

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 18 FEBRUARY 2015**

- 1. OPENING OF MEETING**
- 2. APOLOGIES**
- 3. APPLICATIONS:**
 - 3.1 1 GREY ROAD, HALLETT COVE**
To construct a three storey detached dwelling exceeding a building height of 9 metres and incorporating a garage wall along the western side boundary with swimming pool, car parking, landscaping and associated two storey “pool pavilion” building with home office
DAP180215 – 3.1.....1
 - 3.2. 1/2A DAWS ROAD, ASCOT PARK**
A change in use from office to shop (pizza takeaway), with associated internal works and canopy flue
DAP180215 – 3.2.....65
 - 3.3 IN FRONT OF 13, 15 AND 21 SCARBOROUGH TERRACE, DOVER GARDENS**
To remove two Regulated Trees in front of 13 and 21 Scarborough Terrace and one Significant Tree in front of 15 Scarborough Terrace (all WA Willow Myrtles) due to risk to pedestrians and motorists
DAP180215 – 3.3.....92
 - 3.4 2 BURLINGTON ROAD, HALLETT COVE**
A single storey detached dwelling and garage
DAP180215 – 3.4.....108
 - 3.5 19 AUSTRAL TERRACE, MORPHETTVILLE**
To construct three (3) single storey dwellings, with Dwelling 1 incorporating a wall abutting the eastern side boundary
DAP180215 – 3.5.....140
 - 3.6 17 FETLAR AVENUE, MARION**
Four single storey dwellings (two to the rear of the site), all with associated car parking and landscaping
DAP180215 – 3.6.....170

4. OTHER BUSINESS:

4.1 APPEALS UPDATE

4.2 POLICY OBSERVATIONS

**5. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL
HELD ON 18 FEBRUARY 2015**

6. CLOSURE

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 February 2015

Agenda Ref No:	DAP180215 – 3.1
Originating Officer:	Stephen Both Senior Development Officer - Planning
Applicant:	Mr John Ward
Development Description:	To construct a three storey detached dwelling exceeding a building height of 9 metres and incorporating a garage wall along the western side boundary with swimming pool, car parking, landscaping and associated two storey “pool pavilion” building with home office
Site Location:	1 Grey Road, Hallett Cove
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 2 / Consent
Development Plan:	Consolidated – 19 January 2012
Application No:	100/2013/259
Recommendation:	Development Plan Consent (Granted)

BACKGROUND

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 or a building exceeding a building height of 9 metres as Category 2 forms of development.

The subject application constitutes a Category 2 form of development on two counts in that it proposes the construction of garage wall measuring 3.6 metres in height along the western side boundary, whilst the dwelling is to exceed a building height of 9 metres.

This application is to be considered by the Development Assessment Panel as the development received written representations expressing opposition to the proposal with four representors expressing a desire to be heard by the Panel. Council has delegated decisions which involve the hearing of unresolved representations to the Development Assessment Panel.

During the assessment process, Council staff requested the following information to be provided to assist in a full assessment of the proposal:

Information Requested	Information Provided
The applicant is to provide a set of line-of-sight diagrams confirming the that the proposed awning along the western elevation of the dwelling effectively blocks a view into the eastern and western private yard areas of the dwelling situated to the west of the subject land.	The applicant has provided the required plans which allowed for a proper assessment of this issue. The plan is marked SK14 - A and helps to show how the proposed awning will prevent a direct view down into the eastern and western private yard areas of the dwelling located to the west.
Applicant is to provide shadow diagrams indicating shadow cast by the dwelling at 9:00am, 12:00 noon and 3:00pm on the 22 nd of June and 22 nd of December.	The applicant has provided the required information which is attached. Refer to the plan marked SK12-A.
The applicant is to provide accurate elevation plans depicting the true heights of the proposed dwelling relative to the height of the existing dwelling to the west to provide a true presentation of the proposed streetscape along Grey Road.	This plan has now been provided by the applicant. Refer to the plan marked SK07-C.
The applicant is to provide confirmation as to the proposed materials and finishes to be used in the construction of the proposed dwelling. Bright and reflective colours should be avoided in accordance with the Council's Development Plan for Policy Area 11.	The applicant has provided the required information which is attached. Refer to the plan marked SK13 - A.
The applicant is to provide a fully engineered site works and drainage plan showing drainage details and the level of cut and fill proposed for the subject land.	The applicant has provided the required information which has now been assessed by Council's Engineer with no issues raised.

Amendments Requested	Amendments Made
The applicant is to increase the north facing screen along the western boundary to 1.5 metres in height to match the height of the glass panels along this same boundary.	The applicant has made the appropriate change which now provides less opportunity to overlook into the eastern side yard of the dwelling located to the west from Balcony 1. Refer to the plan marked SK10 - C (Image 5)
The applicant is to provide a 1.0 metre high opaque pool balustrade along the western side of the pool to prevent overlooking from the pool deck into the rear yard and dining room windows of the property to the west.	The applicant has amended the plans accordingly and has provided a 1.0 metre high opaque balustrade wall along the western side of the swimming pool. Refer to the plan marked SK08 - C.

SUBJECT LAND & LOCALITY

The subject land is located at 1 Grey Road Hallett Cove and is located on the southern side of the road, being a "dead-end" street. The subject land comprises a large rectangular shaped allotment which enjoys an 18.29 metre frontage to Grey Road and a depth of 54.86 metres to provide a total site area of 1,003.4 square metres. The subject land is currently vacant and is devoid of any existing trees or significant vegetation, whilst the Certificate of Title confirms that the land is clear of any easements or encumbrances.

The subject land slopes downwards towards the coast in a westerly direction and also across the allotment towards the south-western corner of the site. The subject land then slopes significantly towards the south-western corner of the allotment into an existing gully which runs in a westerly direction through the adjacent property to the east onwards to the coast. The

existing gully is steep on all sides and reasonably well vegetated and directs stormwater from land above the site of the development towards the coast.

The locality is characterised by a predominance of single and double storey detached dwellings (some split level in design) in a diverse range of architectural styles on large regular shaped allotments. Many two storey detached dwellings exist within the locality as noted immediately to the south-east of the subject land at 3 and 5 Kooraweera Street, Hallett Cove. A two storey detached dwelling located at 2 Grey Road, being situated directly opposite the site of the development, is the only new dwelling to have been constructed within the locality in recent times and provides a split level design which incorporates an “infinity” swimming pool located to the very front of the dwelling, facing the coast.

Given the sloping nature of the land within the locality, dwellings located on the eastern side of the subject land fronting Kooraweera Street, being land that sits above the height of the subject land, have been developed with upper level west facing balconies and living areas to take advantage of views out to sea and along the coastline as exhibited to the rear of the dwellings located at 3 and 5 Kooraweera Street which provide multiple balcony levels facing west. Given the sloping topography of the land within the locality, a high degree of overlooking already exists being inherent within this section of Hallett Cove. Land located on the western side of the subject land slopes dramatically downwards towards the coast.

Refer Attachment I

PROPOSED DEVELOPMENT

The applicant proposes to construct a three storey detached dwelling to the front of the subject land with under-croft garage, associated storage area and connecting lift located at basement level. A second two storey ancillary building (pool pavilion building) will be constructed to the rear of the subject land and will overhang some portion of the existing gully located to the very rear of the allotment.

Both buildings are to be interconnected by an extensive array of elevated timber decks which are to be suspended above the ground by a series of support poles. The various raised timber decks and balcony areas will be utilised by the residents of the dwelling for recreation and entertainment purposes. These areas will comprise the only useable areas of open space associated with the dwelling which is to include a 25 metre long by 3 metre wide lap pool located along the western side of the property.

The main living areas of the dwelling are to be confined within the three storey component with dining, lounge and living areas proposed at ground floor level, whilst four bedrooms including the main bedroom and a secondary lounge area are to be located at first floor level. A separate bedroom, ground floor office with associated amenity area plus first floor living area are all to be confined within the proposed two storey pool pavilion building located to the rear of the site.

In respect to on-site car parking provision, the proposed dwelling will provide two undercover car parking spaces within the under-croft garage with parking for three vehicles provided within the secondary driveway running along the eastern side of the property. Materials and finishes of construction will include a combination of light weight and metal cladding, timber, masonry and concrete to be painted in a variety of light natural tones and colours.

Refer Attachment II

PUBLIC NOTIFICATION

Properties notified:	5 properties were notified during the Category 2 public notification process.
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Representations:	<p>5 representations were received by Council all objecting to the proposed development.</p> <ul style="list-style-type: none"> • Mr Tony Hollingsworth, on behalf of Mrs S Hollingsworth the owner of 1 The Esplanade, Hallett Cove. • Ms Sarah Mahoney of 1 Kooraweera Street, Hallett Cove and • Mr Steve Meldrum of 3 Kooraweera Street, Hallett Cove. (Both to be represented by Mr Ian Rice of Griffen Lawyers) • Julie Lawrence of 3 Kooraweera Street, Hallett Cove. • Mr & Mrs Jarrett of 5 Kooraweera Street, Hallett Cove. <p>(Note:- Members are advised that upon reviewing the amended plans submitted in response to the representations, Mr and Mrs Jarrett formally withdrew their representation by e-mail dated 22 July 2014. A copy of this letter can be provided by contacting the author of this report).</p>
Persons wishing to be heard:	<p>All representors have advised that they wish to be heard by the Panel.</p>
Summary of representations: <i>Refer Attachment III</i>	<ul style="list-style-type: none"> • The height of the proposed dwelling is considered excessive and will have detrimental impacts on the amenity of residents and the locality. • The bulk and scale of the proposed dwelling is not in keeping with that of existing dwellings located opposite the subject land. • The proposed dwelling will provide opportunities to overlook into the private yard areas of adjacent properties thereby diminishing the privacy of existing residents. • Given the height of the proposed dwelling considerable overshadowing of adjacent properties will occur. • The application plans are misleading with inaccurate information making it difficult to understand the full impacts of the proposed development. • The application has been incorrectly notified and categorised by the Council and should therefore be re-notified as a Category 3 kind of development. • The design of the dwelling is inappropriate being overbearing and out of character with other dwellings within the locality and; • The dwelling will block existing views to the west and north and will have an adverse impact on the amenity of existing residents within the locality.

<p>Applicant's response: <i>Refer Attachment IV</i></p>	<p>In response to the representations, the applicant made various changes to the proposed dwelling in an attempt to address the concerns raised. Such changes included the following;</p> <ul style="list-style-type: none"> • The removal of the gymnasium from the lower ground floor level, • The deletion of the office and kitchenette components from the pool pavilion building, • The inclusion of a home office of 11.55 square metres on the first floor of the pool pavilion building, • The removal of the under croft car parking space below the outdoor deck, • A reduction in the overall wall height of the pool pavilion building by 650mm, • The inclusion of an ancillary pergola to the pool pavilion building and; • A reduction in the finished floor level of the deck by 400mm. <p>The applicant has provided a comprehensive response summarising the above changes to the dwelling as well as the individual representations received by Council.</p>
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INTERNAL DEPARTMENT COMMENTS

<p>Engineering:</p>	<ul style="list-style-type: none"> • Council's Engineer has raised no concerns in relation to the site works and drainage plan that has been provided by the applicant. • Council's Engineer has raised no concerns in relation to the vehicular access into and out of the under-croft garage but has requested that drainage grates in the driveway be designed for heavy duty use. • The crossovers and driveway gradients of the proposed and altered driveways to the front of the dwelling have been assessed as being satisfactory.
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DEVELOPMENT ASSESSMENT

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

Residential Zone

Objectives

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

Hills Policy Area 11

Objectives

- 1 A policy area primarily comprising of detached dwellings at low densities.

- 2 Residential development sensitive to the particular topography of the area and which has minimal visual and environmental impacts.
- 3 Development that contributes to the desired character of the policy area.

Principles of Development Control

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

Desired Character

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

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

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

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

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

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

In respect to the above provisions, I am of the opinion that the proposed development accords with the primary objectives of the Hills Policy Area 11 in that the new dwelling comprises a single detached dwelling on a large regular shaped allotment being an envisaged form of housing type within the Policy Area. The density of the development is considered appropriate for the locality whilst the design and layout of the dwelling makes good use of the sloping nature of the subject land without significantly altering the existing topography of the land to any great degree. As noted on the site works plan, very little cutting and filling of land is envisaged with most of the proposed built form to be suspended above the surface of the land by several strategically placed support poles. Whilst some retaining walls are proposed, they are considered relatively minor in nature without having a detrimental impact upon adjacent land.

Whilst the proposed dwelling will not be prominently visible from the Adelaide Plains, I am of the opinion that it has been well positioned on the subject land, being centrally located on the allotment. Notwithstanding the construction of the under-croft garage along the western side boundary, the upper level components of the detached dwelling and associated building to the rear are considered to be suitably setback from side boundaries, thereby providing an adequate level of visual separation between the proposed dwelling and that of existing dwellings located either side the subject land.

Whilst defined as a three storey dwelling, the height of the proposed dwelling is not considered to be out of character with the height of other two storey dwellings located within the locality. As such, it is considered that the proposed dwelling will not visually dominate nor look out of place within the existing coastal landscape. In terms of design and appearance, the proposed built form is well articulated to help reduce the perception of bulk and scale, whilst the varied use of different colours, materials and finishes of construction, such as timber, glass and external cladding material all contribute to provide a desired level of visual interest in accordance with the desired character statement for the Hills Policy Area 11.

The subject land is notably devoid of any existing vegetation having been cleared, nonetheless the applicant has indicated areas on the application plans which are to be landscaped and vegetated as part of the proposed development. It is noted that details confirming the species and type of vegetation to be planted have not been provided with the application. Given this, it is recommended to include a condition of consent which requires the applicant to provide a dedicated landscaping plan including such details, so as to establish additional vegetation on the land which in time will contribute to the landscape character desired in the Hills Policy Area.

The proposed development has also been designed to minimise the potential to overlook into the living areas and private yard areas of adjacent properties, especially the dwelling located to the west of the subject land at 1 The Esplanade, being the property most affected by the proposed development. Such treatments include the incorporation of wooden slat privacy screens along upper level windows, the erection of a frosted glass balustrade along the western side of the swimming pool and the inclusion of high level windows to upper level bedrooms.

The applicant has also included a canopy screen which is to be attached along the western side of the dwelling to help obscure views of the adjacent property to the west from upper level windows located along this elevation. This canopy screen extends out from the side of the dwelling for a distance of 2.7 metres and essentially directs views over the roof of the adjacent dwelling to the west and not directly down into the private side and rear yards of the property. The effectiveness of this screen is best illustrated in the "line of sight" plan numbered SK14 – A.

View Loss

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 Kooraweera Street, and to a lesser degree, 5 Kooraweera Street.

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

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

Step 1: Assess the views to be affected (i.e. water, land, coast etc);

Step 2: Consider from which part of the property the views were being obtained;

Step 3: Assess the extent of impact of the loss of views; and lastly

Step 4: Assess the reasonableness of the development proposal.

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

Introduction

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

The proposed development has been altered to reduce the potential loss of existing views currently enjoyed by surrounding residents, especially the residents of the dwellings located to the east of the subject land at 1, 3 and 5 Kooraweera Street. In response to concerns raised during the public notification process, the applicant made design changes to the proposal including reducing the height of the “pool pavilion” building situated to the rear of the subject land. By reducing the height of this building, it was anticipated that views out from the balcony of the dwelling at Kooraweera Street would slightly improve as a result.

View gained from the dwelling at 3 Kooraweera Street is in a north-west to south-westerly direction (travelling in an anti-clockwise direction), and gained from living areas and balconies/decks. View would be available from a sitting or standing position and is achieved over the rear boundary of the property.

As illustrated by the line-of-sight information set out on the plan marked SK11 – B, the applicant has endeavoured to demonstrate how some view to the west can now be gained from the mid-level west facing balcony of this dwelling. The section plan and supporting documentation seeks to illustrate how the reduction in height of the proposed “pool pavilion” building will provide a view above the roof of that building, thereby resulting in a slight increase in the amount of view to be gained in a westerly direction from the mid-level balcony of the dwelling located at number 3 Kooraweera Street.

Having stood on the mid-level west facing balcony of this dwelling, I have formed the opinion that some improvement/increase in the amount of view is to be gained via the application amendments, however, the existing view down into the existing gully and coastline would be lost as a consequence of the proposed development, with the only view to be obtained being limited to the ocean horizon to the west. That having been said, an inspection of the very upper level, first floor balcony revealed that an unrestricted and commanding view was easily achieved of the gully and subject land below, including the Hallett Cove coastline. A view of the Adelaide coastline is also likely to be largely unaffected by the proposed development from this upper level balcony.

In conclusion, it is my position that the extent of view loss likely to be experienced from 3 Kooraweera Street is moderate to substantial, but not of a severity as to warrant further amendments to the application.

By comparison with the dwelling located at 3 Kooraweera Street, it was considered that the views currently afforded to the dwellings located at 1 and 5 Kooraweera Street would be largely unaffected by the proposed development.

In respect to the properties located at 1 and 5 Kooraweera Street, it was noted that the primary views afforded each property were as follows;

- 1 Kooraweera Street, Hallett Cove

The single storey dwelling at this address has a raised deck which has been constructed to the rear of the dwelling and faces in a north-westerly direction out towards the coast. The residents of this dwelling are currently able look out over Grey Road in a north-westerly direction and are provided an unrestricted angled view of the coast from this vantage point.

It is considered that the construction of the proposed dwelling at 1 Grey Road will to some extent restrict some of the existing viewed gained by the residents of the dwelling at this address. That having been said, the construction of any dwelling on the land at 1 Grey Road, whether single or two storey in height, would have some impact on the range of view currently gained from the raised deck to the rear of the property.

- 5 Kooraweera Street, Hallett Cove

The two storey dwelling located at the above address provides an upper level balcony which provides an unrestricted view in a westerly and southerly direction out to sea. The range of view provided from the upper level balcony of this dwelling is restricted as a result of the setting of the adjacent dwelling to the north at 3 Kooraweera Street. This dwelling sits forward of the dwelling at 5 Kooraweera Street thereby blocking a view of the Adelaide coast line.

On balance, it is my opinion that the proposed development sufficiently accords with a majority of the applicable provisions of the Hills Policy Area 11.

QUANTITATIVE ASSESSMENT

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

MARION COUNCIL DEVELOPMENT PLAN PROVISIONS		ASSESSMENT
Residential Zone – Hills Policy Area 11		
<p>PRIVATE OPEN SPACE</p> <p><i>General Section: Residential Development: Principle 27</i></p>	<p><i>Private open space should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living areas of the dwelling</i> <i>(b) generally at ground level to the side or rear of a dwelling and screened for privacy...</i> <i>(f) to have a northerly aspect to provide for comfortable year-round use</i> <i>(g) to not be significantly shaded during winter by the associated dwelling or adjacent development...</i> 	<p>Generally Complies</p> <p>The open space provided in relation to this application comprises a combination of ground and first floor balcony areas as well as the interconnecting deck areas and swimming pool which when calculated together, equates to 376 square metres of useable area which is to serve the entertaining and recreational needs of the residents of the dwelling.</p>
<p><i>General Section: Residential Development: Principle 29</i></p>	<p>20% of site area</p> <p>One part of the space is directly accessible from a living room and has an area at least 10% of the site area with a minimum dimension of 5 metres and maximum gradient of 1-in-10.</p>	<p>Complies</p> <p>376m² = 37% of the site area</p> <p>Complies</p> <p>All balcony and open deck areas associated with the dwelling are directly accessible from internal living areas.</p> <p>The proposed development provides usable flat open deck areas which measure greater than 5 metres in dimension.</p>
<p>STREET SETBACK</p> <p><i>General Section: Design and Appearance: Principle 18</i></p>	<p><i>Development (excluding verandahs, porches and similar), fronting the primary street should be setback:</i></p> <ul style="list-style-type: none"> <i>(a) the same distance as one or the other of the adjoining buildings, provided the difference between the setbacks of the two adjoining buildings is less than or equal to 2 metres</i> 	<p>Complies</p> <p>The front setback to the proposed detached dwelling is considered appropriate being located in line with the side setback of the dwelling to the east at 1 Kooraweera Street and well behind the side setback of the dwelling located to the west at 1 The Esplanade.</p>

<p>GARAGING</p> <p><i>Residential Zone: Principle 6</i></p> <p><i>Residential Zone: Principle 8</i></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>Garages / carports should be set back from the primary road frontage 5.5 metres and at least 0.5 metres behind the main face of the dwelling.</i></p>	<p>Complies The under-croft garage measures 6.0 metres in width which equates to less than 50% of the width of the allotment being 32%.</p> <p>Complies The under-croft garage is to be set back 5.5 metres from Grey Road and 0.5 metres behind the main face of the dwelling.</p>
<p>REAR SETBACKS</p> <p><i>Residential Zone: Principle 7</i></p>	<p><i>8 metres for single and double storey dwellings within Hills Policy Area 11.</i></p>	<p>Does Not Comply 6 metres</p>
<p>SIDE SETBACKS</p> <p><i>Residential Zone: Principle 7</i></p>	<p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p>	<p>Complies Western Boundary (being between 3.0 to 4.5 metres from the boundary for walls measuring between 6.6 to 7.2 metres in height along the western side elevation)</p> <p>Complies Eastern Boundary (being between 3.0 to 4.0 metres from the boundary for walls measuring between 5.4 to 7.2 metres in height along the eastern side elevation)</p>
<p>WALLS ON SIDE BOUNDARIES</p> <p><i>General Section: Residential Development: Principle 24</i></p>	<p><i>Where no wall exists on the adjacent boundary, boundary walls should:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p>	<p>N/A.</p> <p>Does Not Comply (ii) The eastern wall of the garage will extend for a distance of 10 metres along the western side boundary.</p> <p>Does Not Comply (iii) The garage wall will stand 3.6 metres in height.</p> <p>Complies</p>
<p>BUILDING HEIGHT</p> <p><i>Residential Zone: Principle 7</i></p>	<p><i>2 storeys of not more than 9 metres.</i></p>	<p>Does Not Comply The dwelling will stand three stories in height however one storey will be located below at basement level with two levels exposed above existing/natural ground level.</p>

<p>ON-SITE CAR-PARKING & ACCESS</p> <p><i>Residential Zone: Principle 7</i></p>	<p><i>Detached, semi-detached, or row dwellings: 4 or more bedrooms: 3 spaces (one of which is covered)</i></p>	<p>Complies</p> <p>A total of five (5) spaces are provided with two (2) undercover parks within the under-croft garage whilst the proposed driveway along the eastern side of the subject land can comfortably accommodate (3) vehicles in a stacked arrangement.</p> <p>In addition, one (1) on-street car parking space is to be provided on Grey Road to the front of the subject land located between the proposed and existing driveways.</p>
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The proposal generally 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:

- Rear setback of the “Pool Pavilion” building;
- Garage wall along the adjacent side boundary and
- Building Height.

Rear setback of the “Pool Pavilion” building;

The rear set back of the pool pavilion building is proposed at 6 metres from the rear property boundary where the Council’s Development Plan prescribes a minimum distance of 8 metres for single and double storey dwellings/buildings within Policy Area 11. This equates to a shortfall of 2 metres, however this shortfall is not considered significant given the presence of an existing gully which runs along the rear boundary of the subject land.

This gully essentially forms a natural barrier which separates the rear of the subject land from other land, thereby providing a buffer separating the nearest residential property located to the south at 5 Kooraweera Street. Given this, it is considered that the proposed pavilion building will have no direct impact on any existing dwellings or buildings located to the rear of the subject land. As such, the above shortfall is considered acceptable in this instance.

Garage wall along the adjacent side boundary;

The second shortfall for discussion relates to the garage wall of the under-croft garage which is to be located along the western side boundary adjacent the eastern property boundary of the property located at 1 The Esplanade, Hallett Cove. As noted above, the wall of this garage will measure 10 metres in length and will stand 3.6 metres in height, exceeding the maximum distance of 6 metres in length and 3 metres in height prescribed by Council’s Development.

Whilst this wall will stand above the height of the existing dwelling to the west and therefore look visually dominating within the existing streetscape, the slope of the land and differences in height between the subject land and the property at 1 the Esplanade exacerbates this visual dominance. That having been said, any dwelling proposed on the subject land is likely to result in a level of fill adjacent the northern side boundary.

As such, an under-croft garage, as proposed, reduces the extent of fill required by being set-down into the land greater than a conventional dwelling design. In addition, it is noted that the proposed wall is suitably located adjacent the attached garage of the dwelling at number 1 and some reasonable distance from the private living areas located to the front of the dwelling.

As a result of this, it is likely to expect that the garage wall along the boundary will not have such an adverse impact on the amenity of the residents of this dwelling given the distance of separation between the garage wall and existing private living areas located on the western and southern sides of the dwelling. Given this, the location of the proposed garage wall along this section of the boundary is considered to be acceptable in that it will not significantly erode to the amenity of the resident of the dwelling at 1 The Esplanade, Hallett Cove.

Building Height:

I have calculated the “maximum building height from natural ground level” as the measurement in a vertical line through the building, finding the highest measurement of the building and the parts/area 9.0 metres or greater above natural ground level.

I appreciate this position is different to the approach taken for ‘Building Height’ as per Schedule 1 of the Development Regulations, however, the ‘Parameter’ in Zone Principle 7 comprises different wording.

From my measurement, the proposed dwelling incorporates a maximum height above natural ground level of 9.8 metres – measured at the north-western corner point of the protruding roof (refer Attachment II). If I am wrong in this regard, the building height above natural ground level would not be 9.8 metres, but rather 10.8 metres.

Based upon my approach, all other parts of the roof, and therefore the remainder of the dwelling, incorporate a height less than 9.0 metres above natural ground level directly below that point.

As noted during the assessment of this application, the proposed development has been suitably located on the subject land in order to reduce potential adverse impacts. Whilst the dwelling is to provide three stories, one storey is to be located generally below ground level comprising the basement level. The ground and first floor levels of the dwelling will be exposed being highly visible when viewed from surrounding land. The upper level sections of the dwelling provide a high degree of articulation which assists to reduce the bulk of the building.

That having been said, the locality contains many two storey detached dwellings some of which stand at a greater height to that of the proposed dwelling, such as the dwellings located immediately to the south-east of the subject land at 3 and 5 Kooraweera Street, Hallett Cove. Given the height of these existing dwellings and the visual impact that they have on the existing landscape, I am of the opinion that the building height of the proposed dwelling to be in keeping with the character of the locality being similar in height and scale of existing dwellings within this section of Hallett Cove.

The excess in height will not result in an unreasonable impact upon adjoining land via bulk, overshadowing or loss of view (as explained in this report), and as such, it is my view that the height of the dwelling above ground level is acceptable.

QUALITATIVE ASSESSMENT

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

RESIDENTIAL DEVELOPMENT:

Overshadowing

- 8 *The design and location of buildings should ensure that direct winter sunlight is available to adjacent dwellings, with particular consideration given to:*
 - (a) *windows of habitable rooms, particularly living areas*
 - (b) *ground-level private open space*
 - (c) *upper-level private balconies that provide the primary open space area for any dwelling*
 - (d) *access to solar energy.*
- 10 *Development should ensure that north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9:00 am and 5:00 pm on the 21 June.*
- 11 *Development should ensure that ground-level open space of existing buildings receives direct sunlight for a minimum of two hours between 9.00 am and 3.00 pm on 21 June to at least the smaller of the following:*
 - (a) *half of this space*
 - (b) *35 square metres of this space (with at least one of the area's dimensions measuring 2.5 metres).**In cases where overshadowing already exceeds these requirements, development must not increase the overshadowed area.*

As the northern boundary of the subject land extends along Grey Road, it is likely to expect that the majority of shadow to be cast by the proposed three storey dwelling and pool pavilion building will extend over the rear of the subject land. To help to assess the impacts of any potential overshadowing of existing dwellings to the east and west of the subject land, the applicant has provided shadow diagrams which indicate the limit of overshadowing that is expected to occur at 9.00 am, 12.00pm (noon) and at 3.00pm on the 22nd of December and at 9:00 am, 12:00pm (noon) and 3:00pm on the 22nd of June.

What these plans indicate, is that a high degree of overshadowing will occur over the adjacent property to the west at 1 The Esplanade at 9:00am on the 22nd of December and 22nd of June, with very little shadow to be cast over this property after these times for the rest of the day. Properties to the east of the subject land at 1 and 3 Kooraweera Street will receive some overshadowing at 3:00pm on the 22nd of December and 22nd of June but the amount of shadow to be cast is not considered significant, being largely confined to the driveway area located along the eastern side of the subject land. It is also of value to acknowledge that these dwellings are set above the existing ground level of the subject land thereby limiting the extent of shadow to be cast.

In summary, the extent of overshadowing to occur is not considered sufficient enough to jeopardise the merits of the proposal, as the maximum extent of shadow will only be cast for a portion of the day, and will be significantly less at other times of the year. Accordingly, the potential impact of overshadowing is not considered to have an unreasonable impact on the amenity of the residents located either side of the subject land.

Garages, Carports and Outbuildings

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

Please refer to Table Discussion

Visual Privacy

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

The proposed development has been designed to minimise the impacts on the privacy of adjacent residents, especially the dwelling located to the west of the subject land at 1 The Esplanade. Such treatments include the incorporation of wooden slat privacy screens along upper level windows, the erection of a 1.5 metre high frosted glass wall along the western side of the swimming pool and the inclusion of high level windows to upper level bedrooms.

The applicant has also included a canopy screen which is to be attached along the western side of the dwelling to help obscure views of the adjacent property to the west, from upper level windows located along this elevation. This canopy screen extends out from the side of the dwelling for a distance of 2.7 metres and essentially directs views over the roof of the adjacent dwelling to the west away and over the private side and rear yards of the property.

Whilst the above measures will go some way to addressing the overlooking concerns raised by staff during the assessment of the proposed development, it needs to be acknowledged that some degree of overlooking is still likely to occur as a consequence of the topography of the land and the differences in height of adjacent buildings within the locality. In areas such as Hallett Cove and other sloping areas of the City of Marion, it is difficult, if not impossible to eliminate the potential for some overlooking to occur.

On balance, I am of the opinion that the proposed three storey dwelling has been designed to maintain an adequate level of visual privacy in accordance with Principle of Development Control 34 above.

Access

- 41 *Driveway crossovers should be appropriately separated, and the number should be minimised to optimise the provision of on-street visitor parking.*
- 42 *The width of driveway crossovers should be minimised and have a maximum width of:*
- (a) 3 metres wide for a single driveway*
 - (b) 5 metres wide for a double driveway.*
- 43 *Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.*

The existing driveway located on the western side of the subject land is to be altered and widened providing vehicular access to the under-croft garage. The driveway is proposed to widen to 6 metres in width and is to be provided with splayed crossover to allow safe and convenient movement of vehicles in and out of the under-croft garage.

As noted on the site works plan provided with the application, an existing Telstra Pit is to be incorporated into the extended surface of the driveway servicing the under-croft garage. This has been brought to the attention of the applicant who has agreed to pay all relevant costs associated with making this pit trafficable in accordance with Telstra's requirements.

Members are advised that Council's Development Plan requires that all driveway and crossovers should be setback a minimum distance of 1 metre from existing Council street trees and infrastructure (i.e. stobie poles, side entry pit and the like).

In addition to the above, the applicant is also proposing a new single width crossover and driveway along the eastern side of the subject land. This new driveway will measure 4 metres in width and has been assessed by Council's Engineering Department as being acceptable. No obstructions such as stobie poles or street trees were noted upon an inspection of the new crossover along the eastern side of the subject land.

Car Parking

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

The proposed development includes two (2) undercover car parking spaces within the under-croft garage and three (3) visitor parking spaces within the proposed new driveway to be constructed along the eastern side of the subject land for a total of five (5) on-site car parking spaces. As such, the proposed development provides the required number of spaces for a dwelling providing four bedrooms.

DESIGN & APPEARANCE:

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

It is considered that the proposed dwelling provides a high degree of articulation and visual interest when viewed from the street and surrounding land. Such design elements comprise the inclusion of vertical and horizontally placed windows along the northern, western and southern elevations of the dwelling. It is considered that these features will enhance the general appearance of the dwelling when viewed from the street in accordance with Principles of Development Control 1 and 2 above.

Materials and finishes of construction are considered to be acceptable, comprising a combination of rendered light coloured tones and natural timber finishes in accordance with the

desired character for the Hills Policy Area. In respect to Principle of Development Control 5, it is considered that the upper level windows and proposed north facing ground and first floor balcony areas will provide a high degree of casual surveillance of the street below.

On balance, it is considered that the design and appearance of the proposed dwelling to suitably accord with the applicable provisions of the Development Plan.

ENERGY EFFICIENCY:

- 1 *Development should provide for efficient solar access to buildings and open space all year around.*
- 2 *Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.*
- 3 *Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.*
- 4 *Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.*

The proposed dwelling includes a number of large habitable room windows extending across the northern and western elevations of the dwelling as well as a large lap pool and pool deck with two balconies at ground and first floor level. These areas provide the primary outdoor living and recreational areas for the residents of the dwelling and are relatively well dimensioned, with the ground floor balcony and adjacent lap pool both enjoying some degree of exposure to northern sunlight. Given the above, I am of the opinion that the proposed dwelling sufficiently accords with Principles of Development Control 1 and 2 above.

That having been said, both the dwelling and associated pool pavilion building provide low profile flat roof designs which will not allow for the proper installation of solar hot water services and or photovoltaic cells. These could be installed at an angle slightly raised above the roof but may have a detrimental impact on the visual appearance of the dwelling when viewed from the street and surrounding land. As such, the proposal fails to comply with Principle of Development Control 4.

The dwelling and associated pool pavilion building both provide eaves or extended roof lines to provide some level of shade to windows during the summer months. Whilst the front elevation of the dwelling does not provide any eaves or awnings over any of the north facing windows, it is noted that the windows along this elevation are to be set into the wall for some distance to help assist with reducing heat loads during the summer months.

SLOPING LAND:

- 2 *Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:*
 - (a) *minimises their visual impact*
 - (b) *reduces the bulk of the buildings and structures*
 - (c) *incorporate roof lines which complement the natural slope of the land*
 - (d) *minimises the extent of cut and/or fill*
 - (e) *provide a stable and readily accessible building site*
 - (f) *minimises the need for, and the height of, retaining walls*
 - (g) *does not cause or contribute to instability of any embankment or cutting*
 - (h) *avoids the silting of watercourses*
 - (i) *protects development and its surrounds from erosion caused by water run-off.*
- 7 *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*
- 8 *Retaining walls should:*
 - (a) *not exceed 1 metre in height*
 - (b) *be stepped in a series of low walls*
 - (c) *be landscaped to enhance their appearance.*

LANDSCAPING, FENCES & WALLS:

- 1 *Development should incorporate open space and landscaping in order to:*
 - (a) *complement built form and reduce the visual impact of larger buildings (e.g. taller and broader plantings against taller and bulkier building components)*
 - (b) *enhance the appearance of road frontages*
 - (c) *screen service yards, loading areas and outdoor storage areas*
 - (d) *minimise maintenance and watering requirements*
 - (e) *enhance and define outdoor spaces, including car parking areas*
 - (f) *provide shade and shelter*
 - (g) *assist in climate control within buildings*
 - (h) *maintain privacy*
 - (i) *maximise stormwater re-use*
 - (j) *complement existing native vegetation*
 - (k) *contribute to the viability of ecosystems and species*
 - (l) *promote water and biodiversity conservation.*
- 5 *Fences and walls, including retaining walls, should:*
 - (a) *not result in damage to neighbouring trees*
 - (b) *be compatible with the associated development and with existing predominant, attractive fences and walls in the locality*
 - (c) *enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance*
 - (d) *incorporate articulation or other detailing where there is a large expanse of wall facing the street*
 - (e) *assist in highlighting building entrances*
 - (f) *be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites*
 - (g) *in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land*
 - (h) *be constructed of non-flammable materials.*

As previously mentioned, some cutting and filling of the land will be required to facilitate the construction of the dwelling and associated pool pavilion building to the rear of the subject land. Some retaining walls will be required but will be restricted along the eastern boundary of the subject land or located internally within the site of the development. A small retaining wall along the western side boundary is also proposed, however, this is to be placed a small distance along the boundary and relates more to the construction of the under-croft garage.

The site works plan provided by the applicant indicates that the retaining walls proposed along the eastern and western side property boundaries of the subject land will be minor, ranging in height from 200mm to 1.0 metre in accordance with Principle of Development Control 8 above. In the main, the proposed built form will be suspended above the land by support poles thereby reducing the need to extensively fill the land and construct large retaining walls along the boundaries of the subject land which might have a detrimental impact on adjacent properties.

In respect the provision of landscaping, the subject land is notably devoid of any existing vegetation having been cleared, nonetheless the applicant has indicated areas on the application plans which are to be landscaped and vegetated as part of the proposed development. It is noted that details confirming the species and type of vegetation to be planted have not been provided with the application. Given this, it is recommended to include a condition of consent which requires the applicant to provide a dedicated landscaping plan which seeks to establish a desired landscape character as envisaged within Hills Policy Area 11.

SITING & VISIBILITY:

- 4 *Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:*
 - (a) *the profile of buildings should be low and the rooflines should complement the natural form of the land*
 - (b) *the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land*

(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

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

The proposed dwelling and associated pavilion building to the rear will both incorporate a combination of skillion and flat roof designs which will help to reduce the bulk and scale of these buildings as well as minimise any potential shadow impacts and the blocking of views gained from the owners and occupiers of adjacent land.

In respect to Principle 4(b), it is considered that the detached dwelling and pool pavilion building both provide a high level of articulation in respect to their individual designs with the pool pavilion building built down into the ground to help reduce the bulk and scale of this building when viewed from surrounding land.

The detached dwelling has been adequately stepped so as to complement the contours of the land so as to help minimise the visual bulk and scale of the dwelling when viewed from surrounding land. The proposed colours and materials of construction are also considered acceptable comprising a combination of rendered light coloured tones and natural timber finishes in accordance with the desired character for the Hills Policy Area.

Whilst the proposed dwelling exceeds the 9 metre building height prescribed within Council's Development Plan, I am of the opinion that the general form and design of the dwelling will not look out of place within the locality, being similar in size to other large two storey dwellings located within this section of the Hallett Cove.

REPRESENTOR'S CONCERNS

The concerns raised by the representors regarding the height, bulk and scale of the proposed buildings on the land and other amenity related impacts such as loss of privacy from overlooking, overshadowing, and the general loss of views have all been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

In respect to the issues raised regarding the categorisation and nature of the proposed development, Members are advised that staff sought initial advice from Council's legal representatives concerning these issues prior to beginning an assessment of the application. Advice received from Council's legal representatives at the time was that the proposed development constituted a Category 2 form of development for public notification purposes.

The nature of the development as originally described during the notification of the application was drafted with the assistance of Council's legal representatives. Given this, it is staff's opinion that this application has been processed correctly in accordance with the Development Act 1993 and Development Regulations 2008.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development generally complies with a majority of the quantitative and qualitative provisions of the Development Plan, including the Desired Character statement and relevant Objectives and Principles of Development Control for Hills Policy Area 11.

The proposal does fail to satisfy the relevant setback criteria relating to the location of buildings from rear boundaries and the proposed height and length of the under-croft garage along the western side boundary. That having been said, the applicant has done much to improve particular aspects of the proposed development since the lodgement of the application especially in regard to ensuring a reasonable level of privacy is maintained for adjacent owners and occupiers of land. As such, the proposed development now provides a greater level of compliance with the Council's Development Plan.

In terms of design and appearance, it is considered that both the proposed dwelling and associated pool pavilion building to the rear of the subject land provide a high level of articulation and a desired level of visual interest when viewed from the surrounding land. The proposed dwelling has been adequately stepped to complement the natural slope of the land and will incorporate colours and materials of construction that generally accord with the Desired Character for Hills Policy Area 11, comprising a combination of natural and light coloured tones.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993;
- (c) That Development Plan Consent for Development Application No: 100/2013/259 to construct a three storey detached dwelling exceeding a building height of 9 metres and incorporating a garage wall along the western side boundary with swimming pool, car parking, landscaping and associated pool pavilion building with home office be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the amended plans marked SK01-C, SK02-B, SK03-C, SK04-B, SK05-C, SK06-C, SK07-C, SK08-C, SK09-C SK10-CSK11-B and Sk12-A all stamped dated received 22 December 2014 and the Site Works and Drainage Plan prepared by P & G Structures Pty Ltd marked Job Number PG14117 Drawing Number C1 stamped dated received 22 December 2014 all submitted with and forming part of Development Application No. 100/2013/259 except where varied by the following conditions of consent.
2. The associated pool pavilion building hereby approved shall only be used ancillary to the existing dwelling by the occupiers of that dwelling and their immediate family members, and at no time shall be used as a separately tenatable building.
3. All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.
4. A landscaping plan shall be submitted to Council for consideration prior to Development Approval being issued, detailing a mix of native medium and low-level plantings throughout the site.
5. The existing Telstra Pit as illustrated on the engineered site works plan shall be modified to a trafficable standard with all costs associated with the modification/up grading of this pit to be borne by the applicant/developer.
6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All rendered surfaces on the property boundary are to be finished in a professional manner similar to the rendered surfaces on the subject dwelling.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 February 2015

Agenda Ref No:	DAP180215 – 3.2
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Giuseppe Minicozzi
Development Description:	A change in use from office to shop (pizza takeaway), with associated internal works and canopy flue
Site Location:	1/2A Daws Road, Ascot Park
Zone:	Commercial Zone and Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 3 / Consent
Lodgement Date:	27/10/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1890
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

As the proposal is not considered to represent a minor form of development pursuant to clause 2(g) of Schedule 9, the application must be treated as Category 3 (Section 38 2(c) of the Development Act, 1993).

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

SUBJECT LAND & LOCALITY

The subject land is situated at 2A Daws Road, Ascot Park; an irregular-shaped allotment of some 950 square metres. The land enjoys free and unrestricted rights of way over an adjoining parcel of land (marked 'B' on the Certificate of Title), which provides shared car parking for the commercial tenants and adjoining land. Commercial buildings, divided into 5 (five) tenancies, for the purpose of commercial/retail uses are located adjacent the north-western boundary of the property. A bitumen car park, accommodating 20 spaces, is located centrally within the land, adjacent Daws Road, with entry and exit points, located to the west and east, respectively.

On the adjoining land at 4 and 4A Daws Road, three large buildings exist, accommodating a video/DVD shop, a craft shop and vehicle parts warehouse.

Tenancy 1 (subject of this application) is located towards the south-western corner of the property. A small landscape bed (in poor condition), is located street-side of the building.

Land surrounding the subject property generally comprises low-medium density residential dwellings of single and double storey in height. Although a single storey building comprising four commercial tenancies is located 30 metres to the east.

The Adelaide-Tonsley train line is located 90 metres to the east, whilst the Adelaide-Seafood train line is located 70 metres to the west.

A small, undeveloped Council reserve is located adjacent the site and subject tenancy to the west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to change the use of the building from a current office/consulting room to shop (pizza take-away).

It is proposed for the business to operate between 5:00pm – 10:00pm, seven days a week.

A flue, 1.8 metres in height is proposed to be erected above the roof. A 1.5 metre-high colorbond bin enclosure is proposed to be erected street-side of the building, to provide screening to the waste receptacles for the whole of the site.

The tenancy is proposed to utilise the existing shared car park, situated centrally on the land, adjacent the Daws Road frontage.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	12 properties were notified during the Category 3 public notification process.
Representations:	4 representations were received by Council; 1 in favour, 1 neutral and 2 against.
Persons wishing to be heard:	2 representors identified they wish to address the Panel.
Summary of representations:	The primary planning-related concerns include; <ul style="list-style-type: none">• Waste;• Operating hours;• Location and noise of flue; and• Lack of car parking. <i>Refer Attachment IV</i>
Applicant's response:	A response to the representations has been received – please refer Attachment V.

INTERNAL DEPARTMENT COMMENTS

Environmental Health:	Ensure hand-basin has a single faucet tap with access to warm running water.
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ZONE & POLICY AREA ASSESSMENT

The land comprising all commercial tenancies within the complex straddles both the Commercial and Residential Zones and as such, assessment of the proposal is against both Zone provisions. For Member's reference, the whole of the subject tenancy is located within the Commercial Zone, the location of the Residential Zone is historical and does not relate to the long-established use of the land.

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

Commercial Zone		
<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>	Complies
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Complies
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ consulting room ▪ motor vehicle related business other than wrecking yard ▪ office ▪ petrol filling station ▪ service trade premises ▪ shop with a gross leasable area of 250 square metres or less ▪ store ▪ warehouse. 	Complies Floor area of approximately 80 square metres
<i>PDC 3</i>	<i>Retail development in the zone should not hinder the development or function of any centre zone.</i>	Complies Small floor area/limited intensity of use
<i>PDC 4</i>	<i>Shops, other than a bulky goods outlet, should have a gross leasable area of 250 square metres or less.</i>	Complies

Residential Zone
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> <p>Principles</p> <p>1 The following forms of development are envisaged in the zone:...</p> <ul style="list-style-type: none"> • Small scale non-residential uses that serve the local community...shops, offices or consulting rooms... <p>4 Non-residential development such as shops...should be of a nature and scale that:</p> <ul style="list-style-type: none"> (a) Serves the needs of the local community (b) Is consistent with the desired character of the locality (c) Does not detrimentally impact on the amenity of nearby residents

Medium Density Policy Area 12

Objectives

- 1 *A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.*
- 2 *Development that minimises the potential impact of garaging of vehicles on the character of the area.*
- 3 *Development that supports the viability of community services and infrastructure and reflects good residential design principles.*
- 4 *Development that contributes to the desired character of the policy area.*

Desired Character

The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.

Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.

Assessment

The proposed change of use to shop complements the Objectives and Principles of the Commercial Zone, and comprises a floor area substantially less than the maximum permitted in the Zone.

The scale of the use is appropriate for a non-residential land use within the Residential Zone, given the floor area of the tenancy and products to be sold will serve the needs of the local community.

The Objectives, Principles and Desired Character of the Medium Density Policy Area 12 do not provide any guidance for the assessment of the application.

Through this report, it will be identified that the proposal is unlikely to result in detrimental impacts upon adjoining and adjacent residential properties.

As such, the proposal is considered to satisfy the relevant provisions of the Commercial and Residential Zones.

DEVELOPMENT ASSESSMENT

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

Design & Appearance	
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Does Not Comply</p> <p>The proposed flue, 1.8 metres above the roof is not screened, nor does it form an integral part of the building.</p>
<p>Outdoor Storage and Service Areas</p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 22</i></p>	<p>Partially Complies</p> <p>The applicant proposes to erect a 1.5 metre-high colorbond fence to screen the waste receptacles, which at present, are stored in the open adjacent the subject tenancy.</p> <p>To minimise the likelihood of vandalism and graffiti, it has been included as a recommended condition of consent that semi-mature landscape plantings be placed street-side of the fence prior to the commencement of the business.</p>
Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p>(a)-(f) The use is low scale, whilst the building incorporates a 3.0 metre-high masonry wall on the boundary with the adjoining residential properties. As such, no activities associated with the business will occur at the rear of the building. Therefore detrimental impacts are not anticipated.</p> <p>(g) The proposal seeks for operating hours of between 5:00pm – 10:00pm. This is considered appropriate and within standard waking hours.</p> <p>(h) All traffic to the tenancy will be via an arterial road, with all car parking to be accommodated on site; separated from residential properties.</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p> <p>See above</p>
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies</p> <p>See above</p>
<p>Air Quality</p> <p><i>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.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 11</i></p>	<p>Complies</p> <p>As the making of pizzas does not involve the burning/cooking of foodstuffs (such as grilling of meats/burgers), nor the frequent/intense use of deep-fryers, the emissions from the proposed tenancy is not expected to cause undue</p>

	nuisance to nearby residential properties.
<p><i>Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:</i></p> <p><i>(a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere</i></p> <p><i>(b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 12</i></p>	<p>Partially Complies</p> <p>It is not expected the emissions from the proposed flue will result in unreasonable impacts upon adjacent properties.</p> <p>The flue, at 1.8 metres, will not be readily visible from adjoining residential properties (except Unit 4/1 Hazel Street), given the limited rear yards of the adjacent dwellings and location of the flue, 5.0 metres from the rear wall of the building.</p>
Transportation and Access	
<p>Movement Systems</p> <p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p> <p>All car parking can be accommodated on site; with 20 on-site car parking spaces available. Given the proposed operating hours, I do not anticipate the proposed use will 'compete' with other tenancies (except the video/DVD shop) for car park spaces.</p> <p>Given it is likely a majority of car parks will be available after 5:00pm, and certainly during the peak trade period of 6:00 – 8:00pm, I do not envisage the proposal will result in excessive parking demand for the site.</p>
<p>Cycling and Walking</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>Does Not Comply</p> <p>The proposal does not seek to include any on-site bicycle parking. However, there are no bicycle parking racks at present, whilst the small size of the shop and nature of goods sold does not suggest a high likelihood of persons accessing the shop by bicycle.</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Partially Complies</p> <p>The proposed change of use results in a theoretical increase of 2.5 car park spaces (compared to an office use). Whilst there is no increase in car park spaces on site, the operating hours of the shop will not 'compete' with a majority of other tenancies (except the video/DVD shop). As such, there should be ample car park spaces on site during the core business hours of the pizza shop.</p>
<p><i>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</i></p>	<p>Partially Complies</p> <p>The car park does not comprise any lighting, however, ambient lighting from the adjacent Daws Road is likely to</p>

<p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>enable adequate visibility for pedestrians and motorists.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p>Complies</p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Complies</p>
<p>Waste</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>Complies</p>
<p><i>Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:</i></p> <ul style="list-style-type: none"> <i>(a) screened and separated from adjoining areas</i> <i>(b) located to avoid impacting on adjoining sensitive environments or land uses</i> <i>(c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system</i> <i>(d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water</i> <i>(e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours</i> <i>(f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.</i> <p><i>General Section: Waste: PDC 7</i></p>	<p>Complies</p> <p>The applicant is proposing to erect a 1.5 metre-high colorbond fence to screen the currently open placement of waste receptacles.</p>
<p>Crime Prevention</p>	
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p>Partially Complies</p> <p>It has been included as a recommended condition of consent that semi-mature landscape plantings be placed street-side of the bin store to minimise vandalism and graffiti.</p>
<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <ul style="list-style-type: none"> <i>(a) screen planting areas susceptible to vandalism</i> <i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i> <i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p>Partially Complies</p> <p>See above</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> 	<p>Partially Complies</p> <p>See above</p>

<p>(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.</p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p>	
<p>Landscaping should: (a) include the planting of locally indigenous species where appropriate (b) be oriented towards the street frontage</p> <p>General Section: Landscaping, Fences & Walls: PDC 2</p>	
<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.</p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Partially Complies</p> <p>The bin store screen, at 1.5 metres in height and 4.0 metres in length, will not be a prominent structure.</p> <p>It has been included as a recommended condition of consent that the fence be of a dark colour (grey or similar), which assists in deterring graffiti.</p>

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to waste, parking, flue location and operating hours have been addressed in the body of the report and/or by the applicant's response to the representations, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over competition (selling same/similar items), loss of property values and preventing the use of the common toilets by customers. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The above assessment has demonstrated the proposal complies with a majority of the applicable criteria for such land uses within the Commercial and Residential Zones.

Whilst the subject tenancy is located within close proximity to existing residential uses (within the Residential Zone), given the small scale of the proposed shop, the 3.0 metre-high masonry boundary wall of the building that provides a solid buffer between the shop and adjacent dwellings, and the unlikely nuisance caused by any emissions, I do not envisage any unreasonable impacts upon adjoining land.

The proposed hours of operation are within waking hours, whilst all vehicular access to the shop will be via the existing car park; accessed from Daws Road. As such, detrimental impacts upon neighbouring properties, due to operational noise late at night or excessive vehicular noise, are considered unlikely.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1890 for a change in use from office to shop (pizza takeaway), with associated internal works and canopy flue at 1/2A Daws Road, Ascot Park be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1890, except when varied by the following conditions of consent.
- 2. All deliveries to and from the site (including waste collection and goods delivery, but excluding pizza delivery/pick-up) shall be restricted to the following times:

Monday to Saturday: 7:00am – 7:00pm
Sunday: 9:00am – 5:00pm
- 3. The hours of operation of the premises shall be restricted to the following times:

Sunday to Saturday: 5:00pm – 10:00pm
- 4. The colorbond bin screen shall incorporate a dark colour ('Grey Ridge' or similar) to minimise the opportunity for graffiti. The screen shall be erected prior to the commencement of the operations.
- 5. Semi-mature (minimum 500mm in height) landscape plantings of a bush or hedge species (*Adenanthos sericeus* (Woolly Bush) or similar) shall be planted at intervals of no less than 800mm around the eastern and southern sides of the colorbond bin screen prior to the commencement of the operations.
- 6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 7. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
- 8. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
- 9. At no time shall any stored goods, products or materials be visible above the height of the fence and/or screen surrounding the storage area(s).

10. At no time shall any goods, materials or waste be stored in designated car parking areas, driveways, manoeuvring spaces or landscaping.

NOTES

1. The applicant is reminded that consent from the Strata is required for the grease arrestor, bin enclosure and landscaping on the common land.
2. The applicant is advised to ensure the hand washing basin as a single faucet tap with access to warm running water.
3. The applicant is advised to contact Council's Environmental Health Department prior to commencing operations to ensure compliance with relevant legislation.
4. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph</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 18 February 2015

Agenda Ref No:	DAP180215 – 3.3
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	City Of Marion
Development Description:	To remove two Regulated Trees in front of 13 and 21 Scarborough Terrace and one Significant Tree in front of 15 Scarborough Terrace (all WA Willow Myrtles) due to risk to pedestrians and motorists
Site Location:	In front of 13, 15 and 21 Scarborough Terrace, Dover Gardens
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	24/11/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/2135
Recommendation:	Development Plan Consent and Development Approval (Granted)

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 TREES & LOCALITY

The subject trees are all of the *Agonis flexuosa* (WA Willow Myrtle) species.

The trees forward of 13 and 21 Scarborough Terrace are regulated trees, as they maintain trunk circumferences of 2.53 and 2.6 metres, respectively.

The tree forward of 15 Scarborough Terrace maintains a trunk circumference of 3.1 metres, and therefore is a significant tree.

The subject land comprises the streetscape of Scarborough Terrace. The streetscape maintains sporadic street tree planting, as several properties in the immediate locality do not maintain street trees in the adjacent road reserve, and newer street trees are common. The subject Agonis trees represent some of the most mature trees in the streetscape.

Refer Attachment I

PROPOSED DEVELOPMENT

The application proposes to remove the three subject trees.

Refer Attachment II

PUBLIC NOTIFICATION

Properties notified:	41 properties were notified during the Category 2 public notification process.
Representations:	1 representation was received by Council.
Persons wishing to be heard:	Nil
Summary of representations:	The tree at 21 Scarborough Terrace should not be removed. "I enjoy the lovely big old tree in the area. We are losing too many of them". <i>Refer Attachment III</i>
Applicant's response (Heath Reynolds – Coordinator Arboriculture):	<p>The Agonis flexuosa species is widely planted in the City of Marion but most trees of any reasonable age are all predisposed to rot and splitting, and loss of vigour, such as these three specimens. As split trees are a risk and liability to The City of Marion once identified, a succession replanting of a more suitable species is required. It should be noted that if steps are not taken to both identify and remove our unsound, senescing trees then we face an uphill battle to stay on top of our obligations. This is an ongoing process over many years which I have taken responsibility for while Coordinator.</p> <p>I do sympathise with the resident's concerns, but replanting allows us to correct prior unsuitable species selection with more beneficial trees. There have already been claims against council for the failure of one of these trees in Scarborough Terrace at no. 30, which subsequently fell on a car.</p> <p><i>Refer Attachment IV</i></p>

DEVELOPMENT ASSESSMENT

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

Regulated Trees	
<p>OBJECTIVES</p> <p><i>1 The conservation of regulated trees that provide important aesthetic and/or environmental benefit.</i></p>	<p>The subject trees adjacent 13 and 21 Scarborough Terrace are not considered to provide an important aesthetic or environmental benefit, given their relatively modest height, poor health and structure and non-indigenous species.</p> <p>It is acknowledged that the trees are visually prominent in the immediate streetscape, however this visibility does not necessarily provide an “important” aesthetic benefit, particularly given that they are not visible from the wider locality. The trees maintain a relatively sparse canopy and poor branch structure, with decayed trunk. Accordingly, the trees do not warrant conservation in accordance with Objective 1.</p>
<p><i>2 Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</i></p> <p><i>(a) significantly contributes to the character or visual amenity of the locality</i></p> <p><i>(b) indigenous to the locality</i></p> <p><i>(c) a rare or endangered species</i></p> <p><i>(d) an important habitat for native fauna.</i></p>	<p>a) The trees are not considered to “significantly” contribute to the character or visual amenity of the locality given that the <i>Agonis flexuosa</i> species is not indigenous to the locality, and the trees’ height provides limited visibility beyond the immediate streetscape.</p> <p>b) The trees are not indigenous to the local area.</p> <p>c) The trees are not a rare or endangered species.</p> <p>d) The trees do not provide an important habitat for native fauna. Although the trees may be used occasionally by birds, this habitat value is not considered to be of such significance that it would warrant retention of trees which are in poor health and structural decline.</p> <p>Given that the trees do not distinctly fulfil any of the criteria in Objective 2, this objective suggests that the regulated trees do not require preservation.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p><i>1 Development should have minimum adverse effects on regulated trees.</i></p> <p><i>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:</i></p> <p><i>(a) the tree is diseased and its life expectancy is short</i></p> <p><i>(b) the tree represents a material risk to public or private safety</i></p> <p><i>(c) the tree is causing damage to a building</i></p> <p><i>(d) development that is reasonable and expected would not otherwise be possible</i></p> <p><i>(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.</i></p> <p><i>3 Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.</i></p>	<p>Council’s Planning Officer - Arboriculture (Gordon Sykes) and Coordinator Arboriculture (Heath Reynolds) have assessed the subject trees and have provided the following observations:</p> <p>a) Both of the subject trees are diseased with hollowing and decaying trunks. The trees therefore have an estimated life expectancy of less than 3 years.</p> <p>b) The trees represent a material risk to safety due to a high risk of failure in frequent use areas, due to the potential to split. Gordon Sykes has attributed a risk rating of 8/12, and Heath Reynolds has attributed a risk rating of 10/12. Either of these ratings is considered to demonstrate that the trees represent a material risk to public and private safety.</p> <p>c) The trees are not causing damage to a building.</p> <p>d) The trees are not preventing reasonable/expected development.</p> <p>e) Not applicable</p> <p>Given that it has been demonstrated that the trees satisfy (a) and (b), PDC 2 anticipates that the trees should be removed.</p>

Significant Trees

OBJECTIVES

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

The significant tree adjacent 15 Scarborough Terrace is not considered to provide an important aesthetic or environmental benefit, given its relatively modest height, poor health and structure and non-indigenous species.

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 it is not readily visible from the wider locality.

Accordingly, the tree does not warrant conservation in accordance with Objective 1.

PRINCIPLES OF DEVELOPMENT CONTROL

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

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

a) The tree is not considered to make an important contribution to the character or amenity of the local area in a manner that would warrant its retention.

b) The tree is not indigenous to the local area.

c) The tree is not a rare or endangered species.

d) The trees do not provide an "important" habitat for native fauna. Although the trees 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 compromised structure.

Given that the tree does not distinctly fulfil any of the criteria in PDC 1, the significant tree does not necessarily require preservation, particularly if removal is warranted in accordance with PDC 3.

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

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

Council's Planning Officer - Arboriculture (Gordon Sykes) and Coordinator Arboriculture (Heath Reynolds) have assessed the subject tree and provided the following Arboricultural advice:

i) The tree is diseased, as it maintains a decayed and split trunk. The tree therefore has a short life expectancy of less than 2 years.

ii) As a result of this trunk decay and splitting, the tree presents a high risk of failure in frequent use areas. Accordingly, the tree maintains a risk rating of 8/12 which is considered to represent an unacceptable risk to public and private safety.

iii) The tree is not located within 20 metres of a residential, tourist accommodation or habitable building and is a bushfire hazard within a Bushfire Prone Area.

iv) The tree is not causing or threatening to cause substantial damage to a substantial building or structure of value.

v) Gordon Sykes has confirmed that the tree cannot be pruned or otherwise remediated to extend its life expectancy.

iv) Not applicable, as the application does not involve a new development.

Given that it has been demonstrated that parts (i) and (ii) of (a) apply to the subject tree, PDC 3 anticipates that the significant tree should be removed.

REPRESENTOR'S CONCERNS

The concern raised by the representor in relation to the value of the tree adjacent 21 Scarborough Terrace 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.

ANALYSIS/CONCLUSION

The subject regulated and significant trees are diseased, maintain a short life expectancy, and represent 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 Agonis species, the trees are 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.

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: 100/2014/2135 to remove two Regulated Trees in front of 13 and 21 Scarborough Terrace and one Significant Tree in front of 15 Scarborough Terrace (all WA Willow Myrtles) due to risk to pedestrians and motorists, 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. 100/2014/2135, except when varied by the following condition of consent.
2. Seven (7) replacement trees shall be planted to compensate for the removal of the regulated and significant trees. Three (3) replacement trees shall be planted in Scarborough Terrace to replace each of the three trees being removed, and the remaining trees shall be 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.). For information on appropriate species to be planted, contact State Flora within Belair National Park on telephone 8278 7777 or visit www.stateflora.com.au.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 February 2015

Agenda Ref No:	DAP180215 – 3.4
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Dechellis Homes
Development Description:	A single storey detached dwelling and garage
Site Location:	2 Burlington Road, Hallett Cove
Zone:	Residential Zone and Open Space Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 3 / Non-Complying
Lodgement Date:	19/11/2014
Development Plan:	Consolidated – 19 March 2014
Application No:	100/2014/2093
Recommendation:	Development Plan Consent (Granted) subject to seeking concurrence from the Development Assessment Commission

CATEGORISATION & DELEGATION

The subject application is a Non-complying form of development by virtue of the land straddling the boundaries of the Open Space and Residential Zones. Dwellings within the Open Space Zone are listed as a non-complying form of development.

As the proposal does not satisfy any of the three tests within Part 1, subsection 3 of Schedule 9 (Development Regulations, 2008), to constitute a Category 1 form of development, the application must be treated as Category 3 (Section 38 2(c) of the Development Act, 1993).

Council has delegated authority to the Development Assessment Panel for non-complying development applications.

SUBJECT LAND & LOCALITY

The subject land is situated at the intersection of Burlington Road and Freebairn Drive, Hallett Cove, incorporating a 'rounded' primary frontage width of 29.42 metres to Burlington Road, a secondary street boundary of 19.91 metres to Freebairn Drive, and a total site area of 702 square metres.

The land is currently vacant, devoid of any Regulated Trees.

A slight grade, of approximately 5% exists across the land, falling in an east-west direction.

A number of allotments west of the subject land (on Burlington Road) remain vacant, whilst dwellings on occupied allotments have been constructed within the past 18 months.

Dwellings north and north-west of the subject land were constructed in the mid-late 1990s, and comprise a mix of single and double storey dwellings.

A majority of dwellings within the locality demonstrate reasonably generous footprints, with attractively landscaped areas in limited front and rear yards.

Land directly south of the site is vacant, situated within the Open Space Zone.

The desalination plant (formerly *Mobil* oil refinery) and a vehicle salvage yard are located some 500 metres south-west of the site.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct a single storey detached dwelling on the land. The dwelling incorporates four bedrooms (main with ensuite and WIR), open plan kitchen/living/dining, two separate living rooms, a double garage and 'store' room.

The dwelling is to present to Burlington Road, incorporating varied setbacks to the primary frontage, due to the angled nature of the boundaries. A secondary street setback of 5.8 metres and rear setback of 4.0 metres is proposed.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	5 properties were notified during the Category 3 public notification process.
Representations:	2 representations (1 in favour and 1 against) was received by Council at the time of writing.
Persons wishing to be heard:	1 representor identified they wish to address the Panel.
Summary of representations:	The concerns relate to the placement of fencing on the eastern side boundary of the land. <i>Refer Attachment IV</i>
Applicant's response:	A response to the representations has been received – please refer Attachment V.

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission:	In the event the Panel support the application, concurrence will be sought from the Development Assessment Commission.
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Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Arborist:	A minimum setback of 1.5 metres to the street tree is required.
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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>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Hills Policy Area 11		
<p>Objectives</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>Desired Character</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"> ▪ detached dwelling ▪ group dwelling 	Complies

PDC 3	<i>Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.</i>	Complies Single storey dwelling resulting in a maximum floor level of 650mm above ground level.
PDC 4	<i>Wherever possible, existing vegetation should be used to screen the building and excavation or filling from view.</i>	Partially Complies The site is currently vacant, and as such, no vegetation exists to screen the excavation and filling proposed. However, the extent of earthworks is minor in nature and will not be readily visible outside the subject land.

Assessment

The proposal seeks to construct a single storey detached dwelling on an existing allotment. The proposal does not seek to increase the residential density of the land, whilst the site is not visible from the Adelaide Plains, nor adjacent “scenic coastal landscapes”.

The dwelling incorporates colours of brown, grey and beige. Given it is adjacent the Open Space Zone, these colours are considered complementary to adjacent land.

The dwelling is similar in size and appearance to a number of dwellings constructed, or under construction, further west on Burlington Road.

The proposed dwelling is considered to appropriately satisfy the applicable Objectives, Principles and Desired Character of the Residential Zone and Hills Policy Area.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<i>Site coverage should ensure sufficient space is provided for:</i> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles <i>General Section: Residential Development: PDC 13</i>	Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.
<i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i> <i>General Section: Residential Development: PDC 14</i>	Complies

Private Open Space

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

Site Area 250 m² or greater:

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

General Section: Residential Development: PDC 17

Complies

Approximately 35.7% (250 square metres) of the site is provided as private open space

Street Setbacks

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

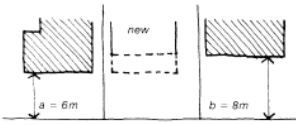
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

Complies

The proposed front setback is considered to be compatible with and similar to the setbacks of buildings on adjoining land, as most dwellings with a frontage to Burlington Road incorporate a front setback of 5 – 6 metres. As such, the proposal 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 > a: 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

<p><i>Minimum setback from secondary road frontage: 3 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Min 3.18 metres</p>
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p>
Side Setbacks	
<p><i>Where the wall height is not greater than 3 metres: 2 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies Minimal visual impact and overshadowing of adjoining land is anticipated</p>
Rear Setbacks	
<p><i>8 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply Min 4.0m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i> <i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Does Not Comply Min 4.0m</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies Minimal visual impact and overshadowing of adjoining land is anticipated</p>
Building Height	
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies The proposed dwelling incorporates a maximum building height of 5.9 metres, which is less than the maximum permitted in the Policy Area.</p>

Garages, Carports and Outbuildings

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

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

Residential Zone: PDC 8

Complies

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

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

General Section: Residential Development: PDC 12

Complies

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

General Section: Residential Development: PDC8

Complies

The proposed garage incorporates a roof form, materials and detailing which complement the associated dwelling.

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

Residential Zone: PDC 6

Complies

Car Parking

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

Residential Zone: PDC 7

Complies

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

Max 4.6m 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

Council's Planning Officer – Arboriculture has requested a minimum setback of 1.5 metres to the street tree. A recommended condition of consent reflects this request and can be easily accommodated.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

The proposed dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape.

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

- Mixture of render of differing tones on the front façade
- Protruding portico and articulated roof form
- Eave overhang and pitched roof form at 25 degree slope
- Fenestration

On balance, the design and appearance of the dwelling 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 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 21 June

b) Given that south forms the street boundaries, a majority of winter shadow will be cast within the front yard of the proposed dwelling. However, some (limited) shadow will be cast into the western adjoining property in morning hours.

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

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

Ample area exists outside the building's footprint to enable generous landscaped spaces that can complement the Desired Character of the Hills Policy Area and assist in screening the building and softening hard-stand areas.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 600 millimetres. This 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.

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

<p><i>The cutting and/or filling of land should:</i></p> <p><i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i></p> <p><i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i></p> <p><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></p> <p><i>(d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i></p> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p>Complies</p>
<p><i>Retaining walls should:</i></p> <p><i>(a) not exceed 1 metre in height</i></p> <p><i>(b) be stepped in a series of low walls</i></p> <p><i>(c) be landscaped to enhance their appearance.</i></p> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Complies</p>
<p>Siting and Visibility</p>	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i></p> <p><i>(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land</i></p> <p><i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p>Complies</p>
<p><i>The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.</i></p> <p><i>General Section: Siting and Visibility: PDC 5</i></p>	<p>Complies</p>

TABLE DISCUSSION

The proposal satisfies a majority of the applicable principles of development control contained within the Marion Council Development Plan. However, the rear setback at 4.0 metres, is 4.0 metres less than that sought in the Hills Policy Area 11 (8.0 metres).

Whilst this is a large departure, the setback proposed is consistent with a number of other dwellings within the locality (refer Attachment II).

The locality does not represent the typical built form as described in the Desired Character; which is derived more so from the 1950-80s dwellings constructed in the suburbs of Seacombe Heights, Seaview Downs and Marino, and as such, a rear setback consistent with that evidenced within the locality is considered an appropriate approach.

Further to the above, the rear boundary of the subject land represents the side boundary of the adjoining property, whereby the dwelling on that land features a 1.0 metres setback.

In conclusion, the rear setback proposed is considered acceptable, and will not have an unreasonable impact upon the adjoining property, nor compromise the integrity of the Policy Area.

REPRESENTOR'S CONCERNS

The representor against the application raised concerns over the placement of fencing along the eastern (Freebairn Drive) boundary of the property. While these concerns are noted, the erection of fencing in this location less than 2.1 metres in height does not require the consent of Council, nor the permission from the representor. Fencing on the shared boundary of two properties will require liaison in accordance with the Fences Act, however, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposal satisfies a majority of the applicable design criteria. Whilst the rear setback proposed is substantially less than that sought, it is nonetheless consistent with a number of other dwellings within the locality, and will not have a detrimental impact upon adjoining land.

Despite the non-complying status of the application, the construction of the dwelling will not compromise the attainment of the Objectives of the Open Space Zone. Further, the subject allotment was supported by administration and the DAP in early 2013 (and received concurrence from the DAC shortly thereafter), with the acknowledgement the land would be developed for residential purposes.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2014/2093 for a single storey detached dwelling and garage at 2 Burlington Road, Hallett Cove be GRANTED, subject to seeking the concurrence of the Development Assessment Commission and the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/2093, except when varied by the following conditions of consent.**
- 2. The driveway crossover shall be constructed no closer than 1.5 metres from the existing street tree located within the road reserve. Amended plans shall be provided to Council, prior to Development Approval being issued.**
- 3. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**
- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

NOTES

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

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 February 2015

Agenda Ref No: DAP180215 – 3.5

Originating Officer: Rhiannon Hardy
Development Officer - Planning

Applicant: Julia Farr Housing Assoc Inc

Development Description: To construct three (3) single storey dwellings, with Dwelling 1 incorporating a wall abutting the eastern side boundary

Site Location: 19 Austral Terrace, Morphettville

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 09/10/2014

Development Plan: Consolidated – 13 March 2014

Application No: 100/2014/1801

Recommendation: Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

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

The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new Dwelling 1 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.

BACKGROUND

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

Amendments Requested	Amendments Made
Dwelling 1 should present its main face to the street to enhance streetscape presentation and surveillance	Dwelling 1 re-oriented to present its entrance door and habitable windows toward the primary street frontage. Garage also

	reoriented, thereby changing from a group dwelling to a detached dwelling
Dwelling 1 should be set back a minimum 6 metres from the front boundary	Front setback increased from 5.1 metres to 6.0 metres
Dwelling 1 should incorporate habitable windows on its northern (street) elevation to enhance access to winter sunlight	Habitable windows provided with northern orientation (via re-orientation to present to street)
Landscaping plan required	Landscaping schedule provided

SUBJECT LAND & LOCALITY

The subject land is located at 19 (Lot 507) Austral Terrace, Morphettville. The allotment maintains a frontage width of 21.28 metres, depth of 41.15 metres and total site area of 900.7 square metres. The allotment is an irregular shape, with a protruding rectangle in its south-western corner.

A right of way easement is registered on the Certificate of Title, which relates to the common driveway located immediately east of the land. This driveway provides vehicle access to nine units located to the rear of the subject land, known as “21 O’Halloran Court”.

The land currently accommodates a single storey detached dwelling, which was constructed in approximately 1960. The dwelling features an under-main-roof carport on its western side, and an associated driveway and vehicle crossover along the western side boundary. A series of outbuildings are located along the rear (southern) boundary.

Several mature trees are located in the front yard of the subject land. However, all of these trees are located within 10 metres of the existing dwelling, are not an *Agonis flexuosa* or *Eucalyptus* species, and are therefore are not regulated trees pursuant to Regulation 6A of the Development Regulations 2008.

The subject land maintains a minor gradient of approximately 1.2%, as the rear of the allotment is approximately 500 millimetres higher than ground level at the front boundary.

The locality features a mixture of dwelling densities. The southern side of Austral Terrace features predominantly group dwellings and residential flat dwellings. Aged care facilities are located at 29 and 53-59 Austral Terrace. The Racecourse Policy Area 15 is located on the northern side of Austral Terrace, and features primarily detached dwellings with associated horse-keeping facilities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

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

Dwelling 1 presents to Calstock Avenue, with its own garage and driveway, such that it will be held exclusively on its own site. As such, this dwelling will function as a detached dwelling if/when the new title is deposited with the Land Titles Office through the associated land division application.

Dwellings 2 and 3 are sited to the rear of the site. Both of these dwellings obtain access from a common driveway with access from Austral Terrace, and therefore function as group dwellings.

As a result of this configuration, Dwelling 1 has been considered as a detached dwelling and Dwellings 2 and 3 as group dwellings for the assessment purposes of this report.

All dwellings feature two bedrooms, single-width carport, laundry/bathroom and open-plan kitchen/meals/family area.

Each dwelling incorporates a private courtyard, in addition to a common area of open space in the south-western corner of the site.

Minor earthworks are proposed throughout the site to provide a level benched area for the dwellings. Retaining walls maintain a maximum height of 300 millimetres.

The applicant, Julia Farr Housing Association (JFHA), has confirmed that the dwellings are designed as “accessible” housing, which may be used for supported accommodation. JFHA is one of South Australia’s social landlords managing housing specifically for people living with disability, on the basis of affordability and accessibility. They also provide housing for non-disabled tenants residing as part of a mixed-community development.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	43 properties were notified during the Category 2 public notification process.
Representations:	No representations were received by Council.

ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 1</i>	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p> <p>Proposal comprises supported accommodation (detached dwelling and group dwellings)</p>
<i>PDC 3</i>	<p><i>Minimum Site Area:</i></p> <p><i>Detached: 375 m²</i> <i>Group: 300 m²</i></p>	<p>Does Not Comply</p> <p>Dwelling 1: 263.8 m² Dwelling 2: 187.6 m² Dwelling 3: 195.7 m² (excluding common driveway/areas)</p> <p><i>Note: average site area per dwelling (including common driveway) = 300.2 m²</i></p>
	<p><i>Minimum Frontage:</i></p> <p><i>Detached: 12 metres</i> <i>Group (on battleaxe allotment): 4 metres</i></p>	<p>Complies</p> <p>Dwelling 1: 15.7 metres Dwellings 2 & 3: 5.8 metres</p>
	<p><i>Minimum Depth:</i></p> <p><i>Detached: 20 metres</i> <i>Group: 45 metres</i></p>	<p>Does Not Comply</p> <p>Dwelling 1: 16.8 metres Dwellings 2 & 3: 41.1 metres</p>

Assessment

The Northern Policy Area 13 encourages redevelopment of properties at greater densities than that of the original housing. The proposed development embodies this aim, as it will triple the residential density of the subject land.

The Policy Area also seeks to establish a range of dwelling types to meet a variety of accommodation needs. The proposed dwellings provide affordable and accessible dwelling options, which should form a positive contribution to accommodation options in the locality.

The dwellings maintain a typical modern architectural style with hipped roof form and parapet portico design. The design and appearance adequately complements the existing character of built form within the locality, whilst contributing toward the attractive residential environment.

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

The site area of Dwelling 1 equals 263.8 square metres, where a minimum site area of 375 square metres should be provided for a detached dwelling. This represents a considerable shortfall of 111.2 square metres; 29.7% below the minimum requirement.

Despite this shortfall in site area, the allotment maintains a frontage width of 15.7 metres, where a minimum frontage width of 12 metres is prescribed for detached dwellings. Consequently, the undersized nature of the allotment should not be apparent when viewed front the streetscape, and therefore should not detract from the character of the locality.

The site areas of Dwellings 2 and 3 equal 187.6 and 195.7 square metres, respectively, where a minimum site area of 300 square metres is prescribed for group dwellings. It is noted that this figure excludes the common driveway and manoeuvring areas. This method of calculating site

area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, Dwelling 2 and 3 would maintain an average site area of 318.45 square metres per dwelling.

The shortfalls in site area suggest that it is important to consider whether the proposed residential density is contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 900.7 square metres; resulting in an average site area of 300.2 square metres per dwelling, which satisfies the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13. Although the front dwelling (Dwelling 1) is technically classified as a detached dwelling, this classification has arisen via amendments to the proposal which has enabled Dwelling 1 to present its main facade to the street, in order to satisfy design and appearance criteria. It is therefore appropriate to acknowledge that the subject land could feasibly be developed to accommodate three dwellings in accordance with density guidelines. However, it is my view that the proposed undersized development provides an improved design outcome for the site.

When the site areas are considered in relation to typical residential density standards, the proposed site areas remains consistent with the low-to-medium densities anticipated in the Policy Area.

As a result of these considerations, the proposed development is deemed to sufficiently accord with the Objectives, Principles and Desired Character of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Dwelling 1: 123.1 m² = 46.7%</p> <p>Dwelling 2: 121.3 m² = 64.7%</p> <p>Dwelling 3: 121.3 m² = 62.0%</p> <p><i>Note: Average overall site coverage 365.7 m² = 40.6% of the total site area</i></p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

Private Open Space

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 habitable rooms of the associated dwelling.
- b) All POS is located at ground level to the side/rear of the associated dwelling and capable of being screened for privacy.
- c) The subject land does not maintain natural features which warrant preservation.
- d) The POS areas should not be directly overlooked by adjacent buildings .
- e) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- h) POS areas are capable of being shaded during summer.
- i) Traffic, industry or other business activities should not affect the subject land.
- j) The POS areas are considered to have sufficient shape and area to be functional.

Partially Complies

- f) The POS of Dwelling 1 maintains a southern orientation, while the POS of Dwellings 2 and 3 maintain an easterly orientation. Although this orientation is not ideal, a direct northern orientation cannot be achieved given that part (b) discourages POS located forward of dwellings.
- g) The POS areas of Dwelling 1 will be considerably shaded in winter months due to its southern orientation. However, given that the dwelling is only single storey, some sunlight should be received in parts of the POS in morning and afternoon hours, and shadow will be lessened at other times of the year. The POS of Dwellings 2 and 3 should receive winter sunlight in morning hours due to its eastern orientation. Additionally, the area of communal open space in the south-western corner of the land should receive winter sunlight, and is available for use by residents of all proposed dwellings.

Dwellings comprising of supported accommodation should provide a minimum area of private open space of 30 square metres, one part of which should be capable of containing a rectangle of at least 3 metres by 5 metres.

General Section: Supported Accommodation: PDC 3

Complies

- Dwelling 1: 47.1 square metres (3.0 x 15.7 metres dimension)
- Dwelling 2: 35.9 square metres (3.0 x 12.0 metres dimension)
- Dwelling 3: 37.2 square metres (3.0 x 12.4 metres dimension)

*Plus common open space 48.7 square metres

Street Setbacks

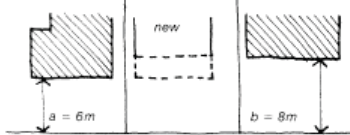
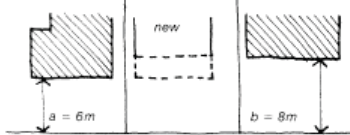
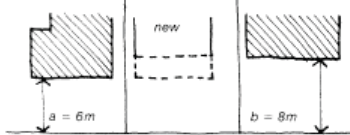
Except in areas where a new character is desired, the setback of buildings from public roads should:

- (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 subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.0 metres is similar to that of dwellings on adjoining land and

	elsewhere in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.						
<p><i>Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table> <tr> <th>Setback difference between buildings on adjacent allotments</th><th>Setback of new building</th></tr> <tr> <td>Up to 2 metres</td><td> <p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p> </td></tr> <tr> <td>Greater than 2 metres</td><td>At least the average setback of the adjacent buildings</td></tr> </table> <p><i>General Section: Design and Appearance: PDC 25</i></p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p>	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Partially Complies Dwelling 1: 6.0 metres</p> <p>(Dwellings on adjoining land set back approximately 6.7 and 7.2 metres, and therefore the proposed dwelling should be set back 6.7metres)</p> <p>However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, limited weight has been given to PDC 25.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b - a \leq 2$, setback of new dwelling = a or b</p>						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
Side Setbacks							
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Dwelling 1: On boundary (see assessment below) Dwellings 2 & 3: 3.0 metres from eastern side boundary</p>						
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Partially Complies</p> <p>a) Dwelling 1 technically abuts both its side boundaries. However, the dwelling will be set back 5.6 metres from the site's western side boundary, which features the common driveway, landscaping and bin storage area. As such, the dwelling will not appear to abut both boundaries of the site when viewed from the street.</p> <p>Complies</p> <p>c) i) Dwelling 1's boundary wall is set back 9.4 metres from the front boundary, where the adjoining dwelling to the east is set back approximately 6.7 metres. ii) 4.4 metres in length iii) 2.8 metres in height iv) Boundary wall is not sited within 2.5 metres of a habitable window</p>						

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

Dwelling 1: 3.0 metres

Dwelling 2: N/A

Dwelling 3: 1.5 metres

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

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

General Section: Residential Development: PDC 37

Does Not Comply

Dwelling 1: 3.0 metres for 79.6% of lot width

Dwelling 2: N/A

Dwelling 3: 1.5 metres for 48.8% of allotment width

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

The 3.0 metre rear setback of Dwelling 1 is considered sufficient to minimise the visual impact and overshadowing of adjacent land, given that:

- a) Adjacent land comprises the side wall and side path of Dwelling 2, and therefore the shortfall in rear setback will not affect the primary activity areas of the adjacent dwelling; and
- b) The dwelling is single storey with a modest wall height of 2.4 metres, and therefore overshadowing of adjacent land should be minor in nature.

The 1.5 metre rear setback of Dwelling 3 does not comply with quantitative criteria, however the separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Given that Dwelling 3 is a single storey building with a modest wall height of 2.4 metres and a building width less than 50% of the rear boundary width, the visual impact should actually be less than that of the existing outbuildings, which are sited along the entire width of the rear boundary.

Building Height

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

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of 4.7 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings

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

Residential Zone: PDC 8

Complies

Dwelling 1: 7.8 metres and 1.8 metres behind the main face of the dwelling

<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed carports are incorporated under the main roof form of the associated dwelling, with 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>Complies</p> <p>Dwelling 1: 3.2 metre wide carport = 20.4% of frontage width</p>
<p>Car Parking</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>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Dwelling 1: 2 spaces, 1 of which is covered (2 beds)</p> <p>Dwellings 2 & 3: 4 spaces (2 resident and 2 visitor)</p> <p><i>Note: 2 group dwellings x 1.5 resident spaces = 3 spaces + 1 visitor = 4 spaces required</i></p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Partially Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) The subject land is not located within walking distance of centre facilities and public transport, however sufficient on-site parking is provided.</p> <p>c) The likely occupants are anticipated to have reduced mobility and transport requirements due to the proposed use of the dwellings for supported/accessible accommodation.</p> <p>d) e) 2 on-street car parking spaces shall remain available adjacent the subject land.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>

<p>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The parking areas for Dwellings 2 and 3 are located to the rear of the site with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>										
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>2 on-street car parking spaces are provided for the 3 proposed dwellings, which satisfies PDC 22.</p>										
Access											
<p>The width of driveway crossovers should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p> <p>The single driveway servicing Dwelling 1 is 3.0 metres wide, and the common driveway servicing Dwellings 2 and 3 is 3.1 metres wide.</p>										
<p>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>										
<p>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Partially Complies</p> <p>2 vehicle access points provided. Although they are sited next to each other, this optimises the area for visitor parking adjacent the eastern side of the site, and therefore this configuration is not considered to be detrimental to the proposal.</p> <p>The applicant did consider siting the carport/driveway to Dwelling 1 on the eastern side of the site, however this was not feasible due to Telstra cable pits located in the road reserve.</p>										
<p>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</p> <table><tr><th>No. of dwellings served by driveway</th><th>Width at front property boundary & for first 6 metres</th><th>Width beyond first 6 metres</th><th>Widening required for passing</th><th>Minimum landscaped strip either side of driveway (metres)</th></tr><tr><td>1-2</td><td>3</td><td>3</td><td>-</td><td>0.5</td></tr></table> <p>General Section: Residential Development: PDC 41</p>	No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	1-2	3	3	-	0.5	<p>Complies</p> <p>3.0 metre wide driveway with 0.5 metre wide landscaping strips</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)							
1-2	3	3	-	0.5							

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

The proposed dwellings reflect the desired character of the locality, and Dwelling 1 presents an articulated facade to the streetscape. The dwellings incorporate the following elements to enhance their design and appearance:

- Mixture of brick on the front façade and rendered portico/verandah.
- Eave overhang and hipped roof form
- Fenestration

The dwellings incorporate a 25 degree Colorbond roof in Charcoal Grey, with brickwork 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

Dwelling 1 is designed so that its 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

Complies

Dwelling 3 is sited 1.5 metres from the southern rear boundary. In winter months, the dwelling wall height of 2.5 metres should cast shadow for a length of approximately 4.1 metres at 12 noon. Given that the dwelling is set back 1.5 metres from the boundary, 2.6 metres of this shadow will extend into adjoining land. However, a standard 1.8 metre high boundary fence would cast shadow for a length of 2.9 metres. As such, the design and location of the proposed dwelling should not result in unreasonable overshadowing of adjacent land.

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

Dwelling 2 features the bedroom 1 window adjacent the common driveway. This window is separated from the common driveway by a distance of 3.2 metres, and landscaping is incorporated in between. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

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

General Section: Residential Development: PDC 30

Partially Complies

a) Common letterboxes are not featured on the site plan, however recommended Condition of Consent 2 stipulates that mail box facilities shall be provided close to the major pedestrian entrance to the site.
b) Not applicable, as the development does not contain more than 6 dwellings.
c) Common waste storage areas are provided adjacent the common driveway, at the front of the site, located away from the dwellings. Recommended Condition of Consent 3 stipulates that this area shall be appropriately screened.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Partially Complies

Dwelling 1 is oriented so that its main living area windows and POS face south. Although this orientation is not ideal, this has arisen as a result of Council staff's request for amendment to orientate the main face of the dwelling to present to the street.

Nonetheless, the dwelling incorporates bedroom windows facing north for exposure to winter sun, and the roof features a large section of north-facing slope which enables the efficient siting of solar collectors.

The main activity areas and associated open space of Dwellings 2 and 3 are oriented east, which should enable the entry of some winter sunlight, particularly in morning hours. These dwellings also incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

Landscaping is proposed along the common driveway, in the front yard of Dwelling 1 and in the common open space. The proposal also incorporates raised garden beds in the rear yard of each dwelling to allow tenants to plan their own selection of plants. The proposed landscaping should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes retaining walls varying in height to a maximum 300 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.1 metres. This fencing/retaining height should maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land, particularly given that the total height of 2.1 metres does not comprise "development".

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in density in the form of supported accommodation (detached dwelling and group dwellings).

The proposal also complies with a majority of applicable quantitative and qualitative criteria from the Marion Council Development Plan. This being said, several non-compliances have been identified, the most notable being site areas, site coverage and rear setbacks.

Despite the deficiency in site area, the allotments nevertheless maintain functional dimensions, and to this end, the shortfall in site area does not compromise the ability of the proposed dwellings to comply with a majority of other design criteria. Additionally, the proposed site areas are classified as low-to-medium density, which accords with the density envisaged to occur within the Northern Policy Area 13.

Site coverage exceeds 40%, with Dwelling 1 at 46.7%, Dwelling 2 at 64.7% and Dwelling 3 at 62.0% of the individual site areas. However, the overall site coverage of the land equals only 40.6% of the total site area, which accords with that anticipated by the Development Plan. Furthermore, the dwellings are limited in size to provide for appropriate setbacks from boundaries, private open space, storage areas and car parking. Consequently, the excess in site coverage should not jeopardise the underlying merit of the proposal.

Although rear setback of Dwellings 1 and 3 do not meet quantitative criteria, their set back from rear boundaries nonetheless minimises visual impact and overshadowing, and therefore the rear setbacks are deemed to comply with qualitative criteria.

These considerations demonstrate that the shortfalls should not adversely impact the subject land, adjacent land, or the wider locality. Additionally, they do not outweigh the underlying merit of the proposal and compliance with the Policy Area objectives.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1801 to construct three (3) single storey dwellings, with Dwelling 1 incorporating a wall abutting the eastern side boundary, at 19 Austral Terrace, 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. 100/2014/1801, being drawings prepared by Dimension Design Studio received by Council on 19 December 2014, correspondence from Megan Hayward dated 6 January 2015, and siteworks plan by FMG Engineering received by Council on 19 December 2014, except when varied by the following conditions of consent.
- 2. Mail box facilities shall be provided close to the major pedestrian entrance to the site, prior to occupation of the dwellings.
- 3. The common waste storage area located at the front of the site shall be appropriately screened prior to occupation of the dwellings. Details shall be provided to Council for consideration and approval, prior to the issue of Development Approval.
- 4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 February 2015

Agenda Ref No:	DAP180215 – 3.6
Originating Officer:	Dylan O'Brien Development Officer – Planning Rob Tokley Team Leader – Planning
Applicant:	Urban Innovations
Development Description:	Four single storey dwellings (two to the rear of the site), all with associated car parking and landscaping
Site Location:	17 Fetlar Avenue, Marion
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	20/06/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/1026
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of single storey dwellings as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel by virtue of proposed Dwellings 1 and 2 supporting an allotment area less than the minimum of 375 square metres required for detached dwellings and Dwellings 3 and 4 supporting an allotment area less than 300 square metres required for group dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Number of dwellings on the land exceeds that sought by the Development Plan.	No change to dwelling numbers. Dwellings 1 and 2 reduced from 3 to 2 bedroom dwellings (all four dwellings are now 2 bedroom dwellings).
Lack of on-street parking	One on-street parking space provided between common driveway and driveway of Dwelling 2.
Front/rear setbacks	The rear setback associated with Dwelling 4 marginally increased.
Extent of dwelling walls on driveway boundary	Dwelling 1 altered to reduce extent of length of wall on driveway boundary. Dwelling 2 incorporated 10.0 metres of wall on boundary and now provides 900mm setback.
Provide greater separation between vehicle manoeuvring areas and bedroom windows	See comments above. Further, the floor plan of Dwelling 3 was amended to ensure bedroom windows do not face into manoeuvring area and wheel-stop device to be installed adjacent this dwelling to provide additional safety.

SUBJECT LAND & LOCALITY

The subject land is located at 17 Fetlar Avenue, Marion. The subject land comprises an irregular shaped allotment of approximately 1093 square metres with a (collective) 28.04 metre wide frontage to Fetlar Avenue. The front boundary of the site is angled due an 'elbow' in the street that provides access to five properties (including the subject land).

Due to the irregular shape of the allotment, the depth of the site varies from approximately 58 metres through the middle of the site, 45.08 metres along south/eastern side boundary and 45.91 metres along the north/western side boundary.

The subject land is relatively flat and is developed with an existing single storey detached dwelling which is set well-back from the street property boundary.

The subject land is devoid of any significant or regulated trees and the certificate of title confirms that the land is clear of easements or encumbrances.

The locality is characterised by a diverse range of housing stock, mainly comprising single storey detached dwellings (original housing stock) at low densities and a number of redeveloped allotments comprising semi-detached and row dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal seeks to replace the existing single storey detached dwelling with four, two bedroom single storey dwellings. Dwellings 1 and 2 are to be located at the front of the site facing and with vehicular access to Fetlar Avenue, and Dwellings 3 and 4 are to be located to the rear of the site in a hammerhead configuration.

Dwellings 1 and 2 are provided with a separate driveway/crossover and vehicle access and are, pursuant to Schedule 1 of the Development Regulations 2008, detached dwellings. Dwellings 3 and 4 share a common driveway/crossover for vehicle access and on-site parking, and are by definition, group dwellings.

As a result of this configuration, Dwellings 1 and 2 have been considered as detached dwellings and Dwellings 3 and 4 as group dwellings for the assessment purposes of this report.

All dwellings comprise two bedrooms, bathroom, laundry, kitchen meals and living. Each dwelling is provided with one undercover and one on-site visitor parking space.

Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer initially raised concern with the common driveway/crossover not providing perpendicular access to the street. The applicant has amended the proposal to provide perpendicular access, and all vehicle access/parking and turning areas are considered adequate to provide safe and convenient vehicle movements.
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ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	Complies 2 x detached dwelling 2 x group dwellings
<i>PDC 3</i>	<i>Minimum Site Area:</i> 375m ² : detached dwelling 300m ² : group dwelling	Does Not Comply Dwelling 1: 228.3m ² Dwelling 2: 237.7m ² Dwelling 3: 193.8m ² Dwelling 4: 220.0m ²
	<i>Minimum Frontage:</i> Detached 12.0m Hammerhead: 4.0m	Complies Hammerhead (Dwellings 3 and 4) Does Not Comply Dwelling 1: 8.4m Dwelling 2: 8.8m (both measured perpendicular to the side boundaries)
	<i>Minimum Depth:</i> 20m	Complies

Assessment

In relation to the above provisions and desired character statement, the proposed development seeks to construct four new dwellings on land where one dwelling currently exists, to provide an envisaged form of housing comprising detached and group dwellings at greater densities to that which currently exists on the land.

It is noted that the construction of the proposed dwellings will not require the removal of any regulated or significant trees, nor compromise the health of any existing mature vegetation on adjoining land. In addition, no existing Council street trees are to be removed or compromised to facilitate any new access driveways to/from the land. It is also worth noting that the subject land is situated within approximately:

- 300m from public transport links (bus) along Marion Road to the east;
- 300m from the Marion train station to the north/west;
- 500m from the Oaklands Park wetlands and open public open space to the north/west;
- Less than 1 km from the Park Holme Shopping Centre; and
- Within convenient walking distance to the Westminster Primary and Secondary School and Marion Primary Schools to the west and south-west, respectively.

Given the above, it is considered that the subject land is a suitable site for redevelopment at a higher density as outlined in Residential Zone, Objective 2. The proposal also meets Objectives 1 and 3 of the Northern Policy Area.

The proposed dwellings will be modern in appearance and display a sufficient degree of visual interest via varying setbacks and the use of different materials in the external finishes. As such, it is considered that the visual impact of the proposed dwellings within the locality will be positive and the provision of landscaping along the driveways and to the front of the subject land should enhance the appearance of the site once completed. The proposed dwellings sufficiently

achieve an attractive residential form of medium density development as envisaged within Northern Policy Area 13.

Site Areas

The proposed site areas for Dwellings 1 and 2 equate to 228 and 237 square metres, respectively, where a minimum site area of 375 square metres should be provided for detached dwellings. This represents a significant deficiency of 147 and 138 square metres, which equates to approximately 39% and 36.8% below the minimum requirement.

The proposed site areas for Dwelling 3 (186 square metres) and Dwelling 4 (217 square metres), also falls considerably short of that required (300 square metres). It is noted that this figure excludes the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, Dwelling 2 and 3 would maintain an average site area of 313.5 square metres per dwelling.

The shortfalls in site area suggest that it is important to consider whether the proposed residential density is contradictory to that anticipated within the Policy Area. The subject land maintains an overall site area of 1093 square metres; resulting in an average site area of 273.2 square metres per dwelling; 9.0% less than that sought for group and residential flat buildings in the Northern Policy Area 13.

Although the Dwellings 1 and 2 are classified as detached dwellings, this classification applies given these dwellings maintain individual access to the street. In the event all four dwellings were to share the common driveway, the shortfall in site area would not be so great, but is less likely to yield a more functional outcome.

In addition to the above, it is worthy to acknowledge that as the site area exceeds 1,000 square metres and a frontage width exceeding 28 metres, the land could be developed for four row dwellings and comply with the minimum site area and frontage widths required (although, due to the unconventional boundaries, siting such dwellings in accordance with Council's Development Plan would be quite difficult). As such, it can be accepted that the density does not necessarily exceed that sought in the Policy Area.

Lastly, the proposal seeks to accommodate two bedroom dwellings only, less commonly constructed throughout the Council area and enabling a site coverage density of 39%. The setbacks proposed generally comply with that sought, whilst the amount of private open space is appropriate for the likely occupant needs. As such, the built form density of the proposal is considered relatively low and in general accordance with Council's Development Plan.

When the site areas are considered in relation to typical residential density standards, the proposed site areas remains consistent with the low-to-medium densities anticipated in the Policy Area.

As a result of these considerations, the proposed development is deemed to sufficiently accord with the Objectives, Principles and Desired Character of the Northern Policy Area 13.

Frontage width

The proposal provides an 8.4 metre-wide frontage for Dwelling 1 and 8.8 metre-wide frontage for Dwellings 2; less than the 12.0 metres sought.

Whilst these figures are substantially less than that expected for detached dwellings in the Northern Policy Area 13, the site's unique positioning within the 'elbow' of the street will lessen the incongruity of the development within the streetscape.

Further, if Dwellings 1 and 2 were to share the common driveway, a similar streetscape outcome could occur; albeit great front yard area would be given over to landscaping.

Notwithstanding the under size nature of the allotments and frontage widths for Dwellings 1 and 2, it is considered that the Objectives and Desired Character of the Northern Policy Area 13 are adequately represented by the proposed development.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Dwelling 1: 47.8%</p> <p>Dwelling 2: 46.0%</p> <p>Dwelling 3: 53.9%</p> <p>Dwelling 4: 47.0%</p> <p>(average for whole of site: 39%)</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>Although high, site coverage nonetheless provides adequate space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and waste storage areas.</p>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

- a) All areas of POS are accessed directly from a habitable room of the associated dwelling;
- b) All POS located at ground level to the side/rear of the dwellings and screened for privacy via standard boundary fencing;
- c) Site features are not adversely affected;
- d) POS areas should not be overlooked by adjacent dwellings
- e) POS areas adequately separated from adjacent bedroom windows
- f) All POS areas feature direct northern aspect, which is ideal for comfortable year round use. This is particularly evident with dwellings 1, 2 and 3 where the POS areas are predominantly north facing. Whilst Dwelling is predominantly west facing, a sufficient portion of the POS is orientated north to benefit from available winter sun
- g) POS areas should not be significantly shaded during winter by adjacent development
- i) NA
- j) POS areas are considered to have sufficient shape and area to be functional for likely occupant needs

Does not Comply

- h) The proposal fails to provide for any shade devices or open alfresco areas that provide shade in summer.

On balance the proposal is considered to accord sufficiently with the General Section, Residential Development, PDC 15.

Site area less than 250 m²:

*20% of the site area or 35 m², whichever is the greater
Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.
One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.*

General Section: Residential Development: PDC 17

Complies

Dwelling 1: 22.2% P.O.S. (50.6m²)
Dwelling 2: 21.3% P.O.S. (50.7m²)
Dwelling 3: 27.4% P.O.S. (53.1m²)
Dwelling 4: 34.2% P.O.S. (75.3m²)

Dwellings 1, 2 and 4 provide over 16m² of private open space with a minimum dimension no less than 4m by 4m which is directly accessible from a living room

Partially complies

Whilst Dwelling 3 provides more than 16m² of private open space, which is directly accessible from a living room, the minimum dimension of 3.8m falls 200mm short of the standard. However, this is only marginally short of 4m and incorporates a minimum length of 6.0 metres.

Street Setbacks

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

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

General Section: Design and Appearance: PDC 23

Does Not Comply

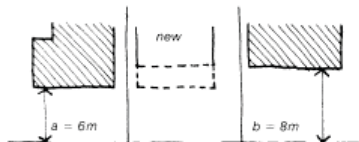
The proposal features varying front setbacks of 6.1m to the main face of Dwelling 1 and 3.4m to the main face of Dwelling 2 (measured perpendicular to the front boundary).

Despite the lesser setbacks, the dwellings provide a high degree of articulation, a main entrance and habitable room windows facing directly to the street, and landscaping through the front yards and along each side of the common driveway. Further, the positioning of the site within the 'elbow' will result in the setbacks being less apparent within the streetscape.

For these reasons the proposal is considered acceptable.

The proposal accords sufficiently with PDC 23.

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

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

General Section: Design and Appearance: PDC 25

Does Not Comply

The dwellings on adjoining land incorporate front setbacks of 5.0 metres and 8.5 metres; whereby a setback of 6.75 metres should be provided. Whilst Dwelling 1 almost achieves this figure, Dwelling 2 does not.

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

During the processing of the application, the location of Dwelling 2 was altered to avoid the previously-proposed 10 metres of wall abutting the driveway boundary. The 900mm separation now provided improves the level of amenity afforded to the residents of this dwelling.

Dwelling 1 incorporates the bedroom wall on the driveway boundary. Whilst this is not ideal, there is an acceptable level of separation provided between the wall and likely vehicle movements.

The proposal accords with the General Section: Residential Development: PDC 36.

Side Setbacks

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

Residential Zone: PDC 7

Complies

Dwellings 1 and 3

Does Not Comply

Dwellings 2 and 4 are single storey dwellings only, featuring wall heights less than 3.0metres.

Whilst the majority of the dwellings' walls are setback at least 1.0m from a side boundary, a small portion of each dwelling encroaches as close as 680mm.

The dwellings are relatively small in scale and length, and as such, the shortfall in setback is unlikely to have a detrimental impact upon adjoining land.

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

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

General Section: Residential Development: PDC 38

Partially Complies:

The south/eastern side wall of Dwelling 1 abuts the side boundary of the internal driveway for a length of 3.8m and to a height of 2.7m.

The proposal is mostly compliant with PDC 38, in-so-far as the wall is less than 3m in height and 6m in length and only abuts one side boundary.

Due to the limited height and length of the wall and proposed landscaping either side of the driveway, the visual impact of the exposed boundary wall beyond the site is considered negligible.

On balance, the proposed sufficiently satisfies the General Section, Residential Development: PDC 38.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

All four dwellings fail to achieve a consistent 6m minimum rear setback. Nevertheless, each dwelling provides a sufficient level of separation from respective rear boundaries. This is discussed in further detail in the following row/table below.

Failure to accord with the Residential Zone: PDC 7 is not deemed fatal to the overall merits of the application.

<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Partially complies</p> <p>The proposal is generally compliant with the quantitative setback standards. Where it does fall short is where the rear setback is less than 6m, but wider than 50% of the allotment widths.</p> <p>Nevertheless, the rear walls of Dwellings 1 and 2 are well separated/shielded from Dwellings 3 and 4 by garages and visitor parking spaces, whereas, the rear setback of Dwellings 3 and 4 (to the rear of the site) is generally greater than 3m (due to the angle of the rear boundary), and in some sections greater than 6m.</p> <p>To this end, the proposal provides a sufficient level of separation to avoid an unreasonable impact upon adjoining land. for the likely needs of the occupants. Furthermore, considering the single storey nature of the proposal and level of separation between neighbouring dwellings to the rear of the site, the likely visual/overshadowing impacts beyond the property boundaries is considered minor.</p> <p>On balance the proposal is considered to sufficiently reflect PDC 37.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Maximum building height no greater than 5.0metres</p> <p>The proposal satisfies Residential Zone: PDC 7</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>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>Complies</p> <p>Dwelling 1: approximately 6.5m and 0.5m behind main face.</p> <p>Dwelling 2: Min 5.5m and 0.5m behind main face</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>

<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>All carports are located under the main roof of the associated dwelling with complementary colours/materials</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>Single-width carport less than 50% of allotment width</p>
<p>Car Parking</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>Complies</p> <p>Dwelling 1 and 2: Two bedroom dwellings, providing two on-site parking spaces, one of which will be under cover.</p> <p>Partially Complies</p> <p>Dwellings 3 and 4: group dwelling arrangement, providing a total of 4 on-site spaces or 2 per dwelling one of which will be undercover.</p> <p>The proposal fails to provide separate on-site visitor parking, the total number of on-site parking spaces are provided. Furthermore, ample on-street parking is available on the southern side of the road island, whilst all dwellings feature a maximum of 2 bedrooms each. As such, the proposed level of on-site and available on-street parking space is deemed sufficient for the likely demand.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) The proposed 2-bedroom dwellings each provide two parking spaces.</p> <p>(b) The subject land is located within reasonable proximity to public transport, but this proximity is not of such convenience to warrant a dispensation in on-site parking.</p> <p>c) Occupants are likely to have standard mobility and transport requirements</p> <p>d) Apart from the provision of up to two on-street parking space directly in front of the subject site, visitor parking is readily available throughout Fetlar Avenue.</p> <p>e) The proposed development will result in a loss of one on-street parking space. Whilst the demand for on-street parking is likely to increase, the provision of parking associated with each dwelling is considered sufficient to accommodate future occupant's needs.</p>

<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>Council's Development Engineer has confirmed that adequate space is provided for vehicles to manoeuvre between the street and proposed parking areas.</p> <p>It is acknowledged that Dwellings 3 and 4 achieve access from the common driveway, which results in additional driveway areas being visible from the street frontage. Whilst the extent of paved areas is not ideal, the applicant has provided substantial landscaped areas between the dwellings and the street boundary, which is considered to achieve an acceptable outcome to "contribute to attractive streetscapes".</p>
<p><i>Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p>	<p>Complies</p> <p>Dwellings 3 and 4 will share a common driveway access. All external and under cover parking will not face directly to Fetlar Avenue and are recessed behind each associated dwelling to an extent that all ground level vehicle parking areas will not be readily visible from the street beyond the subject land.</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>Partially Complies</p> <p>Apart from a single external visitor parking space provided for each dwelling, no separately defined shared visitor parking space exists on site. Nevertheless, one on-street car parking space is provided immediately in front of the land, with no less than 5 spaces available on the southern side of the road island.</p>
<h2>Access</h2>	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Does Not Comply</p> <p>3 vehicle access points provided. However, ample on-street parking exists within the immediate locality to compensate for the number of driveways proposed.</p>

<p><i>Access ways servicing a hammerhead allotment or more than one dwelling should provide for an access onto a public road, with the driveway 'handle' being designed within the following parameters:</i></p>					<p>Complies</p> <p>The common driveway will be servicing 2 dwellings. The driveway width of 3.0 metres complies with that sought and provides a landscape strip of 0.5m on both sides, for the entire length of the driveway.</p> <p>The proposal incorporates a landscaping plan that includes a variety of plantings each side of the common driveway and throughout the front yard areas.</p>
No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)	
1-2	3	3	-	0.5	
General Section: Residential Development: PDC 41					

Design & Appearance

<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> (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. <p>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 17</p>	<p>Complies</p> <p>The proposed dwellings are single storey, incorporating a mixture of render and face brick through the front façade and Colorbond roofing.</p> <p>Each dwelling incorporates a hipped roof form, set at 25° degree pitch, with eaves that offer shading and further articulation.</p> <p>Dwelling 1 and 2 which face directly to the street, feature staggered setbacks to reflect the angled front boundary.</p> <p>The proposal is considered to accord with the Desired Character of Policy Area 13, incorporating a contemporary design, a mixture of materials and level of articulation which achieves an attractive presentation with adequate visual interest.</p>
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design & Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 18</p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p>General Section: Residential Development: PDC 6</p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p>General Section: Residential Development: PDC 6</p>	<p>Complies</p> <p>Dwellings 1 and 2 which face directly to the street have been designed with an entry door and habitable room windows facing the street, thereby, ensuring an external outlook, while emphasising the pedestrian entry point and providing direct access from the street.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

Given the single storey nature of the proposal and level of separation from side / rear boundaries, overshadowing beyond the subject land is considered negligible.

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

Noise

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

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

General Section: Residential Development: PDC 29

Partially Complies

All dwellings incorporate bedroom windows sited adjacent the common driveway. Nonetheless, these windows feature an orientation away from direct headlight glare.

Dwelling 3 was amended during the processing of the application to re-orientate the floor plan, to avoid bedroom 2 of this dwelling abutting the common driveway area.

The current proposal is considered to satisfy Principle 29.

Site Facilities and Storage

Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:

- (a) mail box facilities sited close to the major pedestrian entrance to the site*
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)*
- (c) household waste and recyclable material storage areas away from dwellings.*

General Section: Residential Development: PDC 30

Complies

a) Mail box facilities are sited adjacent the front boundary, close to the major entrance to the site.

Does Not Comply

b) and c) Whilst the dwellings are classified as group dwellings, they are designed and sited in a manner which allows them to function as independent

	<p>dwelling, incorporating rear yards with gate access to permit the individual storage of bins, bicycle storage, etc.</p> <p>The provision of common facilities is not considered necessary in this instance.</p> <p>On balance the proposal is considered to accord sufficiently with the General Section, Residential Development, PDC 30.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p> <p><i>Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p> <p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>Each dwelling provides north-facing POS areas and living area windows to provide exposure to winter sun.</p> <p>Each dwelling incorporates a hipped roof form with north facing slope which could efficiently accommodate solar collectors.</p> <p>To this end the proposal provides sufficient design elements to minimise consumption of non-renewables.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p>	<p>Complies</p> <p>The proposal incorporates a number of garden beds and selection of landscape plantings throughout the site, surrounding the common driveway and across the front yard and along the driveway associated with Dwelling 1 and 2. The landscape plan includes a variety of small trees, shrubs and groundcovers.</p> <p>To this end, the proposed landscaping is considered to appropriately enhance the appearance of the road frontage and car parking areas in accordance with PDC 1.</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 application proposes to level the site, achieving a median between cut and fill on the subject land.

The proposal includes retaining along the rear western boundary to a maximum height of approximately 0.4 metres and along both side boundaries where it will naturally level out with the natural gradient of the site.

Assuming that a 1.8 metre high fence will be constructed above the retaining wall, this would result in a maximum structure height of 2.2 metres at the rear of the site only. Nonetheless, it is anticipated that the majority of the boundary fence will be no higher of 1.8m.

The level of retaining and anticipated fence height is considered reasonable, particularly given that fencing up to 2.1 metres in height does not comprise "development".

As a result of these considerations, the proposed fences and walls located on the side and rear boundaries are deemed to be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land, in accordance with PDC 5.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of Northern Policy Area 13, being the replacement of original dwelling stock, and increase in dwelling density in the form of detached and group dwellings which are an envisaged form of the development.

The proposed dwellings do incorporate site areas well below that sought for detached and group dwellings.

The subject land maintains an overall site area of 1093 square metres; resulting in an average site area of 273.2 square metres per dwelling; 9.0% less than that sought for group and residential flat buildings in the Northern Policy Area 13.

Although the Dwellings 1 and 2 are classified as detached dwellings, this classification applies given these dwellings maintain individual access to the street. In the event all four dwellings were to share the common driveway, the shortfall in site area would not be so great, but is less likely to yield a more functional outcome.

In addition to the above, it is worthy to acknowledge the land could be developed for four row dwellings and comply with the minimum site area and frontage widths required (although, due to the unconventional boundaries, siting such dwellings in accordance with Council's Development Plan would be quite difficult). As such, it can be accepted that the density does not necessarily exceed that sought in the Policy Area.

Further, the proposal seeks to accommodate two bedroom dwellings only, less commonly constructed throughout the Council area and enabling a site coverage density of 39%. The setbacks proposed generally comply with that sought, whilst the amount of private open space is appropriate for the likely occupant needs. As such, the built form density of the proposal is considered relatively low and in general accordance with Council's Development Plan.

As noted in this report, the proposal's shortfalls have been considered on balance with areas of compliance, and the overall merits of the proposal are considered to outweigh the shortfalls. To this end, it is my view that the non/partial compliances will not result in unreasonable impact on the amenity of adjacent land, the streetscape/locality or desired function of each dwelling, and therefore are not of such severity to warrant refusal of the application.

As such it is my view that the proposed development is not seriously at variance to the Development Plan in accordance with Section 25 (2) of the Development Act, 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2014/1026 for four single storey dwellings (two to the rear of the site), all with associated car parking and landscaping at 17 Fetlar Avenue, Marion be GRANTED, subject to the following conditions of consent:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/1026, except when varied by the following conditions of consent.
- 2. An amended, fully engineered siteworks and drainage plan shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

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

NOTES

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

Attachments

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