</p> <p>The report will discuss noise and traffic impacts further below, however, I am satisfied that the proposed use, given the measures proposed to be in place, will not detrimentally impact on the amenity of the locality.</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><b>Complies</b></p> <p>Overlooking and overshadowing have been considered in the 'Design and Appearance' section of this report and I have concluded that there will be no unreasonable impacts on adjoining properties in this regard.</p>
<p><b>Noise Generating Activities</b></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><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><b>Complies</b></p> <p>See comments below</p>
<p>The proposed development incorporates the removal of ventilation and compressor systems which was utilised by the previous occupants and will contribute to a significant reduction in noise. Additionally, the hours of operation will be restricted to day time hours, with these hours recommended as a condition on the consent if supported by the Panel. The existing land use currently does not have restriction in their operating hours.</p> <p>An acoustic report was provided by the applicant to assess the level of noise likely to be generated by the development. The engineer identified a number of activities that are likely to result in possible noise heard from beyond the site, including trucks entering/exiting the site and workshop, testing being performed on vehicles, use of the wash bay, general workshop activity, air compressors and evaporative cooling units. There will be no associated motion alarm activated on the machinery and it was advised the amended car park layout will facilitate forward vehicle motions, minimising the use of reversing beepers.</p>	

The assessment conditions were mostly based on works being undertaken inside the workshop, with the western roller door generally remaining closed, with the exception of the evaporative cooling units operating on the roof of the buildings and some hydraulic testing of EWP's in the storage yard adjacent the workshops. Additionally, the assessment was based on 30 truck movements throughout the day, when the use is only anticipated to service 30-60 vehicles per month.

The engineer determined that without acoustic treatment, the predicted noise levels would exceed the goal noise levels of 50 dB(A) of the Environment Protection (Noise) Policy 2007. However, with acoustic treatments provided, the use would achieve the goal noise levels when heard from the adjoining residential properties.

The acoustic engineer recommends the following acoustic treatments for the site to achieve goal noise levels at all dwellings:

- Construct boundary fencing to a minimum height of 3m above the finished floor level constructed of 'colorbond' sheet steel or its acoustic equivalent. The fence should be airtight at all junctions including with the ground;
- The windows of the workshop are to be replaced with glass bricks, ensuring an airtight seal is achieved at all junctions;
- The existing penetrations in the southern façade of both the wash bay building and the southern and western facades of the new workshop (excluding roller doors) should be sealed airtight using sheet steel or fibre cement sheet or their acoustic equivalent.

Given that the applicant's acoustic engineer has indicated that the proposed measures are not considered to unreasonably interfere with the existing acoustic amenity of the immediate locality, I deem the proposal to be acceptable in this regard. A condition is recommended on the consent that the acoustic treatments recommended within the Sonus report be undertaken prior to the commencement of the use.

## Air Quality

*Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.*

General Section: Interface Between Land Uses: PDC 11

## Complies

The proposed use is not considered to emit harmful air pollution beyond what would be considered to be unreasonable within an industrial zone.

## Transportation and Access

### Access

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

General Section: Transportation and Access: PDC 22

## Complies

The existing access points to the site will be retained and used for the access of all vehicles into and out of the site.

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

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

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

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

General Section: Transportation and Access: PDC 23

## Complies

See comments below

The proposed motor vehicle workshop will service trucks up to 8.8m in length, the equivalent of a Medium Rigid Vehicle. It is anticipated that the trucks will enter and exit the workshop in a forward direction. The existing car parks in front of the building at 44 Dunorlan would be removed to accommodate this.

The applicant has engaged a traffic engineer (Phil Weaver and Associates) to provide commentary on the likely impacts of traffic movements on the site. He has provided turning path diagrams which identify that it would be possible to accommodate forward entry movements without any changes to the existing access points and the remaining car parks.



<p>The consultant also concludes that with an average of two vehicles being serviced per day, it is considered that the increase in traffic movements generated by the subject development would be in order of 4 trips (2 in/2 out) per day. This is therefore unlikely to result in significant changes to the manner of vehicles currently accessing the subject site and there will be no adverse traffic impacts on the adjacent road network.</p> <p>With regard to the storage of trucks being serviced, there is sufficient area in the workshops of both No. 42 and 44 Dunorlan for at least three working bays including turn around areas. Each vehicle will be on-site for an average of 3 days and it is anticipated that a maximum of 4 medium rigid vehicles will be on the site at any one time. All mechanical repairs will be undertaken in the workshops, however, where necessary, the western side yard may be made available for storage of completed vehicles prior to pick-up.</p> <p>Accordingly, I am satisfied that the proposed additional use on the site will not result in significant changes to the manner of vehicles currently accessing the subject site and therefore no adverse traffic impacts on the adjacent road network will be apparent.</p>	
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Partially Complies</b></p> <p>The two existing access points are not proposed to change. Although the two crossovers are less than 6m apart, this arrangement has existed for some time without impediment.</p>
<p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p>	<p><b>Complies</b></p> <p>The applicant's traffic engineer has determined that the access and driveway/manoeuvring areas will adequately cater for traffic movements and car parking on the site.</p>
<p><b>Cycling and Walking</b></p> <p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 19</i></p>	<p><b>Complies</b></p> <p>The proposed development includes a new shower/change facility within the building on 44 Dunorlan.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <p><i>(a) located in a prominent place</i></p> <p><i>(b) located at ground floor level</i></p> <p><i>(c) located undercover</i></p> <p><i>(d) located where surveillance is possible</i></p> <p><i>(e) well lit and well signed</i></p> <p><i>(f) close to well used entrances</i></p> <p><i>(g) accessible by cycling along a safe, well lit route.</i></p> <p><i>General Section: Transportation and Access: PDC 20</i></p>	<p><b>Complies</b></p> <p>Two bicycle racks are proposed as part of the proposal in a convenient location in front of the administration building.</p> <p>The bike parks will be located underneath the verandah of the building and will be easily visible to staff members, who will be the likely users of the parks. Adequate surveillance from the Reception area of the building is considered possible.</p>
<p><b>Access for People with Disabilities</b></p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p><b>Complies</b></p> <p>A Disability Access car park to meet the requirements of the DDA is proposed, which has previously not been available.</p>
<p><b>Vehicle Parking</b></p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p><b>Complies</b></p> <p>See below</p>

Table Mar/2 - Off-street Vehicle Parking Requirements within the Development Plan provides the following car parking rate for the said uses:

Industry

Up to 200m<sup>2</sup> total floor area – 2 spaces per 100m<sup>2</sup> = 4 car park spaces

Plus between 200 and 2000m<sup>2</sup> - additional 1.33 spaces per 100m<sup>2</sup> = 3 spaces

Office component – 3.3 spaces per 100m<sup>2</sup> = 4 spaces

Motor repair station – 2 spaces per 100m<sup>2</sup> = 7.5 spaces

Accordingly, a total of 18.5 car parks are required and 17 on-site car parks have been provided, resulting in a shortfall of 1.5 car park spaces.

The applicant's traffic engineer does not deem this shortfall to be one that will affect the parking demand for the site. The 17 car parks provided is likely to adequately cater for both staff and visitor numbers with the likely requirement for at most, 14 spaces to accommodate 12 staff and 2 visitors. There is also one on-street parking space in front of the site for a visitor to park for no more than an hour.

Accordingly, I am of the view that the provisions of 17 on-site parking spaces will meet the likely demand for the site and will not result in queuing or an overflow of vehicles that will impact on the adjacent road network.

*Development should be consistent with Australian Standard AS: 2890 - Parking facilities.*

*General Section: Transportation and Access: PDC 35*

#### **Complies**

The amendments to the car park, which primarily involves removing the 60 degree angle car parks in front of the building at 44 Dunorlan and providing a disability accessible park, is considered appropriate and essentially meets the requirement of the relevant Australian/New Zealand Standard for off-street parking areas.

*Vehicle parking areas should be sited and designed to:*

*(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development*

*(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network*

*(c) not inhibit safe and convenient traffic circulation*

*(d) result in minimal conflict between customer and service vehicles*

*(e) avoid the necessity to use public roads when moving from one part of a parking area to another*

*(f) minimise the number of vehicle access points onto public roads*

*(g) avoid the need for vehicles to reverse onto public roads*

*(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points*

*(i) not dominate the character and appearance of a site when viewed from public roads and spaces*

*(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas*

*(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.*

*General Section: Transportation and Access: PDC 36*

#### **Complies**

(a), (b), (c), (d), (e), (f), (i), (j)

The car parking is easily visible from the street, will adequately cater for the movements of both commuter vehicles to the site and trucks being serviced, will not dominate the street layout due to the site being well landscaped.

#### **Partially complies**

(g), (h)

All vehicles will be able to enter and exit the site in a forward direction with the exception of one car park at the northern end of the site, which has existed for some time and in my view, will be able to be safely and conveniently accessed.

Car parking is shared between the two sites at 42 and 44 Dunorlan, however the site does not lend itself to being shared with the adjoining properties.

#### **Does not comply**

(k) The development does not include infrastructure to enable the recharging of electric vehicles.

*Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.*

*General Section: Transportation and Access: PDC 39*

#### **Complies**

The existing car park is sealed and paved, minimising dust and mud nuisance.

<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><b>Complies</b></p> <p>The car park is currently landscaped which will not be altered as a result of the proposed development.</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p><b>Complies</b></p> <p>All new and existing vehicle parking areas will be/are line-marked to delineate each car parking bay.</p>
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation and Access: PDC 42</i></p>	<p><b>Complies</b></p> <p>All car parks located on 44 Dunorlan Road are available to visitors and the gate remains open during operating hours to access the site.</p>
<h2>Waste</h2>	
<p><i>Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:</i></p> <p><i>(a) avoiding the production of waste</i></p> <p><i>(b) minimising waste production</i></p> <p><i>(c) reusing waste</i></p> <p><i>(d) recycling waste</i></p> <p><i>(e) recovering part of the waste for re-use</i></p> <p><i>(f) treating waste to reduce the potentially degrading impacts</i></p> <p><i>(g) disposing of waste in an environmentally sound manner.</i></p> <p><i>General Section: Waste: PDC 1</i></p>	<p><b>Complies</b></p> <p>All waste associated with the on-site component of the business will be stored internally and contained on site.</p> <p>Where possible, waste will be recycled and general waste will be taken directly to a waste transfer station by a licenced waste collector.</p> <p>Liquid waste and rags will be collected by SA Oil Recovery.</p>
<p><i>The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.</i></p> <p><i>General Section: Waste: PDC 2</i></p>	
<p><i>Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).</i></p> <p><i>General Section: Waste: PDC 3</i></p>	<p><b>Complies</b></p> <p>The containment of waste within the internal confines of the building will reduce the risk of waste leaving the site by wind, rain or stormwater.</p>
<p><i>Development which incorporates areas used for activities such as commercial car parking, loading and unloading, wash down of vehicles, storage of plant or equipment, or storage of waste refuse bins should be suitably paved, bunded to exclude stormwater runoff from external sources, and designed so that water that has made contact with such areas is either:</i></p> <p><i>(a) directed to a sediment trap, separator or other appropriate treatment device and then to sewer</i></p> <p><i>(b) directed to a wastewater holding tank.</i></p> <p><i>General Section: Waste: PDC 4</i></p>	<p><b>Complies</b></p> <p>The existing washdown bay is proposed to be upgraded and a representative of the business has met with a designer and liaised with SA Water to meet the required standards to dispose of water and ensure that water will not exit the wash bay.</p> <p>The wash bay will be fully bunded and water will not release beyond the bay. An SA Water Permit is expected to be sought if Development Approval is received.</p>
<p><i>Untreated waste should not be discharged to the environment, and in particular to any water body.</i></p> <p><i>General Section: Waste: PDC 5</i></p>	<p><b>Complies</b></p>

<p><i>Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.</i></p> <p><i>General Section: Waste: PDC 6</i></p>	<p><b>Complies</b></p> <p>The workshop buildings are considered to be large enough to store recycling and general waste.</p>
<p><b>Advertisements</b></p>	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Complies</b></p> <p>The fascia signage is consistent with the scale of the building and similar in size to other fascia signs in the locality.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>One sign for each building is provided and will not be cluttered, untidy or unorderly in appearance.</p>
<p><i>Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.</i></p> <p><i>General Section: Advertisements: PDC 3</i></p>	<p><b>Complies</b></p> <p>The two signs are not distinctly different to the extent that they will appear odd or out of character on each of the buildings.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p> <p>The signs relate to the legitimate use of the land.</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><b>Complies</b></p> <p>All advertisements are contained within the boundaries and located on the buildings itself, therefore will not impact on landscaping or high value views.</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><b>Complies</b></p> <p>The advertisements will not be erected over public or residential land.</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><b>Complies</b></p> <p>The signage will not be located on the roof or higher than the walls of the building. It is considered to be complementary to the associated built form.</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><b>Complies</b></p> <p>The sign does not project beyond the building or is silhouetted to the sky.</p>

<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p><b>Complies</b></p> <p>The signs will be attached with their supporting hoardings concealed.</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p><i>General Section: Advertisements: PDC 11</i></p>	<p><b>Complies</b></p> <p>The signage represents the logo of the associated business and is considered to be in a font which is clear and concise.</p>
<p><b>Safety</b></p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <ul style="list-style-type: none"> <li><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></li> <li><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></li> <li><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></li> <li><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></li> </ul> <p><i>General Section: Advertisements: PDC 15</i></p> <p><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><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p><i>General Section: Advertisements: PDC 17</i></p>	<p><b>Complies</b></p> <p>The signs will not be illuminated or use LED technology and should not cause distraction to drivers or be hazardous to electricity mains.</p>
<p><b>Landscaping, Fences and Walls</b></p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <li><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></li> <li><i>(b) enhance the appearance of road frontages</i></li> <li><i>(c) screen service yards, loading areas and outdoor storage areas</i></li> <li><i>(d) minimise maintenance and watering requirements</i></li> <li><i>(e) enhance and define outdoor spaces, including car parking areas</i></li> <li><i>(f) provide shade and shelter</i></li> <li><i>(g) assist in climate control within buildings</i></li> <li><i>(h) maintain privacy</i></li> <li><i>(i) maximise stormwater re-use</i></li> <li><i>(j) complement existing native vegetation</i></li> <li><i>(k) contribute to the viability of ecosystems and species</i></li> <li><i>(l) promote water and biodiversity conservation.</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 1</i></p>	<p><b>Complies</b></p> <p>The existing landscaping is considered adequate to provide some aesthetic appeal to the site and complement the built form.</p> <p>No further changes are proposed to the landscaping as part of the proposal.</p>
<p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <li><i>(a) include the planting of locally indigenous species where appropriate</i></li> <li><i>(b) be oriented towards the street frontage</i></li> </ul> <p><i>General Section: Landscaping, Fences &amp; Walls: PDC 2</i></p>	

*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 transparent front fence and gate will be maintained as part of the existing development.

A 3m high fence is proposed to the southern and western boundaries to provide noise attenuation to the surrounding residential properties. I have discussed the impacts of the fence in the 'Design and Appearance' section above.

## REPRESENTOR'S CONCERNS

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

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## ANALYSIS/CONCLUSION

The proposed use of a motor vehicle repair station for the servicing and maintenance of trucks and EWPs is an appropriate use within an Industry Zone.

The merits of the application however, lay with whether the interface issues of noise, pollution and traffic can be contained to a point where they do not invoke unreasonable nuisance or harm upon the adjacent residential properties.

I am satisfied that the proposal will not generate any odours, air pollution, light spill or glare that will result in detrimental impacts on the amenity of the locality.

Furthermore, despite a slight shortfall in car parking, the site's existing car parking area will cater for the likely demand of staff and visitors to the site, as identified by a qualified traffic engineer. Additionally, it will not result in an increase in traffic to the site that will not be able to be absorbed by the adjacent road network or accommodated on the site. All vehicles will adequately be able to manoeuvre on the site in a forward direction.

It is acknowledged that the proposed use will generate some noise. The acoustic report accompanying the application makes a number of suggestions, which it deems will bring the noise levels in line with the recommended standards for the EPA (Noise) Policy. As the applicant has indicated a desire to undertake these measures, I am of the view that the potential impact in relation to noise has been addressed and furthermore, it is likely to result in an improved outcome when compared to the existing state of the property and the lack of restrictions on the land.

The proposal therefore provides an adequate balance between the two conflicting land uses, in line with the Desired Character Statement and the relevant Principles of the Development Plan.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2015/147 to change the use of a portion of the existing site to undertake motor vehicle repairs at 42-44 Dunorlan Road Edwardstown be GRANTED subject to the following conditions:**

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/147, except when varied by the following conditions of consent.**
- 2. All acoustic treatments recommended on page 8 and 9 of the Sonus Environmental Noise Assessment report (excluding sealing roller door and window penetrations) at 42-44 Dunorlan Road, Edwardstown shall be undertaken prior to the commencement of the use herein approved.**
- 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. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.**
- 5. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.**
- 6. 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.**
- 7. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.**
- 8. 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.**
- 9. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.**
- 10. All car parking spaces shall be linemarked 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.**



11. **Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9-2000 “Manual of uniform traffic control devices Part 9: Bicycle facilities”.**
12. **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.**
13. **At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.**
14. **All deliveries to and from the site (including waste collection) shall be restricted to the following times:**
  - **7am to 7pm Monday to Friday**
15. **The hours of operation of the premises shall be restricted to the following times:**
  - **7am to 5.30pm Monday to Friday (excluding public holidays)**
  - **7am to 3pm (Saturday)**
16. **The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.**
17. **All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment to the reasonable satisfaction of the Council.**

## **NOTES**

1. **The applicant is reminded to ensure that it has all the necessary consents from SA Water and the Environment Protection Authority if required.**
2. **Any portion of Council’s infrastructure damaged as a result of work or activities undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council’s satisfaction at the developer’s expense.**
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.**

## **Attachments**

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

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 17 June 2015

<b>Agenda Ref No:</b>	<b>DAP170615 – 3.2</b>
<b>Originating Officer:</b>	<b>Dylan O'Brien Development Officer - Planning</b>
<b>Applicant:</b>	<b>City of Marion</b>
<b>Development Description:</b>	<b>To remove a Regulated Tree (<i>Melaleuca armillaris</i>), located on Council land, due to risk to pedestrians and motorists</b>
<b>Site Location:</b>	<b>10 Grafton Street Morphettville</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Racecourse Policy Area 15</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>29/10/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/1914</b>
<b>Recommendation:</b>	<b>Development Plan Consent and Development Approval (Granted)</b>

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### CATEGORISATION & DELEGATION

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

### SUBJECT TREE & LOCALITY

The subject tree is a *Melaleuca armillaris* (Honey Myrtle) species.

The subject tree is located forward of 10 Grafton Street, Morphettville and is defined as a regulated tree, as it maintains a trunk circumferences of 2.74 metres.

The subject land comprises the streetscape of Grafton Street. The streetscape maintains irregular street tree plantings, as several properties in the immediate locality do not contain street trees in the adjacent road reserve.

The subject tree is arguably one of the more mature of the street trees in the immediate streetscape.

*Refer Attachment I*

## PROPOSED DEVELOPMENT

To remove a Regulated Tree (*Melaleuca armillaris*), located on Council land, due to risk to pedestrians and motorists.

*Refer Attachment II*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	16 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	1 representation has been received by Council.
<b>Persons wishing to be heard:</b>	Nil
<b>Summary of representations:</b>	1 x rep has indicated that they are 'against the application' as the subject tree is very important for shade in the street and for stables and horses. It is also complimentary to the street and is one few remaining to improve the area. <i>Refer Attachment III</i>
<b>Applicant's response:</b>	Refer to arboricultural assessment report

## INTERNAL DEPARTMENT COMMENTS

<b>Arboricultural assessment:</b>	Subject tree is diseased and represents a material risk to public/private safety. The subject tree could fall onto the road or footpath. The tree cannot be pruned, life expectancy cannot be extended and the risk rating is 9 out of 12. Removal is recommended.
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## DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed and assessed in the following table:

Regulated Trees	
<b>OBJECTIVES</b>  1 The conservation of regulated trees that provide important aesthetic and/or environmental benefit.	<p>The subject tree adjacent 10 Grafton Street, Morphettville is not considered to provide an important aesthetic or environmental benefit, given relatively modest height, poor health and structure and non-indigenous species.</p> <p>It is acknowledged that the tree is visually prominent in the immediate streetscape. However, this visibility does not necessarily provide an "important" aesthetic benefit, particularly given that the tree is not visible from the wider locality.</p>

	<p>Notwithstanding the tree is generally symmetrical with a relatively thick canopy it has been identified as having poor branch structure and evidence of trunk decay.</p> <p>Accordingly, the tree does not warrant conservation in accordance with Objective 1.</p>
<p>2 Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</p> <p>(a) significantly contributes to the character or visual amenity of the locality</p> <p>(b) indigenous to the locality</p> <p>(c) a rare or endangered species</p> <p>(d) an important habitat for native fauna.</p>	<p>a) The tree is not considered to “significantly” contribute to the character or visual amenity of the locality given the height of the tree provides limited visibility beyond the immediate streetscape.</p> <p>b) The tree is not indigenous to the local area.</p> <p>c) The tree is neither classified as a rare or endangered species.</p> <p>d) The tree does not provide an important habitat for native fauna. Whilst the tree may be used occasionally by birds, this habitat value is not considered to be of such significance that it would warrant retention of a tree which is in poor health and structural decline.</p> <p>The tree fails to sufficiently fulfil any of the criteria in Objective 2, which suggests that the subject regulated tree does not warrant preservation.</p>
<p><b>PRINCIPLES OF DEVELOPMENT CONTROL</b></p> <p>1 Development should have minimum adverse effects on regulated trees.</p> <p>2 A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</p> <p>(a) the tree is diseased and its life expectancy is short</p> <p>(b) the tree represents a material risk to public or private safety</p> <p>(c) the tree is causing damage to a building</p> <p>(d) development that is reasonable and expected would not otherwise be possible</p> <p>(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.</p> <p>3 Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.</p>	<p>Council’s Planning Officer - Arboriculture (Gordon Sykes) and Coordinator Arboriculture (Heath Reynolds) have assessed the subject tree and provide the following observations:</p> <p>a) The subject tree is diseased with hollowing and decaying trunks. The tree has an estimated life expectancy of 2 years.</p> <p>b) The subject tree represents a material risk to safety due to the potential to split and high risk of failure in an area of frequent use. Both Gordon Sykes and Heath Reynolds have attributed a risk rating of 9/12, which demonstrates that the tree represents a material risk to public and private safety.</p> <p>c) The tree is not causing damage to a building.</p> <p>d) The tree is not preventing reasonable/expected development.</p> <p>e) Not applicable</p> <p>Given that it has been demonstrated that the tree satisfy (a) and (b), PDC 2 anticipates that the tree should be removed.</p>

## REPRESENTOR'S CONCERNS

The concern raised by the representor in relation to the value of the tree, has been considered in the body of this report. Whilst this concern is appreciated, the fact that the tree presents a material risk to safety, in addition to its limited contribution to the character and amenity of the locality, suggests that it should be removed.

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## ANALYSIS/CONCLUSION

The subject regulated tree is diseased, maintains a short life expectancy, and represents a material risk to safety. As a result of the trees' poor condition, limited visibility within the wider locality, and the non-indigenous nature of the species, the tree is not considered to provide an important aesthetic or environmental benefit.

Removal of the trees is therefore warranted in accordance with the relevant provisions of the Marion Council Development Plan.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2014/1914 to remove a Regulated Tree (*Melaleuca armillaris*), located on Council land, due to risk to pedestrians and motorists at 10 Grafton Street Morphettville be granted subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1914, except when varied by the following condition of consent.
2. Replacement trees shall be planted to compensate for the removal of the tree. One replacement tree shall be planted in the same place as the removed tree, and the remaining trees planted in a nearby Council reserve.

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

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

## NOTES

1. The applicant is encouraged to select native tree species of local provenance that are considered suitable replacements for the tree(s) to be removed (i.e. amenity / shade trees, provision of habitat, etc.).

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## Attachments

*Attachment I: Aerial Photograph*  
*Attachment II: Proposal Plan and supporting documentation*  
*Attachment III: Statement of Representations*

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 17 June 2015

<b>Agenda Ref No:</b>	<b>DAP170615 – 3.3</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>SA Quality Home Improvements</b>
<b>Development Description:</b>	<b>Freestanding garage with walls located on the northern (secondary street) and eastern (rear) boundaries and verandah</b>
<b>Site Location:</b>	<b>22 Arthur Street, Plympton Park</b>
<b>Zone:</b>	<b>Residential</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2/Consent</b>
<b>Lodgement Date:</b>	<b>30/03/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/546</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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### CATEGORISATION & DELEGATION

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

### BACKGROUND

A Development Application (100/2015/824) has been lodged and granted Development Approval by Council for the removal of a Regulated Tree (WA Willow Myrtle – *Agonis flexuosa*) on the land, directly west of the location of the proposed garage. This tree was in poor health/condition and was likely to be compromised by the construction of the garage.

No amendments were requested of the application prior to being presented to the Development Assessment Panel.

### SUBJECT LAND & LOCALITY

The subject land is situated at 22 (Lot 101) Arthur Street, Plympton Park, at the south-eastern corner with the intersection of Peckham Road.



The land incorporates a frontage width to Arthur Street of 15.24 metres, a secondary street frontage and depth of 38.1 metres, providing a total site area of 580.6 square metres.

The land comprises an attractive single storey bungalow, which underwent an extensive rear addition in 2012.

A single-width driveway crossover is located adjacent the eastern side boundary, providing the only vehicular access to the property.

The locality comprises a variety of bungalow-style dwellings, most of which were constructed in the 1920s. Many dwellings have substantial additions to the side/rear of the building, and all contribute to a relatively attractive and consistent streetscape.

Marion Road, comprising a mix of residential and commercial land uses is located some 130 metres to the east.

*Refer Attachment I & II*

## PROPOSED DEVELOPMENT

The application proposes to construct the following;

- A freestanding garage, 6.0 metres in width, 5.7 metres in depth (34.2m<sup>2</sup>) with a wall height of 2.4 metres, incorporating a wall on the northern (secondary street) and eastern (rear) boundaries; and
- A skillion roof verandah, incorporating a 15 degree roof pitch and maximum height of 3.961 metres.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	8 properties were notified during the Category 2 public notification process.
<b>Representations:</b> <i>Refer Attachment III</i>	2 representations were received by Council (1 in favour and 1 against).
<b>Persons wishing to be heard:</b>	No representors have identified they wish to address the Panel.
<b>Summary of representations:</b>	<ul style="list-style-type: none"><li>• Inconsistent siting of garage;</li><li>• Domination of streetscape;</li><li>• Development will set a precedent; and</li><li>• Impact upon street safety.</li></ul> <i>Refer Attachment IV</i>
<b>Applicant's response:</b>	Refer Attachment V

## INTERNAL DEPARTMENT COMMENTS

<b>Traffic Services:</b>	The existing intersection warning sign can be relocated to the west to enable a widening of the existing driveway, at a cost of \$150.00.
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## DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed in further detail below:

### Principles of Development Control

### Assessment

Garages, Carports and Outbuildings	
<p><i>Minimum setback from secondary road frontage: 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><b>Does Not Comply</b> Proposed garage is to be sited on secondary street frontage</p>
<p><i>Maximum floor area: 30 square metres where the site is less than 400 square metres. 40 square metres for a site between 400 and 600 square metres. 60 square metres for a site greater than 600 square metres.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Garage: 34.2 square metres Verandah: 32.2 square metres</p>
<p><i>Maximum building height (from natural ground level) 4.5 metres.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Garage: 3.2 metres Verandah: 3.916 metres</p>
<p><i>Maximum wall height (from natural ground level): 2.4 metres if sited on the boundary. 3 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Garage: 2.4 metres</p> <p><b>Does Not Comply</b> Verandah: 3.916 metres</p>
<p><i>Maximum height of finished floor level (from natural ground level): 300 millimetres.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Minor works required</p>
<p><i>Minimum setback from side and rear boundaries: 600 millimetres for an open structure. 1 metre for a solid or enclosed wall.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Verandah: &gt;1.0 metre</p> <p><b>Does Not Comply</b> Garage to be sited on rear property boundary</p>
<p><i>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.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Partially Complies</b> See 'Table Discussion'</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p>

<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p><b>Complies</b></p> <p><b>(a)(i)</b> No other structures located on same boundary</p> <p><b>(a)(ii)(A)</b> Length of 5.7 metres</p> <p><b>(a)(iii)</b> Wall height of 2.4 metres and gable height of 3.2 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><b>Does Not Comply</b></p> <p>The existing dwelling incorporates white render and red/maroon roofing. Whilst the garage is not complementary in colour, it is sited to the side of the dwelling and will not detract from the appearance of the dwelling.</p> <p>The verandah has a skillion roof form at 15 degrees. Whilst this does not complement the dwelling, it will not detract from the primary façade of the building.</p>
<p><b>Site Coverage</b></p>	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>45%</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>Ample area is available to the rear of the dwelling to comprise the items listed in (a)-(f) inclusive</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>

## Private Open Space

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

*Minimum area of POS: 20% of the site area*

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

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

*General Section: Residential Development: PDC 17*

### **Complies**

35% of the land will remain as usable private open space

## Car Parking

*Minimum number of on site car parking spaces (one of which should be covered) :*

*2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.*

*3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.*

*1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.*

*Residential Zone: PDC 7*

### **Complies**

2 undercover parking spaces are to be provided where there currently are none

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

*General Section: Land Division: PDC 22*

### **Complies**

No less than four on-street parking spaces are available in front of the subject land

## 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**

The existing driveway will require widening to enable a vehicle to safely enter the western side of the garage. The width of the crossover will not be required to exceed 5.0 metres 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*

### **Partially Complies**

Consent has been provided by Council's Traffic Services department to relocate the intersection warning sign to enable the existing driveway to be increased in width

<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Complies</b></p>
<p><b>Design &amp; Appearance</b></p>	
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i>  <i>(a) the visual impact of the building as viewed from adjacent properties</i>  <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b>  Approximately 3.0 metres of the 5.7 metre-long boundary wall will be visible from the adjoining property to the east. The wall will be sited adjacent that property's driveway, servicing a 12 metre-long garage.</p> <p>The proposed boundary wall is sited 14 metres west of the dwelling on the adjoining allotment, and for these reasons, there will not be an unreasonable impact upon adjoining land as a result of the proposed garage wall on the property boundary.</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b>  The garage is to be clad in 'colorbond' 'monument' (similar to slate grey).</p>

## TABLE DISCUSSION

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

- Secondary street setback;
- Post height (verandah); and
- Site coverage.

### Secondary street setback

Council's Development Plan seeks for double-width garages to be setback from the secondary street not less than the specified setback of the associated dwelling for a double-width structure (3.0 metres).

It should first be noted that Schedule 1A of the Development Regulations permits a garage, up to 40 square metres in area, to be sited 900mm from a secondary street boundary, with a wall height of up to 3.0 metres.

As such, whilst this application must be assessed against Council's Development Plan, some weight and consideration must be had to what can be constructed 'as of right'. (For Member's reference, Schedule 1A prescribes forms of development that is exempt from planning consent).

A review of Council's aerial photography identifies that whilst there are some garages on secondary street boundaries, this is not the predominant location for such structures; most of which are setback between 1.0 – 5.0 metres.

Whilst this is the case, the height of the proposed garage, at 2.4 metres, is relatively limited for such outbuildings. Further, the placement of the garage will enable the rear yard of the property to be maximised.

The garage will not be sited in a position that will be substantially at variance to other structures in the locality, nor will it be prominently visible from the adjoining property to the east. This is further emphasised given that no dwellings have a primary frontage to Peckham Road.

Whilst the location of the garage is likely to limit driver's visibility when reversing out of the structure, this is typical for such structures accessed from secondary streets, which typically comprise fencing for privacy surrounding the immediate boundaries of the property. An increase in setback to 0.9 – 3.0 metres will not necessarily improve driver's visibility when reversing out of the property.

### **Post height (verandah)**

Whilst the post height of the verandah measures up to 3.9 metres, this measurement is adjacent the rear of the dwelling, and no less than 8.0 metres from the closest neighbouring property.

The structure will not have an unreasonable visual impact upon adjoining land, nor result in any excessive overshadowing. The height of the structure will not be overly apparent, given it is sited abutting the dwelling and for these reasons, the height of the verandah is considered acceptable.

### **Site coverage**

The site coverage as a result of the proposal, equates to 45%, resulting in approximately 29 square metres of roof area above that sought by the Development Plan.

However, once again, regard should be had to Schedules 1A and 4 of the Development Regulations, which permit the construction of outbuildings and verandahs to a maximum floor area of 40 and 60 square metres, respectively, with a maximum site coverage of 60%. As such, adherence to Council's Development Plan cannot be enforced with rigidity.

Nonetheless, there is ample private open space located to the side and rear of the dwelling (35% where a minimum of 20% is sought), with appropriate dimensions.

As such, the site coverage proposed will not result in any meaningful impacts upon adjoining land or the function of the subject property.

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## **REPRESENTOR'S CONCERNS**

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

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## ANALYSIS/CONCLUSION

The proposed garage and verandah comply with a majority of Council's design criteria.

Where the garage fails to satisfy Council's Development Plan, the above assessment has demonstrated there will not be a detrimental impact upon the amenity of adjoining land, the appearance of the streetscape, or the function of the subject land.

The verandah complies with all bar one of the applicable criteria contained within Council's Development Plan.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/546 for Freestanding garage with walls located on the northern (secondary street) boundary and eastern (rear) boundary and verandah at 22 Arthur Street, Plympton Park be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/546, except when varied by the following conditions of consent.
- 2. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 3. Stormwater must be disposed of in such a manner that does not flow or discharge into land of adjoining owners, lie against any building, or create insanitary conditions.
- 4. The freestanding garage has been granted consent as a domestic outbuilding only and therefore shall not be used for human habitation or for purposes not reasonably incidental to the use of the land for residential purposes, unless the further development approval of the Council is obtained.

## NOTES

- 1. Payment of \$150.00 for the relocation of the existing intersection ahead street sign shall be made prior to Development Approval being issued.

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## Attachments

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



**DEVELOPMENT ASSESSMENT PANEL**  
Wednesday 17 June 2015

<b>Agenda Ref No:</b>	<b>DAP170614 - 3.4</b>
<b>Originating Officer:</b>	<b>Kristen Schutte Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr George Majda</b>
<b>Development Description:</b>	<b>A carport to the west of the existing dwelling and a single storey dwelling to the rear of the site, incorporating a garage wall on the western side boundary.</b>
<b>Site Location:</b>	<b>60 Conmurra Avenue, Edwardstown</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>16/04/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/650</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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**CATEGORISATION & DELEGATION**

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

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

Council staff did not request modifications to the proposal plans during the assessment process.

## SUBJECT LAND & LOCALITY

The subject site is located at 60 Conmurra Avenue, Edwardstown (Lot: 78 CT: 5167/616). It is a regular shaped allotment comprising a width of 19.81 metres and a depth of 36.58 metres, thus achieving a total site area of 724.6 square metres.

The site currently accommodates a single-storey detached dwelling in average condition with an open carport on the eastern side of the dwelling as well as a verandah to the rear. A detached garage is located to the rear of the dwelling in the southern-eastern corner of the allotment. The site has no discernible slope and the trees on the site are not regulated or significant as defined by the Development Act and Regulations.

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 semi-detached and row dwellings, as well as a number of detached dwellings in the form of hammerhead allotments. Ascot Park Railway Station is located approximately 500 metres walking distance to the south-west of the site.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to construct a single storey detached dwelling to the rear of the existing dwelling. The new dwelling features three bedrooms (main with WIR and ensuite), bathroom, open plan living/kitchen area and laundry. The single width garage of the proposed dwelling is sited on the western boundary.

The new dwelling shall utilize the existing vehicle crossover, providing for a battleaxe driveway along the eastern side boundary, which includes a selection of landscaping along both sides of the driveway. For the purposes of assessment, the proposed dwelling has been considered a detached dwelling, as it is indicated to be sited on its own allotment with direct and exclusive access to a public road.

The application also proposes to construct a carport on the western side of the existing dwelling. As such, a new vehicle crossover is proposed adjacent the western side boundary to provide access to the carport.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	8 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	No representations were received by Council.
<b>Persons wishing to be heard:</b>	None

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	Vehicle manoeuvrability is ok.
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## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> <li>▪ residential flat building</li> <li>▪ row dwelling</li> <li>▪ semi-detached dwelling</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 3	<p>Minimum Site Area: 375m<sup>2</sup> (detached dwellings)</p>	<p><b>Does Not Comply</b> Existing dwelling: 311.4m<sup>2</sup> Proposed dwelling: 320.9m<sup>2</sup></p>
	<p>Minimum Frontage: 12m (detached dwelling) 4m (battleaxe driveway)</p>	<p><b>Complies</b> Existing dwelling: 15.81m Proposed dwelling (battleaxe allotment): 4m</p>
	<p>Minimum Depth: 20m</p>	<p><b>Complies</b> Existing dwelling: 20.78m</p> <p><b>Does Not Comply</b> Proposed dwelling: 15.8m</p>

## Assessment

The proposal complements the Desired Character of the Policy Area, as it incorporates the retention of existing housing stock in good condition, whilst establishing a higher density on the subject land than that of the original housing.

The development does not require the removal of any regulated or significant trees on the development site, nor any mature trees within the road reserve, again in keeping with the Desired Character of the Policy Area.

The site area of the existing dwelling will reduce to 311.4 square metres, where a minimum site area of 375 square metres is prescribed for detached dwellings in the Northern Policy Area 13. This represents a shortfall of 63.6 square metres; 16.9% below the minimum requirements. Despite the shortfall in site area, the allotment maintains a frontage width of 15.81 metres and a depth of 20.78 metres, exceeding the minimums sought for these provisions.

The proposed dwelling will comprise a site area of 320.9 square metres; representing a shortfall of 54.1 square metres or 14.4%. It is noted that this figure excludes the hammerhead driveway. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, were the driveway to be included in the site area calculation, the proposed dwelling would maintain a site area of 412.6 square metres, which substantially exceeds the minimum of 375 square metres.

The shortfalls in site area maintained by both dwellings suggest that it is important to consider whether the proposed residential density is contradictory to that anticipated within the Policy Area. The subject land comprises an overall site area of 724 square metres, equating to an average site area of 362 square metres per dwelling, which is marginally less than that sought for detached dwellings within the Northern Policy Area 13.

In considering the proposed density, it is noted that the existing site area of 724 square metres could accommodate a pair of semi-detached dwellings, requiring a minimum site area of 320 square metres each. It is further considered that although both dwellings are, by definition, classified as detached dwellings, were they to share the common driveway, both would become group dwellings. Group dwellings within the Northern Policy Area require a minimum site area of only 300 square metres each. This would not necessarily result in an improved development outcome; however the site area would exceed that sought.

As such, it is considered that the subject land could feasibly be developed to accommodate two dwellings, albeit, in varying formations to that proposed. Accordingly, the proposed residential density is not in conflict with that permitted in the Policy Area.

The proposed development is considered to appropriately satisfy the Objectives, Principles and Desired Character of the Northern Policy Area 13.

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b>Does Not Comply</b></p> <p>Existing dwelling: 41.7%</p> <p>Proposed dwelling: 50.1%</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p> <p>23% of the total site to remain pervious and 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></p> <p><i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(c) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(d) to minimise overlooking from adjacent buildings</i></p> <p><i>(e) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(f) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(h) to be partly shaded in summer</i></p> <p><i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p><b>Complies</b></p> <p>a) The POS of the proposed dwelling is directly accessible from a habitable room.</p> <p>b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>c) The subject land does not maintain natural features which warrant preservation.</p> <p>d) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>e) The POS of the proposed dwelling is not located next to bedrooms of dwellings on adjacent sites.</p> <p>g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>h) POS areas are capable of being shaded during summer.</p> <p>i) Traffic, industry or other business activities should not affect the subject land.</p> <p>j) The POS areas are considered to have sufficient shape and area to be functional.</p> <p><b>Does Not Comply</b></p> <p>a) The POS of the existing dwelling is not directly accessible from a habitable room.</p> <p>e) The POS of the existing dwelling will be located next to bedrooms of dwellings on adjacent sites.</p> <p>f) The POS of both dwellings incorporate a southerly aspect.</p>

<p><b>Site Area 250 m<sup>2</sup> or greater:</b>  <i>Minimum area of POS: 20% of the site area  Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.  One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Partially Complies</b>  Existing dwelling: 21.8% (68m<sup>2</sup>)  Dimension of 4.6 x 8 metres (not directly accessible from a living room).</p> <p><b>Complies</b>  Proposed dwelling: 22.3% (71.5m<sup>2</sup>)  Dimension of 5x5 metres (directly accessible from a living room).</p>
<h2>Street Setbacks</h2>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i>  (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality  (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p><b>Complies</b>  The front setback will remain unchanged through the retention of the existing dwelling.</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p><b>Complies</b>  Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<h2>Side Setbacks</h2>	
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b>  Proposed dwelling: 1m</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i>  (a) the walls should not abut more than one side allotment boundary  (b) a wall from an adjacent dwelling already exists on the boundary:  (i) be located immediately abutting the adjacent wall  (ii) be constructed to the same or to a lesser length and height as the adjacent wall  (iii) be setback 2 or more metres behind the main face of the adjacent dwelling  (c) no wall exists on the adjacent boundary:  (i) be setback 2 or more metres behind the main face of the adjacent dwelling  (ii) not exceed 6 metres in length  (iii) not exceed 3 metres in height  (iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window  (d) adjoining communal open space or a public reserve, not to exceed  (i) 50 per cent of the length of the boundary  (ii) 4 metres in height.</p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p><b>Complies</b>  (a) Wall on one side boundary only;  (c)(ii) Wall length of 3.8m  (c)(iii) Wall height of 3m  (Principles (b) and (d) not applicable)</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Rear Setbacks</h2>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p> <p>Existing dwelling: 2.5m increasing to 4.6m. Proposed dwelling: 2.5m increasing to 5m.</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Does Not Comply</b></p> <p>Existing dwelling: 4.6m (50.6%) &amp; 2.5m (39.2%) of allotment width. Proposed dwelling: 5m (25.2%), 4m (34.3%) &amp; 2.5m (35.3%) of allotment width.</p>
<h2>Building Height</h2>	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling incorporates a maximum building height of 5.4 metres, which is less than the maximum permitted in the Policy Area.</p>
<h2>Garages, Carports and Outbuildings</h2>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Partially Complies</b></p> <p>Existing dwelling: The proposed carport has a 6m setback from the primary road frontage. However is located in line with the main face of the dwelling.</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>

<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p><b>Complies</b></p> <p>Existing dwelling- proposed carport</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 5 metres on the boundary</p> <p>Proposed dwelling garage</p> <p>i) Garage on boundary is not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) Enclosed structure length of 3.8 metres on the boundary</p> <p><b>Does Not Comply</b></p> <p>Existing dwelling- proposed carport</p> <p>iii) Wall height of 2.7 metres</p> <p>Proposed dwelling garage</p> <p>iii) Wall height of 3 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><b>Does Not Comply</b></p> <p>Existing dwelling: The proposed carport will incorporate a flat roof, not in keeping with the roof form, pitch or materials of the associated dwelling.</p> <p><b>Partially Complies</b></p> <p>Proposed dwelling: The proposed garage incorporates a flat roof behind a parapet wall. The materials of the parapet walls complement the associated dwelling.</p>
<p><b>Car Parking</b></p>	
<p><i>Minimum number of on-site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i></p> <p><i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Each dwelling is provided with two on-site parking spaces.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Public transport is located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) Two on street parking spaces are maintained by the proposal.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p> <p>2 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>



## 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*

### Does Not Comply

Proposed driveway crossover: 3.1m

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

*General Section: Residential Development: PDC 40*

### Complies

The proposed crossover is set back 4.2 metres from the existing street tree.

*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.

*Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:*

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

*General Section: Residential Development: PDC 41*

### Complies

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

*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 streetscape presentation of the subject land shall not change substantially as a result of the proposed development, given that the existing dwelling is to be maintained.

Nonetheless, the proposed dwelling reflects the desired character of the locality. It incorporates a 30 degree Colorbond roof in Woodland Grey, with rendered facades. 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 existing dwelling is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

## **Overshadowing**

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

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

*General Section: Design & Appearance: PDC 9*

*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) A majority of winter shadow will be cast within the rear yard of the dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and the eastern adjoining property in the afternoon.

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 late afternoon hours (approximately 3.00pm on June 21). Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.

## **Visual Privacy**

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

*General Section: Design & Appearance: PDC 14*

#### **Complies**

The dwelling located on a battleaxe allotment is single storey and designed to maintain the privacy of adjoining residential properties.

## Noise

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

*General Section: Residential Development: PDC 29*

### **Complies**

The proposed dwelling features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1 metre and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient “separating or shielding” to minimise external noise and light intrusion as envisaged by PDC 29.

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

## 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 proposed dwelling is oriented so that the open spaces and main activity areas face south. However as the dwelling is single storey, the private open space will receive adequate sunlight. Furthermore the internal living areas will receive northern sunlight through the proposed north facing dining room window.

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

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

*General Section: Energy Efficiency: PDC 4*

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

*General Section: Energy Efficiency: PDC 5*

### **Complies**

The proposed dwelling incorporates a hipped roof form set at a 30 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

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

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

### **Complies**

While a landscaping schedule is included on the concept plan, a landscape plan specifying the location of the proposed vegetation has not been provided by the applicant. It is considered that there is ample area on site to accommodate an appropriate density and variety of landscape plantings in accordance with the applicable provisions.

It has been included as a recommended condition of consent that a landscape plan be provided prior to Development Approval being issued.

*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**

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

## TABLE DISCUSSION

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

- Site coverage
- Rear setbacks
- Minimum dimensions of private open space (POS) to existing dwelling
- Carport location

### **Site coverage**

The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area; the proposal surpasses this limit at 41.7% (existing dwelling) and 50.1%% (proposed dwelling). It is noted that these figures are based upon the curtilage of the dwellings only, and does not include the hammerhead driveway. When including the hammerhead driveway, site coverage equates to 40.1%, only marginally above that sought.

Given that the setbacks of the proposal are considered to be acceptable (as discussed below) and the excess in the building footprint does not adversely impact upon the POS of the dwellings at 21.8% for the existing dwelling and 22.3% for the proposed dwelling, it is considered relatively minor in its extent and consequence.

### **Rear setbacks**

The setback of both the existing and proposed dwelling from their associated rear boundary fails to comply with Principle 37 (General Section: Residential Development). The existing dwelling will comprise a rear setback of 2.5 metres for 39.2% of the allotment width, increasing to 4.6 metres for the remainder. The proposed dwelling will incorporate rear setbacks of 2.5 metres for 40.5%, 4 metres for 34.3% and 5 metres for the remaining 25.2% of the allotment width. Whilst the rear setbacks of each dwelling do not strictly meet the quantitative standard (3 metres for 50% and 6 metres for the remainder), the overall level of separation from the rear boundary is considered adequate.

### **Minimum dimensions of private open space (POS) to existing dwelling**

The existing dwelling maintains POS with dimensions of 4.6 by 8 metres (located to the rear of the dwelling, directly accessible from the laundry), as well as an additional 3 by 5 metres (located to the rear of the proposed carport). While a minimum dimension of 5 by 5 metres should be provided, the proposed dimensions are nonetheless considered functional for likely occupant needs, particularly given that the total amount of POS provided exceeds 20% of the site area.

### **Carport location**

The proposed carport is located in line with the main face of the existing dwelling; this does not accord with Principle 8 (Residential Zone) which stipulates that garages and carports should be located 0.5 metres behind the main face of the dwelling. Given that the carport is an open structure and is single width, the proposed location should not result in garage dominance or significant impacts upon the streetscape.

Furthermore, it should be noted that such a structure can be erected 'as of right' pursuant to Schedule 1A of the Development Regulations 2008, which is exempt from a planning assessment.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a majority of applicable Development Plan criteria. Redevelopment of the subject land to facilitate higher densities, whilst retaining the existing housing stock, complements the Desired Character of the Northern Policy Area 13.

It is noted that several quantitative shortfalls are maintained by the proposal, including site areas, site coverage, rear setbacks, minimum dimensions of private open space and the location of the proposed carport. The site areas represent a discrepancy against the provisions; however remain reflective of the envisaged low-medium density housing for the Policy Area. The excess in the site coverage of both dwellings is considered relatively minor in its extent and consequence, and should not adversely impact upon the function of the proposed dwellings. The rear setbacks of both dwellings result in the required amounts (over 20%) of private open space, as well as adequate levels of separation. The dimensions of private open space (of the existing dwelling) are considered functional for likely occupant needs and the location of the proposed carport should not result in adverse impacts upon the streetscape.

These shortfalls have been assessed in relation to the extent of departure from Development Plan criteria and the prospective consequences, taking into account the characteristics of the subject land and locality. This assessment has demonstrated that the shortfalls are not of such severity so as to jeopardise the functionality of the proposed development, nor to detract from the amenity of adjacent land or the character of the locality.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/650 for a carport to the west of the existing dwelling and a single storey dwelling to the rear of the site, incorporating a garage wall on the western side boundary at 60 Conmurra Avenue, Edwardstown be GRANTED subject to the following conditions:

## CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/650, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
10. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties.

## NOTES

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

## Attachments

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



## DEVELOPMENT ASSESSMENT PANEL

Wednesday 17 June 2015

<b>Agenda Ref No:</b>	<b>DAP170615 - 3.5</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Longridge Group Pty Ltd</b>
<b>Development Description:</b>	<b>Two storey detached dwelling, garage and balcony</b>
<b>Site Location:</b>	<b>6A Rockford Place, Marino</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Hills Policy Area 11</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>19/02/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 January 2014</b>
<b>Application No:</b>	<b>100/2015/299</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Granted)</b>

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### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)) of the Development Regulations 2008, which assigns the construction of detached 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 being sited on an existing allotment which has an area less than the minimum of 700 square metres required for detached dwellings within the Hills Policy Area 11. Due to a recent interpretation of Council's current delegations, it was the view of Judge Costello of the Environment, Resources and Development Court that Council has delegated decisions with respect to development on undersize allotments to the Development Assessment Panel.

### BACKGROUND

On 5 August 2009, the Development Assessment Panel granted Development Plan Consent for the construction of two, two storey detached dwellings on land known as 6 Rockford Place, Marino.

The subject land, and the vacant allotment to the north, were created via land division following the granting of consent for the two dwellings on the land.

Since this time, neither dwelling has been constructed and the subject land sold to the current owners.

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

Amendments Requested	Amendments Made
Setback to northern side boundary to be increased to satisfy setback criteria	Setback increased from 2.0m to 3.0m
Improved presentation/increased glazing to southern façade	Additional windows provided to upper level southern facade
Delineation of private open space required	Fencing proposed between south-west corner of dwelling and secondary street boundary

## SUBJECT LAND & LOCALITY

The subject land is a corner allotment with two frontages to Rockford Place. The allotment has a 23.49 metre frontage on the southern side and a 20.05 metre frontage on the western side, excluding the corner cut off.

The allotment is slightly irregular in shape and has an overall site area of approximately 651 square metres. It has a gentle slope from the highest point in the south eastern corner to the lowest point in the north western corner. A retaining wall up to 500mm in height extends the length of the Rockford Place street frontage.

An easement for sewer and drainage purposes is sited adjacent the south western corner of the allotment.

The locality is characterised by single and two storey detached dwellings on large allotments. There is a mix of housing styles throughout the area, many of which gain attractive views to the north and west to the metropolitan area and coast, respectively.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a two storey detached dwelling and attached garage, with vehicular access from the southern (primary) frontage of the land.

The ground floor contains a double-width and double-length garage on the eastern side of the building, with two bedrooms, rumpus room and typical wet areas.

The upper floor comprises the main bedroom with en-suite and walk-in-robe, open plan kitchen/living/dining and balcony (4.0m x 5.5m) adjacent the western façade of the building.

A small amount of cutting and filling of the land is required to accommodate the building, not exceeding 800mm.

A 1.8 metre-high aluminium slat fence will be erected from the south-western corner of the building and around the western frontage of the property to provide private open space.

The garage will utilise the existing crossover, adjacent the eastern side boundary of the property.

*Refer Attachment III*

## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Hills Policy Area 11		
<p><b>Objectives</b></p> <p>1 A policy area primarily comprising of detached dwellings at low densities. 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts. 3 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>The desired character is of a high quality residential environment containing appropriately designed houses set in attractively landscaped, relatively large gardens. This desired character is also derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the revegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</p> <p>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Designs include split-level to reduce visual bulk and reduce the need to cut and fill sloping sites. Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</p> <p>It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.</p> <p>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except that in some areas where land has been subdivided into smaller allotment sizes, any new development will be at a lower density and scale. In addition, larger allotments may be appropriate due to the natural gradient of land.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> </ul>	Complies
PDC 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>	Complies

PDC 4	<i>Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.</i>	<b>N/A</b> – No vegetation remains on the land
PDC 6	<i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to adjoining dwellings by: (a) incorporating stepping in the design in accordance with the slope of the land (b) where appropriate, setting back the upper storey of a dwelling a greater distance from front and side boundaries than the lower storey.</i>	<b>Partially Complies</b> See 'Assessment' below

## Assessment

The proposed development maintains the existing low density character of the Hills Policy Area. The location of the site is not visible from the plains and the proposed development will not impact on the natural features of the coast or watercourses. The proposal satisfies the Objectives of the Zone.

The Desired Character of the Policy Area seeks for dwellings to be appropriately designed, to maintain appropriate side and rear setbacks, minimise alterations to the existing landform and consider the potential impacts on adjoining properties, in particular privacy and amenity.

The land is gently sloping, the proposed development does not result in excessive cut or fill and in this regard is consistent with the Desired Character of the Policy Area.

Whilst the upper level of the dwelling is not set-in from the ground floor, the building is unlikely to result in a detrimental visual impact upon adjoining land (also discussed further in this report). In this regard, it is expected the primary habitable rooms of the dwelling to be constructed on the vacant land to the north will be oriented to the north/north-west, to take advantage of the attractive views available. Land to the east comprises a driveway and garage servicing the dwelling on that land, and as such, the 1.0 metre setback from the garage to the eastern side boundary will not compromise the amenity of that property.

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 Rockford Place, Marino.

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.

Views gained from both properties are from the northern rooms within the dwelling, funnelled between existing medium-height landscaping, overlooking the street in a north-westerly direction and (partly) over the subject property.

The proposed dwelling will be sited no closer than 40 metres from the dwelling at 3 Rockford Place and over 45 metres from 1 Rockford Place.

When viewed from 1 Rockford Place, the built form silhouette of the proposed dwelling is likely to be sited directly south of the large two storey dwelling at 4 Rockford Place. As such, view in the direction of the proposed dwelling is currently restricted/prevented by that dwelling. View to the north-west to the ocean is likely to be largely unaffected, and as such, the impact the proposed development will have upon the property at 1 Rockford Place is marginal to nil.

As with 1 Rockford Place, view from 3 Rockford Place to the north-west is restricted/prevented by the dwelling at 4 Rockford Place. From my calculations, it is only the western half of the proposed balcony that is likely to obscure the view available from this property. Given the light-weight nature of the balcony, and that a secondary street setback of 3.0 metres is permitted in the Policy Area (where a secondary street setback of a minimum of 8.0 metres is proposed), the proposed dwelling will have a marginal impact upon the view available from 3 Rockford Place.

Given the above factors, I am of the opinion the proposed dwelling will not have a detrimental impact upon adjoining land via view loss.

Overall the proposed development is considered to be consistent with the objectives and Desired Character of the Zone.

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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Site Coverage	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"><li><i>(a) pedestrian and vehicle access and vehicle parking</i></li><li><i>(b) domestic storage</i></li><li><i>(c) outdoor clothes drying</i></li><li><i>(d) rainwater tanks</i></li><li><i>(e) private open space and landscaping</i></li><li><i>(f) convenient storage of household waste and recycling receptacles</i></li></ul> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>

## Private Open Space

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

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

General Section: Residential Development: PDC 15

### Complies

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

### Does Not Comply

- b) A majority of the private open space is located to the side (west) of the dwelling. However, a small part is located forward (south-west) of the main façade of the building.

Whilst a small part of the POS is located forward of the building line, the whole of the building will nonetheless be visible from the street, providing appropriate presentation and surveillance to and from the street.

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

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

General Section: Residential Development: PDC 17

### Complies

230 square metres (35.3%)

## Street Setbacks

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

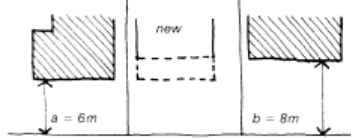
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

### Complies

The proposed front setback 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	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

For Member's reference, the location of the dwelling is setback further from the primary and secondary streets compared to the previous dwelling approved on the land.

*Minimum setback from secondary road frontage: 3 metres*

Residential Zone: PDC 7

#### Complies

Min 8.0m (to balcony)

*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: 2 metres*

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

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

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

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

Residential Zone: PDC 7

#### Does Not Comply

Min 1.0m

The proposed side setback of the garage falls 1.0 metre short of that prescribed by PDC 7. Whilst this is the case, the adjoining land comprises a driveway and garage adjacent the subject wall and as such, no unreasonable visual impacts are anticipated.

Further, the locality displays a number of dwellings with walls on or within 1.0 metre of their respective side boundaries, and as such, the proposed building will not look out of place within the locality.

*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

*8 metres for a single storey dwelling*

Residential Zone: PDC 7

#### Does Not Comply

3.0 metres

<p><i>8 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Does Not Comply</b></p> <p>3.0 metres</p>
<b>Building Height</b>	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling incorporates a maximum building height of 8.2 metres, which is less than the maximum permitted in the Policy Area.</p>
<b>Garages, Carports and Outbuildings</b>	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Minimum setback from secondary road frontage:</i> <i>5.5 metres for a single-width structure.</i> <i>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><b>Complies</b></p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p><b>Complies</b></p> <p>The proposed garage incorporates a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p>
<b>Car Parking</b>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i> <i>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</i> <i>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Four on-site parking spaces available</p>



<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p> <p>Four on-street car parking spaces are provided in front of the subject land.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Partially Complies</b></p> <p>The proposed dwelling will utilise the existing crossover of 6.6 metres in width</p>
<h2>Design &amp; Appearance</h2>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 17</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling reflects the desired character of the locality, and incorporates an attractive presentation to the streetscape with the following elements to enhance design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of horizontal cladding and render on the front façade</li> <li>• Protruding balcony</li> <li>• Eave overhang and skillion roof form at 7.5 degree slope</li> <li>• Fenestration</li> </ul> <p>The dwelling incorporates a 7.5 degree Colorbond roof in 'Surfmist', with rendered and clad facades. The garage of the dwelling features a White Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The side elevations of the dwelling features a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed balcony incorporates an opposing (5 degree) roof pitch, with a stainless steel wire balustrade that enables line of sight to the street.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 15</i></p>	<p><b>Complies</b></p> <p>The dwelling is designed so that its main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p>

*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*

## 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**

Given that the front yard of the property is located directly south of the proposed building, a majority of the shadow cast by the dwelling will fall upon this yard and adjacent street.

Whilst some very late afternoon shadow may fall upon the adjoining property to the east, the area that would experience shadow will be the driveway and front yard area. Further, the dwelling on that land has a floor level 1.7 metres above the ground floor of the proposed dwelling.

As such, the proposal appropriately complies with the applicable provisions relating to overshadowing.

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 12*

### **Complies**

The windows that are oriented to adjoining properties are located 1.7 metres above floor level. 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 and coast beyond.

The applicants have taken it upon themselves to provide screening to the northern side of the balcony. Administration did not request this element and are comfortable if the balcony was to remain unscreened.

The applicants/owners are entitled to lodge an application in the future to remove the screening if so desired.

## 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 dwelling is oriented so that the open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

As identified in the Overshadowing section of this table, the proposed dwelling is 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**

The dwelling incorporates a skillion roof set at a 7.5 degree pitch, which is not ideal to site photovoltaic cells. Nonetheless, given the large roof area, there is likely to be adequate area to site such panels that can assist in reducing energy demand from the 'grid'.

## 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**

Whilst a landscaping plan has not been provided, ample open area outside the building's footprint is available to plant a variety of species that will contribute to the leafy garden character of the locality and that sought in the Desired Character of the Policy Area.

It has been included as a recommended condition of consent that a landscape plan be provided prior to Development Approval that details a variety of landscape plantings throughout the property.

## Sloping Land

*Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:*

- (a) minimises their visual impact*
- (b) reduces the bulk of the buildings and structures*
- (c) incorporate roof lines which complement the natural slope of the land*
- (d) minimises the extent of cut and/or fill*
- (e) provide a stable and readily accessible building site*
- (f) minimises the need for, and the height of, retaining walls*
- (g) does not cause or contribute to instability of any embankment or cutting*
- (h) avoids the silting of watercourses*
- (i) protects development and its surrounds from erosion caused by water run-off.*

*General Section: Sloping Land: PDC 2*

### **Complies**

Minor earthworks, not exceeding 1.0 metre are required to accommodate the proposed dwelling.

Such earthworks are entirely reasonable on a gently-sloping site such as the subject land, and will not have a detrimental impact upon the street, adjoining land or compromise the integrity of the Policy Area.

*The cutting and/or filling of land should:*

- (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*
- (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*
- (c) only be undertaken if the resultant slope can be stabilised to prevent erosion*
- (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.*

*General Section: Sloping Land: PDC 7*

### **Complies**

*Retaining walls should:*

- (a) not exceed 1 metre in height*
- (b) be stepped in a series of low walls*
- (c) be landscaped to enhance their appearance.*

*General Section: Sloping Land: PDC 8*

### **Complies**

A retaining wall of a maximum height of 800mm is proposed adjacent the northern side boundary of the property.

## Siting and Visibility

*Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:*

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

*General Section: Siting and Visibility: PDC 4*

### **Complies**

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

*General Section: Siting and Visibility: PDC 5*

### **Complies**

## TABLE DISCUSSION

The proposed dwelling meets a majority of Council's design criteria, however, the rear setback of 3.0 metres is significantly less than that sought (8.0 metres).

Whilst this is the case, the footprint of the dwelling is quite similar to that previously approved on the land that resulted in the creation of the subject allotment.

Further, it is highly likely that a dwelling on the adjoining allotment to the north will be designed to take advantage of the attractive views available to the north-west, and as such, the dwelling is unlikely to incorporate the primary living room adjacent the subject wall, whilst land outside the building is likely comprise a side/service yard that will not form the primary area of private open space.

For Member's reference, the setback of the wall, at 3.0 metres, is compliant with Council's side setback criteria for a wall of up to 7.0 metres in height and greater than that previously approved on the land (2.5 metres).

In my view, the location of the proposed dwelling will not have an unreasonable impact upon adjoining land and is acceptable as proposed.

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## ANALYSIS/CONCLUSION

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and the nature of the proposed development, it is considered the proposal demonstrates general compliance with the Development Plan. The proposal is adequately consistent with the Desired Character of the Policy Area and whilst it does not comply with the side and rear setback provisions, the preceding assessment has indicated such proximity will not have a detrimental impact on the amenity of adjoining properties.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/299 for a two storey detached dwelling, garage and balcony at 6A Rockford Place, 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. 100/2015/299, except when varied by the following conditions of consent.
- 2. A landscape plan detailing a mix of low and medium level native plantings throughout the southern and western yard areas of the property shall be provided to Council for consideration and approval, prior to Development Approval being issued.
- 3. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 4. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 5. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 7. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

## NOTES

- 1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
- 2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of

**the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**

- 3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
- 4. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 5. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

#### **Attachments**

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



## DEVELOPMENT ASSESSMENT PANEL

Wednesday 17 June 2015

<b>Agenda Ref No:</b>	<b>DAP170615 – 3.6</b>
<b>Originating Officer:</b>	<b>Rob Tokley Team Leader - Planning</b>
<b>Applicant:</b>	<b>Aldinga Home Improvements</b>
<b>Development Description:</b>	<b>Carport forward of the associated dwelling</b>
<b>Site Location:</b>	<b>6 Barossa Crescent, Hallett Cove</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Southern Policy Area 18</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>11/06/2014</b>
<b>Development Plan:</b>	<b>Consolidated – 13 March 2014</b>
<b>Application No:</b>	<b>100/2014/963</b>
<b>Recommendation:</b>	<b>Development Plan Consent (Refused)</b>

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### BACKGROUND

As some Members may recall, the subject application was to be considered at the Panel meeting of 21 January 2015. Prior to the meeting, the applicant withdrew the application from consideration, with a view to amending the proposal to reduce the prominence of the structure from the street.

Amended plans were received by Council on 28 May 2015 and are presented to the Panel for consideration at this meeting.

The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2 (20) of the Development Regulations 2008, which assigns development that involves a carport that is constructed closer to a street frontage than the wall of the dwelling as a Category 2 development.

There was one representation, in favour of the application, received by Council during the public notification of the application.

### SUBJECT LAND & LOCALITY

The subject site is located at 6 Barossa Crescent, Hallett Cove. The land currently contains a single storey detached brick dwelling, typical of the locality and was likely constructed in the 1970s. A single width driveway leads to an under-main-roof carport located on the northern side of the dwelling. The land incorporates a reasonable grade from the rear boundary to the street,

although various earthworks throughout the site have augmented the slope of the land. Whilst the site is substantially landscaped, there are no regulated or significant trees present.

The immediate locality is characterised by single storey and occasional double storey detached dwellings on medium to large allotments. Dwellings have large setbacks from the road boundary, some with attractively landscaped front yards. The majority of dwellings in the street have garages located underneath the main roof and not any further forward than the main face of the dwelling.

*Refer Attachment I*

## PROPOSED DEVELOPMENT

The applicant seeks approval to construct a carport forward of the dwelling, adjacent the existing under-main-roof carport, bedroom windows and front entry door. The structure measures 8.91 metres in width and a maximum 5.53 metres in depth, with a post height of 2.16 metres adjacent the dwelling, increasing to 2.675 metres at the western end, as the driveway slopes down to the street. The structure will maintain a setback of 3.7 metres (at the closest point) to the front boundary (as the carport will abut the dwelling's eaves of 600mm in width).

The carport design has been altered during the processing of the application to reduce the depth of the northern 'two thirds', resulting in a portico look-alike adjacent the front entry door of the dwelling. The roof is to incorporate 'colorbond' material, with colours of 'Woodland Grey' on top and 'Classic Cream' for the underside.

*Refer Attachment II*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	7 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	One representation, in favour of the application, was received by Council.

## DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed in further detail below:

Principles of Development Control

Assessment

Garages, Carports and Outbuildings	
<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>	<p><b>Does Not Comply</b> Street setback of 3.7 metres and located 3.83 metres forward of the main face of dwelling</p>
<p><i>Maximum floor area: 30 square metres where the site is less than 400 square metres. 40 square metres for a site between 400 and 600 square metres. 60 square metres for a site greater than 600 square metres.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b> Floor area of 46.3 square metres (site area = 660 square metres)</p>

<p><i>Maximum building height (from natural ground level) 4.5 metres.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Maximum 2.9 metres above ground level</p>
<p><i>Maximum wall height (from natural ground level):</i>  <i>2.4 metres if sited on the boundary.</i>  <i>3 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Maximum post height of 2.67 metres above ground level (due to sloping nature of driveway)</p>
<p><i>Maximum height of finished floor level (from natural ground level):</i>  <i>300 millimetres.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>Existing driveway levels to remain</p>
<p><i>Minimum setback from side and rear boundaries:</i>  <i>600 millimetres for an open structure.</i>  <i>1 metre for a solid or enclosed wall.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p><b>Complies</b></p> <p>900mm setback from side boundary</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i>  <i>(a) not adversely impact on the safety of road users</i>  <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p> <p>Carport is to be located over an area already used for vehicle parking and will not compromise vehicle turning or safety for the residents or road users</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Does Not Comply</b></p> <p>8.91m width</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PCD 8</i></p>	<p><b>Partially Complies</b></p> <p>See Table Discussion</p>
<p><i>Outbuildings, including garages and sheds, should not be constructed unless in association with an existing dwelling.</i></p> <p><i>General Section: Residential Development: PCD 9</i></p>	<p><b>Complies</b></p>
<b>Site Coverage</b>	
<p><i>Maximum site coverage: 35%</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p>	<p><b>Does Not Comply</b></p> <p>50%</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i>  <i>(a) pedestrian and vehicle access and vehicle parking</i>  <i>(b) domestic storage</i>  <i>(c) outdoor clothes drying</i>  <i>(d) rainwater tanks</i>  <i>(e) private open space and landscaping</i>  <i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p><b>Complies</b></p> <p>Ample area to the rear of the dwelling exists for the items listed in (a)-(f)</p>

<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></p>
<p><b>Building Setbacks from Road Boundaries</b></p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) Be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) Contribute positively to the function, appearance and/or desired character of the locality</i></p> <p><i>Design and Appearance: PDC 23</i></p>	<p><b>Does Not Comply</b></p> <p>Setback of 3.7 metres is substantially forward of dwellings on adjoining land and within the locality, which are generally setback 8 metres.</p>
<p><b>Car Parking</b></p>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p><b>Complies</b></p> <p>Proposal would result in 3 undercover car park spaces.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p><b>Complies</b></p> <p>No change to on-street parking as a result of the proposal</p>

## TABLE DISCUSSION

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

- Setback in relation to the dwelling;
- Street setback; and
- Site coverage

### Setback of carport in relation to the dwelling

Council's Development Plan seeks for carport and garage structures to be set behind the main face of the dwelling by a minimum 500mm to ensure the residential portion of the dwelling is the most prominent and visible, and not dominated in appearance by car parking structures; which should be subservient and ancillary to the main building.

The proposed structure will extend forward of the dwelling by approximately 3.8 metres and setback 3.7 metres from the front boundary at its closest point.

Whilst the pitched roof complements the built form of the dwelling, the 'colorbond' material is inconsistent with the tiled roof of the associated dwelling. The open nature of the carport will display less dominance than a similar structure with enclosed sides and/or roller door, however, the human eye will nonetheless be drawn to the carport, rather than the habitable elements/function of the dwelling, due to the structure being situated at such a close proximity to the front boundary. Further, the height of the carport above street level will exacerbate the prominence of the structure; the underside of the carport also being visible from the street.

The applicants have altered the proposal to reduce the depth of the carport for the northern 'two thirds', which provides a portico look-alike element adjacent the front entry door, however, in my view, this is inadequate to dilute the prominence of the proposed structure and the impact it has upon the presentation of the dwelling.

In addition to the above, the proposed carport will be located entirely forward of the front entry door of the dwelling; finding variance to Design and Appearance Principle 18 and Residential Development Principle 6 (repeated below).

**Design and Appearance Principle 18: Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.**

**Residential Development Principle 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.**

In conclusion, the proposal is considered to be at variance with Residential Zone Principles 6 and 8 as the structure, forward of the dwelling, in my view, does not complement the building nor result in a positive streetscape outcome.

### **Street setback**

The setback of the proposed carport does not comply with that sought by Council's Development Plan, as the structure fails to meet the average setback of the adjacent dwellings, being 3.7 metres at its closest point, where it ought to be setback approximately 8.0 metres.

In my view, the subject locality comprises a consistent and attractive streetscape, with the majority of dwellings and ancillary structures incorporating similar setbacks in the order of 8.0 metres. There is little variance in the setback of the majority of dwellings located within the street, with the exception of those located on the northern and southern bends in the road, where parts of the dwellings are setback in the order of 6 – 8 metres.

If constructed, the carport would be situated forward of the majority of dwellings that have a primary frontage to Barossa Crescent. It is acknowledged however, that given the street is a small local cul-de-sac road, not highly trafficked and would not be used for thoroughfare purposes compared with typical streets, it will have limited exposure, accessed mainly by residents and their visitors.

In conclusion, the placement of such a structure substantially forward of the building line is nonetheless discouraged by Council's current design criteria and in my opinion, will not result in an attractive streetscape and further, will upset what is generally a consistent and attractive setting of existing buildings/structures within the street.

### **Site coverage**

The proposal will increase the amount of site coverage on the land to approximately 50%. Whilst this is significantly above the 35% sought for the Policy Area, the excess in site coverage will not compromise the function of the dwelling or unreasonably impact upon the privacy or amenity of adjoining land.

As such, site coverage alone is not a reason to refuse the application.

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## ANALYSIS/CONCLUSION

The proposed carport is to be situated substantially forward of the dwelling and will be located with a front setback of 3.7 metres, which in my opinion is not similar to, or compatible with the setbacks of the majority of buildings within the immediate and wider locality.

In my opinion, the proposed structure fails to adequately integrate into the dwelling's façade which is considered to have a detrimental impact on the streetscape and will further upset the consistent and attractive setting of existing buildings/structures within the street.

Whilst 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, it nonetheless does not sufficiently accord with the relevant provisions of the Development Plan, and it is recommended that Development Plan Consent be refused.

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/963 for a carport forward of the associated dwelling at 6 Barossa Crescent, Hallett Cove be **REFUSED** for the following reasons:

## REASONS FOR REFUSAL

- (1) The proposal fails to achieve a setback of 5.5m and be located 0.5m behind from the main face of the dwelling in accordance with Residential Zone Principle 8.
- (2) The width of the carport is greater than 6.0 metres, detracting from the appearance of the associated dwelling; at variance to Residential Zone Principle 6.
- (3) The carport does not have a roof form and pitch, building materials and detailing that complement the associated dwelling which does not accord with Principle 8 of the General Section: Residential Development.
- (4) The setback of the proposed carport is not consistent with, or compatible with the setback of the majority of dwellings and buildings in the street and is considered have a detrimental impact on the appearance and character of the locality. The proposal therefore fails to comply with the General Section: Design and Appearance Principles 23 and 25.

## Attachments

*Attachment I: Aerial Photograph/Site Locality Plan*  
*Attachment II: Proposal Plan and supporting documentation*  
*Attachment III: Representation received*

**DEVELOPMENT ASSESSMENT PANEL  
WEDNESDAY 17 JUNE 2015**

**Agenda Ref No:** DAP170615 – 4.1

**Originating Officer** Steve Hooper  
Manager – Development Services

**Description:** Review of General Operating Procedures

**REPORT OBJECTIVE:**

This report seeks to provide Development Assessment Panel Members with an opportunity to review the Development Assessment Panel General Operating Procedures in accordance with the Panel's resolution at its meeting on 4 March 2015.

**BACKGROUND:**

At its meeting on 4 March 2015 the Development Assessment Panel, adopted the current "General Operating Procedures" (GOP) without change.

However, the Panel also resolved to review the General Operating Procedures in 3 months' time where all members are present. Currently, Wendy Bell, an existing Independent Member is an apology for any meetings held in June. Therefore, the next possible meeting at which all members will be present is the meeting scheduled for 1 July 2015.

Any review of GOP will include a review of the current practice of excluding the public from attendance during the part of the meeting that consists of its discussion on determination of any application or other matter that falls to be decided by the Panel (Section 56A(12)(b) of the Development Act, 1993).

**RECOMMENDATION:**

- (a) That the Development Assessment Panel (DAP) review its General Operating Procedures (GOP) at the next meeting where all members are present.**
- (b) That the Development Assessment Panel determine whether it wishes to review the GOP before or after its consideration of applications for determination at the next meeting where all members are present.**

**GENERAL OPERATING PROCEDURES:**

The current General Operating Procedures (GOP) as adopted by the Development Assessment Panel on 4 March 2015 are attached at Appendix I. These procedures have remained unchanged since August 2011.



Whilst many of the clauses are consistent with the requirements of the Development Act, 1993 there is some discretion as to their wording. Nothing prevents the Development Assessment Panel from reviewing any of the following sections of the GOP:

- Section 1: Timing & Notice of Meetings;
- Section 2: Commencement of Meetings & Quorum;
- Section 3: Decision Making;
- Section 4: Minutes;
- Section 5: DAP Procedures and Support.

The key areas where a review might be considered relate to decision-making and voting:

### **Decision-making**

At its meeting on 10 December 2014, whereupon the Development Assessment Panel resolved to review its General Operating Procedures in March 2015, the Panel also resolved as follows:

*“This review is to include a review of the current practice of excluding the public from attendance during the part of the meeting that consists of its discussion on determination of any application or other matter that falls to be decided by the Panel (Section 56A(12)(b) of the Development Act, 1993).”*

For Member’s information, Section 56A(11) and 12(a) provides that the Development Assessment Panel will deliberate in public generally as a matter of standard practice, only with exceptions where certain criteria are met, such as consideration of legal advice or commercial in confidence.

Section 56A(12)(b) allows the Development Assessment Panel to deliberate at the exclusion of the public during so much of the meeting that consists of its discussion or determination of any application or other matter than falls to be decided by the Panel.

Council at its meeting on 24 February 2015 considered this matter and passed a number of resolutions including the view:

*“....that it is preferable that discussions, deliberations & the determination of applications by the DAP take place in public & that it only exclude the public from attendance during so much of a meeting as is necessary to receive, discuss or consider in confidence that information or those matters set out in Section 56A(12)(a) of the Development Act 1993. The Council recommends that the DAP consider adopting such an approach & incorporating this in its procedures when they are reviewed at the next DAP meeting in accordance with the DAP resolution. The Council’s recommendation is in the interests of raising accountability & promoting transparency in local government decision making & is consistent with its submission to the Planning Minister in relation to the Report of the SA Expert Panel on Planning Reform of December 2014 that, in the public interest, any planning authority should adopt procedures that ensure transparency of deliberations & decision making.*

This resolution was again resolved by Council at its meeting on 26 May 2015.

An amendment to the GOP to reflect the above position could be worded as follows:

- 3.1 In the interest of raising accountability & promoting transparency in local government decision making, the DAP will conduct its meetings and undertake all considerations in accordance with Section 56A(11) and 56A(12)(a) of the Development Act, 1993 and will only exclude the public from attendance when one or more of the requirements of Section 56A(12)(a)(i) - (x) are met.*

## **Voting**

Clause 3.3 of the GOP provides that all decisions of the DAP shall be made on the basis of a majority decision of the Members present and the minutes shall record that decision only (votes for/against will not be recorded and are not relevant once the majority is determined).

This practice is consistent with the current operations of the Council at its General Council Meetings.

## **ANALYSIS/CONCLUSION:**

In March 2015, the Development Assessment Panel resolved to review the General Operating Procedures in 3 months' time where all members are present. Currently, Wendy Bell, an existing Independent Member is an apology for any meetings held in June. Therefore, the next possible meeting at which all members will be present is the meeting scheduled for 1 July 2015.

The attached report provides members with a suitable time period to consider the General Operating Procedures and enable informed debate to occur at the next meeting at which all members are present. Members may wish to provide administration with guidance as to whether they seek to consider the General Operating Procedures before the consideration of development applications to be determined at the meeting or after the conclusion of these items, in which case the meeting will continue the current practice of excluding the public during deliberations of each item.

## **Appendix I: DAP General Operating Procedures**

## **CITY OF MARION**

### **DEVELOPMENT ASSESSMENT PANEL**

#### **General Operating Procedures**

**(adopted by DAP on 4 March 2015)**

#### **1. TIMING & NOTICE OF MEETINGS**

- 1.1. DAP meetings will be scheduled by the DAP in the first and third week of every month (except the first week of January), subject to there being business to consider.
  - 1.2. The DAP will meet in the Council Administration Centre at 245 Sturt Road, Sturt or at such other place as the DAP may determine.
  - 1.3. The Executive Officer must provide written notice detailing the date, time and place of a meeting to all DAP members at least three working days before the meeting. The notice shall include the Agenda for the meeting. The Presiding Member may include late items in the Agenda of a meeting with the leave of the meeting.
  - 1.4. Notice of DAP meetings may be given to DAP members by email to an address nominated by a DAP Member, or by personal delivery or post to the usual residence of a DAP Member, or via such other means as authorised in writing by a DAP Member.
  - 1.5. A copy of the Agenda (without attachments) for every meeting of the DAP shall be available for viewing by the public at the Council's Offices and Library and on the Council's web site at least three working days before the meeting of the DAP (*due to copyright restrictions it is not possible to provide copies of building plans for the public agenda*).
  - 1.6. A special meeting of the DAP may be convened by the Presiding Member at any time to consider urgent business by giving not less than forty eight hours written notice to all DAP Members.
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- 1.7. Notice of a Special meeting must be accompanied by an Agenda stating the item(s) of business for which the meeting has been convened. A Special meeting must only deal with the business for which the meeting has been convened.

## 2. **COMMENCEMENT OF MEETINGS & QUORUM**

- 2.1. DAP Meetings will be conducted in accordance with the *Development Act 1993* ('the Act') and these Operating Procedures.
  - 2.2. Meetings will commence on time and as soon as a quorum is present. If a quorum is not present within thirty minutes of the time for commencement, the Presiding Member may adjourn the meeting to the next scheduled meeting time and date, or to another time and date.
  - 2.3. A quorum for a meeting of the DAP is four (4) DAP Members.
  - 2.4. If the number of apologies received by the Executive Officer in advance of a meeting indicate that a quorum will not be present at a meeting, the Presiding Member may, by notice from the Executive Officer provided to all DAP Members in advance of the meeting, (a copy of which will be placed at the Council Offices and Library and on the Council's website) adjourn the meeting to a future time and date specified in the notice.
  - 2.5. If a meeting is required to be adjourned by the Presiding Member, the reason for the adjournment, and the date and time to which the meeting is adjourned will be recorded in the minutes.
  - 2.6. A Deputy Presiding Member of the DAP must be appointed by resolution of the DAP and will preside at any meeting or part thereof when the Presiding Member is not present.
  - 2.7. The Presiding Member will preside at all DAP meetings, however, in the absence of the Presiding Member, the Deputy Presiding Member will preside at the meeting (or part thereof) .
  - 2.8. If both the Presiding Member and Deputy Presiding Member are absent from a DAP meeting (or part thereof), a DAP Member chosen
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from those present will preside at the meeting and will have all of the powers and duties of the Presiding Member.

- 2.9. Subject to the Act, the Terms of Reference and these Operating Procedure, the Presiding Member will facilitate the meeting in a manner which promotes healthy, orderly, constructive, respectful and expeditious discussion, but not repetitious or irrelevant discussion.
- 2.10. The Presiding Member may adjourn a meeting in the event of a disruption or disturbance by a DAP Member, an applicant, a representor or any other person present at the DAP meeting until such time as the disruption or disturbance ceases..
- 2.11. The Presiding Member may ask a member of the public who is present at a meeting of a DAP who is:
  - 2.11.1 behaving in a disorderly manner; or
  - 2.11.2 causing an interruption; or
  - 2.11.3 using audio and video recording devices, without the prior agreement of the Presiding Member;to leave the meeting.

### 3. **DECISION MAKING**

- 3.1. The DAP will conduct its meetings and undertake all considerations in accordance with section 56A(11) and (12) of the Act.
  - 3.2. Each DAP Member present at a meeting is entitled to one vote on any matter arising for decision and, if the votes are equal, the Member presiding at the meeting is entitled to a second or casting vote.
  - 3.3. All decisions of the DAP shall be made on the basis of a majority decision of the Members present and the minutes shall record that decision only (votes for/against will not be recorded and are not relevant once the majority is determined).
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- 3.4. The DAP must use the Development Plan as the basis for its decisions, having had regard to any written and verbal representations made in accordance with the provisions of the Act.
  - 3.5. The DAP must, for each and every application, determine whether the proposal is seriously at variance with the Development Plan and expressly record its determination on this matter in the minutes. If the DAP determines that the proposal is seriously at variance with the Development Plan, the DAP must provide reasons for its determination and must expressly record those reasons in the minutes.
  - 3.6. A development application that is assessed by the DAP as being seriously at variance with the Development Plan will not be granted approval.
  - 3.7. The DAP must, for each and every application, provide reasons for granting or refusing Development Plan Consent and expressly record those reasons in the minutes.
  - 3.8. Subject to the Act, a person who has lodged a development application or a valid representation in relation to a matter is entitled to appear before the DAP and be heard in support of the application or representation, in person or by an agent. Representors and applicants will be allowed 5 minutes each to address the DAP, unless a longer time is allowed by the Presiding Member.
  - 3.9. At the discretion of the Presiding Member, any new or additional material to be submitted to the DAP by a person who has made a development application or a valid representation in relation to a matter may be accepted and considered by the DAP.
  - 3.10. At the discretion of the Presiding Member, a DAP Member may ask questions of any person appearing before the DAP. The Presiding Member may refuse any such question posed by a DAP Member if in his/her opinion it is not relevant to the subject development application. The Presiding Member's determination in this regard is final.
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#### 4. **MINUTES**

- 4.1. The Executive Officer is responsible for ensuring that accurate minutes are kept of DAP meetings and that they are confirmed by the DAP and signed by the Presiding Member.
  - 4.2. The minutes of the proceedings of a DAP meeting will record:
    - 4.2.1 the names of the DAP Members present;
    - 4.2.2 the name and time that a DAP Member enters or leaves the meeting;
    - 4.2.3 the name of a person who has made a representation to the DAP at the meeting;
    - 4.2.4 the decision of the DAP, including an express opinion on whether the proposed development is seriously at variance with the Development Plan (including reasons as appropriate);
    - 4.2.5 detailed reasons for granting or refusing Development Plan Consent;
    - 4.2.6 in the absence of a decision, the deferral of the application including the reasons for the deferral;
    - 4.2.7 any disclosure of interest made by a DAP Member and the nature of the interest;
    - 4.2.8 a decision to exclude public attendance; and
    - 4.2.9 a notation, describing the confidential nature of the information and matter, in the event that a matter has been excluded from the minutes.
  - 4.3. Minutes shall not be formal minutes of a meeting until adopted by the DAP at its next meeting. This does not, however, preclude the issue of Decision Notification under the Act, advising of the determination of the DAP of Development Applications immediately after a meeting at which the DAP determined the particular application.
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- 4.4. On the confirmation of the Minutes, the Presiding Member will:
  - 4.4.1 initial each page of the Minutes, which pages are to be consecutively numbered; and
  - 4.4.2 place his or her signature and the date of confirmation at the foot of the last page of the Minutes.
- 4.5. The Minutes of a DAP meeting must be forwarded to the Council and must be publicly available within two business days after their confirmation by the DAP.

## **5. DAP PROCEDURES & SUPPORT**

- 5.1. Insofar as the Act, the Terms of Reference and these Operating Procedures do not prescribe the procedure to be followed at a DAP meeting, the DAP may determine the procedure at that time. Any such determination will be added to these Operating Procedures.
  - 5.2. The DAP will permit and encourage the active participation of Council staff in attendance at a meeting in providing advice to the DAP.
  - 5.3. The DAP may call for and consider such professional assistance from Council staff and other professional advisors as it deems necessary and appropriate. In particular the DAP should consider engaging appropriate professional advice and assistance in relation to the Annual Performance Review it is required to undertake under clause 2.1.3 of the Terms of Reference.
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