

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

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- 2. APOLOGIES**
- 3. APPLICATIONS:**
 - 3.1 54 NILPENA AVENUE, PARK HOLME**
Construction of a single storey residential flat building comprising three dwellings and the construction of two single storey detached dwellings
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Single storey detached dwelling and carport (Unit 1 of 2) and Single storey detached dwelling and carport (Unit 2 of 2)
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 - 3.3 445 Marion Road, South Plympton**
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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
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- 4. OTHER BUSINESS:**
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 - 4.2 APPEALS UPDATE**
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- 5. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL HELD ON 18 MARCH 2015**
- 6. CLOSURE**

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 March 2015

Agenda Ref No:	DAP180315 – 3.1
Originating Officer:	Dylan O'Brien Development Officer – Planning Rob Tokley Team Leader - Planning
Applicant:	Onassis Developments Pty Ltd
Development Description:	Construction of a single storey residential flat building comprising three dwellings and the construction of two single storey detached dwellings.
Site Location:	54 Nilpena Avenue, Park Holme
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 1 / Consent
Lodgement Date:	08/12/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/2223
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 250 square metres required for detached dwellings and Dwellings 3, 4 and 5 supporting an average allotment area less than 250 square metres required for residential flats within the Regeneration Policy Area 16. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Vehicle manoeuvrability for Dwellings 3, 4 and 5) should be improved to provide safe and convenient movements	The plans have been amended to enable all vehicles to exit the site in a forward motion, in no more than two turning movements, albeit the movements are extensive.
Front setbacks should be increased to no less than 5.0 metres	Front setbacks (dwellings 1 and 2) increased from 4.75m to a minimum of 5m.
Density of development should be decreased	No change
Site coverage should be decreased	No change

SUBJECT LAND & LOCALITY

The subject land is located at 54 Nilpena Avenue, Park Holme. The subject land comprises a regular rectangular shaped allotment of approximately 1107.8 square metres with a 24.23 metre wide frontage to Nilpena Avenue and a site depth of 45.72 metres.

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 and new housing stock) at low densities as well as a number of redeveloped allotments comprising residential flats and group dwellings at higher densities.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal seeks to replace the existing single storey detached dwelling with 5 single storey dwellings. Dwellings 1 and 2 are to be located at the front of the site facing the street, and with vehicular access to Nilpena Avenue, and Dwellings 3, 4 and 5 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 3,4 and 5 share a common driveway/crossover for vehicle access and on-site parking, and are by definition, a residential flat building comprising 3 dwellings.

As a result of this configuration, Dwellings 1 and 2 have been considered as detached dwellings and Dwellings 3, 4 and 5 as residential flats for the assessment purposes of this report.

Dwellings 1 and 2 comprise 3 bedrooms, bathroom, laundry, kitchen meals and living. Dwellings 3, 4 and 5 comprise 2 bedrooms, with a bathroom, laundry, kitchen meal and living area. Each dwelling is provided with one undercover garage space and share two on-site visitor parking spaces.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has reviewed the amended plans and is satisfied that safe and convenient vehicle movement can now be achieved.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

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.

Regeneration Policy Area 16

Objectives

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

Desired Character

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>student accommodation</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p> <p>2 x detached dwellings 3 x residential flat dwellings</p>
PDC 4	<p><i>Minimum Site Area:</i> 250m²: detached dwellings 250m²: residential flat dwellings (average)</p>	<p>Does Not Comply</p> <p>Dwelling 1 & 2: (detached): 230.5m²</p> <p>Dwelling 3, 4 & 5 (residential flat dwellings): 141.75m²</p>
	<p><i>Minimum Frontage:</i> Detached 9.0m Hammerhead: 4.0m</p>	<p>Complies</p> <p>Dwelling 1 & 2 : 10.1m Dwellings 3, 4 & 5: 4.0m (hammerhead)</p>
	<p><i>Minimum Depth:</i> 20m</p>	<p>Complies</p>

Assessment

In relation to the above provisions and Desired Character statement, the proposed development seeks to construct two (2) detached dwellings and a residential flat building comprising three (3) dwellings (all single storey), resulting in a total of 5 new dwellings on land where one dwelling currently exists. To this end, the proposal provides an envisaged form of housing at a significantly greater density to that which currently exists on the land.

The site area of Dwellings 1 and 2 equals 230.5 square metres, where a minimum site area of 250 square metres should be provided for a detached dwelling. This represents a shortfall of 19.5 square metres; 7.8% below the minimum requirement. However, it is noted that the allotments maintain a frontage width of 10.1 metres, where a minimum frontage width of 9 metres is prescribed for detached dwellings, whilst the depth exceeds the minimum of 20 metres. Accordingly, the undersized nature of the allotment should not be apparent when viewed from the streetscape, and therefore should not detract from the character of the locality.

The site areas of Dwellings 3, 4 and 5 equal 141.75 square metres, where a minimum site area of 250 square metres ought to be maintained; equating in a shortfall of 108.25 square metres, or 43.3%. It is noted that this figure excludes the common driveway, visitor car parks and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the dwellings would maintain an average site area of 216 square metres per dwelling.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area.

The subject land maintains an overall site area of 1107.8 square metres; resulting in an average site area of 221.6 square metres per dwelling. This average site area does not satisfy the minimum 250 square metres required for detached and (single storey) group/residential flat dwellings in the Policy Area.

It can be observed that the land is large enough for five dwellings in the format of three row dwellings and two single storey group/residential flat dwellings ($3 \times 170\text{m}^2 = 510\text{m}^2 + 2 \times 250\text{m}^2 = 500\text{m}^2$ ($510\text{m}^2 + 500\text{m}^2 = 1010\text{m}^2$)), and to this end, the density is not exceeding that which could be anticipated on the land (subject to compliance with design criteria). However, such a development may provide greater efficiencies by enabling more boundary development (via row dwellings).

In terms of the site's proximity to the locational attributes identified in Zone Objective 2, it is acknowledged the site is within 100 metres (by foot) of a large public reserve on Mulcra Avenue developed with a basketball and tennis court, playground and turf play space. A bus route is located on Hendrie Street (120 metres to the west), however, there are no centre zones located within reasonable walking distance of the site.

The site being located within the Regeneration Policy Area is an opportunity to improve the quality of housing stock and provide a range of housing options whilst utilising land more efficiently, which in my view, the proposal achieves. Furthermore, 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.

The proposed dwellings will make a reasonably positive visual impact within the locality, whilst the provision of additional landscaping along the driveway and to the front of the subject land will greatly enhance the appearance of the site once completed.

In conclusion, it is acknowledged the construction of the five dwellings is finely balanced, given the undersized nature of the allotments. The merits of the proposal will be further identified in the following report which will assist Panel Members is considering whether the overall density is an acceptable one.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<p>Maximum site coverage:</p> <p>Site area between 220 and 269 m²: 100 m² or 40% (whichever is the greater) (100m² is relevant for Dwgs 1 and 2)</p> <p>Site area less than 220 m²: 80 m² or 45% (whichever is the greater) (100m² is relevant for Dwgs 3, 4 and 5)</p> <p><i>Regeneration Policy Area 16: PDC 5</i></p>	<p>Complies Dwg 4: 79.8m²</p> <p>Does Not Comply Dwg 1 & 2: 114.8m² Dwg 3: 80.9m² Dwg 5: 81.2m²</p>

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> (a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles <p>General Section: Residential Development: PDC 13</p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 14</p>	<p>Does Not Comply</p> <p>Approximately 172m² or 15.5% pervious land is provided.</p>
<h2>Private Open Space</h2>	
<p>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</p> <ul style="list-style-type: none"> (a) to be accessed directly from a habitable rooms of the dwelling (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy (c) to take advantage of, but not adversely affect, natural features of the site (d) to minimise overlooking from adjacent buildings (e) to achieve separation from bedroom windows on adjacent sites (f) to have a northerly aspect to provide for comfortable year round use (g) not to be significantly shaded during winter by the associated dwelling or adjacent development (h) to be partly shaded in summer (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site. <p>General Section: Residential Development: PDC 15</p>	<p>Does Not Comply</p> <ul style="list-style-type: none"> f) The proposed POS areas are all predominantly south facing and therefore fail to maintain a northerly aspect to provide for comfortable year round use. g) The POS areas are likely to be significantly shaded during winter by the associated dwellings. <p>Complies</p> <ul style="list-style-type: none"> 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 dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas will not be directly overlooked by adjacent buildings . e) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.
<p>Site area less than 250 m²:</p> <p>20% of the site area or 35 m², whichever is the greater</p> <p>Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.</p> <p>One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.</p> <p>(20% is relevant for Dwgs 1 and 2)</p> <p>(35m² is relevant for Dwgs 3, 4 and 5)</p> <p>General Section: Residential Development: PDC 17</p>	<p>Complies</p> <p>Dwg 1 & 2: 50.0m² = 21.7%, and provide a 5m by 5m minimum dimension.</p> <p>Dwg 3: 41.0m²</p> <p>Dwg 4: 40.0m²</p> <p>Dwg 5: 40.0m²</p>
<h2>Street Setbacks</h2>	

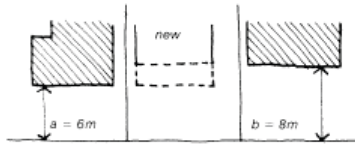
Except in areas where a new character is desired, the setback of buildings from public roads should:
 (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
 (b) contribute positively to the function, appearance and/or desired character of the 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 5.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

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

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

General Section: Design and Appearance: PDC 25

Partially Complies

Dwelling 1: 5.0 metres

(Dwellings on adjoining land set back approximately 8 and 9 metres, which equals an average setback of 8.5 metres)

However, PDC 23 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". Given that the Regeneration Policy Area 16 encourages regeneration of the existing dwelling stock, PDC 25 has limited weight in this instance.

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

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

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

Residential Zone: PDC 7

Does Not Comply

Dwelling 1, 2, 3 and 4: 0.9m setback from side boundaries.

The proposed side setback falls 0.1 metre short of that prescribed by PDC 7. The minor shortfall should not result in unreasonable impacts to adjacent land. Further, it is noted that a setback of 0.9 metres complies with the Building Code of Australia.

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

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

General Section: Design & Appearance: PDC 2

Complies

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

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Does Not Comply

All five dwellings fail to achieve a consistent 6m minimum rear setback. Nevertheless, each dwelling provides at least 5m which is a sufficient level of separation from respective rear boundaries. This is discussed in further detail below.

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

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

Partially Complies

The proposal is generally compliant with the quantitative setback standards. Where it does fall short is where the rear setback is less than 6m.

Nevertheless, each dwelling provides a minimum 5m rear setback. To this end, the proposal provides a sufficient level of separation to avoid an unreasonable impact upon adjoining land. 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.

On balance the proposal is considered to sufficiently reflect PDC 37.

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

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

General Section: Design & Appearance: PDC 2

Complies

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

Building Height

Maximum building height (from natural ground level):

(i) 2 storeys of not more than 9 metres
(ii) 2 storeys plus attic of not more than 10 metres

Residential Zone: PDC 7

Complies

The proposed dwellings incorporate a maximum building height of approximately 5.0 metres, which is substantially less than the maximum permitted in the Policy Area.

Garages, Carports and Outbuildings

<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage: 5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>Dwelling 1 and 2: approximately 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>The proposed garage/carport incorporates a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>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 & 2: Two bedroom dwellings, providing two on-site parking spaces, one of which will be under cover.</p> <p>Does Not Comply</p> <p>Dwellings 3, 4 and 5: Provide a total of 3 undercover spaces and 2 visitor spaces.</p> <p>Council's Development Plan seeks for 5 resident spaces and 1 visitor space.</p> <p>The proposal fails by providing 1 less space than that sought.</p> <p>Dwellings 3, 4 and 5 feature a maximum of 2 bedrooms each which should limit on-site and on-street parking demand (compared to a three bedroom dwelling), whilst reasonable on-street parking is available on Nilpena Avenue.</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>Does Not Comply</p> <p>a) The proposal provides one less space than that sought by the Development Plan, although Dwellings 3, 4 and 5 comprise two bedrooms only.</p> <p>d) Two on-street parking spaces directly in front of the subject site, visitor parking is readily available throughout Nilpena Avenue.</p> <p>e) The proposed development will result in the loss of one on-street parking space,</p>

	<p>whereby the demand for on-street parking may increase due to the shortfall in one on-site parking space. However, the two bedroom nature of Dwellings 3, 4 and 5 may assist in reducing this demand.</p> <p>Partially Complies b) As noted in this report, Centre facilities are not ideally located in convenient walking distance of the subject land. A bus route is available on Hendrie Street, 120 metres to the west.</p> <p>Complies c) The likely occupants are anticipated to have standard mobility and transport requirements.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Partially Complies (a)(b) Council's Development Engineer has confirmed that adequate space is provided for vehicles to manoeuvre between the street and proposed parking areas.</p> <p>As can be seen from the proposal plans, the manoeuvring out of the garages of Dwellings 3, 4 and 5 require a more extensive manoeuvre than generally provided for on group/residential flat dwelling development. To this end, it is arguable as to whether the manoeuvres required are "convenient" or "efficient".</p> <p>(c) 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> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <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 Dwellings 3, 4 and 5 will share a common driveway access. All external and under cover parking will not face directly to Nilpena 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>Does Not Comply The proposal results in two on-street parking spaces, where three (rounded up) is required for 5 dwellings. This is further compounded by the shortfall of 1 on-site parking space.</p>
Access	
<p><i>The width of driveway crossovers should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<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>The proposed crossovers are set back a minimum of 1 metre from any existing street infrastructure, and at least 2 metres from any existing street trees.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>					<p>Partially Complies</p> <p>Whilst 3 separate vehicle access points are provided, each access point is separated by approximately 6m to provide additional on-street parking directly in front of the subject land and 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 3 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)	
3	3	3	Only if the driveway length is greater than 30 metres	0.5	
<p><i>General Section: Residential Development: PDC 41</i></p>					
Design & Appearance					
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>					<p>Complies</p> <p>The proposed dwellings are single storey, incorporating a rendered hebal power panel façade and Colorbond roofing.</p> <p>Each dwelling incorporates a hipped roof form, set at 25° degree pitch, with 300mm wide eaves that offer shading and further articulation.</p> <p>Dwelling 1 and 2 which face directly to the street, feature varying setbacks, between the main face entrance/portico and garages to provide a sufficient level of articulation.</p> <p>The proposal is considered to accord with the Desired Character of Policy Area 16, incorporating a contemporary design, a mixture of materials and level of articulation which should achieve a sufficiently 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><i>General Section: Design & Appearance: PDC 15</i></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,</p>

<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p> <p><i>Residential development should be designed to ensure living rooms have an external outlook.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or access ways that they face to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>while emphasising the pedestrian entry point and providing direct access from the street.</p>
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Overshadowing

<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(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</i></p> <p><i>(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></p> <p><i>(i) half of the existing ground level open space</i></p> <p><i>(ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>Given the single storey nature of the proposal and level of separation from side/rear boundaries, overshadowing beyond the subject land is considered negligible.</p> <p>This is further highlighted by the fact that the three properties that adjoin the rear boundary of the subject land incorporate outbuildings/garages in close proximity to this boundary. As such, any shadow encroaching upon the adjoining properties will fall upon these outbuildings.</p>
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Visual Privacy

<p><i>Buildings on battleaxe allotments or the like should be single storey and be designed to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>Dwellings 3, 4 and 5 which are located on a battleaxe arrangement are single storey and designed to maintain the privacy of adjoining residential properties.</p>
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Noise

<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 29</i></p>	<p>Partially Complies</p> <p>Bedroom 2 of Dwellings 1 and 2 abut the common driveway, providing limited separation from vehicle noise.</p> <p>Dwelling 4 features a bedroom window sited adjacent the common drive, separated from the common driveway by a distance of 1.1 metres, which incorporates landscaping between the driveway and bedroom window.</p>
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	<p>This combination of separation and landscaping is considered to provide sufficient “separation or shielding” to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Notwithstanding that Dwelling 4 also incorporates a window shutter device, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas away from dwellings.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Partially Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate or garage access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><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>Partially Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas are south facing which will deny exposure to winter sun, and therefore efficient solar access to open space areas all year around will not be achieved.</p> <p>Nonetheless, given the single nature of the dwellings and the level of rear separation (5.0 metres), it is envisaged that a portion of the private open space areas will receive some northern winter sunlight in the mornings and afternoons.</p> <p>As acknowledged in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.</i></p> <p><i>General Section: Energy Efficiency: PDC 4</i></p> <p><i>Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.</i></p> <p><i>General Section: Energy Efficiency: PDC 5</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	

<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The 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>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>

ANALYSIS/CONCLUSION

The proposed development represents a density which exceeds that sought in the Policy Area. On average, the proposal incorporates a site area of 221.5 square metres per dwelling; less than the 250 square metres sought for detached and single storey residential flat dwellings.

In terms of the site's locational attributes, the property is within close proximity to a large, well-provisioned reserve, whilst bus routes are available on Hendrie Street to the west. However, there are no centre zones within convenient walking distance of the site.

Whilst the deficiency in site area is acknowledged, the allotments nevertheless maintain functional dimensions, and to this end, the shortfall in site area does not compromise the ability of the proposal to generally comply with other design criteria, such as private open space and boundary setbacks. However, it is acknowledged the proposal fails to provide adequate on-site and on-street parking, results in extensive vehicle movements to exit the site in a forward manner and provides limited pervious land area.

In this respect, the proposal, in my view, is finely balanced.

The shortfall in car parking may result in impacts upon the street, however, the two bedroom nature of Dwellings 3, 4 and 5 is likely to lead to a lesser car park demand, whilst also providing a dwelling size less frequently provided in the private housing market.

Nevertheless, the site being located within the Regeneration Policy Area is an opportunity to improve the quality of housing stock and provide a greater range of housing options and utilise land more efficiently; which the proposal achieves.

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: 100/2014/2223 for Construction of a single storey residential flat building comprising three dwellings and the construction of two single storey detached dwellings at 54 Nilpena Avenue, Park Holme be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/2223, being plans titled "Landscape Layout, Proposed Site Plan, Residence 1 & 2 Floor Plans, Res. 3, 4, & 5 Floor Plans, Residence 1 Elevations, Residence 2 Elevations, Res. 3, 4 & 5 Elevations and Existing Contour Plan" (inclusive) prepared by MCA Design (SA) Pty Ltd, except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, the extent of cut/fill required, the location and height of proposed retaining walls, proposed bench levels and finished floor level of 100.250 for dwellings 1 & 2 and 100.40 for dwellings 3, 4 and 5, driveway gradients, and the location of all existing street infrastructure and street trees.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

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

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 March 2015

Agenda Ref No:	DAP180315 – 3.2
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Weeks & Macklin Homes
Development Description:	Single storey detached dwelling and carport (Unit 1 of 2) and Single storey detached dwelling and carport (Unit 2 of 2)
Site Location:	13 Seaforth Avenue, Dover Gardens
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	11/12/2014 (Unit 1) 14/10/2014 (Unit 2)
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/2263 (Unit 1) 100/2014/1817 (Unit 2)
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject applications are a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

Two separate applications have been lodged for each of the two dwellings and for ease of processing, it was determined that assessment for each of the dwellings be presented in the one report, given that they are each located on the same site address.

A Torrens Title land division (DAC ref. 100/D175/14) has been lodged where the site areas and dimensions are consistent with that of the subject land use applications. In the event the Panel support the subject applications, administration will grant consent to this application.

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

Amendments Requested	Amendments Made
Unit 1 – Increase the front setback to 5m	Setback increased from 4.54m to 5m
Unit 1 – Provide an area of POS that is equal to 10% of the allotment size and has a minimum width and depth of 5m x 5m	The applicant consulted with the future owner regarding this request and the owner has indicated that the layout of the POS as proposed is better suited to their needs.
Unit 2 – Reduce the width of the driveway at the entrance to 4m and provide landscaping for the entire length of the southern side of the driveway.	It was considered acceptable for a recommended condition to be included on the Planning Consent that the maximum width at the driveway be no greater than 4m and plans amended accordingly prior to Development Approval.

SUBJECT LAND & LOCALITY

The subject land is located at 13 Seaforth Avenue, Dover Gardens. The site is a rectangular shaped allotment with a frontage of 15.29m and a depth of 45.72m, culminating in a total site area of 700m².

The site maintains a minimal slope with a fall of approximately 800mm from the south east corner to the northwest corner of the site. The site is currently vacant and no vegetation remains on the site.

The locality is predominantly residential with a range of dwelling types including three sets of two storey 'walk up flats' on the adjoining land to the north. Many of the original dwellings remain on large allotments, however, urban infill is prevalent where detached, group dwellings and row dwellings have been redeveloped with smaller allotments.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to construct two single storey detached dwellings, one located at the front of the site and one located to the rear on a battleaxed allotment.

Unit 1 is a three bedroom dwelling with open plan kitchen/living/dining, associated wet areas, alfresco verandah and carport with access directly off Seaforth Avenue.

Unit 2 comprises the same rooms as Unit 1, laid out differently to suit the site. The carport is accessible from a hammerhead driveway and a small alfresco is incorporated on the south western corner of the dwelling. Indicative landscaping has been provided along the driveway.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<ul style="list-style-type: none"> Vehicle manoeuvring from Unit 1 satisfies the requirements to enable vehicles to enter and exit the parking area in a forward direction. Finished floor levels, paving levels and stormwater disposal are acceptable to minimise risk of inundation from flooding.
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	<p>Complies</p> <p>Unit 1 – Detached dwelling Unit 2 – Detached dwelling</p>
PDC 3	<p>Minimum Site Area:</p> <p>375m² – detached dwellings</p>	<p>Does Not Comply</p> <p>Unit 1 – 289m² Unit 2 – 307.8m²</p>
	<p>Minimum Frontage:</p> <p>12m 4m (hammerhead driveway)</p>	<p>Complies</p> <p>Unit 2 – 4m (Hammerhead driveway)</p> <p>Does Not Comply</p> <p>Unit 1 – 11.39m</p>
	<p>Minimum Depth:</p> <p>20m</p>	<p>Complies</p> <p>Unit 1 – 25.72m Unit 2 – 20m</p>

Assessment

The proposed development represents redevelopment at the higher densities sought by the Desired Character by replacing one dwelling with two.

The former dwelling on the site was an old 'Fibro' house that is commonly seen in the area. The dwelling was in deteriorating condition and the proposed dwellings will improve the built form on the site by replacing the dwelling.

The sites accommodating the dwellings, whilst compliant with the prescribed Development Plan requirements in depth, maintain a site area which falls short of the 375m² minimum, with Unit 1 falling 86m² short of the requirement and Unit 2 displaying a 68m² shortfall.

Whilst it is acknowledged that these shortfalls are not minor, they are also not considered to be substantially at variance that it would result in refusal of the application.

It should be noted that the allotment sizes are exclusive of the driveway which is the method employed in accordance with Principle 8 (General Section: Land Division) where it states 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 the allotment).

It should be noted that if the driveway were to be included in the site area, Unit 2 would maintain an allotment size of 413m², well above that sought in the Policy Area.

In my view, the proposed site areas are considered to meet the density requirements contemplated in the Policy Area. The site is large enough to accommodate two semi-detached dwellings in Policy Area 13 (albeit the site is lacking the required frontage width) (320m² + 320m² = 640m²) as well as for two group dwellings (300m² + 300m² = 600m²). Furthermore, if the dwellings were to share the driveway access, they would comfortably exceed site area for group dwellings by maintaining an average site area of 350m².

The frontage width of Unit 1 being 11.39m when it ought to be 12m is considered to be a minor departure to the Development Plan. The 610mm difference is unlikely to be apparent on the street, nor is it resulting in an inability for the dwelling and garage to meet setback and design and appearance requirements.

Although two street trees are required to be removed to accommodate the hammerhead driveway, the trees are not considered to be of a size or appearance where they make a significant contribution to the streetscape. A street tree located in the centre of the verge will still be retained. Council's arborist has agreed to the trees' removal at the cost of \$165 to be paid by the developer.

To this end, subject to the proposal satisfying the remaining quantitative and qualitative criteria prescribed by the Development Plan, it suggests that the failure to meet the minimum site area is not fatal to the merits of the proposal.

DEVELOPMENT ASSESSMENT

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

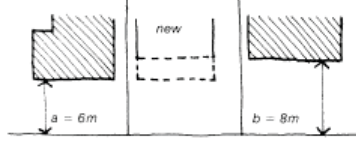
Principles of Development Control

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 Unit 1 – 52.5%</p> <p>It should be noted that the above site coverage includes an under main roof alfresco and without it, site coverage reduces to 46%. The inclusion of an alfresco provides an undercover area with materials to match the dwelling and limits further increases in site coverage by reducing the likelihood of future occupants seeking verandahs in future.</p> <p>Notwithstanding this, the proposal includes generous side setbacks, acceptable front setback and POS areas and therefore is not considered detrimental to the merits of the proposal.</p> <p>Complies Unit 2 – 40%</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> 	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from a habitable room of the associated dwellings. b) All POS is located at ground level to the side/rear of the dwelling/dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings . e) POS areas are not located next to bedrooms of dwellings on adjacent sites. f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land.

<p><i>General Section: Residential Development: PDC 15</i></p>	<p>j) The POS areas are considered to have sufficient shape and area to be functional for the likely occupants.</p>
<p>Site Area 250 m² or greater: <i>Minimum area of POS: 20% of the site area Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies Unit 1 – 82m² (28%) Unit 2 – 77m² (25%)</p> <p>Partially Complies Unit 1 – Provides an area equal to 10% of the site area that is accessible from a living room, however it does not incorporate a minimum dimension of 5m (see discussion below).</p> <p>Unit 2 – Includes an area that is equal to 10% of the site area that is accessible from a living area. The area includes a dimension of 4.9m x 7.185m which is a minor variance of little consequence.</p>
<p>It is acknowledged that the private open space for Unit 1 does not include a minimum dimension of 5m x 5m and results in two relatively long and narrow spaces, one to the rear and one to the northern side.</p> <p>Whilst Council staff initially sought to rectify this aspect of the proposal, discussions that have taken place with the owner have identified that the POS has been provided in that manner to accommodate a dog. It was felt by the owner that the area to the side would provide a more usable space for the dog to run around, and that the space to the rear would adequately suit the owner's needs.</p> <p>As such, whilst a larger space accessible from a living room is sought by the Development Plan, the future occupiers of the site are satisfied that the POS is of a suitable size and shape to be functional to cater for their needs.</p>	
<h2>Street Setbacks</h2>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Partially Complies</p> <p>Although Unit 1 does not maintain the same setback as the two adjacent dwellings, the disparity between the setbacks of the adjacent units to the north is masked by the level of separation between the two buildings.</p> <p>The adjacent building at 15-17 Seaforth Avenue is located some 8.5m from its southern boundary. Unit 1 is located an additional 6.9m away from the shared boundary, making the total separation between the two buildings around 15m. This, combined with the fact that the walk-up units do not face the primary street and there being a front fence, the discrepancy between the two buildings will not be apparent on the street and the proposed setback then provides an acceptable transition between the adjacent building to the south, with the carport stepped back from the main face to be located only 1m forward of the adjacent dwelling.</p>

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

Setback difference between buildings on adjacent allotments	Setback of new building
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below: 
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Does not comply

Unit1: 5.0 metres

7m required - Dwellings on adjoining land is set back approximately 7 and 7.5m metres.

As identified above, I am of the view that the failure to meet this principle will not result in significant impacts on the streetscape due to the generous space between Unit 1 and the adjacent building to the north.

Unit 1 provides a setback compatible with the adjacent dwelling to the south and is considered to accord with Principle 23 above and will not hinder the appearance or character of the locality.

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

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

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

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 7

Complies

Unit1 - 2.1 m (southern side)
Unit 2 – 6.7m (northern side)

In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:

- (a) when located on side or rear allotment boundaries:
 - (i) be constructed at least 6 metres from any existing structure on the same site and the same boundary
 - (ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:
 - (A) 7 metres for structures with enclosed side walls
 - (B) 8 metres for structures with open side walls
 - (C) 7 metres where there are both enclosed and open sided structures
 - (iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres

General Section: Residential Development: PDC11

Carports on boundary

Complies

Unit 1 – Carport on southern boundary
(a) (i) not located less than 6m from any existing structure on the same boundary
(a) (ii) (B) 6.48m on boundary

Unit 2 – Carport on northern boundary
(a) (i) not located less than 6m from any existing structure on the same boundary
(a) (ii) (B) 6m on boundary

Does not Comply

Units 1 and 2 – (a) (iii) Has a maximum height of 2.7m

The heights of the structures on the boundary are deemed to be acceptable. Given that the Development Plan allows solid walls on boundaries to go up to a height of 3m (Residential Principle 38 (c) (iii)) an unenclosed structure of the height proposed is

	acceptable, particularly as the structures' length is 2m below the 8m limit on the boundary.
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the height of the carports on the boundary do not comply with quantitative criteria, the unenclosed nature of the structures is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, this shortfall should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Rear Setbacks	
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p> <p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Does Not Comply</p> <p>Unit 1 – 3.45m</p> <p>The total separation between the rear of Unit 1 and the front of Unit 2 is 6.55m, providing a total clearance between the two dwellings which exceeds the required rear setback distance and will therefore not result in unreasonable visual or overshadowing impacts upon Unit 2.</p> <p>Partially Complies</p> <p>Unit 2 – 7.185m for less than 32% of rear boundary with 4.065m incursion</p> <p>Given that the maximum setback exceeds 6m and the minimum setback does not go as close as 3m, a slight variation in the length of the incursion less than 6m is not considered to result in unreasonable visual or overshadowing impacts upon the adjoining rear property.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Unit 1 – 4.2m</p> <p>Unit 2 – 4.8m</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></p> <p><i>8 metres for a freestanding structure.</i></p> <p><i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p> <p>Unit 1 – 5.96m</p> <p>Unit 2 – 34.7m</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>Vehicle access to and from the site satisfies the Australian Standards.</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 carports are integrated with the main dwelling and incorporate a roof form, materials and detailing which complement the associated dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The carports associated with the dwellings have a maximum width of 3.2m and take up less than 50% of the site frontage width.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>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>Each dwelling provides 2 car parking spaces, one of which is undercover.</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>Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>1 on-street car parking spaces will remain available adjacent the subject land and additional on-street car parking is available further north of the site adjacent the Residential Flat Buildings.</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>Unit 1 – Driveway is 3m in width at the road boundary.</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>Unit 1 – The dwelling will utilise an existing access point which already takes into consideration the stobie pole and the Telstra pit.</p> <p>Unit 2 – The two existing street trees will be removed and will therefore not inhibit access to the driveway.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 7 metres.</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:					Complies Unit 2 - The driveway servicing the hammerhead allotment is 4m, 3m for the driveway and 0.5m on both sides for landscaping.
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

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

The proposed dwellings are typical of the locality, comprising face brick and pitched colorbond roof. Unit 1 will present to the street whilst Unit 2 will have limited visibility given its location at the rear of the allotment.

The bedroom of Unit 1 sits forward of the garage, with the roof extending over the entrance to create a portico. This combined with the fenestration to the front adds articulation and visual interest to the facade.

The windows and doors to the side and rear of the dwellings help break up the expanse of walling to ensure that the visual bulk of the building is reduced when viewed from the open space of adjoining properties.

The dwellings are unlikely to incorporate materials that are reflective or will result in glare.

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

Unit 1 - The dwelling is designed so that its main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

The entrance is considered to be apparent and easily identifiable.

The living rooms of both dwellings are considered to provide an external outlook.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The single storey nature of the dwellings and the setbacks from the boundaries renders the proposal unlikely to result in overshadowing that will unreasonably impact on adjacent dwellings.

The carport of Unit 1 is located on the southern boundary and will sit approximately 1m forward of the adjacent dwelling. There are no habitable room windows on the northern side, however a habitable room window is located on the western side on the main face of the building.

The level of shadow caused by this structure during the winter months will not completely shade the habitable room window to such an extent that it will inhibit light to enter that part of the dwelling throughout the day.

The setbacks provided for the main dwelling, particularly on the southern side, are in excess of the Development Plan requirements and the level of overshadowing will be such that Design and Appearance Principle 10 is able to be achieved over the adjoining properties.

Visual Privacy

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

General Section: Design & Appearance: PDC 14

Complies

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

Noise

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

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

General Section: Residential Development: PDC 29

Complies

Unit 1 includes bedroom windows sited adjacent the driveway to Unit 2. These windows are separated from the common driveway by a distance of 2.9m plus the additional half a metre landscaping. 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.

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

The main activity areas of the dwellings are oriented east, which should nonetheless receive some northern winter sunlight.

The proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

The dwellings incorporate a hipped roof form set at a 20 degree pitch for Unit 1 and 25 degree pitch for Unit 2, with north-facing sections upon which solar collectors could be sited efficiently.

Flooding

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

General Section: Hazards: PDC 4

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

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

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 100.5 should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

A half a metre landscaping strip has been incorporated on both sides of the hammerhead driveway, albeit the landscaping has not been shown on the plan to run the entire length of the southern side of the hammerhead driveway. A condition to the effect that landscaping be provided along the entire length of the common driveway is recommended.

The landscaping shown on the plan is indicative, however a condition is recommended to provide a species schedule should the Panel see fit to support the proposal.

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

Unit 1 proposes retaining walls up to a height of 400 millimetres on the southern boundary. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 metres.

Unit 2 proposes a retaining wall up to 300mm along the eastern and a small portion of the northern and southern boundaries which would result in a total fence height of 2.1m with a 1.8m fence atop.

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

ANALYSIS/CONCLUSION

The proposed development, despite being on undersized allotments is considered to generally accord with the relevant quantitative and qualitative criteria.

Where the proposal displays numerical shortfalls with respect to site areas, site frontage, setbacks, private open space, site coverage and the height of the carport on the boundary, the variations are not considered to be substantial and they are not considered to have significant streetscape implications or result in impacts on adjacent dwellings that will be unreasonable.

Whilst it is acknowledged that the siting of Unit 1 on the allotment does not incorporate an area within the POS that has a minimum dimension of 5m, the space provided will be suitable for the likely needs of the future occupants.

Furthermore, the density proposed is considered to be consistent with the Policy Area and the Desired Character and the removal of the street trees is not considered to severely impair the streetscape as the retention of one street tree in the centre of the verge is consistent with the many other sites in the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993;
- (c) That Development Plan Consent for Development Application No: 100/2014/2263 for a single storey detached dwelling and carport (Unit 1) at 13 Seaforth Avenue Dover Gardens be GRANTED subject to conditions: and
- (d) That Development Plan Consent for Development Application No: 100/2014/1817 for a single storey detached dwelling and carport (Unit 2) at 13 Seaforth Avenue Dover Gardens be GRANTED subject to conditions:

CONDITIONS (DEVELOPMENT APPLICATION 100/2014/2263)

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/2263, being Job No. 42708, Drawing Numbers WD01 to WD10 (inclusive) prepared by Weeks Macklin Homes, received by Council on 13 February 2015, except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
5. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
6. All waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.

NOTES

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

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

CONDITIONS (DEVELOPMENT APPLICATION 100/2014/1817)

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2014/2263, being Job No. 42663, Drawing numbers WD01 to WD09 (inclusive) prepared by Weeks Macklin Homes, received by Council on 14 October 2014, except when varied by the following conditions of consent.
2. The driveway width shall be no wider than 4m at the front of the site. Amended shall be provided to Council for consideration and approval, prior to Development Approval being granted.
3. A 500mm-wide landscaping strip shall be provided along the entire length of the southern side of the hammerhead driveway. Amended plans shall be provided to Council for consideration and approval, prior to Development Approval being granted.
4. A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings along the hammerhead driveway of the property.
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. 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

7. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.

8. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
9. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
10. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
11. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
12. All waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.

NOTES

6. 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.
7. 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).
8. The applicant must bear the cost associated with the removal of the existing street trees, and the installation of replacement street trees to the Council verge at an estimated cost of \$165. An invoice for this amount will be issued to the owner/applicant when Development Approval is granted.
9. 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.
10. 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.
11. 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 March 2015

Agenda Ref No:	DAP180315 – 3.3
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Planning Solutions
Development Description:	Retrospective consent for two freestanding LED-illuminated advertising signs
Site Location:	445 Marion Road, South Plympton
Zone:	Commercial Zone
Policy Area:	Marion Road Policy Area 1
Application Type:	Category 1 / Consent
Lodgement Date:	18/12/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/2310
Recommendation:	Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, as the proposed signage is considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

The subject application requires determination by the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal comprises an outdoor advertising sign of a freestanding/pylon design where the face of the advertising structure exceeds 5m² in area (each side when double sided).

BACKGROUND

The proposed advertising signs already exist on the subject land, and therefore the subject application seeks retrospective consent. On December 2014, Council received notification that the signs had been erected. Council subsequently sent a letter to the land owner on 4 December 2014 outlining that the subject signage was unauthorised, and must obtain consent or be removed from the land.

The subject application was lodged with Council on 18 December 2014, seeking retrospective consent for the two signs.

During the assessment process, the Department of Planning, Transport and Infrastructure (DPTI) requested that the application be amended to change the colour of the LED text displaying the petrol prices from red to white with a black background. The applicant has agreed to change this component of the sign, in accordance with the recommended conditions of consent.

SUBJECT LAND & LOCALITY

The subject land is located at 445 Marion Road, South Plympton, which comprises allotments 107 and 108 in Certificate of Title Volume 5829 Folio 441. The land is located on the south-eastern corner of the intersection between Marion Road and Cross Road.

The subject land maintains a total site area of approximately 2715 square metres, and accommodates a petrol filling station (Caltex Australia Pty Ltd). A canopy and bowzers are located at the centre of the site, and the southern portion of the site (Lot 108) accommodates an ancillary shop and car wash.

Two vehicle crossovers provide access/egress from Marion Road, and a single crossover is located on Cross Road.

The site was previously occupied by On The Run, and prior to this, by Mobil, for the purposes of a petrol filling station. Caltex occupied the premises in 2014.

The locality features a mixture of land uses, including commercial and residential. Rawson’s Electrical, an Acupuncture Clinic and Freedom Pools are also located around the subject intersection, while the Residential Zone is located south and east of the subject land.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application seeks retrospective consent to erect two freestanding illuminated advertising signs on the land.

One of these signs comprises an identification sign with Caltex logo and price sign below, with a total height of 6.8 metres. This sign is located on the Marion Road frontage, facing north-south. The location and size of this sign is similar to the previous freestanding sign used by On The Run.

The other sign comprises a price sign which is 2.35 metres in height. The sign faces east-west and is located adjacent to the western crossover on Cross Road. The size of the sign is similar to the previous price sign used by On The Run, but is proposed in a different location, as the previous sign was located adjacent the eastern driveway on Cross Road.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport and Infrastructure (DPTI):	DPTI does not support the proposed red LED for the pylon sign fuel price boards. The incorporation of white LED on a black background for both fuel pricing components will minimise the potential for driver distraction. Subsequently, DPTI will support the existing pylon sign and smaller price sign provided that the fuel price boards are modified to incorporate white LED on a black background only.
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	In-principle, no objection is raised to the proposed signs subject to the recommended conditions being attached to any approval.
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Refer Attachment IV

ZONE & POLICY AREA ASSESSMENT

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

Commercial Zone		
<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>	Complies The proposed advertisements shall reinforce the existing use of the land for commercial/business purposes.
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Complies The proposed advertisements should not result in adverse impacts on the amenity of the locality within the zone.
<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 Existing land use as petrol filling station shall be maintained.
Marion Road Policy Area 1		
Objectives <ol style="list-style-type: none"> 1 Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road. 2 Development that enhances the visual qualities and streetscape of the Marion Road corridor. 3 A policy area where development provides an appropriate transition and visual and acoustic buffers between non-residential and residential use in adjoining zones. 		Complies <ol style="list-style-type: none"> 1) The proposed signs should not compromise the arterial road function of Marion Road 2) The signs should not detract from the visual qualities and streetscape of the Marion Road corridor 3) The proposed advertisements should not impact on nearby residential properties
Desired Character <p><i>The non-residential development in the policy area fulfils a significant local servicing role to the Marion council area and particularly to local residents. The policy area is to be further developed and upgraded by relatively small-scale, low-intensity uses with high design qualities and management measures to enhance the streetscape and to protect residential amenity in adjacent residential zones. The intensity, floor size, scale and height of development therefore needs to provide for an appropriate transition to</i></p>		Complies

<p><i>residential uses. High impact uses, such as the petrol filling station at 646 Marion Road and the fitness centre at Plympton, are not to be expanded but, rather, further development seek to reduce such impacts and improve residential amenity.</i></p> <p><i>The architectural style and finishes of building development are to be imaginative and creative, but are expected to exhibit an overall domestic scale and character.</i></p> <p><i>Off-street car parking areas will be located at grade and be designed and landscaped to present an attractive view from public roads, particularly Marion Road, with servicing and loading areas screened from general public view.</i></p>	
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DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p> <p>The proposed signage is consistent with the predominant character of the urban landscape.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <p><i>(a) clutter</i></p> <p><i>(b) disorder</i></p> <p><i>(c) untidiness of buildings and their surrounds</i></p> <p><i>(d) driver distraction.</i></p> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>The proposed 6.8 metre-high sign forms the primary advertisement for the premises, while the new price sign serves a secondary role in providing information. As such, the proposed number of advertisements is considered to be appropriately limited to avoid clutter, disorder, etc.</p> <p>It is also noted that the proposed two signs replace the existing two signs which were present for the previous petrol stations on the land (Mobil and On The Run).</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><i>(a) be completely contained within the boundaries of the subject allotment</i></p> <p><i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i></p> <p><i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p>Complies</p> <p>a) Both signs are contained within the subject land</p> <p>b) Mature trees and/or landscaping will not be affected by the signs</p> <p>c) Views of high amenity value will not be obstructed by the signs</p>

<p><i>Advertisements and/or advertising hoardings should not be erected on:</i></p> <p><i>(a) a public footpath or veranda post</i></p> <p><i>(b) a road, median strip or traffic island</i></p> <p><i>(c) a vehicle adapted and exhibited primarily as an advertisement</i></p> <p><i>(d) residential land.</i></p> <p>General Section: Advertisements: PDC 6</p>	<p>Complies</p> <p>The advertisements are contained on private commercial land</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p>General Section: Advertisements: PDC 10</p>	<p>Complies</p>
<p><i>Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i></p> <p>General Section: Advertisements: PDC 11</p>	<p>Complies</p> <p>The proposed advertisements are typical of the Caltex branding throughout South Australia, using simple, clear and concise layout, text and colours.</p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p>General Section: Advertisements: PDC 13</p>	<p>Partially Complies</p> <p>The price sign forms a secondary role in identifying the services provided. Whilst the petrol prices may be readable outside the immediate vicinity of the site, enabling motorists to clearly identify petrol pricings is considered beneficial to driver safety.</p>
<p>Safety</p> <p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i></p> <p><i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i></p> <p><i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i></p> <p><i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i></p> <p><i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p>General Section: Advertisements: PDC 15</p>	<p>Complies</p> <p>a) The level of illumination will be controlled by recommended condition of consent 6.</p> <p>b) The advertisements should not be mistaken for traffic signals or other control devices. DPTI have recommended that the petrol price lettering be changed from red to white, which should minimise potential visual conflict with the traffic signals.</p> <p>c) The advertisements should not result in unreasonable driver distraction, as they are typical of petrol station signage, and do not involve any moving/flashing elements.</p> <p>d) The advertisements should not obscure a driver's view of other road features.</p>
<p><i>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</i></p> <p>General Section: Advertisements: PDC 16</p>	<p>Complies</p>
<p><i>Any internally illuminated advertising signs and/or advertising hoardings which utilise LED, LCD or other similar technologies should be located a minimum of 80 metres from traffic signals, level crossings and other important traffic control devices.</i></p> <p>General Section: Advertisements: PDC 17</p>	<p>Does Not Comply</p> <p>The advertisements are located 12 to 27 metres from the nearest traffic light. Although the sign utilises LED technology, this relates only to the petrol price digits, and does not include any imagery or moving/flashing elements. As such, the LED component of the signs should not result in unreasonable driver distraction. DPTI has confirmed its support for the proposed signage, provided</p>

	that the petrol price digits are white on a black background to remain distinct from the nearby traffic signals.
<p>Freestanding Advertisements</p> <p><i>Freestanding advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) limited to only one primary advertisement per site or complex</i></p> <p><i>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i></p> <p><i>General Section: Advertisements: PDC 18</i></p>	<p>Complies</p> <p>a) One primary advertisement is proposed.</p> <p>b) The size and scale of the advertisements are compatible with the character of the locality and the development site.</p>
<p>Advertising along Arterial Roads</p> <p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p>Complies</p> <p>The speed limit in the subject section of Marion Road and Cross Road is 60 km/h.</p>

ANALYSIS/CONCLUSION

The proposed advertising signs accord with the relevant policies of the Commercial Zone and Marion Road Policy Area 1. The signs shall reinforce the authorised use of the subject land as a petrol filling station, which is a land use specifically envisaged in the Policy Area.

The size and nature of the signs is considered to be compatible with the streetscape character of Marion Road and Cross Road, and is typical of signage for petrol filling stations.

The petrol price elements of the signs utilise LED technology. While the signs are located in close proximity to the Marion Road and Cross Road intersection, their illuminated-LED nature should not create a hazard, given that:

- a) The signs, as amended/conditioned, will utilise white text on a black background only, which should preserve the conspicuous nature of the traffic signals;
- b) The signs do not contain any imagery or moving/flashing elements that would promote unacceptable driver distraction; and
- c) The level of illumination is to be restricted as per Condition of Consent 6.

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: 100/2014/2310 seeking retrospective consent for two freestanding LED-illuminated advertising signs at 445 Marion Road, South Plympton, be GRANTED subject to the following conditions:

CONDITIONS

1. The advertising signs shall be constructed in accordance with Drawing No. 44228-S110, Rev. A, dated 12.12.14. The sign identified as 'ID Pylon Sign & Price Sign' and 'Price Sign' shall utilise white LED on a black background only for the fuel price boards.
2. The illuminated fuel price boards of the 'ID Pylon Sign & Price Sign' and 'Price Sign' shall be altered to utilise white LED on a black background within 1 month of Development Approval being granted.
3. The signs, including the LED component, shall be static at all times. No element of the sign shall flash, scroll, move or change.
4. The operational system for the signs shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.
5. The non-illuminated signs shall be finished in a material of low reflectivity to minimise the likelihood of sun/headlamp glare.
6. The illuminated signs shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. The following luminance levels shall be incorporated into an automatic stepped dimming system:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m ²) Max
Sunny Day	40000	6300
Cloudy Day	4000	1100
Twilight	400	300
Dusk	40	200
Night	<4	150

7. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
8. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of Council.
9. The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Cross Road and Marion Road frontages of this site for future upgrading of the adjacent intersection, together with a corner cut-off from the Marion Road/Cross Road corner. In the event that the subject land is required for road purposes in the future, all signs located within this area shall be removed at no expense to the Department of Planning, Transport and Infrastructure.

NOTES

1. In the event that the ID pylon sign and price signs are not designed and operated to the satisfaction of DPTI, the Commissioner of Highways, as the delegate of the Minister for Transport and Infrastructure, may undertake action pursuant to Section 31 of the *Road Traffic Act 1961* in order to ensure that the hazard is removed.
2. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
3. Given that the structures exist without authorised consent, Council seeks your prompt attention and cooperation to ensure that Building Rules Consent and Development Approval are gained in a timely manner. Failure to do so may result in Council undertaking enforcement action.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 March 2015

Agenda Ref No:	DAP180315 – 3.4 <i>Previously deferred item DAP040315</i>
Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Ian and Jay Bateman
Development Description:	To make alterations and additions to an existing two storey detached dwelling including new second storey balcony to the front of the dwelling.
Site Location:	3 Short Street, Marino
Zone:	Residential
Policy Area:	Hills Policy Area 11
Application Type:	Consent / Category 2
Lodgement Date:	14/11/2014
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2014/2058
Recommendation:	Development Plan Consent (Granted)

BACKGROUND

As members will recall, the subject application was considered by the Panel at its meeting of 4 March 2015, whereby a decision upon the application was deferred for the following reasons;

- 1. That privacy treatments be considered to the northern side of the balcony to provide a reasonable level of privacy to the adjoining property to the north.**
- 2. Consideration of the relocation of the external stair further north than that currently proposed to minimise the amenity and visual impact upon the adjoining property.**

The applicant has revisited the design of the proposal in light of the Panel's position, and amended the proposal where practicable.

For all other relevant plans for this proposal, please refer to the Agenda of 4 March 2015, or contact the author of this report.

DISCUSSION

The applicant has amended the proposal by including a solid balustrade to the northern side of the proposed balcony (previously vertical timber balustrade). (In the event the Panel are supportive of the application, recommended condition 2 seeks for a full set of revised plans).

The balustrade will maintain a height of 1.0 metre and will prevent downwards view into the adjoining property to the north.

Given the reasons provided by administration in the previous report to the Panel, the level of privacy afforded to the adjoining property was considered appropriate at that time and is now considered to be substantially increased by this amendment.

The 'passive' or general use of the balcony is unlikely to result in persons standing at the northern-most part of the balcony, given its 14 metre length. Due to the oblique angle in which to gain views downwards into the adjoining property, the solid balustrade will ensure an appropriate level of privacy is afforded to the adjoining property whilst 'framing' the view for the residents of the subject dwelling.

Whilst some view of the kitchen window (located on the southern wall of the adjacent dwelling) may be visible from the western-most part of the balcony, generally this window will be obscured from view by the floor of the balcony, existing fencing and vegetation. Further, the oblique angle of view into this window will further dilute any meaningful overlooking to this window.

The applicant has provided photos detailing the location of this window and the extent of view currently gained into the adjoining property's rear yard via the existing upper level window and balcony.

In relation to reason for deferral 2, the applicant has sought to maintain the location of the stair in its original position.

The applicant has provided photos and diagrams that illustrate the location of the stair in relation to the bedroom/home office window, which identifies that a majority of the outlook from this window will nonetheless be maintained.

In respect to this point, is of worth to note that the outlook from this window is directly over the subject land, and at the expense of the privacy of the property. Given the generous setback of dwelling on the land, it would be reasonable to expect additions to the existing dwelling or the construction of a new dwelling would be located well forward of the main face of the dwelling; preventing view from this window.

Whilst I appreciate the view and amenity of the home office is valued highly by the residents of the adjacent dwelling, when considering the 'value' of the outlook from this window having regard to Justice deBelle's four-part test, the view loss from this window is considered negligible, given it is not a living room, it is gained over the side boundary of that land, and relatively unrestricted views can be gained in a westerly direction.

In this regard, the applicant has not sought to address the reason for deferral 2, however, has provided greater information for the Panel's consideration.

Administration has discussed the proposal with an officer of the Building Department, who has confirmed the location of the stairwell does not conflict with the Building Code of Australia.

ANALYSIS/CONCLUSION

The applicant has sought to address the Panel's reasons for deferral where practicable. This has resulted in an improved level of privacy afforded to the adjoining property to the north.

For the reasons above, and those identified in administration's previous report, 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: 100/2014/2058 to make alterations and additions to an existing two storey detached dwelling including new second storey balcony to the front of the dwelling at 3 Short Street, Marino be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details dated received 3 November 2014, except where amended by plans and details dated as received 10 March 2015, all submitted with and forming part of Development Application No. 100/2014/2058.**
- 2. An amended Northern Elevation and Upper Level Plan, detailing the solid northern balustrade, shall be provided to Council for consideration and approval, prior to Development Approval being issued.**
- 3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**

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 hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**

Attachments

Attachment I: Aerial Photograph

Attachment II: Proposal Plan and supporting documentation

DEVELOPMENT ASSESSMENT PANEL

Wednesday 18 March 2015

Agenda Ref No:	DAP180315 – 3.5 <i>Previously refused at DAP180215</i>
Originating Officer:	Rob Tokley Team Leader - 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
Policy Area:	Hills Policy Area 11
Application Type:	Category 2 / Consent
Lodgement Date:	20/02/2013
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2013/259
Recommendation:	Advise the Environment, Resources and Development Court that Council supports the compromise plans

BACKGROUND

As Members are likely to recall, the subject proposal was previously presented to the Development Assessment Panel (DAP) at the meeting held on 18 February 2015 and was refused for the following reasons:

- 1. The proposed development results in an unreasonable visual impact upon the adjoining property to the east, due to the location and height of the 'pool pavilion'; failing to satisfy Objectives 2 and 3 and Principles 2 and 6(a) of the Policy Area and parts of the Desired Character statement of the Policy Area.**
- 2. The proposed 'pool pavilion' does not relate well to the slope of the land, resulting in unreasonable visual impact upon adjoining land, and therefore failing to satisfy parts of the Desired Character statement of the Policy Area, Sloping Land Principles 2(a) and 2(b) and Siting and Visibility Principle 4(b).**
- 3. The proposed balcony above the garage results in the overlooking of the adjoining property to the west, and result in a sense of enclosure and surveillance; failing to provide adequate**

privacy and amenity to that land, at variance to parts of the Desired Character and Objective 3 and Principle 2 of the Policy Area and Residential Development Principle 34.

Refer Attachment I

The applicant has subsequently appealed the decision to the Environment, Resources and Development Court. A preliminary conference is scheduled to be held on 23 March 2015. The applicant has provided amended plans for consideration as a compromise prior to the conference. The original report, plans and attachments can be found in the Member's agenda from the 18 February 2015 meeting, or by contacting the author of this report.

In response to reasons for refusal 1 and 2, a substantial reduction in the overall height of the pool pavilion building as measured above ground level has been achieved via the following amendments;

Previous Proposal		Compromise Proposal		Change
Lower Floor Level	43.90	Lower Floor Level	43.42	-480mm
(Max Floor Level AGL)	3.9m	Max Floor Level AGL	3.42m	-480mm)
Upper Floor Level	47.20	Upper Floor Level	46.42	-780mm
(Height b/w UFL and Roof)	3.35m	Height b/w UFL and Roof	2.98m	-370mm)
Pavilion Roof	50.55	Pavilion Roof	49.40	-1.15m

As can be seen, via amendments to the method of construction, lowering of the roof pitch and floor levels of the pool pavilion, the overall height of the building above ground level has been reduced by 1.15 metres.

In response to reason for refusal 3, the applicant has reiterated that a 1500mm-high opaque glass screen will be provided on the southern end of Balcony 1 (above the garage) for a length of 1.0 metre and return along (the northern end of) the western side of the pool for a length of 2.6 metres.

As indicated on SK05-D, the screen will be located to prevent views from Balcony 1 in a south-south-westerly direction to the rear yard of the adjacent property at 1 The Esplanade.

In addition to the above, the applicant has confirmed the glass balustrade serving Balcony 1 (above the garage) will be set-in 500mm from the boundary wall.

Refer Attachment II

DEVELOPMENT ASSESSMENT

The proposed compromise plans are assessed in relation to the DAP's reasons for refusal, as detailed below:

- 1. The proposed development results in an unreasonable visual impact upon the adjoining property to the east, due to the location and height of the 'pool pavilion'; failing to satisfy Objectives 2 and 3 and Principles 2 and 6(a) of the Policy Area and parts of the Desired Character statement of the Policy Area.**

As identified in the 'Background' section of this report, the total height of the pool pavilion above ground level has been reduced by 1.15 metres.

The decrease in height has been achieved by lowering the ground floor level by 480mm, decreasing the height between the lower floor ceiling and upper floor by 300mm and lowering the roof pitch to 1.5 degrees.

As can be seen in SK11-C, the height of the pavilion roof above the adjacent dwelling's mid-level deck has been reduced to 330mm (previously 1480mm).

This amendment will significantly decrease the visual impact upon the adjoining property at 3 Kooraweera Street and increase the outlook available from the primary living space at that dwelling.

Whilst view from the mid-level deck and living room directly down to where the ocean meets the cliff is unlikely, the horizontal outlook will generally be free from structures, whether viewed from a sitting or standing position.

In this regard, I consider the loss of view experienced from this level to have been reduced from 'moderate to substantial' to 'slight to moderate'.

Whilst the position of the building has not altered for reasons of maximising open space between the pavilion and main dwelling, I consider the reduction in the height of the building to have significantly improved the visual impact likely to be experienced by the adjoining property.

To this end, it is respectfully suggested the amendment proposed adequately satisfies the Panel's reason for refusal 1.

2. The proposed 'pool pavilion' does not relate well to the slope of the land, resulting in unreasonable visual impact upon adjoining land, and therefore failing to satisfy parts of the Desired Character statement of the Policy Area, Sloping Land Principles 2(a) and 2(b) and Siting and Visibility Principle 4(b).

The applicant has been reluctant to significantly lower the floor level of the pavilion building to avoid excavating further into natural ground level.

Via the amendments, the lower floor has been reduced by 4800mm, from a relative level of 43.90 to 43.42.

Whilst this lowering may not be as great as that sought by the Panel, the relationship of the floor level above/below ground level has nonetheless improved.

Previously, approximately 90% of the proposed floor was sited above natural ground level. The amendments result in approximately 63% of the floor level above natural ground level.

Given the overall reduction in height substantially improves the impact upon the adjoining property, whilst the floor level above ground level does not result in any meaningful disruption to natural ground level – a design technique sought in the Policy Area, it is respectfully suggested the proposed amendments are considered to reasonably address reason for refusal 2.

3. The proposed balcony above the garage results in the overlooking of the adjoining property to the west, and result in a sense of enclosure and surveillance; failing to provide adequate privacy and amenity to that land, at variance to parts of the Desired Character and Objective 3 and Principle 2 of the Policy Area and Residential Development Principle 34.

It may not have been particularly clear in the previously-submitted plans that a 1500mm-high opaque glass screen is proposed to be located above the garage and adjacent the pool as described above in the Background section.

The applicants wish to identify the location and height of this screen will provide an appropriate level of privacy by preventing downwards view to the southern yard area of the adjoining property at 1 The Esplanade, Hallett Cove. The location of this screen was requested by administration during the assessment of the application having undertaken a site inspection of the adjoining property.

It is suggested that this screen, in addition to the (1.0 metre-high) opaque glass screen on the western side of the swimming pool will provide an appropriate level of privacy to the adjoining property to the west.

The applicant has also confirmed the balustrade (1.0 metre-high, clear glass) above the western wall of the garage, serving Balcony 1, will be set-in 500mm from the boundary.

Whilst the size and function of this balcony has not been substantially reduced as per the Panel's preference, the increased set-back of the balustrade will nonetheless prevent activity directly adjacent the boundary, resulting in a slight improvement to the amenity of the adjoining land.

ANALYSIS/CONCLUSION

The proposed compromise plans have attempted to address the reasons for refusal relating to the height of the pool pavilion, its impact upon adjoining land, height above natural ground level and the privacy afforded to adjoining land.

For the reasons above, it is considered the amendments result in a development adequately compliant with the Council's Development Plan.

Accordingly, it is staff's view that the amendments to the proposal have addressed the Panel's reasons for refusal, and therefore respectfully suggest that the Panel advise the Environment, Resources and Development Court of its support for the compromise plans, subject to conditions.

RECOMMENDATION

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;**
- (b) The proposed development is not seriously at variance to the Marion Council Development Plan in accordance with Section 35(2) of the Development Act, 1993; and**
- (c) That the Development Assessment Panel advise the Environment, Resources and Development Court that Council supports the comprise proposal submitted by Mr John Ward for Development Application No: 100/2013/259 and recommends the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the amended plans marked SK01-D, SK02-D, SK03-D, SK04-C, SK06-C, SK07-D, SK08-D, SK09-D SK10-D, SK11-C, SK12-A, SK-13A stamped dated received 4 March 2015, SK05-D and SK10-D.1 stamped dated received 10 March 2015 and the Site Works and Drainage Plan prepared by P & G Structures Pty Ltd marked Job Number PG14117 Drawing Number C1 stamped dated received 4 March 2015, 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 tenantable 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.**

Attachments

Attachment I: Aerial photograph
Attachment II: Decision Notification Form
Attachment III: Compromise Proposal Plans and Supporting Documentation

DEVELOPMENT ASSESSMENT PANEL
Wednesday 18 March 2015

Agenda Ref No:	DAP180315 – 4.1 Information item only
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Mr Scott Suter
Development Description:	A building for the purposes of a warehouse and light manufacturing (exceeding 10m in height) with associated office component with a floor area greater than 250 square metres, showroom, car parking and landscaping
Site Location:	2 Selgar Avenue, Clovelly Park
Zone:	Commercial Zone
Policy Area:	South Road Policy Area 2
Application Type:	Category 3/Non Complying
Lodgement Date:	03/02/2015
Development Plan:	Consolidated – 13 March 2013
Application No:	100/2015/181
Recommendation:	That the report be noted

INTRODUCTION

The subject application is a Category 3/Non-complying form of development by virtue of the Procedural Matters section of the Commercial Zone, where buildings exceeding 10m in height and offices with a gross leasable area of greater than 250 square metres is listed as non-complying.

The applicant seeks to construct a building for the purposes of a warehouse and light manufacturing with associated office component, showroom, car parking and landscaping.

Despite the zoning of the land, the use of the site and the size of the building are similar to other uses located within the Industry Zone, two properties west of the site. As such, it is staff's view that the proposal displays merit. The Manager – Development Services has agreed with staff's position and resolved to proceed to the full assessment of the application.

The applicant has provided a Statement of Effect, pursuant to Section 39(2)(d) of the Development Act, 1993 and Regulation 17(4) of the Development Regulations, 2008.

In due course, the application will be presented to the Development Assessment Panel for a decision.

RECOMMENDATION

Resolved that the determination of the Manager – Development Services to proceed with the further assessment of the Non-complying Development Application No: 100/2015/181 for a building for the purposes of a warehouse and light manufacturing (exceeding 10m in height) with associated office component, showroom, car parking and landscaping at 2 Selgar Avenue, Clovelly Park be NOTED.

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>