

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 21 OCTOBER 2015**

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- 1.3 IN ATTENDANCE**
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DEVELOPMENT ASSESSMENT PANEL

Wednesday 21 October 2015

Agenda Ref No:	DAP211015 – 2.1
Originating Officer:	Paul Vivian Planning Consultant
Applicant:	Edwardstown Community Church
Development Description:	Use of facilities for dance school classes for up to a maximum of 20 hours per week
Site Location:	24 Towers Terrace, Edwardstown
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 3 / Consent
Lodgement Date:	10/02/2015
Development Plan:	Consolidated – 13 March 2014
Application No:	100/2015/224
Recommendation:	Development Plan Consent and Development Approval (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development. The application is not considered minor as described in Schedule 9, Part 2 (g) and pursuant to Section 38 (c) of the Development Act, any development that is not assigned to a Category 1 or 2 Development by virtue of Schedule 9 of the Development Regulations 2008, will be taken to be a Category 3 form of development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

Following complaints and a petition from local residents, Council became aware of a dance studio (Directions Dance Academy) operating in the Edwardstown Community Church (the Church). Council investigated the matter and identified that the Directions Dance Academy had commenced dance classes on 22 July 2013 and were operating three nights a week between 5.00pm and 9.30pm and Saturdays from 9.00am until 5.30pm. Following internal staff determination (confirmed by legal opinion), Council advised the Church that Development Authorisation was required for the formal and regular dance classes that had commenced operation.

The Church submitted a development application in April 2014 to authorise the use of the premises. It is noted that this application was lodged with a view to allowing a wide range of educational, recreation and sporting activities to occur within the church hall (comprising front and rear hall and ancillary spaces). In this respect, the application sought authorisation for more than the operations of the dance studio, namely *'the use of the church hall for entities related to educational, recreational or sporting purposes'*.

Elements of the proposal included:

- a maximum of no more than 30 students participating at any given time in any activities
- use of the church hall for functions (including a wedding or funeral) for no more than 100 persons
- hours of operation from 8.00am to 10.00pm seven days a week (with priority for church related activities)

The application was processed by Council as a Category 3 form of development for public notification purposes. Approximately 67 representations were received.

Council's Manager Development Services was the assessing officer. Council staff undertook an assessment of the application and it was prepared for presentation to Council's Development Assessment Panel on 15 October 2014. The assessing officer recommended the application be refused as it was considered contrary to:

- Residential Zone PDC1 and PDC4 as not of a scale to serve the local community and will have detrimental impacts on nearby residents
- Interface Between Land Uses PDC 1 as it will compromise amenity of nearby residents with respect to noise, hours of operation and on street parking impacts
- Vehicle Parking PDC 34 as proposal does not provide sufficient off street parking to accommodate users
- Orderly and Sustainable Development Objectives 1 and 3 and PDC 1 as proposal does not contribute to providing a safe, pleasant and convenient environment in which to live

The application was withdrawn by the applicant prior to the Council DAP meeting.

Following withdrawal of the application, dialogue continued between Council, members of the community and the Church as outlined on Council's website at <http://www.marion.sa.gov.au/page.aspx?c=20785>

A facilitated mediation meeting was held on 19 November 2014 between parties with the following outcomes noted on the aforementioned Council webpage:

- *reducing parking congestion by ensuring classes finish at 9pm rather than 9.30pm on Tuesdays and 9.15pm on Wednesdays*
- *further minimising parking congestion by staggering class changeover times*
- *retain, but do not add to, the number of regular classes or events on weeknights (Tuesdays to Thursdays) and Saturdays*
- *maintain Sunday as a class free day*
- *explore ways of resolving noise concerns from dance music*
- *look into the academy paying for a parking regulator during busy times*
- *Council to examine parking controls in the vicinity of residential properties, which would be done concurrently if a Development Application is lodged.*

Following further liaison between the Church and Council, a development application was lodged in early February 2015 for dance classes to operate from the church hall. This is the current application that now forms the subject of this report.

During the assessment process, Council staff requested the following information to gain clarity on a number of matters:

Amendments Requested	Amendments Made
Identification of number of staff associated with the dance studio to be on site at any given time	Subject to the number of children/adults involved. Expect no more than 2 classes at any one time, and that there may be 3 leaders/teachers on site at a given time.
Nomination of which three nights are sought for use of the dance studio	Envisage Wednesday, Thursday and Friday nights
Identification on the submitted plan, or written confirmation, that the dance studio will occupy only the front hall and back hall adjacent the eastern boundary	Confirmed dance studio in hall building only
Anticipated set up and closure times (i.e. what time will hall building be fully vacated and closed)	Confirmed that classes will operate within hours outlined in proposal including setting up and clearing the building
Anticipated range of studio classes (i.e. split between junior and adult classes, types of dancing styles to be taught)	Could not confirm at this time
Any specific sound equipment and music amplification requirements above the currently installed	Confirm use of portable cd player. No other amplification to be available
Any proposed noise attenuation measures to be enacted while dance studio classes are being held	None proposed. Did not consider noise an issue
Confirmation of the maximum number of students in classes within the halls (front and rear) at any given time	Confirm the number of students in classes with the halls (front and rear) at any given time will be a maximum of 30
Number of proposed on site car parks or justification for non-inclusion (noting existing driveway along southern boundary)	Confirm that there are no on site car parks as the driveway along the southern side of the building is used by the residents at 26 Towers Terrace
Any proposed church traffic and parking management practices to facilitate safe and timely pick up and drop off	Outlined traffic management practices to be followed for dance classes. <i>See email sent by Linda Retallick dated 17/09/15 for full details</i>
Identification that no car parking assessment has been provided for current application (noting previous assessment undertaken by Phil Weaver & Associates based on 13- 30 students at any given time). Recommendation that previous advice be amended if proposed student number exceed that previously assessed.	Confirm that number of students will not exceed 30 and that traffic assessment report remains valid
Decrease maximum student numbers to 20 on a weekday evening and 25 on a Saturday	Agreed to request

SUBJECT LAND & LOCALITY

The subject land comprises two regular shaped allotments positioned on the south-western corner of the junction of De Laine Avenue and Towers Terrace. The two allotments are flat in nature and orientated in an east-west direction and have a combined street frontage to Towers Terrace of 34.7 metres and to De Laine Avenue of 45.7 metres. They measure a total of 1588 square metres.

The subject land has a long standing use as a place of worship and contains three main buildings, namely the chapel, the church hall and associated dwelling.

The single storey chapel building is set close to the front and secondary street boundaries and is an elongated building, comprising two notable gable ends addressing either street which underset a steeply pitched hip roof that extends the full length of the chapel building. The gable that fronts Towers Terrace comprises a random stone wall base (in raised plinth design) with the balance of gable walling set slightly behind and finished in a painted render. The gable that addresses De Laine Avenue contains a similar random stone wall base with glazing above. A tall stone chimney-like feature rises above the gable denoted by a large cross. The primary entry to the building is taken from De Laine Avenue although not immediately obvious as it is inset and at 90 degrees to the street. There is some landscaping and a metal palisade fence that runs the length of both street boundaries. The building contains an entry foyer, chapel and other ancillary office or multi-purpose rooms.

The chapel building is directly connected to the church hall and together they form an L-shaped building that extends virtually the full length of the De Laine Avenue frontage and the common boundary with residential properties to the east. The church hall building has a modest painted besser brick façade with a simple offset hip roof that steps up to accommodate the raised ceilings of the internal hall(s) within this part of the building. The church hall building contains a large 'front' hall with a small 'rear' hall directly behind. A kitchen and other ancillary rooms are located on eastern side of the hall building.

The other building on the subject land is a small single storey red brick dwelling that is orientated to Towers Terrace. The dwelling is set behind a green corrugated colorbond fence and contains a small landscaped front garden. The dwelling is separated from the chapel building by a driveway (with electric gate) that is partly covered by a single width car port. The driveway is terminated by fencing at the end of the carport. According to the applicant, this driveway area is used by the resident(s) of the dwelling. There are no other car parks or driveways on the subject land.

Identification for the church is provided by a free standing sign erected adjacent the Towers Terrace intersection and a wall mounted sign on the adjacent façade. There is still a sign advertising Directions Dance Academy on the De Laine Avenue façade.

The overall appearance of the church complex is neat and attractive and the chapel building forms a highly notable element within this section of Towers Terrace.

The locality comprises a mix of residential properties including a dominant provision of detached dwellings of varying ages and styles. Along the southern side of De Laine Avenue the formation of detached dwellings is punctuated by groups of single storey medium density housing (residential flat buildings and/or group dwellings).

Towers Terrace is a collector road and contains bike lanes along either side of the carriageway and also form part of the bus network. In addition to De Laine Avenue, two other local roads (Jervois Street and Daly Street) connect to Towers Terrace within 70 metres of the Towers Terrace/De Laine Avenue intersection.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks authorisation for use of the church hall (comprising front and rear halls) to be used for dance school classes. In particular, the application proposes:

- Dance classes to be held three nights per week (Wednesday, Thursday and Friday) between 5.00pm and 9.00pm and on Saturdays between 9.00am and 5.00pm

- Up to a maximum of 20 participants on a weekday evening and 25 participants on a Saturday in the church hall at any given time (amended from original proposal for 30 participants in all classes)
- A minimum of 15 minutes between each class finishing and commencement of the next class

In the original proposal letter, the applicant further states that:

- No building work is proposed to the church hall
- No other activities will be scheduled in the church hall while dance classes are taking place
- The dance classes will be affiliated with the Church

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	66 properties were notified during the Category 3 public notification process.
Representations:	14 representations were received by Council.
Persons wishing to be heard:	<ul style="list-style-type: none"> • Darren Allison • Ann and Bernard Beljon • Tony and Jane Erickson • Clinton Montgomery (on behalf of Jack Cox)
Summary of representations:	<p>Those in support</p> <ul style="list-style-type: none"> • No concern subject to Council addressing current and future parking requirements in De Laine Avenue, with monitoring and implementation of traffic control measures if required • Church should be commended in effort to promote community activity in area • Approval would promote positive view of Council in supporting local community activity centre • In general favour of classes <p>Those in opposition</p> <ul style="list-style-type: none"> • Lack of parking in De Laine Avenue for visitors or for owners • Blocked driveways and range of traffic infringements when dance classes previously operated • Church should provide off street car parking facilities – does not provide one single car park • Increased traffic congestion and associated road safety risk – greatest impact at peak traffic time between 4-6.30pm • Lack of parental guidance for children crossing road, compounded by lack of controlled crossing • Difficult to enter or exit street due to cars being parked on both sides • Lack of proposed restriction may mean up to 240

	<p>students per night with potential for 120 cars</p> <ul style="list-style-type: none"> • De Laine Avenue carries through traffic from South Road which will increase with Castle Plaza redevelopment • Potential significant public safety risk if Church allowed to use hall for dance classes • Poor response from Church from previous development work and lack of care for impact on community • Extremely dangerous to have large volumes of dancers of all ages use this facility with no provision for car parking • Noise attenuation is major problem and has always been an issue • Towers Terrace is busy road with bicycle and bus lanes and there is potential for serious accident • Council should demonstrate their responsibility as facilitator and their 'duty of care' to existing residents • No traffic assessment or demonstration that proposed development will not have an adverse impact on local amenity • No definitive information that proposed use will not be a commercial operation and other activities would not be held at the same time • Clarification should be sought on whether stated student numbers are per class which may result in a total of 60 students • A traffic assessment should be requested reporting on proposed shortfall of on-site car parking and justification for use of on street parking • De Laine Avenue will be most heavily affected in terms of parking demand by virtue of the bike lane along Towers Terrace • Council wide PDC 22 is relevant and on street car parking availability should be accordingly discounted by a minimum of one space for every two allotments • The application documentation cannot allow Council sufficient confidence to assess additional demands on available on street car parking and impact on residential amenity. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • Note that fourteen representations have been received with 10 opposed and four in favour • Main objection appears to be lack off street car parking • In previous discussions with Council we agreed to limit scale of activities to no more than 20 hours per week and limit number of people involved in classes at any time • We also agreed to ensure there is a gap between classes to minimise problems of simultaneous attendees exiting and arriving • Disagree there are safety issues associated with our activities – note that photos of cars parked in street do not relate to proposal in current application <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>Nil</p> <p>(Council's traffic engineer previously confirmed no objection to proposed activities for application 2014/723).</p>
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and the Medium Density Policy Area 12 are listed in the following table and discussed in further detail below:

Residential Zone		
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>		
PDC 1	<p><i>The following forms of development are envisaged in the zone":</i></p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with dwelling - domestic structure - dwelling - dwelling addition - small scale non-residential uses that serve the local community, for example: - Child Care facilities - Health and welfare services - Open Space - Primary & Secondary School - Recreation areas - Shops, offices or consulting rooms - supported accommodation 	Partially complies
PDC 4	<p><i>Non-residential development such as shops, schools and consulting rooms should be of a nature that:</i></p> <ul style="list-style-type: none"> (a) Serves the needs of the local community (b) Is consistent with the character of the locality (c) Does not detrimentally impact on the amenity of the nearby residents. 	Partially complies
Medium Density Policy Area 12		
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</p> <p>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</p> <p>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p>		

Desired Character

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

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

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

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

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none">▪ <i>affordable housing</i>▪ <i>detached dwelling</i>▪ <i>group dwelling</i>▪ <i>residential flat building (buildings between one and three storeys)</i>▪ <i>row dwelling</i>▪ <i>semi-detached dwelling</i>▪ <i>supported accommodation.</i>	<p>Partially complies</p> <p>Proposed dance class activity is not directly listed as an envisaged use in the policy area.</p>
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Assessment

The subject land is located within Medium Density Policy Area 12 of the Residential Zone. This policy area primarily seeks a residential environment comprising low to medium density dwellings that are generally established at higher densities than the traditional housing stock. The Desired Character describes the qualities sought for new development with no guidance on non-residential development outcomes sought. However, I note PDC 1 of the Residential Zone contemplates 'small scale non-residential uses that serve the local community', for example, child care, schools, shops, consulting rooms, offices and others. Residential Zone PDC 4 provides further guidance on the nature and scale of non-residential development sought in the zone.

The application primarily seeks an additional activity on land already used for non-residential purposes. The church complex has been established on the subject land in excess of 50 years and has evolved to offer a wide range of activities in addition to its core function as a place of worship. These include art classes, children's programs, morning teas, craft groups and other outreach services. It is understood that weddings and funerals are sometimes held on the premises although these are not scheduled at highly regular intervals. The church arguably acts as a focus for non-residential activity generation in the area, not atypical of other churches set within residential areas or small local centres that are a legacy of early – mid 20th century shopping practices.

The Church previously sought authorisation for use of the church hall for a range of education, recreational and sporting uses with limited restriction other than for hours of operation (notably for seven days a week between 8.00am to 10.00pm). This is detailed in the October 15 2014

DAP report for application 2014/723. In considering the merits of the current application, it is worth revisiting elements of the DAP report for application 2014/723. In this, I note that:

- Masterplan acting on behalf of local residents criticised the broad nature of the application and sought refinement of the nature of activities and therefore an ability to better consider potential impacts. Council's assessing officer concurred with this point
- Council's assessing officer examined the nature of current or envisaged church operations and what may be deemed as requiring approval, or not. In this respect, he concluded that the use of the hall for church related activities would not require approval. Likewise, exceptionally low scale dance classes (such as one teacher and 3-4 students, one day per week), art classes affiliated with the Church and the occasional wedding or funeral were not likely, in his view, to require approval
- The church hall is an entirely appropriate facility for dance classes and the proposed presents an appropriate land use
- The application is for much more than the dance studio which could give rise to further impact
- Ultimately did not consider the application was consistent with Zone PDC 4 in terms of scale and impact on residential amenity

As identified above, PDC 4 provides further guidance on the assessment of non-residential uses within the context of a residential area. PDC 4 establishes three main assessment criteria; for development to be of a scale that serves the needs of the local community, is consistent with character of the locality and does not detrimentally impact on amenity of nearby residents.

I am satisfied that the proposed dance class will serve the needs of the local community as sought by PDC 4 (a). I note that the examples listed in PDC 1 include child care, primary and secondary schools and health and welfare services. These types of uses would attract users from the direct or immediate locality and also from areas maybe slightly further afield subject to the distribution of like facilities within the urban framework. As an example, child care facilities would likely attract users in close proximity for convenience purposes, but also those who may pass a facility on their journey to work or are attracted due to reputation etc. There is no finite definition on 'local community' although it is clearly not intended to mean uses of such a scale that would attract cross metropolitan users or the like. The proposed dance studio is a part time activity intended to operate three nights per week and one day on the weekend. Student numbers are capped well below potential capacity of the large hall building. I further consider that by the very competitive nature of dance classes that the ultimate catchment would generally be confined to Marion Council or nearby areas as part of a non-commercial run operation. The Directions Dance Academy demonstrated demand but notably comprised a relocated established facility with a student base that already covered a wider area. I also note that PDC 4 (a) does not state 'only' in preface to local community and as explained above I consider it acceptable that both the local community and a wider catchment (if they choose to do so) may seek to utilise the facility subject to the revised limitation on student numbers.

In turning to PDC 4 (b), the proposed dance classes will be held within the church hall building. The church is a non-residential facility in the locality, however, is longstanding and well established. No building works are proposed and the activity will be ancillary to the primary function of the subject land as a place of worship. It forms part of a tapestry of services that are not uncommon in modern churches or community halls. I am satisfied that the proposal meets the intent of PDC 4(b).

As discussed above, the existing Church already offers a range of activities and singular events and has operated as part of the community fabric for many years. This proposal represents an intensification of on-site activity for the purposes of holding dance classes as part of the full week spectrum of use within the premises. In principle, the church hall is an appropriate venue for the proposed dance classes and offers a continuation of use within the confines of an established non-residential use.

The question of detrimental impact on the locality is of a more subjective nature and there has been strong opposition to the past utilisation by Directions Dance Academy and for the current application. I have considered amenity impacts in the latter part of this report. In particular, the clear concerns raised by some adjoining occupiers on issues of car parking, road safety and traffic congestion. These are all valid planning concerns which are compounded by the very nature of the existing church premises that can accommodate large groups but has historically had no off-street car parking. This has apparently been accepted in a general sense by local residents, however, is not supported by some when undertaken on a more regular and regimented nature as proposed in this application. To broadly paraphrase my latter assessment in this report, I consider that there will be a changed level of impact on nearby residents due to increased parking demand during class hours and associated other traffic impacts. However, I also consider that the nature of these impacts are generally confined to no more than 20 hours per week (including a later weekday starting time of 5.00pm) and further mitigated through a negotiated reduction in maximum student numbers will ensure that impact is not sufficiently detrimental to warrant refusal. I am therefore satisfied that Zone PDC 4 (c) is sufficiently met to support this application.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</p> <p>(b) noise</p> <p>(c) vibration</p> <p>(d) electrical interference</p> <p>(e) light spill</p> <p>(f) glare</p> <p>(g) hours of operation</p> <p>(h) traffic impacts.</p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	Partially Complies
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	Partially Complies
<p>Noise Generating Activities</p> <p><i>Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 7</i></p>	Partially Complies

<p><i>Development proposing music should include noise attenuation measures that achieve the following desired noise levels:</i></p> <table border="1"> <thead> <tr> <th>Noise level assessment location</th><th>Desired noise level</th></tr> </thead> <tbody> <tr> <td>Adjacent existing noise sensitive development property boundary</td><td>Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level.</td></tr> <tr> <td>Adjacent land property boundary</td><td>Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.</td></tr> </tbody> </table> <p><i>General Section: Interface Between Land Uses: PDC 10</i></p>	Noise level assessment location	Desired noise level	Adjacent existing noise sensitive development property boundary	Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level.	Adjacent land property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.	<p>Partially Complies</p> <p>As part of assessment undertaken for DA 2014/723, some noise control measures were proposed. These include no live bands, no powered sound after 10pm and closing of kitchen doors and window blinds on the eastern elevation. Where applicable, I have considered it appropriate to require these actions by way of condition.</p>
Noise level assessment location	Desired noise level						
Adjacent existing noise sensitive development property boundary	Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level.						
Adjacent land property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.						
Orderly and Sustainable Development							
<p><i>Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.</i></p> <p><i>General Section: Orderly and Sustainable Development Objective 1</i></p>	<p>Partially Complies</p>						
<p><i>Development that does not jeopardise the continuance of adjoining authorised land uses.</i></p> <p><i>General Section: Orderly and Sustainable Development Objective 3</i></p>	<p>Partially Complies</p>						
<p><i>Development should not prejudice the development of a zone for its intended purpose</i></p> <p><i>General Section: Orderly and Sustainable Development PDC 1</i></p>	<p>Partially Complies</p>						
<p>Neighbourhood identity should be reinforced by locating local employment opportunities and a range of community, retail, recreational and commercial facilities at focal points.</p> <p><i>General Section: Orderly and Sustainable Development PDC 2</i></p>	<p>Partially Complies</p>						
<p>Where development is expected to impact upon the existing infrastructure network (including the transport network), development should demonstrate how the undue effect will be addressed.</p> <p><i>General Section: Orderly and Sustainable Development PDC 8</i></p>	<p>Partially Complies</p>						
Transportation and Access							
<p><i>Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p><i>General Section: Transportation and Access: PDC 5</i></p>	<p>Complies</p> <p>A bus network operates along Towers Terrace. This is an available option for dance class participants although take up rates would likely be low.</p>						
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Does Not Comply</p> <p>The proposal does not provide any on-site car parking for dance class participants.</p>						

<p>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</p> <p>General Section: Transportation and Access: PDC 9</p>	<p>Complies</p> <p>No alteration to existing sight lines would result from the proposed development. Existing Council controlled parking controls that set cars back from the intersection will not alter.</p>
<p>Cycling and Walking</p>	
<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p>General Section: Transportation and Access: PDC 19 S</p>	<p>Partially Complies</p> <p>Areas for bicycle parking available within subject land.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <p><i>(a) located in a prominent place</i></p> <p><i>(b) located at ground floor level</i></p> <p><i>(c) located undercover</i></p> <p><i>(d) located where surveillance is possible</i></p> <p><i>(e) well lit and well signed</i></p> <p><i>(f) close to well used entrances</i></p> <p><i>(g) accessible by cycling along a safe, well lit route.</i></p> <p>General Section: Transportation and Access: PDC 20</p>	<p>Partially Complies</p> <p>Areas for bicycle parking available within subject land either behind perimeter fencing or within church hall building (subject to church discretion).</p>
<p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p>General Section: Transportation and Access: PDC 32</p>	<p>Partially Complies</p> <p>The church hall building has step free access. There is no dedicated on site disabled car park. Participants would be required to park on street and access the church via the public footpath (that are generally step free and in good condition)</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p>General Section: Transportation and Access: PDC 34</p>	<p>Does Not Comply</p>

<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Does Not Comply</p>
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TABLE DISCUSSION

The proposal does not satisfy or partially satisfies a number of the applicable principles of development control contained within the Marion Council Development Plan. However, the following non-compliances are noted and discussed in further detail below:

Interface Between Land Uses and Noise

The Church is a long established land use within the local community and has been developed over time to include a range of facilities including halls, chapel and ancillary offices and spaces to accommodate a range of activities. According to the applicant this includes amongst others, church services, weddings, funerals, art, sporting and education activities. The scale and nature of non-residential activity on the subject land would have alternated over the years, however, this application seeks a more defined level of use of the church in particular for dance classes.

I do not consider that the proposed development will cause emissions, vibration, electrical interference, light spill or glare impacts.

There are no dance classes similar to that proposed currently operating in the church hall. I have visited the premises and noted the internal layout of the church hall and the location of two dwellings in close proximity to the eastern boundary. An adjoining land owner has raised both historic matters of noise impact concerns and applicable comment on potential for noise generation from the proposed dance classes. The applicant has confirmed that music will be provided only by a portable cd player and that no amplification will be utilised. In undertaking my assessment, I have reviewed the findings and conclusion of the investigations outlined in the DAP report for the previous application 2014/723. Assessment commenced while the Directions Dance Academy was operational and the assessing officer commented that, based on site visits, music noise was not readily heard outside the front of the building. In addition, it was proposed to keep kitchen doors and roller blinds (on the eastern elevation) closed during dance lessons, plus no live bands in either hall and powered sound turnoff of by 10pm. The assessing officer noted the potential for noise generation between change over or from dropping off students, parking or other associated tasks. This concern was exacerbated by the extended operational hours for the dance studio and any other activity in the church hall.

Dance classes are proposed to be restricted to three nights per week (vacated by 9pm) and on Saturdays, however, there will still be noise associated with movement activity. In this, the proposed hours of operation represents a reduction from a maximum of 98 hours per week from the previous proposal to a maximum of 20 hours per week or an 80% reduction in the total 'operating' hours. The proposed dance classes will still run for a reasonable amount of time each week, however, this could not be considered persistent or without potential for substantive respite from dance classes (or similar) unlike the previous application. The applicant has further agreed to reduce maximum student numbers and outlined that a 15 minute change over interval will be implemented for all classes in order to lessen potential parking congestion or noise issues at this regular time. The applicant advises that sporadic Neighbourhood watch meetings occur on a Wednesday evening (although not confirmed for next year) and a music practice group meets after 7.30pm on a Thursday night. No regular meetings occur on a Friday night.

Given the nature of the locality where residential amenity is high but partially impacted by vehicle/ bus traffic along Towers Terrace and De Laine Avenue (connecting to South Road) I do not consider the proposed hours of operation focussed on three evenings per week and all day Saturday (which in total accounts for 12% of a 168 hour week) to be unreasonable in terms of utilising a public street for car parking and drop-off/ pick up. Overall, I am satisfied that the proposed development will result in noise, car parking or traffic impacts or create residential conflict to a degree that warrants refusal.

Car Parking and Traffic

The subject land contains no on-site parking except for a covered and uncovered space within a driveway accessed from Towers Terrace. The applicant advises that these spaces are utilised by the residents of the dwelling. It would appear that the church has had no on-site provision either from establishment or for many years and has operated with people visiting the property either by car (and parking on street) or by foot or possibly public transport. A lack or non-provision of car parking is not entirely unknown for churches, community centres or small local centres if established prior to the 1950/60's.

Council's Development Plan seeks off street car parking in accordance with Table Mar/2 – Off Street Vehicle Parking Requirements. The list contained in this table does not specify required parking rates for a dance studio or similar activity. No parking provision rate is contained in either the older Planning SA Planning Bulletin "Parking Provisions for selected land uses" (2001) or the more recent Parking Spaces for Urban Places: Car Parking Study Guideline for Greater Adelaide (2013) prepared under LGA grant funding.

On this basis, car parking demand should be assessed on an as-needs basis taking into account projected participant numbers and other demand generators. As part of the assessment for the previous application, Council sought the preparation of a traffic assessment to advise on the level of traffic generation, review of impact on the street network, parking assessment having regard to absence of off street parking and potential parking strategies to mitigate impacts

In response, the applicant engaged Phil Weaver & Associates to prepare a traffic assessment. The report was prepared while the Directions Dance Academy was in operation. The consultant's report advised the following:

- Within the surrounding area measured approximately 150 metres from Towers Terrace (as marked Areas A-J in the report) there are approximately 118 car parking spaces available. This included 33 car parks along Towers Terrace that was criticised by representors as being unlikely to be desired for use due to bicycle lane restriction, passing buses and narrow nature of the street
- Based on two surveys (conducted on a Thursday evening and a Saturday morning) there was:

- a peak demand of 27 car parks on the Thursday (at 6.30pm) and 47 cars on the Saturday (at 10.30pm)
- most heavily utilised area was the northern side of De Laine Avenue – noting that car parking is unrestricted on this side of the road while the southern side is restricted to one hour
- low level of car parking on other streets
- that in conclusion there is an overall relatively minor impact as a direct result of the dance classes and that car parking demand can be readily accommodated in the study area
- recommendations for timing of drop off/pick up directly in front of the church hall

Council's assessing officer noted community concern for the robustness of this assessment and undertook his own observations in order to assess car parking demand and impact on the local area. The officer's comments are paraphrased as follows:

- Towers Terrace does not provide accessible on street car parking due to bicycle lane and other restrictions
- Almost all visitors to the hall parked in De Laine Avenue
- Number of vehicles parked in De Laine Avenue varied between a minimum of eight and a maximum of 20 vehicles during six visits over a two week period
- Based on a total of 30 participants in any one activity, he concluded that a maximum number of vehicles of 20 would be consistent with a full dance class of 30 students
- Potential for greater car parking demand at 'change over' period
- No use of on-site driveway for stacked car parking for teachers
- An overall shortfall of 20 car parking spaces that could occur every day in front of residential properties with no respite over a full week
- Impact confined to a few residential properties but does not minimise importance

Notwithstanding concerns raised regarding the previous traffic assessment, I consider that taken together with the observations from Council's assessing officer that a sufficient picture of parking demand and impact is available.

The nature of this application seeks to balance use of the church hall with a pre-existing lack of off street car parking. The application originally sought a maximum of 30 students per class in a similar manner to the previous application. The applicant's traffic consultant concluded that car parking demand was accommodated in the wider area, while Council's assessing officer concluded that the impact was unacceptable given the concentration of parking activity in close proximity to the church hall and potential all week impact.

Taking this into account, further negotiations have occurred with the applicant to investigate additional mitigation to achieve better compliance with the intent of PDC 34: On this basis, the applicant has agreed to:

- Reduce the maximum of number of students to 20 for weekday evenings and 25 on Saturday
- Confirmed that all activity will cease and students departed by 9.00pm on selected weeknights and 5.00pm on a Saturday (noting that the hours of operation have also been altered to ensure classes do not commence before 5.00pm on selected weeknights as opposed to 4.00pm for previous application)
- Introduce car parking measures comprising:
 - Teachers be required to park away from De Laine Avenue
 - Ongoing education of parents of students by any future dance school directors to drive / park with consideration of neighbours / other road users and the safety of all children
 - If waiting for the duration of the class, to park in Jervois or Daly Streets, or at least beyond Harris St towards the eastern end of De Laine Avenue
 - If dropping or collecting students, to use the southern side of De Laine Avenue

The proposed reduction to maximum student numbers is considered a substantial change for the nature of potential impact. Based on observations for the previous application it appears that travel behaviour denotes a car to student ratio of approximately two-thirds (i.e 20 cars for 30 students). On this basis, car parking demand or potential shortfall could be in the order to 15 – 18 car parks. According to the traffic consultant's report there are approximately 34 car parking spaces (18 time limited along southern side of street) along De Laine Avenue measured 150 metres from the Towers Terrace intersection.

Based on possible car parking generation, between 40%-60% of spaces would be utilised if participants chose to park in this section for the duration of dance class sessions. While not definitive and subject to individual behaviour, I am satisfied that the impact will be noticeably less than occurred for the Directions Dance Academy. This will be further reinforced by the introduction of a minimum 15 minute change over interval and the aforementioned car parking measures offered by the applicant.

I note the suggestion from a representor's consultant that General Section Land Division PDC 22 applies and that on street car parking provision should be discounted accordingly (PDC seeks provision of one on-street car parking for every two allotments unless separately defined visitor parking exists). This principle generally applies to the assessment of land division proposals. Notwithstanding, De Laine Avenue contains a majority of detached dwellings where driveways provide possible visitor parking (albeit not shared as arguably the intent of the policy is for group dwelling and residential flat building developments). The unit complexes along the southern side of De Laine Avenue suggest a possible need for 3 on street spaces if this PDC is valid, which I do not consider to be the case. This can be accommodated with the availability of on-street parking during class times and in the majority of the week when no class operates.

The proposed development will generate increased traffic movements during periods that the dance classes are operating. An additional 15-20 vehicle movements may be generated at regular intervals during class time. De Laine Avenue currently carries between 1200-1500 vehicles per day. Any increase will be well below the threshold of 3000 vehicles per day that is considered the acceptable limit for a local road. I do not consider traffic generation to be unacceptable.

The question of traffic safety, especially for children, is not strictly a matter controlled by planning legislation. All road users (including pedestrians) must follow road rules and exhibit a duty of care. The use of a public road and footpaths to access the subject land is not reason alone to refuse the application.

Orderly Development

Taking into account the nature of the existing church with no off-street car parking and the revisions made to the application, I am satisfied that the proposed dance classes will not jeopardise the continuation of residential use along the balance of De Laine Avenue or Towers Terrace and that a sufficiently high level of amenity will be maintained across the week. There will still be periods of greater parking demand but these will be focussed on certain times of the week and will be less than experienced with the Directions Dance Academy. I am satisfied that the proposal is an orderly and sustainable form of development.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking demand, traffic congestion, noise and residential amenity impacts, level of assessment provided by applicant and the precise nature of proposal have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters. .

The representors have also raised concerns over road safety and the church's interaction with the community. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

This is the second application for the establishment of dance classes within the church hall building. The previous application sought approval to authorise the activities of the Directions Dance Academy (or other), but notably, expanded the nature of the proposed development to incorporate unencumbered educational, recreation or sporting uses up to 14 hours each day or a total of 98 hours per week. The DAP report for the previous application recognised that nothing in that application prevented the dance class operator or a similar use from utilising the premises in the same manner every day and night of the week.

There was a mediation meeting following withdrawal of the application between Council, the Church and some community members. While not a planning assessment matter, I note that the Church contend they have submitted an application in a manner guided by the outcomes of mediation.

In this respect, the dance class component differs from the previous application by:

- A reduction in participant numbers from 30 to a maximum of 20 students in the church hall on a weekday evening (Wednesday, Thursday and Friday) and a maximum of 25 students on a Saturday
- A reduction in closing time of 30 minutes from 9.30pm to 9.00pm on a weekday evening and from 5.30pm to 5.00pm on a Saturday evening
- Introduction of a minimum 15 minute change over interval between classes to allow for dispersal of traffic and easier drop off / pick up
- A voluntary car parking management practice for teachers and students designed to reduce concentration of parking activity on the section of De Laine Avenue adjacent the church
- No other activities to be undertaken in the church hall building while classes are operational

The collective impact of the above amendments and analysis against the relevant Development Plan provisions demonstrates that proposed impacts are not sufficient to warrant refusal.

It is appreciated that it can be difficult and challenging for residents who live near a well-established non-residential facility when change or intensification of use is proposed. Overall, it is considered that the amended application achieves an appropriate balance between allowing a suitable ancillary use of the church hall and mitigating car parking, noise and other residential amenity impacts to a sufficient degree. A clear change from the previous application is the removal of any 'open ended' use of the church hall for educational, recreation or sporting uses on a more regular basis (that may require authorisation in its own right) and a restricted set of operating hours and student numbers for the dance classes. The significant majority of the week will be free of dance class activity for local residents

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 and Development Approval subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Development Approval for Development Application No: 100/2015/224 for use of facilities for dance school classes for up to a maximum of 20 hours per week at 24 Towers Terrace, Edwardstown, be **GRANTED** subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/224, except where varied by the following conditions of consent.
2. The hours of operation of the church hall for dance classes (including set up, student departure and closing) shall be restricted to the following days and times:
 - Wednesday, Thursday and Friday between 5.00pm and 9.00pm; and
 - Saturday between 9.00 and 5.00pm
3. A minimum interval time of 15 minutes shall be provided between one dance class finishing and the next dance class commencing.
4. The church hall shall accommodate no more than:
 - 20 participants for Tuesday, Wednesday and Friday dance classes at any one time; and
 - 25 participants for Saturday dance classes at any one time
5. No live bands shall operate within the church hall while dance classes are operating.
6. Non-church related activities shall not occur within the church hall while dance classes are operating.
7. A sign shall be placed inside the church hall advising users of the hall to be considerate to neighbours upon arriving and leaving the premises by keeping noise to a minimum.
8. A large print, A1 size copy of the traffic management practices to be adopted by the applicant shall be placed inside the church hall adjacent the main exit door to advise participants where to preferably park their car or conduct drop-off / pick up.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 October 2015

Agenda Ref No: DAP211015 – 2.2

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Aron Richard Jackson

Development Description: A three storey detached dwelling, with associated pool, decking, earthworks and retaining walls

Site Location: 2/115 Perry Barr Road, Hallett Cove

Zone: Residential Zone

Policy Area: Southern Policy Area 18

Application Type: Category 2 / Consent

Lodgement Date: 30/06/2015

Development Plan: Consolidated – 13 March 2015

Application No: 100/2015/1147

Recommendation: Development Plan Consent (Granted)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that exceeds a building height of 9.0 metres as Category 2. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Number of stories must be reduced	Dwelling altered from four storeys to three storeys
Filling proposed over the rear graded area should be deleted to ensure the rear yard is consistent in grade/level as adjoining properties	Filling deleted from proposal

Extent of development over the rear graded area should be minimised to avoid unreasonable overlooking of adjoining land to the north and south	Extent of decking over graded area reduced in length and dwelling relocated 1.0 metre towards front boundary
Overlooking from upper level windows and balconies should be addressed via treatments to a minimum of 1700mm above floor level	Fixed obscure glazing and balcony screening increased in height from 1500mm to 1700mm above floor level
Site coverage and floor area ratio should be reduced to satisfy Policy Area Principle 5 (35% and 0.5, respectively)	Site coverage reduced from 37% to 35.7% and floor area ratio reduced from 0.71 to 0.68
Additional landscaping should be made available street-side of the dwelling	Width of driveway 'bridge' reduced to enable additional in-ground landscaping. Planter box also provided at driveway level

SUBJECT LAND & LOCALITY

The subject land is situated at 2/115 (Lot 2), Perry Barr Road, Hallett Cove.

The land incorporates a frontage width of 12.69 metres and average depth of 42.63 metres; providing a total site area of 541 square metres. An easement, in favour of the Minister for Infrastructure, is located adjacent the rear boundary of the property, measuring between 4.44 and 5.96 metres in width.

The land incorporates an extremely steep fall at the front of the property, leading to a benched, flat area of some 300 square metres in the centre of the site. Towards the rear, the land once again falls steeply, leading to natural ground level at the rear of the property.

The site is currently vacant, with no Regulated Trees on the land. A bus stop is adjacent the southern side boundary of the land.

The locality comprises a mix of single and double storey detached dwellings on sloping allotments between 600 – 800 square metres; most of which have been constructed between the 1970s and early 2000s.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposed to construct a three storey detached dwelling, with associated balconies/decks, access 'bridge'/driveway, earthworks and landscaping

The ground floor of the dwelling (incorporating an 800mm split between the northern and southern ends) contains three bedrooms, typical wet areas, cinema room, laundry, cellar and store.

The middle floor comprises a bedroom and ensuite, separate family room, and an open plan kitchen/living/dining area that leads to a deck, spa and pool.

The upper floor incorporates a double-width garage (with an additional car space to the rear), entry hall, main bedroom (with ensuite and WIR) providing access to a balcony.

The building's front façade will be finished in 'Alutile' fascia panel in mid-grey, matt sheen. The remainder of the dwelling will incorporate off-white rendered Hebel panelling.

Access to the dwelling's upper floor will be gained via a concrete 'bridge' connected to the dwelling; avoiding the need to fill the extremely steep portion of the front of the site. A set of

external stairs will enable access from the front of the property to ground level to the north and south sides of the dwelling.

Retaining walls up to 2.0 metres in height are proposed adjacent the steep embankment at the front of the property, whilst some minor retaining will also be required to the sides of the dwelling.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	9 properties were notified during the Category 2 public notification process.
Representations:	4 representations were received by Council.
Persons wishing to be heard:	2 representors identified they wish to address the Panel.
Summary of representations:	<ul style="list-style-type: none"> • Height of dwelling and number of stories proposed; • Loss of views; • Potential glare/reflection from façade materials; • Loss of privacy; • Out of character; • Loss of property values <p><i>Refer Attachment IV</i></p>
Applicant's response:	<p>A response has been provided by the applicant's legal representative.</p> <p><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering:	Stormwater must be discharged directly to the street via sealed system or sump/pump.
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Southern Policy Area 18 are listed in the following table and discussed in further detail below:

Residential Zone
<p><i>Objectives</i></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>
Southern Policy Area 18
<p><i>Objectives</i></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing.</p>

Desired Character

The desired character of the policy area is derived from predominantly single-storey, low density dwellings exhibiting a variety of architectural styles. Future development of vacant land within the area will contribute to a mix of housing densities and housing types to improve housing diversity.

New buildings will maintain the existing pattern and scale of existing buildings and be designed to minimise alteration of the natural or existing landform. The built form, architectural and landscape design of individual sites should make a positive contribution to the streetscape.

Buildings should not exceed two storeys and sloping sites should be developed at lower densities. Where buildings and extensions (including decks) are proposed on sloping land, particular attention will be given to the protection of the privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

PDC 1	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"><i>. affordable housing</i><i>. detached dwelling</i><i>. group dwelling</i><i>. residential flat building</i><i>. row dwelling</i><i>. semi-detached dwelling</i><i>. supported accommodation.</i>	Complies
PDC 3	<i>Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.</i>	Partially Complies See comments below

Assessment

The proposal seeks to construct a three storey detached dwelling on an existing allotment, which incorporates a modern architectural design adopting façade materials that differ to that commonly found within the locality. To this end, the proposal will satisfy parts of the Desired Character that seek for a mix of housing types.

It is acknowledged however, that the height and three storey nature of the dwelling is inconsistent with a majority of dwellings within the locality, and more so, varies from the built form envisaged within the Policy Area. Further, the floor area ratio, side setbacks and building height (discussed further in this report) do not satisfy that sought in the Policy Area, and as such, the building does not satisfy the “low scale” form of development within the Policy Area, which “*maintain[s] the existing pattern and scale of existing buildings*” and “*should not exceed two storeys*”.

However, in my view, the slope and form of the subject land, the built form on the southern adjoining property and the anticipated built form on the adjoining land to the north, in my view, provides reasonable justification for the proposed dwelling.

Whilst three storeys and 11.45 metres in maximum height (from lower floor level to top of roof parapet), the proposed dwelling will incorporate a height above existing ground level of a maximum of 10.05 metres. Whilst the dwelling will be a maximum of 400mm higher than the adjacent dwelling to the south. This height enables the dwelling to provide some presentation to the street, rather than a building that is entirely sunk below street level.

The adjacent dwelling to the south comprises two storeys, however, the ground floor of that dwelling is situated between 800mm – 1300mm above (benched) ground level. Further, this dwelling is setback 2.05 metres from the shared boundary with the subject land, where Council’s Development Plan would seek between 2.2 – 2.6 metres. It is assumed the

dispensation in side setback was permitted for the same or similar reasons as justified for the subject dwelling (below).

The proposed dwelling incorporates a ground floor level between 2.0 metres and 2.8 metres below that of the neighbouring dwelling, enabling a comparable overall building height above existing ground level.

To this end, I am satisfied that the number of stories and total building height proposed should not have a detrimental impact upon the adjoining allotment to the south, nor upon the streetscape, nor does it erode the integrity of the Policy Area.

Similarly, it is anticipated that in future a dwelling will be proposed to be constructed on the adjoining allotment to the north. Given the topography of that land shares similarities with the subject land, and the dimensions of the allotment are also likely to lead to a slim, elongated building, I do not envisage the height and setbacks of the proposed dwelling to result in a severely detrimental impact upon the amenity of future occupants of that land.

To this end, whilst the compliance of the development with Council's side setback criteria will be discussed further in this report, I am satisfied that the overall height of the building and proximity to side boundaries will not cause an unreasonable level of visual impact or overshadowing upon adjoining land to the extent that refusal is warranted.

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

In assessing the potential loss of view, in my opinion, the two properties most affected by the proposed development are those located at 112 and 114 Perry Barr Road.

(Please refer Attachment VII for photos of likely view loss).

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

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

- Step 1: Assess the views to be affected (i.e. water, land, coast etc);
- Step 2: Consider from which part of the property the views were being obtained;
- Step 3: Assess the extent of impact of the loss of views; and lastly
- Step 4: Assess the reasonableness of the development proposal.

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

Introduction

Prior to undertaking a views assessment, I believe it is of value to recognise that the subject property is a private parcel of land. This land, was divided in April 2008 following the granting of consent for the construction of three detached dwellings on (the then) 115 Perry Barr Road. It has existed, therefore, in its form for some time. The owner of this land has the right to develop

their property for a residential dwelling, and given the fact that adjacent dwellings are designed to take advantage of views over the subject land, and that two storey dwellings are envisaged in the Policy Area, it is inevitable that any dwelling on this land will have an impact upon the views currently available to adjacent properties.

112 and 114 Perry Barr Road

Views currently available from these properties and dwellings span from the south-west to the north-west (in a clock-wise direction). The most attractive views are to the north-west, which gain the greatest amount of view of the ocean, as the foreground is lower in this direction. The view also includes dwellings and land closer to the coast, and the undeveloped Hills Face zoned-land within the Linwood Quarry site. There are no ‘icons’ within the view available.

View is available from ground level north-west of the dwellings (front yard) and within the lounge room (also available from the main bedroom of 114 Perry Barr Road). Limited views can be gained from the upper level (rear section) of the dwelling at 112 Perry Barr Road, due to a large, deciduous tree situated within the courtyard.

The proposed dwelling is likely to interrupt the view available in a westerly direction – with the roof form sitting above the ocean horizon.

Whilst the proposed dwelling will no doubt be noticeable from the both dwellings, in my opinion, there will nonetheless be adequate vista remaining north and south of the dwelling, such that a reasonable proportion of the ocean view currently available will remain visible from the dwellings and land.

As such, in my opinion, the proposed dwelling will have a moderate impact upon the view available from 112 and 114 Perry Barr Road, and I have therefore concluded the view impact in this regard to be acceptable.

Conclusion

In conclusion, it is acknowledged the building does not reflect the low scale character of the locality. The three stories and building height do not comply with that sought in the Policy Area, and this has led to additional view loss over what would be anticipated for a two storey dwelling on the land. Having said this, the sunken position of the land does not make the size and height of the building overly apparent. As can be seen on the adjoining allotment to the south, a more conventional two storey dwelling will nonetheless interrupt view of the ocean horizon – due mainly to achieving appropriate driveway gradients.

As such, the proposal’s failure to satisfy the height and storey ambition of the Policy Area does not result in an excessive or unreasonable amount of view loss experienced by adjoining land.

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	
Maximum site coverage: 35% Southern Policy Area 18: PDC 5	Does Not Comply 35.7%

<p><i>Maximum floor area ratio: 0.5</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p>	<p>Does Not Comply</p> <p>0.68</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>
<p><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>
<p>Private Open Space</p>	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) All POS areas are directly accessible from habitable rooms of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwelling and capable of being screened for privacy. c) The steep bettered area at the rear shall maintain the existing slope. d) The POS areas should not be directly overlooked by adjacent buildings. e) POS areas are not located next to bedrooms of dwellings on adjacent sites. f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional.
<p>Site Area 250 m² or greater:</p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>228 square metres (42.1%) (78 square metres (14.4% of site) provided with a flat grade).</p>

Street Setbacks

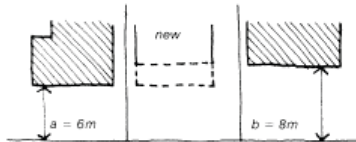
Except in areas where a new character is desired, the setback of buildings from public roads should:
 (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
 (b) contribute positively to the function, appearance and/or desired character of the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

General Section: Design and Appearance: PDC 23

Complies

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

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

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

General Section: Design and Appearance: PDC 25

Partially Complies

6.75m (min)

The adjacent dwelling to the south is setback 8.0 metres to the front boundary. No dwelling exists north of the site.

(It is acknowledged that dwellings at the recently sub-divided 113 Perry Barr Road incorporate setbacks between 2 – 8 metres from that road).

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 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

1.25m

Does Not Comply

Northern boundary: Min 1.05m
 (6.05m setback applicable)

Southern boundary: Min 1.25m
 (7.05m setback applicable)

(See Table Discussion)

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

Partially Complies

(See Table Discussion)

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Complies
Min 15.6m

8 metres for a 2 or more storey dwelling

Residential Zone: PDC 7

Complies
Min 15.6m

Building Height

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

Residential Zone: PDC 7

Does Not Comply

The proposed dwelling incorporates a maximum building height of 11.45 metres, which exceeds that sought in the Policy Area. (See Zone and Policy Area discussion above and Table Discussion below).

Garages, Carports and Outbuildings

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

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

Residential Zone: PDC 8

Does Not Comply

Garage set 1.0 metre forward of dwelling entry. No habitable room presents to street.

*Carports and garages should be setback from road and building frontages so as to:
(a) not adversely impact on the safety of road users
(b) provide safe entry and exit.*

General Section: Residential Development: PDC 12

Complies

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

General Section: Residential Development: PDC8

Complies

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

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

Residential Zone: PDC 6

Complies

Car Parking

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

Residential Zone: PDC 7

Complies

Four on-site parking spaces provided

Access

The width of driveway crossovers should be minimised and have a maximum width of:
(a) 3 metres wide for a single driveway
(b) 5 metres wide for a double driveway.

General Section: Residential Development: PDC 39

Does Not Comply
 5.5m crossover proposed

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

General Section: Residential Development: PDC 40

Complies

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

Partially Complies

The proposed dwelling partially reflects the desired character of the locality, as it incorporates a mix of materials and will add to the variety of housing types.

It is acknowledged the height of the building exceeds that sought in the Policy Area – this is assessed in greater detail above and below.

The dwelling façade incorporates the following elements to enhance the building's design and appearance:

- Mixture of 'Alutile' cladding and render
- Stepping of upper and lower storeys to assist in reducing building mass and proportion
- Protruding portico, balcony and cantilevered window awnings
- Fenestration

The dwelling incorporates a 2 degree 'Colorbond' roof in Birch Grey, with rendered facades. The garage of the dwelling features 'Alutile' Panel lift door to match the dwelling's facade. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The side elevations of the dwelling feature render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balcony is integrated into the dwelling design, with clear glass balustrade.

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

Partially Complies

The dwelling incorporates an entrance portico presenting to the street, however, the proposal fails to include a habitable room window visible from the street.

A majority of living rooms incorporate an external outlook; towards the attractive views available in a north-westerly direction.

The dwelling's entry is nonetheless clearly visible from the street.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

a) A majority of winter shadow will be cast upon the side wall of the adjacent dwelling to the south. However, this dwelling incorporates two bedroom and wet area windows only on the northern façade; whilst the living room windows are oriented to the west – towards the attractive views of the ocean.

Shadow cast into the northern adjoining property will occur during late afternoon hours. Given the anticipated built form on this land, any north and west-facing windows will be free from shadow throughout the day.

b) The POS area of the adjoining allotment to the south will receive some shadow cast by the proposed dwelling during early morning hours, however, this area will be free from shadow by midday, such that this area will receive over 2 hours of direct sunlight.

As such, despite the number of stories and building height proposed, the dwelling will not have an unreasonable impact upon adjoining land by way of overshadowing.

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Complies

The dwelling incorporates fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the rear elevation remain unobscured to provide view to the north-west.

Given the level of separation between the proposed dwelling and habitable rooms and private open space of land to the north, and having regard to the opportunity for overlooking from existing ground level, screening the rear windows is considered inappropriate and unnecessary.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

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

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Partially Complies

The dwelling incorporates a shallow roof pitch, hidden behind a parapet wall. Whilst the roof pitch will not be set at an angle to maximise the positioning of solar collectors, it is likely that such could be placed on framing and nonetheless be hidden from view via the wall parapet.

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>Partially Complies</p> <p>The proposed planting species and distribution in the front yard has increased during the processing of the application, and I am satisfied that the proposal will make a positive contribution to the streetscape. Whilst no landscaping is proposed to the side of the dwelling to assist in screening the built form, given what has occurred and is likely to occur on adjoining land to the north and south, I do not see how such planting would provide a benefit to occupiers of those properties.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><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 2.0 metres.</p> <p>Whilst this height is discouraged by Council's Development Plan (see Sloping Land Principle 8), this wall is located abutting the existing steep embankment at the front of the site. The retaining wall will not be readily visible from any adjoining property, nor will it have a detrimental impact upon the amenity of the internal or external areas of the subject site.</p> <p>As such, the retaining proposed is considered acceptable.</p>
Sloping Land	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) incorporate roof lines which complement the natural slope of the land</i> <i>(d) minimises the extent of cut and/or fill</i> <i>(e) provide a stable and readily accessible building site</i> <i>(f) minimises the need for, and the height of, retaining walls</i> <i>(g) does not cause or contribute to instability of any embankment or cutting</i> <i>(h) avoids the silting of watercourses</i> <i>(i) protects development and its surrounds from erosion caused by water run-off.</i> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p>Partially Complies</p> <p>The proposed dwelling incorporates a floor level between 750mm – 1100mm below the benched level of the land.</p> <p>Whilst Council's Development Plan encourages minimising the extent of cut/fill, the existing level of the land has been artificially provided, and as such, additional cut will not result in an altering of the natural land levels.</p> <p>Whilst the proposed cutting does not necessarily justify the three storey height of the building, it nonetheless assists in lowering the built form; resulting in a total height above existing ground level similar to the existing dwelling to the south.</p> <p>The roof form of the building does not</p>

	<p>complement the natural slope of the land. Whilst there does not appear to be much “natural slope” remaining on the allotment, a hipped roof or skillion roof that sloped up from west to east would mimic the local topography. However, given the low setting of the building within the local landscape, the dwelling is not anticipated to become prominent and as such, the importance of Principle 2(c) is negligible.</p>
<p><i>The cutting and/or filling of land should:</i></p> <p><i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i></p> <p><i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i></p> <p><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></p> <p><i>(d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i></p> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p>Partially Complies</p> <p>A majority of earthworks proposed is less than 1.5 metres in height/depth, and as identified above is in cut only and serves to reduce the visual impact of the building.</p>
<p><i>Retaining walls should:</i></p> <p><i>(a) not exceed 1 metre in height</i></p> <p><i>(b) be stepped in a series of low walls</i></p> <p><i>(c) be landscaped to enhance their appearance.</i></p> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Does Not Comply</p> <p>Retaining walls up to 2.0 metres in height are proposed adjacent the steep embankment at the front of the site. As discussed above, the impact of this wall upon both adjoining land and the occupants of the subject land is negligible.</p> <p>Landscaping will be provided above the retaining wall to assist in minimising erosion and to contribute to the streetscape.</p>
Siting and Visibility	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i></p> <p><i>(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land</i></p> <p><i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p>Partially Complies</p> <p>The roof form of the building does not complement the natural slope of the land. However, given the low setting of the building within the local landscape, the dwelling is not anticipated to become prominent and as such, the importance of Principle 2(c) is negligible.</p> <p>Eaves and the like are not incorporated, and as such, the bulk of the building is unable to be softened by shadowed areas.</p> <p>However, view of the building from the south will be largely screened by the existing dwelling at 3/115 Perry Barr Road, and it is anticipated a similar built form will occur on land at 1/115 Perry Barr Road such that the northern façade of the building will be obstructed from view.</p> <p>To this end, the bulkiness of the building is, in my view, somewhat inconsequential, as also outlined in the Side Setbacks assessment in the Table Discussion below.</p>

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

General Section: Siting and Visibility: PDC 5

Complies

The dwelling will incorporate white render for a majority of the exterior, with 'Alutile' in matt finish to the street façade.

These materials are not expected to result in unreasonable glare or reflection, nor detract from the visual character and amenity of the landscape.

TABLE DISCUSSION

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

- Site coverage and floor area ratio;
- Building height;
- Side setbacks; and
- Streetscape presentation (habitable room).

Site coverage and floor area ratio

Site coverage marginally exceeds that sought in the Policy Area, at an excess of 0.7%. Given that front and rear setbacks are considered acceptable, and the provision of private open space well exceeds the minimum, site coverage is considered appropriate.

Floor area ratio (FAR), at 0.68 equates to an additional floor area of 81 square metres over that sought in the Policy Area. This is a considerable amount, and reflects a FAR more akin to the Medium Density or Regeneration Policy Areas where increased residential densities are sought.

Having said this, the dwelling is cut into the land, and incorporates a total height marginally above the two storey dwelling to the south.

The side setbacks assessment (below) will identify that despite the lack of compliance with Council's design criteria, the impacts upon adjoining land should be minimal. The dimensions of adjoining land to the north and south encourage narrow, elongated dwellings, which suggest that the main living areas will be oriented in a north-west direction to attain attractive views.

Whilst the FAR is considerable, the front and rear setbacks are compliant and the amount of private open space well exceeds that sought. To this end, the footprint of the building does not grossly exceed that which could be reasonably anticipated on the land.

It is acknowledged that the FAR and building height proposed are two of the largest failings of the proposal. However, for the reasons outlined above, both elements have not resulted in a detrimental impact upon adjoining land, the streetscape or the amenity of future occupants of the dwelling.

Building Height

The dwelling incorporates a maximum building height of 11.45 metres – although noting that above existing ground level the dwelling does not exceed 10.05 metres. Residential Zone Principle 7 which seeks for building height not exceeding 9.0 metres above natural ground level, and therefore the height above existing ground level exceeds criteria by only 1.05 metres.

In the Zone and Policy Area assessment earlier in this report, I identified that the additional height and number of stories of the dwelling does not result in a detrimental impact upon

adjoining land via visual impact or view loss. Further, overshadowing has been identified as being compliant with the relevant principles.

As such, in this instance, due to the sunken nature of the land, the excess in building height does not result in a fundamental failing of the proposal when assessed against the Development Plan as a whole.

Side setbacks

The dwelling fails to provide appropriate setbacks to side boundaries in accordance with Council's Development Plan.

However, it should be noted that the impact of the dwelling's proximity to the southern side boundary does not result in unreasonable visual or overshadowing impacts upon the adjoining property.

This is due, in part, to that dwelling's design being oriented towards the attractive view of the north-west. The dwelling has 'ignored' its northern aspect – assumingly, in response to the anticipated built form on the subject land. As such, shadow that will fall upon that dwelling will do so upon two bedroom and four wet area windows only. Further, whilst outlook from the two bedroom windows will be to the side wall of the subject dwelling, both bedroom windows were granted consent with obscure glazing; thereby preventing a majority of the dwelling from view.

It should further be noted that this dwelling is sited 2.05 metres from the shared boundary with the subject land, whereby a setback between 2.2 – 2.6 metres should be provided upon strict application of the Development Plan.

To this end, whilst the side setbacks to the southern side boundary fall significantly short of the Development Plan criteria, there is no meaningful impact resulting from the lack of compliance in this regard.

The setback of the dwelling to the northern side boundary also fails Council's Development Plan by a significant amount.

However, like the subject dwelling, a future dwelling on land to the north is likely to respond to both the built form adjacent and the constraints of that site. As mentioned previously, the dimensions of all three allotments at 115 Perry Barr Road require a narrow, elongated dwelling – whilst the attractive views to the north-west encourage the placement of living rooms towards the rear of the dwelling.

In this regard, it is anticipated a dwelling on 1/115 Perry Barr Road is also likely to fail to achieve side setback criteria, and respond to the challenges of the slope of the land and to the views available.

As such, despite the gross disparity between the side setbacks proposed and those sought by the Development Plan, I do not anticipate unreasonable impacts to result from the proposed dwelling as to warrant refusal of the application.

Streetscape presentation (habitable room)

The dwelling does not incorporate a habitable room presenting to the street. This is a product of the narrowness of the allotment, the severe slope at the front of the site (where building on side boundaries would be a difficult and expensive pursuit) and the applicant's desire for a double garage.

If the site was set within a more homogenous streetscape, and if the dwelling was to be sited equal to, or higher than the street, I may be more concerned about this design failing (according to the Development Plan). However, the streetscape comprises a mix of building designs and the dwelling will be set partially below street level. Further, the dwelling incorporates a

contemporary design, incorporating modern materials. This will be greatly enhanced by the adoption of a garage door material that matches that of the dwelling's façade; diluting the garage's prominence as viewed from the street.

To this end, I am satisfied that, due to the above factors, the streetscape presentation of the dwelling is acceptable.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the height of the dwelling and number of storeys proposed, loss of views, glare/reflection and privacy have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over loss of property values. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed dwelling is substantial. Incorporating three stories, a building height of 11.45 metres, a floor area ratio of 0.68 and side setbacks that significantly fail to comply with that sought, the building can be accused of not conforming to the “low scale” character sought in the Policy Area.

However, in my view, a number of factors provide reasonable justification for the built form.

The height of the building is similar to that of the two storey dwelling sited on the adjoining property to the south. In this regard, the three storey nature of the dwelling will not be readily visible from the public realm. This will be further minimised once the allotment at 1/115 Perry Barr Road is developed.

Through the assessment of this application, I have identified that, despite a generous floor area ratio and side setbacks that fail to satisfy that sought by Council’s Development Plan, impacts upon adjoining land are considered to be reasonable – partly a result of the design and positioning of the dwelling to the south and the expectation of the (future) dwelling to the north being oriented the dwellings towards the attractive view to the north-west and ‘ignoring’ orientation to the subject land. In this regard, it is also noted that any upper level windows on the side elevations should nonetheless incorporate screening to provide mutual privacy between adjoining allotments.

Whilst the streetscape design fails to provide a habitable room presenting to the street, the modern, sleek design of the building compensates for this omission, providing a contemporary built form on the western side of the road, set within a varying streetscape, generally lower than the street.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2015/1147 for a three storey detached dwelling, with associated pool, decking, earthworks and retaining walls at 2/115 Perry Barr Road, Hallett Cove be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1147.**
- 2. A revised siteworks and drainage plan shall be provided to Council for consideration and approval, prior to Development Approval being issued, that details; top of kerb, existing ground levels throughout the site, proposed finished floor and pave levels, the location and height of retaining walls and the method of stormwater disposal from the site.**
- 3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.**
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**
- 6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.**
- 7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
- 8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 October 2015

Agenda Ref No:	DAP211015 – 2.3
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Mr Carl Williamson
Development Description:	A two storey residential flat building comprising two dwellings and a single storey residential flat building to the rear comprising two dwellings with associated garages, car parking, common driveway and landscaping
Site Location:	53 Limbert Avenue Seacombe Gardens
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 2 / Consent
Lodgement Date:	08/05/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/813
Recommendation:	Development Plan Consent (Refused)

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9, Part 2, Clause 18 (b) of the Development Regulations 2008, which assigns development comprising 2 or more dwellings on the same site where at least one of those dwellings is 2 storeys high, but no residential building is to be more than 2-storey high, as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

The subject application is also required to be determined by the Development Assessment Panel by virtue of the average allotment site area being less than the minimum of 250 square metres required for residential flat dwellings within the Medium Density Policy Area 12. 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
Ensure Unit 1 presents to the primary street as opposed to the common driveway.	Unit 1 entrance moved to front of dwelling (albeit doorway faces common driveway) with improved upper storey presentation to street, namely enhanced fenestration and articulating features on façade.
Remove visitor space located in front of Unit 1 which further detracts from the appearance of the dwelling.	Car parking in front of Unit 1 remains with a front fence to screen car park.
Consider a redesign of the development as driveways, car parking and hardstanding areas dominate the appearance of the site and results in a poor streetscape presentation.	No change to overall layout and design of development.
On-site car parking should comply with the Development Plan requirements of 1.5 spaces per dwelling (6 spaces) and 1 visitor space per three dwellings (1 space), equalling a total of 7 spaces.	A total of 4 undercover car parking spaces and 3 visitor spaces provided (a total of 7 spaces)
Vehicle access from car parking is not considered safe or convenient due to occupants of Units 3 having to reverse for around 17m before positioning to move in a forward direction. Vehicle manoeuvring areas are closely located to the entrance of dwellings.	Analysis provided by Frank Siow, Traffic Engineer. No change to the proposal plans to address this concern.
The car parking in front of Unit 4 is a poor outcome with the potential for external noise and artificial light intrusion into bedrooms and living areas. Both bedroom 1 and lounge room fail to provide an external outlook.	Separation of Unit 4 to car parking spaces increased from 650mm to 1.5m. Bedroom 1 window moved from front of dwelling to the side and lounge room window replaced with high level window.
Windows which have the potential to overlook adjacent properties do not incorporate fixed and obscured glazing to 1.7m high.	Applicant has agreed to a condition which specifies the heights of obscured glazing to be 1.7m above the finished floor level of the upper storey.

SUBJECT LAND & LOCALITY

The subject site is located at 53 Limbert Avenue, Seacombe Gardens and is sited towards the eastern end of the street, on a bend in the road. The site maintains a 15.2m frontage width, with the north western side boundary angled such that the site widens at the rear boundary to 35m. The north-western side boundary maintains a depth of 47.63m whilst the south eastern boundary sits perpendicular to the front boundary with a depth of 37.34m. The land comprises a total area of 977 square metres.

The site currently contains a single storey detached dwelling with associated outbuildings. It maintains a slight gradient with a fall of approximately 400mm from the south to the north of the site. There are no regulated or significant trees on the land.

The locality contains predominantly single storey detached and semi-detached dwellings on medium to large allotments. The area is in a phase of gradual redevelopment with older dwellings being replaced at higher densities. Further east of the site along Shearer Avenue, there are a number of two storey residential flat buildings of the 'walk up flat' variety of the 1970's era.

For the Panel's reference, the adjoining property at 55 Limbert Avenue has a current application lodged for three two storey row dwellings on that site.

The site is located approximately 600m from Westfield Marion and its bus transit area. Sandery Avenue Reserve is located approximately 300m away to the west and includes sporting facilities, barbeques and a playground.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to construct two (2) residential flat buildings, one being two storeys comprising two dwellings and sited one behind the other; and the other building comprising two single storey dwellings located side by side at the rear of the allotment.

The dwellings are proposed to be of a rendered hebel construction with colorbond roof sheeting at a 25 degree pitch.

A shared vehicle access driveway from Limbert Avenue is provided to accommodate all vehicles associated with each dwelling. Each dwelling is afforded an under main roof garage and an additional three external spaces are provided, all located in front of the building line where two are placed in front of Unit 4 and one is situated in front of Unit 1 adjacent the Limbert Avenue frontage.

A 1.8m high pillar and colorbond fence is proposed on the front boundary and landscaping will be placed in front and behind the fence as well as along the south eastern side of the common driveway, in front of the dwellings and around external car parking spaces.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	21 properties were notified during the Category 2 public notification process.
Representations:	4 representations were received by Council. D and J Jamieson – In favour subject to certain provisions M Sampson – Against the application D and M Spender – Against the application A and E Cranley – Primarily against the application
Persons wishing to be heard:	D and M Spender and A and E Cranley have indicated a desire to be heard by the Development Assessment Panel.
Summary of representations:	A summary of issues raised include: <ul style="list-style-type: none">• Lack of on-site car parking;• Other similar developments in Seacombe Gardens results in on-street parking that reduces streets to a single lane, vehicles unable to pass each other and bins not being collected;

	<ul style="list-style-type: none"> • On-street parking restrictions should be applied; • Density; • Colour of fencing; • All windows on north west elevation should be obscurely glazed; • Front setbacks; • Reduce density to address non-compliance with Development Plan of rear setbacks, on site car parking, minimum site area and site coverage; <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	<ul style="list-style-type: none"> • Sufficient on-street car parking is available and the dwellings are also located within a convenient distance of public transport; • A qualified traffic engineer has investigated the parking arrangements and concluded that there is adequate on and off-street parking provided for the development; • Willing to alter the colour of the fence to that desired by neighbour; • The applicant is willing to accept a condition requiring upper level windows to be fitted with fixed obscured glazing; • The front setback of Unit 1 is between 5.6m and 9.1m, the average setback is 7.35m based on these measurements; • The development meets the net densities identified in PDC 4 of the Policy Area and the dwellings have an average site area of 244m². • The rear setback ranges from 2.66m to 4.3m from the northern boundary, given the high level of articulation of the building, setbacks and location to the north of the neighbour, there will be no adverse impact on the neighbouring dwelling. • The overall site coverage proposed is 36% and is consistent with the Principles of Development Control; <p style="text-align: right;"><i>Refer Attachment V</i></p>

INTERNAL DEPARTMENT COMMENTS

Engineering: Development Engineer	<p>Satisfied with the manoeuvring of vehicles on this site and accordingly have no issue with the Traffic Engineer's advice.</p> <p>Due to flood risk, the finished floor levels should be at least 400mm above front of road water table with finished paving levels set down 150mm below finished floor levels.</p>
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 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>		
Medium Density Policy Area 12		
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes. 2 Development that minimises the potential impact of garaging of vehicles on the character of the area. 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles. 4 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</p> <p>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> <p>Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ residential flat building (buildings between one and three storeys) 	<p>Complies</p> <p>Development comprises Residential Flat Buildings of one and two storeys.</p>
PDC 4	<p>Medium density development that achieves gross densities of between 23 and 45 dwellings per hectare (which translates to net densities of between 40 and 67 dwellings per hectare) should be in the form of 2 to 3 storey buildings.</p> <p>(i.e. Site areas between 149.3 and 250 m²)</p>	<p>Complies</p> <p>The development achieves a net density of 41 dwellings per hectare which includes 2 storey buildings.</p>

PDC 6	<i>In the case of multiple dwellings on one site, access to parking and garaging areas from public streets should primarily be via a minimum number of common driveways.</i>	Complies Access to parking and garaging areas is provided from one shared common driveway.
PDC 7	<i>Minimum Site Area: Residential Flat Buildings – 250m² Average</i>	Does Not Comply Unit 1 – 120m ² Unit 2 – 127m ² Average = 123.5m ² Unit 3 – 239m ² Unit 4 – 155m ² Average = 197m ²
	<i>Minimum Frontage: Residential Flat Building – 18m Driveway Width – 4.5m with 0.8m landscape strip either side of driveway</i>	Does Not Comply 15.24m Complies 5m wide driveway width with in excess of 800mm landscaping on both sides of driveway.
	<i>Minimum Depth: Residential Flat Buildings - 45m</i>	Does Not Comply Average site depth = 42.5m

Assessment

The proposal is considered to satisfy Objective 2 of the Residential Zone and Objective 1 of the Policy Area where higher densities are sought in close proximity to centres, public transport routes and public open space. The site is approximately 600m from Westfield Marion and its bus transit area as well as being within 300m to a well serviced reserve.

The development also achieves that part of the Desired Character Statement which seeks to provide dwellings at higher densities than what was originally sited and offer a variety of housing forms of up to two storeys. The dwellings all consist of two bedrooms which appeal to a different demographic to many of the three bedroom homes that exist within the locality.

However, whilst it is acknowledged that higher densities in close proximity to the desirable attributes improve the viability of services, this should not be at the expense of good residential design, and it is my view that the number of dwellings proposed on site is resulting in an outcome that does not provide an attractive streetscape presentation, results in a poor outlook for residents, and vehicle access and manoeuvring that is inefficient and precarious in the context of its surroundings.

In terms of numerical density the average site area of each of the two residential flat buildings is substantially below the minimum site area requirement of 250m², with Units 1 and 2 displaying a 126.5m² (50%) shortfall and Units 3 and 4 maintaining a short fall of 53m² (21%).

It is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been adopted in accordance with Principle 8; General Section: Land Division which states that *'Allotments in the form of a battleaxe configuration should...have an area, that meet the minimum allotment sizes for the proposed dwelling, excluding the 'handle' of such an allotment.'*

If the driveway were to be included in the calculations, the average site area would be 244m² and closer to the prescribed Development Plan requirement. Whilst, on this figure alone, the resulting density may not in itself be a reason to warrant refusal (particularly as net densities are

achieved) however, it is my view that the application has failed to respond appropriately to the challenging dimensions of the allotment.

In this regard, I note the cramped positioning of the dwellings, the limited external outlook from Units 2, 3 and 4, the amount of sealed areas dominating the site; resulting in detrimental impacts as viewed from within the proposed dwellings and from the street, and the extensive, careful and somewhat complex vehicle movements residents and visitors are forced to undertake.

To this end, I am of the view that the location of the car parks in their position forward of the building line is inconsistent with Objective 1 of the Policy Area and a poor outlook for residents. Furthermore, the positioning of the car parking and its resultant vehicle movements and the dominance of paving on the site fails to reflect 'good residential design principles' as identified in Objective 3 of the Policy Area and ultimately fails to meet that part of the Desired Character Statement which seeks to attain 'an attractive residential environment'.

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: Site area less than 270 m²: 100 m² or 40% (whichever is the greater)</p> <p>Medium Density Policy Area 12: PDC 8</p> <p>(100m² is relevant in this instance)</p>	<p>Complies Unit 1 – 91.1m² Unit 2 – 91.1m² Unit 4 – 93.8m²</p> <p>Does not comply Unit 3 – 116.9m²</p>
<p>Maximum floor area ratio: Site area greater than 375 m²: 0.6 (building up to 2 storeys) 0.8 (3 storey building)</p> <p>Site area between 270 and 375 m²: 0.6 Site area less than 270 m²: 0.7</p> <p>Medium Density Policy Area 12: PDC 8</p> <p>(0.7 is relevant in this instance)</p>	<p>Does Not Comply Unit 1 – 0.97 Unit 2 – 0.88</p> <p>Complies Unit 3 – 0.4 Unit 4 – 0.47</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 The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

- a) All POS areas are directly accessible from a habitable room / habitable rooms of the associated dwelling
- 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
- f) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use
- g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development
- h) POS areas are capable of being shaded during summer
- i) Traffic, industry or other business activities should not affect the subject land
- j) The POS areas are considered to have sufficient shape and area to be functional.

Does Not Comply

- e) POS areas of Units 1 and 2 are located next to bedrooms of the dwelling at 51 Limbert Avenue.

Site area less than 250 m²:

*20% of the site area or 35 m², whichever is the greater
Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater.*

35m² is relevant in this instance

One part of the space is directly accessible from a living room and has an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10.

General Section: Residential Development: PDC 17

Complies

Unit 1 – 51m² (38m² is located behind the building line)
Unit 2 – 53m²
Unit 3 – 99m²
Unit 4 – 50m²

Each dwelling provides an area accessible from a living room that has a minimum dimension of 4m x 4m

Street Setbacks

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

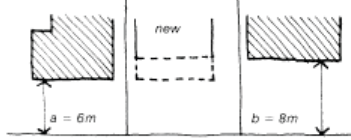
- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

Complies

See comments below

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

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

General Section: Design and Appearance: PDC 25

Complies

Unit 1 - 5.6 metres at the closest point and increases to 9.1m

The adjoining property to the north west is setback at approximately 9m.

The land to the south east is vacant. New dwellings proposed on this adjoining site (not yet approved) are proposed to be setback at 5.5m.

The adjoining allotment front boundary is also further forward of the subject land, therefore, despite Unit 1 having a similar setback to the proposed adjacent dwellings, the setback is in fact further back.

Therefore the setback of Unit 1 provides an appropriate transition between the existing dwelling at 51 Limbert Avenue and the proposed dwellings at 55 Limbert Avenue.

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

Units 3 and 4 – Whilst the bedroom and lounge of room of Unit 4 is adjacent the car parking area, the bedroom 1 window has been moved to the side of the dwelling, whilst the living room windows have been replaced with a high level window.

Partially Complies

The meals area of Units 1 and 2 are directly adjacent the driveway, and an additional meals window for Unit 2 is within 2m of the entrance of Unit 3, highlighting the lack of separation between the two dwellings.

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

Unit 1 – 2.6m (north western boundary)
Unit 2 - 2.6m (north western boundary)

Does Not Comply

Unit 3 - 950mm (north western boundary)
Unit 4 – 900mm (south eastern boundary)

The proposed side setback of Units 3 and 4 falls short 50mm and 100mm respectively 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.

Complies

Unit 1 – 3.05m (north western boundary)
Unit 2 – 3.05m (north western boundary)

<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i> <i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>	<p>Complies (a) walls do not abut more than one side boundary</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i> <i>(a) the visual impact of the building as viewed from adjacent properties</i> <i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies Although the side setbacks of Unit 2 and 3 do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
<h2>Rear Setbacks</h2>	
<p><i>6 metres for a single storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p> <p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i> <i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Does Not Comply</p> <p>Unit 3 – 2.4m at closest point and increases to 4.7m for approximately 72% of its rear boundary.</p> <p>Unit 4 – 2.5m minimum and 5.3m maximum</p> <p>Despite the rear setback not achieving a minimum setback of 6m for either dwelling and exceeding the 3m incursion limit, I am of the view that the setbacks are acceptable.</p> <p>For two of the adjoining rear allotments, namely 4B and 8 Windermere Street, the dwellings will not be in view for the entire width of the allotment and therefore adequate separation is provided to these dwellings.</p> <p>For dwellings 6 and 6A Windermere Street, the proposed dwellings are situated some distance away from the adjacent dwellings and furthermore, each property has a shed which will mitigate the views of the proposed dwellings.</p> <p>Accordingly, the rear setback is not significantly at odds with the Development Plan.</p>
<p><i>6 metres for a 2 or more storey dwelling</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Does Not Comply</p> <p>Unit 1 – Maintains a rear setback of 3m to Unit 2's rear boundary, however the dwelling is 6m from Unit 2's main building when separated by the garages and will therefore not result in any unreasonable impacts.</p> <p>The two storey built form of Unit 2 is located between 1.6m and 3.6m from Unit 3. This, in my view, will result in a poor outlook from bedroom 2 of Unit 3, as the Development Plan subscribes to a 2m setback between the sides of buildings and approximately 1.8m has been provided in this instance.</p>

<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>For Units 3 and 4, whilst 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.</p> <p>Does Not Comply</p> <p>The lack of separation of the two storey built form of Unit 2 from Unit 3's bedroom, whilst will not result in significant overshadowing, will result in the building being visually intrusive when views are had from this window.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>(i) 2 storeys of not more than 9 metres</i></p> <p><i>(ii) 2 storeys plus attic of not more than 10 metres</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Unit 1 – 6.8m</p> <p>Unit 2 – 6.8m</p> <p>Unit 3 – 4.5m</p> <p>Unit 4 – 4.5m</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>The garages do not present to the primary road frontage, therefore this provision is not relevant.</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>Partially Complies</p> <p>Although it is noted that the manoeuvring into and out of the car parking spaces meets the technical requirements of the Australian Standards, the location of the spaces forces movements that leave little room for error and compromise the pedestrian and driver safety of occupants and visitors to the site.</p> <p>(See table discussion)</p>
<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed garages are located underneath the main roof of the dwellings and incorporate roof form, materials and detailing which complement the associated dwelling.</p>

Car Parking

Minimum number of on site car parking spaces (one of which should be covered) :
1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.

6 spaces per dwelling and 1 space per 3 dwellings = 7 spaces

Residential Zone: PDC 7

Partially Complies

4 undercover spaces (1 space per dwelling)
 3 visitor spaces

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

General Section: Transportation & Access: PDC 43

Complies

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

Does Not Comply

d) e) 1 on-street car parking space shall remain available adjacent the subject land when two should be provided in accordance with Land Division Principle 22.

Vehicle parking areas servicing more than one dwelling should be of a size and location to:

(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely
(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area
(c) reinforce or contribute to attractive streetscapes.

General Section: Transportation & Access: PDC 44

Does not comply

Due to the number of vehicle movements required to use the same section of driveway, the length of reversing required for vehicles associated with Units 3 and 4 and the proximity of the driveway to pedestrian access on the site, I am of the view that the access and parking areas do not serve users efficiently, conveniently and safely.

Furthermore, the lack of built form and landscaping presenting to the street results in a significant amount of paved area that will be dominant when viewed from the street.

(See table discussion)

Ground level vehicle parking areas servicing multiple dwellings, including associated garages and carports (other than where located along a rear lane access way), should:

(a) not face the primary street frontage
(b) be located to the rear of buildings with access from a shared internal laneway
(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.

General Section: Transportation & Access: PDC 45

Does not Comply

Three car parking spaces are located forward of the building line.

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

General Section: Land Division: PDC 22

Does Not Comply

1 on-street car parking space is provided for the proposed allotments, when there ought to be 2 on-street spaces.

Access

The width of driveway crossovers should be minimised and have a maximum width of:

- (a) 3 metres wide for a single driveway*
- (b) 5 metres wide for a double driveway.*

General Section: Residential Development: PDC 39

Complies

The crossover width is 5m for a double driveway.

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

General Section: Residential Development: PDC 40

Complies

The proposed crossover is set back a minimum of 1.5 metres from the stobie pole.

A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.

General Section: Transportation and Access: PDC 28

Complies

One vehicle access point has been provided.

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

No. of dwellings served by driveway	Width at front property boundary & for first 6 metres	Width beyond first 6 metres	Widening required for passing	Minimum landscaped strip either side of driveway (metres)
4-7	4.5	3	Widen to 5 metres at a point 25 metres from the front property boundary and then provide a similar passing area for every additional 25 metres thereafter	0.8

General Section: Residential Development: PDC 41

Complies

The width of the driveway for the first 6m is 5m with a width of at least 5m provided at a 35m point of the driveway.

900mm landscaping along the south eastern boundary and 6m of landscaping on the other side of the driveway, albeit much of this landscaping will be hidden behind the fence.

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

Partially Complies

As a whole, the proposed development presents poorly to the street.

The only clearly visible aspect of the built form will be the upper storey of Unit 1 which will be displayed above the proposed front fence.

Whilst this portion of the building does incorporate some features which provide visual interest and articulation to the dwelling, including use of different textures, vertical and horizontal elements, parapets and fenestration, this is not considered to offset the dominance of the driveway which will be the only other element of the development not 'hidden' behind the proposed front fence.

<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>The buildings will not use materials that are highly reflective or results in glare to neighbouring properties, drivers or cyclists.</p> <p>The buildings incorporate windows and stepping in the walls to minimise the visual bulk of the buildings when viewed from the neighbouring properties.</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>Complies</p> <p>The buildings' entrances are apparent once visitors enter the site from the common driveway.</p> <p>Partially Complies</p> <p>All dwellings maintain an external outlook from their living area to the POS area.</p> <p>The living room of Unit 4 has been denied an external outlook over the driveway area as a result of a high level window being incorporated to minimise the interference of headlight glare of the car parks opposite. Unit 3, in its design, has also not been afforded with the opportunity to have a view to the common driveway area.</p> <p>This reduces opportunities for casual surveillance over the common area and of people attending the property.</p>
<p>Overshadowing</p>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <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> <ul style="list-style-type: none"> <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> <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> <ul style="list-style-type: none"> <i>(i) half of the existing ground level open space</i> <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> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>Given that south-west forms the street boundary, a majority of winter shadow will be cast over the driveway and front yards of the proposed development. However, some shadow will be cast into the north-western adjoining property in morning hours, and to the south-eastern adjoining property in afternoon hours.</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 10 and 11.</p>

Visual Privacy

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

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

General Section: Design & Appearance: PDC 12

Does not comply

The proposal plans show fixed obscure glazing and/or window sill heights to 1.5 metres above floor level for windows on the north-western and north eastern elevations for Units 1 and 2. Although the 1.5m standard height for windows above the finished floor levels is acceptable for Residential Code Developments, Council's regular approach to provide adequate privacy for adjoining properties is for windows to be fixed and obscurely glazed to 1.7m. Should the Panel be of the opinion to support the proposal, it is suggested that a condition be included on the Consent to provide amended plans which identify screening to that height, which the applicant is amenable to.

In addition, staff are also of the view that overlooking is able to be had from the south east elevation within the upper storey bedrooms and should also be adequately screened. This could also be addressed by way of a condition, should the Panel wish to support the proposal.

The upper storey windows on the front (south west) elevation remain unobscured to provide surveillance to the street, and therefore should not result in overlooking of habitable areas.

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

Does not comply

It is acknowledged that Unit 2 is a two storey building that is sited in the form of a battleaxed development.

Whilst this type of development is normally discouraged for reasons of visual impact and privacy, I have formed a view that the built form in this circumstance is acceptable as the total building footprint could represent that of a single, larger two storey development.

The building does not sit adjacent the private open space of the adjoining properties and the view from the rear adjacent properties will be obscured by the single storey built form of Unit 3.

Noise

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

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

General Section: Residential Development: PDC 29

Partially Complies

Units 1, 2 and 3 feature bedroom windows that are sufficiently separated to provide adequate "shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

The proximity of the external car parking spaces to bedroom 1 of Unit 4 is, in my view, unacceptable and although measures have been put in place to negate headlight glare, there is still considered to be insufficient separation to minimise noise intrusion and vibration into the bedroom at any time of the day or night.

Site Facilities and Storage

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

General Section: Residential Development: PDC 30

Complies

a) Common letterboxes are featured at the entrance to the common driveway.
b) Not applicable, as the development does not contain more than 6 dwellings.
c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Complies

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

The main activity areas of the Units 1 and 2 are oriented north west and Units 3 and 4, north east which should nonetheless receive some northern winter sunlight.

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

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Flooding

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

General Section: Hazards: PDC 4

Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:
(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event
(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

General Section: Hazards: PDC 5

Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that the proposed finished floor level of 100.4 (Units 1 and 2) and 100.5 (Units 3 and 4) and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

Council's engineer has also suggested that the installation of 3000L rainwater tanks connected to 80% of the roof area would also be useful, however it is suggested that this be added as an advisory note (should the Panel wish to support the proposal) as only 1000L retention/detention tanks are required to meet BCA standards.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Partially Complies

The proposed planting species and distribution will provide some contribution to the visual appearance of the site.

However, in my view, there will be an insufficient amount of landscaping that will adequately present to the street and it will not reduce the dominance of the driveway as a large proportion of the landscaping will be located behind a 1.8m high front fence. Only the upper halves of some pencil pines, a few low level shrubs in front of the fence and the landscaping along the driveway will be visible from the street.

It is therefore considered that the proposed landscaping does not fully address this principle of development control.

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

Partially Complies

A 1.8m high front fence constructed of rendered blueboard with a colorbond slat infill has been placed on the front boundary as a method of screening a car parking space located forward of Unit 1's building line.

In my view, the fence does not enhance the development as it reduces the visibility of the built form to the street, thereby making the driveway and car parking spaces more apparent and furthermore, it is not representative of the open landscape character of the surrounding locality where front fences are typically non-existent or they are low and transparent, offering passive surveillance to the street.

Accordingly, I am of the view that the proposal fails to meet parts (b), (c) and (e) of Landscaping, Fences and Walls Principle 5.

Boundary fencing will provide adequate privacy to the existing and proposed dwellings. Retaining walls up to approximately 400mm in height are proposed to the side and rear boundaries with 1.8m high fencing atop.

TABLE DISCUSSION

The proposal does not satisfy a number of the applicable principles of development control contained within the Marion Council Development Plan, which are discussed in further detail below:

- Site coverage (Unit 3) and floor area ratio (Units 1 and 2);
- Car parking and vehicle manoeuvring – movements are not considered to be convenient and have safety implications;
- Only one on-street car park has been provided when there ought to be two;
- Car parking is located forward of building line and there is inadequate separation to shield bedrooms from noise and results in no external outlook for the living room;
- Design and appearance does not result in an attractive streetscape presentation and lacks opportunities for casual surveillance; and
- The lack of separation between Unit 2 and Unit 3 results in inadequate setbacks from the building and its driveway.

Site Coverage (Unit 3) and Floor Area Ratio (Units 1 and 2)

Site coverage of Unit 3 is in excess of the Development Plan requirement by 17 square metres. The dwelling however, is considered to be a modest size with only two bedrooms and incorporates generous POS areas and setbacks that are not considered to result in detrimental impacts to the adjoining properties. As such, the proposed site coverage is deemed to be a minor departure to the Development Plan.

The Floor Area Ratio for Units 1 and 2 is exceedingly above the Development Plan standards at 0.97 and 0.88 respectively. When the driveway is included in the calculations, floor area ratio reduces to 0.48 for Unit 1 and 0.46 for Unit 2. The proposed dwellings are considered to have their upper and lower setbacks a sufficient distance away from boundaries and the dwellings are not considered to result in a bulky appearance when viewed from existing adjacent properties. Accordingly, the proposed Floor Area Ratios are considered acceptable.

Car parking and manoeuvring

The location of the proposed car parks are considered to result in tight and inconvenient vehicle manoeuvres that are considered to exhibit some risk to both drivers and pedestrians alike.

It has been noted that the applicant has provided a traffic analysis undertaken by a fully qualified engineer who is satisfied that the resultant vehicle movements on site would comply with the requirements of the relevant parking and manoeuvring standards and would provide safe and convenient access for all users. This was agreed upon by Council's Development Engineer.

However, in staff's view, an assessment against Council's Development Plan must also consider whether the design of the car park will result in convenient and safe vehicle movements, do not dominate the site layout and contribute to attractive streetscapes. Whilst vehicle movements out of the proposed car parks would be able to be achieved in no more than two movements, the nature of the movements and their proximity to both vehicles located in other car parks and to the entrances of dwellings does, in my opinion, compromise the safety of the users of the site.

Vehicles reversing out of Unit 3 and Unit 4 must reverse for between 14m and 17m before vehicles can be in a position to move forward. Furthermore, where these vehicles halt before making forward movements is directly behind external car parks 1 and 2. The concentration required to reverse such a distance could result in a failure to identify if vehicles were reversing out of car parks 1 and 2 and vice versa as the vehicle may not be visible to the other vehicle

until the last minute. Having regard to the nature of movements required, it is my view that they are not convenient, and therefore results in the somewhat unsafe manoeuvring of vehicles.

It is acknowledged that the proposal is a small residential development and as the applicant's traffic engineer suggests, traffic generation would be very low. Nonetheless, such movements (for residents) would be undertaken 3.4 or more times per day. Further, this in itself can create an issue, as it can result in drivers becoming complacent and it would only take a lapse in concentration to compromise the safety of other users on the site.

Additionally, occupants of Units 2, 3 and 4 would all use the same section of driveway to access their dwellings on foot. There is also a concern that there may be a failure to see a pedestrian, placing the persons residing in the dwellings and their visitors at risk.

Accordingly, I am of the view that the proposal does not provide safe and convenient vehicle movements as there is risk of collision to vehicles and pedestrians alike due to the extensive, careful and somewhat complex manoeuvring required and the multiple vehicles using the same section of driveway along with pedestrians.

On-street car parking

One on street car park has been provided when the Development Plan states that one on-street space should be provided for every two dwellings. Whilst at present, it would appear that there would be several parks further south along Limbert Avenue, the two sites and 55 and 57 Limbert Avenue are also proposed to be redeveloped, which could further reduce the availability of car parking on the street.

Ideally, the applicant would have provided an additional on-site park, so that each dwelling had two car parks each, however, this was not able to be achieved and furthermore, the number of on-site spaces complies with the requirements of the Development Plan. Notwithstanding this, the Development Plan does state that on-street car parking should compensate for the lack of on-street spaces in accordance with Transportation and Access Principle 43 (e).

Whilst there is some merit in the justification that the site is in close proximity to a shopping centre and public transport, concerns have been raised by the representors that vehicle parking is an issue in the locality.

A reduction in one dwelling would not change the on-street car parking outcome as the access point eliminates this opportunity, however, it would enable more on-site car parking to be provided, minimising the potential for vehicles to park on the street.

Location of on-site visitor car parks

The requirement to provide 7 on-site car parks has meant that the only remaining space to provide visitor car parking is forward of the building line. Not only does this result in a poor presentation to the street (to be discussed in a separate section), but also results in the amenity of the occupant of Unit 4 being compromised.

The location of the external car parks 1 and 2 adjacent the bedroom of Unit 4 has the potential to transfer noise and vibration into this room such as the starting and idling of vehicle engines, car doors slamming and occupants talking next to vehicles.

The location of the car parks in this position has forced the applicant to alter the windows to shield headlight glare into the bedroom and living rooms. These rooms therefore now have no external outlook and are denied the opportunity to provide casual surveillance over the common areas.

Design and Appearance

The applicant's decision to incorporate a car park in front of Unit 1 has led to the need to incorporate further treatments to the site which have further diminished the appearance of the property when viewed from the street.

In order to screen the car park, a 1.8m high fence, predominantly constructed of colorbond, will be placed on the front boundary.

This will not only result in only the upper portion of Unit 1 presenting to the street, moreover, the locality is predominantly made up of open landscaped front yards and where fences are provided, they are low or transparent, allowing substantial landscaping to be viewed from the street and for a greater level of passive surveillance to occur.

Furthermore, the front fence places greater emphasis on the driveway as the only element of the site to be wholly exposed to the street. Units 2, 3 and 4 are all substantially setback from the street and the vehicle turnaround areas necessary for the cars to manoeuvre into a forward direction has resulted in a larger common driveway area than is generally provided for similar residential developments. As such, the driveway is clearly a dominant aspect of the development when viewed from the street and there is insufficient built form and landscaping presenting to the street to 'draw the eyes' away from this element of the development.

The car parks located in the direct line of sight when viewed from the entrance further detracts from the site, restricting view of the only other remaining building that could have streetscape presentation (albeit some distance back).

To this end, the quest to meet the numerical standards of the Development Plan has led to consequences in the development's presentation to the street and in my view, fails to provide an attractive residential environment in the context of the locality.

Siting and setbacks of Unit 2

The placement of Unit 2 on the allotment appears cramped and lacks separation to Unit 3 resulting in a poor external outlook for Unit 2's meals area (facing the entrance and garage of Unit 3), a two storey wall in close proximity when viewed from bedroom 2 in Unit 3 and no habitable room window in Unit 3 presenting to the common driveway. Additionally, the occupant of Unit 2 must walk out directly into the reversing area of a Unit 3 vehicle.

In my view, the irregular shape of the allotment and the applicant's desire to achieve the density proposed for the site are not compatible and fails to achieve good residential design principles for enhanced amenity outcomes for the occupants of Units 2 and 3.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking, setbacks, privacy and density have been addressed in the body of the report.

The representors have also raised concerns over the colour of boundary fencing. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

Despite the average density on the site falling just slightly short of the minimum requirement for Residential Flat Buildings, the irregular shape of the allotment has resulted in a design outcome for the site that does not reflect an attractive residential environment when viewed both internally and externally on the site. In my view, the design of the development has failed to respond appropriately to the unconventional dimensions of the allotment.

In order to achieve the numerical standards of the Development Plan, good residential design has been forfeited, resulting in significant driveway dominance when viewed from the street and on the site; a lack of built form and landscaping presenting to the street; car parking forward of the building line and exposed to the street, erosion of the open landscape character predominant in the locality; and inconvenient vehicle movements on site which has the potential to compromise safety of occupants.

Whilst it is acknowledged that some of the non-compliances with the Development Plan may not be fatal to the application individually, when considered as a whole they represent a substantial and unreasonable departure from the Development Plan.

While the proposed development is not considered to be seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993, it is considered that it fails to sufficiently accord with the relevant provisions of the Marion Council Development Plan, and Development Plan Consent should be refused.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/813 for a two storey residential flat building comprising two dwellings and a single storey residential flat building to the rear comprising two dwellings with associated garages, car parking, common driveway and landscaping at 53 Limbert Avenue, Seacombe Gardens be **REFUSED** for the following reasons:

REASONS FOR REFUSAL

1. The development does not result in an “attractive residential environment”, or an “appropriately designed medium density development” and does not reflect “good residential design” and is therefore at variance to Objective 3 and the Desired Character of the Medium Density Policy Area 12 and Transport and Access Principle 36(i).
2. The development does not minimise the potential impact of garaging of vehicles on the character of the area and is therefore at variance to Objective 2 of Medium Density Policy Area 12.
3. The location of the car parking in front of the building line and the dominant appearance of the driveway does not reinforce or contribute to an attractive streetscape as sought by Transportation and Access Principle 44 (c) and 45 (a) and (b).
4. The development has not been designed to “facilitate attractive landscaping and tree planting” due to the dense layout of the development and limited areas and dimensions of landscaped spaces; failing to satisfy Objective 1 and Principles 1 (a), (b) and (e) of the General Section (Landscaping, Fences and Walls) and Residential Development Principle 1(b).
5. The development fails to provide sufficient area around the dwellings for the safe and convenient manoeuvring of vehicles and results in decreased safety for residents and visitors and fails to satisfy Residential Development Principle 1(c), Transport and Access Objective 1(b), Principle 36(b) and 36(c).
6. The location of car parking in front of Unit 4 results in a variation to Residential Development Principle 29 as habitable rooms have not been adequately shielded from external noise and vibration.
7. The lounge room of Unit 4 and meals room of Unit 2 fail to ensure that these living rooms have an external outlook in accordance with Residential Development Principle 5.

8. Units 3 and 4 fail to have a habitable room window with an external outlook over the common driveway and have not been designed to maximise surveillance over the common land and is therefore at variance to Crime Prevention Objective 1 and Principles 1 and 2.
9. The front boundary fencing associated with the existing dwelling is at variance to Principles 5 (b), 5 (c) and 5 (e) of the General Section (Landscaping, Fences and Walls) as it is not compatible with the existing predominant, attractive fences and walls within the locality and reduces the visibility of buildings from and to the street.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 October 2015

Agenda Ref No:	DAP211015 – 2.4
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Kym Smith
Development Description:	Freestanding Sign - 3.5 metres high by 750 millimetres wide
Site Location:	462 Morphet Road Warradale
Zone:	Residential
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 3/Non-Complying
Lodgement Date:	05/06/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1001
Recommendation:	That concurrence be sought from the Development Assessment Commission for the GRANTING of Development Plan Consent

CATEGORISATION & DELEGATION

The subject application is a Category 3/Non-complying form of development by virtue of the Procedural Matters section of the Residential Zone, where advertisements and/or advertising hoardings are listed as non-complying forms of development, unless satisfying a number of criteria.

The proposed development is considered to be non-complying form of development as there is more than one advertisement on the allotment and each side of the sign's display area exceeds 2 square metres. The application is classified as a Category 3 form of development, by virtue of not meeting the test contained within Section 3, Part 1 of Schedule 9.

SUBJECT LAND & LOCALITY

The subject land is situated on the western side of Morphet Road at 462 Morphet Road, Warradale. The subject allotment supports a frontage to Morphet Road of 15.24 metres, a depth of 49.98 metres and an overall allotment area of 761.8 square metres.

The site contains a converted 1950's dwelling that has been extensively altered and subjected to further building work over time to suit the commercial nature of the existing land use. Whilst located within a Residential Zone, the site maintains a long-standing commercial use, with the current Dental practice in operation since 2010, and prior to this, the site was used as childcare

centre. A 10 space car park is located behind the building to the rear of the allotment, whilst a disabled parking space is located to the front of the building.

The land also contains two advertisements, one of which is attached to the primary façade of the building, and a directional sign which is affixed to the southern boundary fence.

Land to the north, south and west of the subject site generally contains detached dwellings on large allotments. The allotment to the immediate north at 460 Morphett Road, whilst residential in nature, does operate a small scale naturopath, whilst the allotment at 466A (one allotment south of the subject land) is commercial in nature and operates as an orthopaedic clinic.

Land to the immediate east, opposite Morphett Road, is located within the Regional Centre Zone and contains multiple commercial uses comprising Bunnings, Solver Paints, Bridgestone tires services and an RAA centre. The Westfield shopping centre is located further southeast of the allotment, whilst land further northeast contains a number of community services and facilities, such as the State Aquatic Centre, GP Plus services, library, cultural centre, medical clinic and Centrelink.

In conclusion, properties to the east of Morphett Road are dominated by varying commercial land uses, each of which provide services to local and wider populations, whilst land to the west of Morphett Road is predominately residential in nature, but does contains some commercial type uses.

Refer Attachment I & II

PROPOSED DEVELOPMENT

The application seeks to erect a free-standing sign in the southern-eastern corner of the allotment. The proposed sign will be approximately 3.5 metres in height and 750 millimetres wide. The sign is to be double-sided with each sign face achieving an area of 2.63 square metres. Each sign face features corporate branding, the street number and directional signage and will be externally illuminated.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	11 properties were notified during the Category 3 public notification process.
Representations:	None
Persons wishing to be heard:	None
Summary of representations:	N/A
Applicant's response:	N/A

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Medium Density Policy Area 12 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>		
Medium Density Policy Area 12		
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes. 2 Development that minimises the potential impact of garaging of vehicles on the character of the area. 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles. 4 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles such as buildings of up to two storeys subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic additions are appropriate provided the building is located centrally within a large site as part of an integrated development. Where housing is adjacent to zones or policy areas that are designed to accommodate dwellings at lower densities, consideration needs to be given to incorporate transitional built form, scale and design elements to ensure greater compatibility with that adjacent housing.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs.</p> <p>Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points requires removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> <p>Where access to parking areas servicing dwellings is via laneways, space needs to be designed to facilitate attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity for adjacent dwellings.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building (buildings between one and three storeys) ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Does Not Comply

The above Objectives, Desired Character statement and Principles provide little guidance for the assessment of the subject proposal and are silent in respect to all forms of advertising signage whether free-standing or attached to existing buildings.

Whilst the subject land is situated within the Residential Zone, the site maintains a long-standing commercial use, with the current Dental practice in operation since 2010, and prior to this, as a childcare centre.

As such, it would be unsuitable to rely solely on these provisions in assessing the proposal, rather, consideration is more appropriately confined to the Advertisements provisions below.

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 siting and height of the proposed advertisement is considered to be in keeping with other existing free-standing advertisements within the subject locality. The proposed advertisement will be of a similar colour to that of the existing building.</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>Whilst several advertisements presently exist on the subject land, the proposed advertisement will be the only freestanding advertisement located on the premises and therefore considered to minimise clutter and potential driver distraction.</p> <p>It is worthy to note the advertisement presently affixed to the front façade of the associated building does not amount to 'development' in its own right, as it is not displayed or erected above the fascia (which is no more than 3.7 metres above ground level.)</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>The proposed free-standing sign is limited to information relating to the legitimate use of the subject tenancy.</p>
<p><i>Advertisements and/or advertising hoardings should:</i></p> <p><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>The proposed advertisement will be located entirely within the bounds of the subject allotment.</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p>Complies</p>

<p>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.</p> <p>General Section: Advertisements: PDC 11</p>			<p>Complies</p> <p>The proposed advertisement will be of a similar colour to that of the existing building.</p>						
<p>Safety</p> <p>Advertisements and/or advertising hoardings should not create a hazard by:</p> <p>(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</p> <p>(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</p> <p>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</p> <p>(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).</p> <p>General Section: Advertisements: PDC 15</p>			<p>Complies</p> <p>a) The level of illumination emitted by the proposed advertisement will be controlled by way of a condition of approval.</p> <p>b) The proposed advertisement is not located within close proximity to traffic signals.</p> <p>c) The proposed advertisement should not result in unreasonable driver distraction as it does not involve any moving/flashing elements.</p> <p>d) Whilst limited separation from the allotment boundary is proposed, the location of the advertisement is not considered to obscure a driver's view or other road features.</p>						
<p>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</p> <p>General Section: Advertisements: PDC 16</p>			<p>Complies</p>						
<p>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.</p> <p>General Section: Advertisements: PDC 17</p>			<p>Complies</p>						
<p>Freestanding Advertisements</p> <p>Freestanding advertisements and/or advertising hoardings should be:</p> <p>(a) limited to only one primary advertisement per site or complex</p> <p>(b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</p> <p>General Section: Advertisements: PDC 18</p>			<p>Complies</p> <p>a) Only one primary free-standing advertising sign is proposed.</p> <p>b) Whilst the display area exceeds the maximum area permitted for a non-residential site within the Residential Zone, the advertisement is considered to be of an appropriate height and scale and is considered to be in keeping with the desired character of the locality and compatible with the development on the site.</p>						
<p>The maximum height and display area or panel size of freestanding advertisements and/or advertising hoardings should not exceed the following dimensions within the respective zones:</p> <table><tr><th>Zone</th><th>Maximum Height (metres)</th><th>Maximum Display Area or Panel Size (square metres)</th></tr><tr><td>Non-residential sites within the Residential Zone</td><td>4</td><td>4 (2 per side if double-sided)</td></tr></table> <p>General Section: Advertisements: PDC 20</p>			Zone	Maximum Height (metres)	Maximum Display Area or Panel Size (square metres)	Non-residential sites within the Residential Zone	4	4 (2 per side if double-sided)	<p>Does Not Comply</p>
Zone	Maximum Height (metres)	Maximum Display Area or Panel Size (square metres)							
Non-residential sites within the Residential Zone	4	4 (2 per side if double-sided)							

<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>Morphett Road has a maximum speed limit of 60 km/h.</p>
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TABLE DISCUSSION

The proposal satisfies most of the applicable Principles of Development Control contained within the Marion Council Development Plan.

The proposed advertisement is a fully enclosed portrait orientated rectangular structure. The proposed advertisement is a maximum 3.5 metres in height and 750 millimetres in width. The structure achieves a total advertising display area of 5.25 square metres, which equates to 2.625 square metres per side. The advertisement is sited to the south-western corner of the allotment to gain maximum visual exposure and provide directional information to motorists.

The proposed display area of 5.25 square metres or 2.625 square metres per sign face is marginally more than the 4 square metres (2 per side if double-sided) permitted by Advertisements Principle of Development Control 21 for non-residential sites within the Residential Zone. This notwithstanding, the advertisement is under the maximum 4 metre height permitted within the Residential Zone. In my opinion, the proposed sign face area is considered reasonable and will not result in adverse visual bulk and/or scale impacts.

In considering the merits of the signage proposed it is of value to consider the context of the subject land, the wider locality, and signage which currently exists within the local area.

The site to the immediate north (naturopathic services), whilst not technically commercial in nature as it is a home activity, incorporates four advertisements, one of which is freestanding. The site further south (orthodontic services) features three advertisements, one of which projects over the footpath on the western side of Morphett Road. Signage on allotments within the Regional Centre Zone to the east of Morphett Road consist of a combination of fascia signage, feather signage and multi-tenancy freestanding advertisements, a majority of which are larger and more visually prominent than the proposed sign.

Despite being situated within an existing Residential Zone, the subject advertisement is considered to be in keeping with the scale and extent of free-standing advertisements currently displayed on land within the adjoining Regional Centre Zone to the east of the subject land. The advertisement is contemporary in nature will complement the design of the associated building, whilst minimising the appearance of structural supports.

As such, it is considered that the subject sign will not look out of character, nor have an adverse visual impact on the existing urban/commercial landscape.

Whilst the subject land is situated within the Residential Zone, the site maintains a long-standing commercial use, with the current Dental practice in operation since 2010, and prior to this, as childcare centre. It is anticipated that most, if not all forms of non-residential development require some signage element to provide exposure to the premises and activities conducted on the land. The signage proposed, in my view, affords reasonable exposure to the site, without having an unreasonable impact upon the appearance of the site or the locality.

ANALYSIS/CONCLUSION

Assessment relating to the qualitative Principles of Development Control identifies the development satisfies a majority of the relevant and applicable Development Plan criteria.

The proposed advertisement is both modest in terms of its height, width and overall size and is not considered to be out of character with other similar advertisements within the locality, in particular, those displayed within the adjacent Regional Centre Zone on the eastern side of Morphett Road.

In my opinion, whilst the sign face exceeds the maximum permitted for a non-residential use within the Residential Zone, the proposed height and dimensions of the advertisement are unlikely to dominate the landscape character or result in significant visual amenity impacts on adjacent land uses.. Additionally, the advertisement is considered complementary to the existing lawful use of land and therefore a type of sign that is appropriate for the locality.

Additionally, whilst the proposal will result in more than one advertisement being placed on the subject land. it is the only freestanding advertisement and unlikely to result in clutter or negatively affect presentation of the streetscape. The subject sign is not internally illuminated and is therefore unlikely to be considered a traffic hazard to motorists driving along Morphett Road.

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 seeking concurrence from the Development Assessment Commission and several conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1001 for Freestanding Sign - 3.5 metres high by 750 millimetres wide at 462 Morphett Road Warradale be GRANTED, subject to seeking CONCURRENCE from the Development Assessment Commission and the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1001, being the following documents;
 - 'Elevations' prepared by Regal Display and received by Council 18/07/2015
 - 'Statement of Support' prepared by MasterPlan SA, dated August 2015except when varied by the following conditions of consent.
2. The advertisement(s) and supporting structure(s) shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
3. No visible elements of LED or LCD display may be included in any signage.
4. 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.
5. The illumination of the sign shall be limited to a low level in order to minimise the impact of the sign on the safety of motorists.
6. The proposed signage shall not include any element that scrolls, flashes, moves or changes.
7. The proposed signs shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 October 2015

Agenda Ref No:	DAP211015 – 2.5
Originating Officer:	Rhiannon Hardy Development Officer – Planning and Nathan Wu Planning Cadet
Applicant:	SLP PTY LTD
Development Description:	Two (2) single-storey semi-detached dwellings
Site Location:	6 Torquay Road, Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	15/06/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1047
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii)) of the Development Regulations 2008, which assigns the construction of 1 or more 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 320 square metres required for semi-detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
Dwelling 2 garage should be set back a minimum 600 mm from the side boundary, as dwelling walls should abut one side boundary only.	Garage side setback increased from 0 metres (on the boundary) to 600 mm (as required).
The dwellings should be set back a minimum 5 metres from the rear boundary in order to: (a) provide a minimum dimension of 5 x 5 metres within the private open space of each dwelling; and (b) increase rear setback	Rear setback increased from 4 to 5 metres.
The driveway to Residence 2 must be set back a minimum 1.0 metre from the existing stobie pole and Telstra pit.	Driveway setback 1.0 metre from stobie pole (setback from Telstra pit conditioned).
Site coverage should not exceed 40% of the site area.	Site coverage decreased from 165 square metres per dwelling (55.1%) to 151 square metres per dwelling (50.5%).
An additional window should be incorporated to Bed 1 of each dwelling to enhance presentation/surveillance to the street and avoid blank walling facing the street. Additionally, the porticos should be increased in size further enhance street presentation.	Additional window provided on front façade. Porticos increased in depth.
The main face of the dwellings should be set back a minimum 6.0 metres from the front boundary in order to align with dwellings on adjoining land.	Front setback increased from 5.5 to 6.0 metres.
Roof pitch should be reduced to minimise visual bulk/scale.	Roof pitch decreased from 25 degrees to 22.5 degrees.
Consent is required from SA Water for works over the sewerage easement.	SA Water consent obtained for carport encroachment over the easement area.

SUBJECT LAND & LOCALITY

The subject site is located at 6 Torquay Road, Sturt (lot 34). The land is a rectangular shape with a site area of 598.3 square metres, frontage width of 17.07 metres and a depth of 35.05 metres. An easement to the Minister for Infrastructure runs along the southern side of the allotment for a width of 2.44 metres.

The site currently contains a single storey detached dwelling constructed in approximately 1950, which is in below average condition. Vehicle access is obtained via a driveway adjacent the southern side boundary. There are no regulated trees on the subject land.

The site maintains a moderate cross-fall, as the ground level at the southern side boundary is approximately 900 mm higher than at the northern side boundary.

The locality features predominantly single storey detached dwellings on low to medium density allotments. The majority of original housing in the locality remains with interspersed of redeveloped properties which provide new detached, semi-detached, group and row dwellings.

The subject land is located approximately 150 metres north-east from a Neighbourhood Centre Zone on Seacombe Road, which accommodates a Foodland Supermarket and various speciality shops.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct two single-storey semi-detached dwellings fronting and with access from Torquay Road. The dwellings are proposed to be constructed in brick veneer with a 22.5 degree pitched roof. The dwellings are joined together on the proposed internal boundary with a party wall. The dwellings each provide a single garage/carport, three bedrooms (one with ensuite and WIR), laundry, bathroom and open-plan kitchen and living area.

Residence 1 proposes to gain access from the existing driveway crossover, and features an open carport on the southern side of the dwelling. This carport encroaches over the easement to the Minister for Infrastructure.

Residence 2 features a garage and verandah on the northern side of the dwelling.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

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

<i>PDC 1</i>	<i>The following forms of development are envisaged in the policy area:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>detached dwelling</i> ▪ <i>group dwelling</i> ▪ <i>residential flat building</i> ▪ <i>row dwelling</i> ▪ <i>semi-detached dwelling</i> ▪ <i>supported accommodation.</i> 	Complies Semi-detached dwellings proposed
<i>PDC 3</i>	<i>Minimum Site Area: 320 m²</i>	Does Not Comply 299.0 m ² (each dwelling)
	<i>Minimum Frontage: 9 m</i>	Does Not Comply 8.53 m (each dwelling)
	<i>Minimum Depth: 20</i>	Complies 35.05 m

Assessment

The application seeks to construct two semi-detached dwellings on an allotment which currently contains one dwelling. This is consistent with the Desired Character statement in that it will result in redevelopment at a density greater than the existing. It will also increase the housing types within the locality, which are predominantly detached dwellings on larger allotments.

The subject land is located approximately 100 metres walking distance from bus stops on Seacombe Road, and approximately 150 metres from various shops in the Neighbourhood Centre Zone on Seacombe Road. As such, the proposed increase in dwelling density is in close proximity to centres and public transport, as envisaged by Objective 2 of the Residential Zone.

Although the allotments are undersized in both site area and frontage, the shortfalls are relatively minor; equating to a shortfall of 21 square metres in site area (undersized by 6.6%) and 0.47 metres in frontage width (5.2% undersized). These shortfalls are not considered to produce detrimental impacts on the locality or result in poor streetscape outcomes, as demonstrated by the proposal's general compliance with the Development Plan's design criteria (discussed in the Development Assessment Table below).

It is also noted that other semi-detached dwellings within the locality feature undersized frontages, such as semi-detached dwellings at 24 and 24A Portland Avenue (8.53 metre frontages), 12 and 12A Portland Avenue (7.62 frontages). These developments demonstrate that a shortfall in frontage is unlikely to result in negative streetscape impacts, and remains consistent with the overall character of the locality.

The site does not contain any significant or regulated trees and the proposal does not result in removal of mature street trees.

On balance, the proposal is considered to sufficiently accord with the relevant Objectives and Desired Character of the Residential Zone and Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

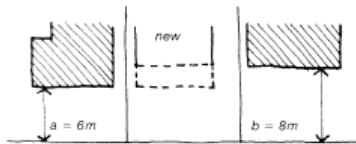
Site Coverage	
<p><i>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Residence 1: 151.0 m² = 50.5%</p> <p>Residence 2: 167.2 m² = 55.9%</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
Private Open Space	
<p><i>Private open space (available for exclusive use by residents of each dwelling) should be provided for each dwelling and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from a habitable rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy</i> <i>(c) to take advantage of, but not adversely affect, natural features of the site</i> <i>(d) to minimise overlooking from adjacent buildings</i> <i>(e) to achieve separation from bedroom windows on adjacent sites</i> <i>(f) to have a northerly aspect to provide for comfortable year round use</i> <i>(g) not to be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(h) to be partly shaded in summer</i> <i>(i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <i>(j) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) POS areas are directly accessible from a habitable room of the associated dwelling. b) All POS is located at ground level to the side/rear of the dwellings and capable of being screened for privacy. c) The subject land does not maintain natural features which warrant preservation. d) The POS areas should not be directly overlooked by adjacent buildings. e) The primary POS areas are located at the rear of each dwelling, and are not located next to bedrooms of dwellings on adjacent sites. g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. h) POS areas are capable of being shaded during summer. i) Traffic, industry or other business activities should not affect the subject land. j) The POS areas are considered to have sufficient shape and area to be functional. <p>Partially Complies</p> <p>f) The proposed primary area of POS maintains a western orientation, which should provide for adequate exposure to afternoon sunlight in winter months. The northern side courtyard of Residence 2 is oriented to provide for comfortable year round use.</p>

<p>Site Area 250 m² or greater:</p> <p><i>Minimum area of POS: 20% of the site area</i></p> <p><i>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Complies</p> <p>Residence 1: 71.7 m² = 24.0%</p> <p>Residence 2: 72.9 m² = 24.4%</p> <p>Complies</p> <p>Both dwellings provide a 5.0 x 8.5 dimension of POS which is directly accessible from the living area, with minor gradient.</p>
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Street Setbacks

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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Except where specified in a particular zone, policy area or precinct, the main face of a building should be set back from the primary road frontage in accordance with the following table:

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

General Section: Design and Appearance: PDC 25

Complies
6.0 metres

(Dwellings on adjoining land set back approximately 6.5 and 5.5 metres, which requires a setback of 5.5 metres)

<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
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Side Setbacks

<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p>	<p>Complies</p> <p>Residence 1: 2.46 – 3.3 m</p> <p>Partially Complies</p> <p>Residence 2: 0.6 – 3.3m</p> <p>The proposed side setback falls 0.4 metres short of that prescribed by PDC 7. However, this setback relates to the garage only, which features a wall length of 6.35 metres. Due to the minor length of the wall, the shortfall in setback should not result in unreasonable</p>
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Residential Zone: PDC 7	impacts to adjacent land. Further, it is noted that a setback of 0.6 metres complies with the Building Code of Australia.
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>General Section: Residential Development: PDC 37</p>	<p>Does Not Comply</p> <p>5.0 metres. However, this setback generally satisfies the 4.5 metre average setback anticipated by PDC 37 and should not result in detrimental impacts to adjoining land (see below).</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>General Section: Design & Appearance: PDC 2</p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent 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>Residential Zone: PDC 7</p>	<p>Complies</p> <p>The proposed dwellings are single storey and incorporate a maximum building height of 5.5 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<p><i>Minimum setback from primary road frontage:</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>Residential Zone: PDC 8</p>	<p>Complies</p> <p>Residence 1: Carport set back 7.56 from primary road frontage and 1.56 metres behind the main face of the associated dwelling</p> <p>Residence 2: Garage set back 6.84 metres from the primary road frontage and 0.84 metres behind the main face of the associated dwelling</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p>General Section: Residential Development: PDC 12</p>	<p>Complies</p>
<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p>	<p>Complies</p> <p>i) Carport (Residence 1) and verandah (Residence 2) on boundary are not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) Open structure length of 6.0 metres (carport) and 7.7 (verandah) on the boundaries</p> <p>Does Not Comply</p> <p>iii) Wall height of 2.65 metres (carport) and 2.85 metres (verandah)</p>

<p>(C) 7 metres where there are both enclosed and open sided structures</p> <p>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</p> <p>General Section: Residential Development: PDC11</p>	
<p>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</p> <p>General Section: Residential Development: PDC8</p>	<p>Complies</p> <p>The garage of Residence 2 integrates into the dwelling by being under the main roof. The carport of Residence 1 features a separate flat roof design, however this has resulted from the amendments required by SA Water for the carport encroachment over the easement. Nevertheless, the carport should not be visually dominant given that its façade features render to match the remaining front façade. Both carports are set back more than 0.5 metres behind the main face, and take up well below half the frontage width of the dwelling, ensuring that they will not be a dominant feature on the street.</p>
<p>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</p> <p>Residential Zone: PDC 6</p>	
Car Parking	
<p>Minimum number of on site car parking spaces (one of which should be covered) :</p> <p>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</p> <p>3 per detached, semi-detached, or row dwelling containing 4 or more bedrooms.</p> <p>1.5 per dwelling plus 1 visitor space per 3 dwellings for a group dwelling or residential flat building.</p> <p>Residential Zone: PDC 7</p>	<p>Complies</p> <p>Each dwelling provides one under-cover car park and external stacked space in front of the garages, which meets the Residential Zone provisions for the number of car parking spaces for three bedroom dwellings.</p>
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) The Neighbourhood Centre Zone on Seacombe Road is located within convenient walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 1 on-street car parking space shall remain available adjacent the subject land.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Complies</p> <p>1 on-street car parking space is maintained for the proposed 2 allotments, which satisfies PDC 22.</p>

Access

The width of driveway crossovers should be minimised and have a maximum width of:

- (a) 3 metres wide for a single driveway*
- (b) 5 metres wide for a double driveway.*

General Section: Residential Development: PDC 39

Complies

Proposed driveway crossovers are 3 metres in width.

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

General Section: Residential Development: PDC 40

Complies

The proposed crossovers will be set back a minimum of 1 metre from existing street infrastructure (subject to compliance with conditions of consent), and a minimum 4.8 metres from the centre of the trunk of the existing street tree.

A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.

General Section: Transportation and Access: PDC 28

Complies

Vehicle access points are separated by a distance of 10.1 metres.

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

The proposed dwellings are conventional single storey brick veneer dwellings with rendered front façade, aluminium windows and Colorbond roof. The building provides some articulation by way of varied front setbacks, provision of a small porch area and varying ridgelines in the roof. There are also several habitable room windows facing to the street, providing opportunities for passive surveillance.

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 proposed setbacks ensure that overshadowing on adjoining properties will be of a reasonable extent. Where the majority of shadow occurs during winter on the southern side of the dwelling, shadow produced will be over the adjoining property's carport and driveway. As such, the proposed dwellings are unlikely to result in any unreasonable overshadowing that prevent natural light entering adjoining dwellings or impacts on private open space areas.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Partially Complies

Admittedly, Residence 2 provides better utilisation of the northerly aspect than Residence 1, as the private open space and living areas are orientated in this direction which includes north facing windows. However, Residence 1 will still gain a reasonable amount of northern sun into the private open space, and its west and east facing windows will go some way in assisting to warm the dwelling during winter.

Both dwellings incorporate an eaves overhang of 300mm to assist in shading the dwelling in summer and the roof is pitched in a way which will accommodate north facing solar panels.

On balance, the proposal is considered to be adequate with respect to meeting the relevant Development Plan principles on energy efficiency.

Landscaping, Fences and Walls	
<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, retaining cut adjacent the southern side boundary and fill adjacent the northern side 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. 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 proposal satisfies a majority of the applicable criteria contained within the Marion Council Development Plan. However, it is acknowledged that the proposal fails to comply with the following provisions:

- Site area for both allotments;
- Frontage for both allotments;
- Site coverage for both allotments.

Site Dimensions

Although the proposed allotments fall short in both site area and frontage width, the relatively minor extent of the shortfalls suggest that they should not necessarily warrant refusal of the application in isolation. The proposed allotment dimensions enable the proposed dwellings to be designed in accordance with a majority of quantitative and qualitative requirements of the Development Plan, and as such, the undersized nature of the allotments should not undermine the existing and desired character of the locality.

Site Coverage

Site coverage exceeds the Development Plan standard by 10.5% for Residence 1 and 15.9% for Residence 2 (at 50.5% and 55.9%, respectively). It is noted that the additional site coverage of Residence 2 results from the proposed verandah. Incorporation of a verandah with the subject dwelling application reduces the need for owners/occupiers of the land to construct a verandah in the future, and therefore the higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space in conjunction with the dwelling.

When considering site coverage, it is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new dwellings. Given that this proportion of site coverage could feasibly be constructed on the subject land “as of right” (i.e. without an assessment against Development Plan criteria), this suggests that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity.

Given that each dwelling provides sufficient private open space and setbacks, it is considered that the increased site coverage will not have detrimental impacts on the functionality of the site or the adjoining properties.

As a result of these considerations, the excess in site coverage above Development Plan criteria is not considered to be fatal to the merit of the subject application.

Summary

The proposal complies with the majority of applicable criteria of the Development Plan. Where there are shortfalls, they are relatively minor and I am satisfied they will not result in any unreasonable impact on adjoining properties or have serious visual impacts on the streetscape.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1047 for two (2) single-storey semi-detached dwellings at 6 Torquay Road, Sturt, be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1047, being drawings prepared by Superior Land Projects amendment date 1.10.15 and documentation from SA Water dated 7 October 2015 and 8 October 2015, except when varied by the following conditions of consent.
- 2. The vehicle crossover to Residence 2 shall be set back a minimum 1.0 metre from the existing Telstra pit, unless otherwise approved by Telstra.
- 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. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

- 1. An Easement to the Minister for Infrastructure runs along the southern side boundary of Residence 1. The carport of Residence 1 forms an authorised encroachment within the easement area. The corporation (SA Water) has imposed the following conditions in relation to the encroachment:

- Any concrete flooring or paving installed within 0.6 metres on either side of the centre line of the main shall be laid as slabs of not more than 1.0 metres x 1.2 metres.
 - The level of the ground surface over the easement shall not be altered by excavation or filling without prior corporation approval.
 - No encroachment may be altered, added or relocated without prior corporation approval.
 - The corporation does not accept liability for any damage or loss to the encroachment as a result of corporation operations within the easement.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
 3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
 4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
 5. 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.
 6. 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.
 7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 October 2015

Agenda Ref No:	DAP211015 – 2.6
Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Mr Daniel Morton
Development Description:	Three single storey row dwellings
Site Location:	18 Travers Street, Sturt
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1/Consent
Lodgement Date:	07/08/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1395
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)(ii) of the Development Regulations 2008, which assigns the construction 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 (Dwelling 1 & 2) supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

It is staff's view that the dwellings should be appropriately classified and assessed for row dwellings as, for all intents and purposes, the dwellings comprise three dwellings, erected side by side with party walls to form a single building each occupying a site that has exclusive frontage to a public road, pursuant to the Schedule 1 definition in the Development Regulations, 2008.

BACKGROUND

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

Amendments Requested	Amendments Made
Amend the carports of Dwelling 1 and 3 to ensure they achieve compliance with the applicable Australian Standard.	Amendments made.
Provide skylights to the hallway of each dwelling to enable sufficient access to natural light and improve the amenity of future occupants.	Skylights to each hallway provided.
Information Requested	Information Provided
Colours and material schedule required.	Information provided.
Detail landscape plan required.	Information provided.

SUBJECT LAND & LOCALITY

The subject land is located on the southern side of Travers Street, Sturt. The site is slightly trapezoid in shape and supports a frontage width of 22.25 metres, a depth of 38 metres and an overall allotment area of 732 square metres.

The subject site is relatively flat and contains a 1950's weatherboard home in moderate condition and several outbuildings located to the northwest side of the allotment. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through crossovers located to the eastern and western end of the allotment. Both of these crossovers will be modified to provide vehicle access.

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single storey dwellings at higher densities. The subject allotment is within 200 metres of the Travers Street Reserve, and 400 metres of the Warriparinga wetlands reserve. The allotment is also within 250 metres of Marion Road which provides Adelaide Metro bus services to Marion Shopping Centre, Flinders University/medical precinct and the Adelaide CBD.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes the demolition of the existing dwelling and associated outbuildings and the construction of three, single storey row dwellings.

Dwellings 1 and 2 incorporate two bedrooms, study, laundry, bathroom, separate water closet and a combined kitchen/meals/family room with direct access to the associated area of private open space. Dwelling 3 incorporates three bedrooms, study, laundry, en-suite, bathroom and a combined kitchen/meals/family room with direct access to the associated area of private open space. Each dwelling is afforded a single width garage or carport, which has direct access to Travers Street. Dwellings 1 and 3 propose to gain access through the exiting crossovers (modified slightly), whilst a new crossover is proposed for Dwelling 2.

A detailed landscape schedule nominating the location and species of plantings throughout the front and rear yards of the dwellings has been provided.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Engineering:	<p>The carport posts of Dwelling 1 and 3 need to be relocated to ensure the clearance requirements comply with AS2890.1.2004.</p> <p>The driveways within Council's road reserve area must be constructed perpendicular to the kerb.</p>
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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. 	Complies

PDC 3	<i>Minimum Site Area: 250m²</i> <i>Dwelling 1 :239m²</i> <i>Dwelling 2: 225.8m².</i> <i>Dwelling 3: 267.6m²</i>	Complies Dwelling 3 Does Not Comply Dwelling 1 Dwelling 2
	<i>Minimum Frontage: 7m</i> <i>Dwelling 1: 8.25m</i> <i>Dwelling 2: 7m</i> <i>Dwelling 3: 7m</i>	Complies
	<i>Minimum Depth: 20m</i> <i>Dwelling 1: 38m</i> <i>Dwelling 2: 38m</i> <i>Dwelling 3: 38m</i>	Complies

Assessment

The application proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of both the Residential Zone and Northern Policy Area 13 seek to accommodate low-to-medium residential development, whilst Objective 2 of the Zone encourages development of an increased density close to public open space. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types that differ to that typically found within the locality.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Occupants would be in walking distance to two areas of public open space namely Travers Street Reserve and the Warriparinga wetlands reserve. Frequent bus transportation is available on Marion Road with services to the City and Flinders University. Additionally, a Regional Centre which contains Westfield Marion is within 800 metres of the allotment.

The proposal does display some numerical shortfalls with respect to the minimum site area of Dwellings 1 and 2.

Site Area of Dwellings 1 and 2

The site areas of Dwelling 1 and 2 fall 11 and 14.2 square metres short, respectfully, of the minimum requirement of 250 square metres. However, I am of the view that this is not fatal to the merits of the proposal, particularly as these dwellings propose two bedrooms only.

The distribution between the allotments is disproportionate due to the irregular shape of the allotment. Dwelling 3 achieves a site area above the minimum allotment size and over the entire site, the allotments maintain an average site area of 244 square metres, which is a minor shortfall of 6 square metres per allotment.

Furthermore, it will be shown throughout this report that each of the dwellings achieve relative compliance when assessed against the remaining provisions of the Development Plan and in my view, will not adversely affect the amenity of existing neighbouring properties.

Despite the shortfall in area for allotments 1 and 2, the development results in a form of housing consistent with a majority of the Policy Area Objectives, will not have a detrimental impact on adjoining land and will contribute to the residential environment sought within the Policy Area.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control

Assessment

Site Coverage	
<i>Maximum site coverage: 40%</i> <i>Northern Policy Area 13: PDC 4</i>	Does Not Comply Dwelling 1: 122m ² / 51% Dwelling 2: 124.4m ² / 55% Dwelling 3: 150m ² / 56%
<i>Site coverage should ensure sufficient space is provided for:</i> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles</i> <i>General Section: Residential Development: PDC 13</i>	Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

Site coverage for the proposed development is high, with Dwellings 1, 2 & 3 attaining site coverage of 51%, 55% and 56% respectively, which significantly exceeds the Council's desired 40% maximum. Due to the nature of row dwellings being boundary to boundary, site coverage is generally higher than detached or semi-detached dwellings as the dwellings do not provide separation to at least one side boundary (this being a requisite of row dwellings). This is particularly relevant for Dwelling 2, where, being the middle allotment, the allotment is smaller as a result of the dwelling being boundary to boundary. Nevertheless, the absence of side setbacks or separation will not result in visual impacts to the adjoining properties on either side of the subject site.

The extent of site coverage, particularly for Dwellings 2 and 3, is considerable, especially as the dwellings do not incorporate a rear verandah or under main roof alfresco, and the likely inclusion of these structures would result in additional site coverage. Further, the rear setback afforded to Dwelling 3 falls short of the minimum requirements.

In my view, this is the largest failure of the proposal. A lesser site coverage could improve private open space area and dimensions, increase setbacks and result in a less cramped development. The applicant has sought to maximise the dwellings footprint at the expense of a more conventional allotment configuration. In my opinion, a two storey form of development would result in a more appropriate and functional use of the land and would enable a reduction in the dwellings footprint, an increase in boundary setbacks and the provision of a larger private open space.

Notwithstanding the above, the high site coverage is unlikely to create an adverse visual impact on adjoining properties. It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code and whilst not applicable for a dwelling of this type, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants. Furthermore, a row dwelling 'as of right' can incorporate site coverage of up to 70% when constructing a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008.

Private Open Space

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

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

General Section: Residential Development: PDC 15

Complies

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

Does Not Comply

- f) Due to the existing north-south orientation of the allotments, the proposed POS areas do not achieve a northerly aspect. The location of POS forward of the dwelling, in order to achieve a northern orientation, would likely result in an unattractive and unacceptable streetscape outcome.

Site Area 250 m² or greater:

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

Site area less than 250 m²:

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

General Section: Residential Development: PDC 17

Complies

Dwelling 3: 59.84m² / 22.4% - Minimum 5.87m by 7m dimension provided.

Complies

Dwelling 1: 50m² / 20.8% - Minimum 4.25m by 10m dimension provided.
Dwelling 2: 50m² / 22% - 10m by 4.92m dimension provided.

Street Setbacks

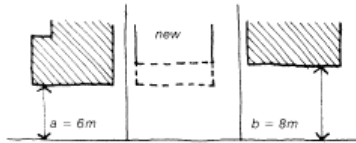
Except in areas where a new character is desired, the setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the function, appearance and/or desired character of the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

General Section: Design and Appearance: PDC 23

Partially Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6 metres is comparable 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:  <p>When $b < a \leq 2$, setback of new dwelling = a or b</p>
Greater than 2 metres	At least the average setback of the adjacent buildings

General Section: Design and Appearance: PDC 25

Partially Complies

The proposed 6 metre front setback for each dwelling is significantly less than the 7.5 metre average of the dwellings on adjacent allotments. The adjacent dwellings to the east and west are 1950's weatherboard dwellings and maintain front setbacks of approximately 7.5 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 Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.

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

General Section: Residential Development: PDC 36

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

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

Residential Zone: PDC 7

Does Not Comply

Dwelling 1: 900mm
Dwelling 3: 980mm

The proposed side setback falls marginally 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 setbacks do not comply with quantitative criteria, the separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties.

Rear Setbacks

6 metres for a single storey dwelling

Residential Zone: PDC 7

Complies

Dwelling 1: 10m

Dwelling 2: 10m

Does Not Comply

Dwelling 3: 5.87m

Although the proposed rear setback of Dwelling 3 does not meet the minimum 6 metres required for a single storey dwelling, an acceptable and compliant area of POS with appropriate dimensions has been provided.

Given the single storey nature of the dwelling, the provision of adequate dimensions of private open space and acceptable separation to the rear boundary, the shortfall in rear setbacks of 130mm is not considered unreasonable.

Building Height

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

Residential Zone: PDC 7

Complies

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

Garages, Carports and Outbuildings

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

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

*Minimum setback from secondary road frontage:
5.5 metres for a single-width structure.
Not less than the specified setback of the associated dwelling for a double-width structure.*

Residential Zone: PDC 8

Complies

Each carport/garage is setback a minimum 6.7 metres from the street and 700 metres behind the main face of the associated dwelling.

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

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

General Section: Residential Development: PDC 12

Complies

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

Residential Zone: PDC 6

Complies

Dwelling 1: 3.7m / 44.8%

Dwelling 2: 3m / 42.8%

Dwelling 3: 3m / 42.8%

<p><i>Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC8</i></p>	<p>Complies</p> <p>The proposed garages are located underneath the main roof of the dwelling and therefore incorporate a roof form, materials and detailing which complement the associated dwelling.</p>
<h2>Car Parking</h2>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i> <i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>Each dwelling is provided with 2 on-site parking spaces, one of which is covered.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (eg an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Centre facilities and public transport are located in walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 1 on-street car parking spaces shall remain available adjacent 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</p> <p>1 on-street car parking space is provided for the proposed allotments where 2 spaces would be required.</p> <p>Nevertheless sufficient on-site car parking has been provided in accordance PDC 7 and I am satisfied that as Transportation and Access Principle 43 has been achieved, the number of on-street spaces is acceptable.</p>
<h2>Access</h2>	
<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>Each driveway crossover is a maximum of 1 metre in width.</p>
<p><i>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Partially Complies</p> <p>The access points of Dwellings 1 and 2 are separated by a minimum of 8m.</p> <p>Less than 6m separates the driveways of Dwellings 2 and 3, this is somewhat unavoidable given the redevelopment of the site to accommodate three dwellings and the overall frontage width of 22.25 metres.</p>

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

Complies

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

- Vertical floor to ceiling windows and Western Red Cedar window frames;
- Eave overhang and pitched roof form at 25 degree slope;
- Large blade walls that protrude from the front façade and are of an alternative colour to the remainder of the front façade.

The dwellings incorporate a 25 degree Colorbond roof in 'Dune', with rendered facades. The garage of each dwelling features surfmist Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

The proposed development is of suitable mass, proportion and has been provided with acceptable articulation to the street and adjoining residences. Articulation has been provided to the side and rear boundaries to minimise the visual impact of the building and limit the potential of overshadowing.

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

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 18

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

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

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

General Section: Energy Efficiency: PDC 3

Does Not Comply

Due to the existing north-south orientation of the allotments, the proposed POS areas and main living areas of the dwelling do not achieve a northerly aspect.

This notwithstanding, 450mm wide eaves have been provided to all façades of the proposed dwellings to provide some aspect of shade to the windows, particularly during the summer months. Sky lights have been provided to the bathroom and hallway of each dwelling to provide solar access to these areas, reduce lighting costs and improve the future occupant's amenity.

Complies

Due to the single storey nature of the proposed dwellings, it is anticipated natural sunlight will be available throughout the year to the main activity areas of adjacent dwellings. The proposed dwellings have been afforded a 25 degree pitched roof which will facilitate the potential future use of solar hot water services and photovoltaic cells.

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

General Section: Energy Efficiency: PDC 4

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

General Section: Energy Efficiency: PDC 5

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

Complies

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

ANALYSIS/CONCLUSION

Assessment of the proposal identifies shortfalls in site area, front, side and rear setbacks, and excess in site coverage.

Whilst Dwellings 1 and 2 do not achieve the required allotment size for row dwellings within the Northern Policy Area 13, as discussed within the report, appropriate setbacks and provision of private space has been afforded to each dwelling and, although undersized, the proposed allotments are considered to be of an acceptable density for the Policy Area. Despite the shortfall in site area, the proposal attains reasonable setbacks to boundaries and acceptable area and dimensions of private open space. As such, in my opinion, the shortfall in site area does not result in an over development of the site nor does it adversely affect the intent of the Policy Area.

The high site coverage of Dwellings 2 and 3 is significant given the dwellings do not incorporate a rear verandah or under main roof alfresco, and the inclusions of these structures would result in increased site coverage. This notwithstanding the proposal does achieve acceptable setbacks to boundaries and area and dimensions of private open space. As such, the excess in site coverage is not considered to adversely affect the functionality of each dwelling, nor compromise the amenity of future occupants.

Whilst the front setbacks of the dwellings do not meet the quantitative requirements of the Development Plan, they do not result in detrimental impacts upon the adjacent dwellings or adversely affect the streetscape. The setbacks, whilst not the average of adjoining dwellings are considered to be consistent with more recently constructed dwellings with the locality and are likely to be replicated as more properties are developed in the future.

The proposal is consistent with the intended built form and housing sought for the Northern Policy Area 13 and is reasonably compliant with a number of Council's design criteria.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1395 for Three single storey row dwellings at 18 Travers Street, Sturt be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1395, being drawing numbers 1 of 6 to 6 of 6 (inclusive) prepared by MCA Design (SA) Pty Ltd, received by Council 24/09/2015, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.

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 21 October 2015

Agenda Ref No:	DAP211015 – 2.7
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Alexander Symonds Pty Ltd
Development Description:	Boundary realignment and allotment amalgamation (Torrens Title - 5 into 2 allotments), incorporating demolition of the existing building on Lot 33
Site Location:	100-102 Daws Road and 1108-1112 South Road, Edwardstown
Zone:	Industry Zone
Policy Area:	Industry/Commerce Edwardstown Policy Area 5
Precinct:	-
Application Type:	Category 1 / Consent
Lodgement Date:	08/07/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/1202 100/D144/15
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED, subject to a Reserved Matter and conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns *“the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments”* as a Category 1 development.

The subject application is required to be determined by the Development Assessment Panel given that proposed Lot 341 fails to satisfy the minimum site area specified in the Industry Zone. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

Development Application 100/2015/1082 was granted Development Plan Consent on 30 September 2015 to construct a motor fuel outlet and shop (“Shell Service Station”) with

associated advertising signage, on proposed Lot 371. This application was a Category 3 / Consent form of development, however no representations were received throughout the public notification process, and therefore the application was assessed and determined under delegation by Administration staff.

The subject land division application was lodged at a similar time to the associated land use application 100/2015/1082, as it proposes to amalgamate the existing land titles upon which the “Shell Service Station” development will be located.

During the assessment process of the subject land division application, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
The size of Lot 341 should be increased to ensure that it can be used in accordance with Development Plan criteria relating to access and site area.	Lot 341 increased from 408 m ² to 1151 m ² by proposing only 2 allotments, not 3 as originally proposed.
Concerns regarding vehicle access to proposed Lot 341. SEP should be relocated at the cost of the applicant, or existing building on Lot 33 should be demolished.	Existing “Adventure Offroad Campers” building on Lot 33 proposed to be demolished.

SUBJECT LAND

The subject land comprises five (5) separate allotments (lots 33, 34, 35, 36 and 37) on land known as 100-102 Daws Road and 1108-1112 South Road, Edwardstown. The allotments are located on the north-western corner of the intersection between Daws Road and South Road. The five (5) allotments maintain a total site area of 3556 square metres.

Lots 35, 36 and 37 face South Road and currently accommodate a bituminised area (formerly used for vehicle display by Southland Mitsubishi), a small office building located on the western edge of Lot 37, and landscaped areas adjacent South Road.

Lots 33 and 34 were previously occupied by “Adventure Offroad Campers”. A building currently occupies the entirety of lot 33, while a paved parking area and canopy are featured on Lot 34.

The subject land is relatively flat with minor gradient.

There are seven (7) existing vehicle crossovers which provide access to the subject land.

An easement to the Minister for Infrastructure is registered on allotments 33, 34 and 37, which runs along the northern allotment boundary of Lots 33 and 34, and halfway down the “handle” of Lot 37. Rights of way are registered on allotments 35, 36 and 37, which effectively establishes the “handle” of Lot 37 as shared access for these allotments.

LOCALITY

The locality is dominated by the arterial road character of the intersection between Daws Road and South Road.

The land north and west of the subject land is located in the Industry Zone, and includes a variety of industry/warehouse land uses. The land immediately north of the subject land comprises part of the former Southland Mitsubishi site. The existing office building is currently occupied by the “Sammy D Foundation”, and has been granted consent for this land use on a temporary basis of up to 5 years. The remainder of the land is currently vacant, although Development Application 100/2015/192 has been lodged with Council proposing to convert the

existing service trade premises (motor vehicle sales and repairs) to a waste transfer station (recycling facility). This application is currently on hold awaiting additional fees and information from the applicant.

Properties south of the subject land (separated by Daws Road) are located in the Commercial Zone. "Cash Converters" and "Rite Price" are located on the southern adjacent property.

The Residential Zone (comprising the Northern Policy Area 13) is located approximately 26 metres south-west of the subject land, and features a mixture of original dwelling stock and redeveloped properties at low-to-medium densities.

Land to the east is located in the Mitcham Council area, and features a mixture of commercial and industrial land uses adjacent to the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject land division application proposes to amalgamate 5 existing allotments into 2 allotments, including boundary realignment. This realignment and amalgamation will allow the motor fuel outlet proposed in Development Application 100/2015/1082 to be contained on the proposed Lot 371, with a site area of 2405 square metres.

The application proposes to demolish the existing building on Lot 341, so that this allotment will become vacant. The applicant's representative has asserted that *"Our client does not have a current intention as to the use of proposed Allotment 341. It is their intention to hold this land vacant."*

As part of the proposed land division, the existing easements for rights of way are proposed to be extinguished. It is noted that the rights of way relate only to allotments which are the subject of the current development application, and which form the proposed amalgamated Lot 341. Given that both new allotments can obtain vehicle access directly from Daws Road and South Road in accordance with DPTI's requirements, the rights of way are no longer required.

The easements to the Minister for Infrastructure (SA Water) are proposed to be varied, to be contained on proposed Lot 341 only. SA Water have indicated their support for the proposal, subject to conditions being met, including that *"the necessary easements shall be vested to SA Water."*

The vehicle crossover adjacent Lot 34 is proposed to be closed as part of the subject land division.

Three vehicle crossovers adjacent to the proposed Lot 371 are proposed to be closed as part of land use application 100/2015/1082. This application proposed to maintain only two vehicle access points; one on Daws Road and one on South Road. The Department of Planning, Transport and Infrastructure (DPTI) were supportive of this access arrangement.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport, and Infrastructure (DPTI):	DPTI will raise no objection in principle to the plan of division on the provision that the following recommended conditions and note are attached to any approved given: <i>[Please refer to recommended conditions 4-8 of Development Plan Consent and Note 1]</i>
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SA Water:	<p>Pursuant to Section 33 of the Development Act it is necessary for the developer to satisfy this Corporation's requirements.</p> <p><i>[Please refer to recommended condition 1 of Land Division Consent]</i></p>
Development Assessment Commission (DAC):	<p>It is pointed out that the proposal may be AT VARIANCE with the Development Plan for the following reason(s) :</p> <ul style="list-style-type: none"> • principle 8 (b) (c) of the Industry Zone <p>SHOULD COUNCIL WISH TO APPROVE THIS APPLICATION THE FOLLOWING REQUIREMENTS OF THE COMMISSION MUST BE INCLUDED AS CONDITIONS OF APPROVAL. (Pursuant to Section 33 (1) (c) of the Development Act)</p> <p><i>[Please refer to recommended conditions 1 and 2 of Land Division Consent]</i></p>
Environment Protection Authority (EPA):	<p>For this situation, the EPA would recommend that a CEMP is prepared by a site contamination consultant in accordance with the NEPM to ensure that the demolition process is appropriately managed.</p> <p><i>[Please refer to recommended reserved matter 1]</i></p>

Refer Attachment IV

ZONE & POLICY AREA ASSESSMENT

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

Provisions:

Assessment:

Industry Zone		
<i>Objective 1</i>	<i>A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.</i>	Complies The proposed land division will enable the development of future land uses that are envisaged within the Industry Zone.
<i>PDC 1</i>	<i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ <i>industry</i> ▪ <i>transport distribution</i> ▪ <i>warehouse.</i> 	
<i>PDC 2</i>	<i>Development listed as non-complying is generally inappropriate</i>	Complies Land division and demolition are not listed as non-complying.
<i>PDC 3</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the zone.</i>	Complies Discussed below

<p>PDC 8</p>	<p><i>Except within Light Industry Policy Area 6, land division should create allotments that:</i></p> <p><i>(a) are of a size and shape suitable for the intended use</i></p> <p><i>(b) have an area of 1500 square metres or more, unless intended for a specific purpose consistent with the zone provisions and for which a lesser site area requirement can be demonstrated</i></p> <p><i>(c) have a frontage to a public road of at least 30 metres.</i></p>	<p>Complies</p> <p>a) The proposed allotments are considered to be of a size and shape suitable for the intended use. Although a land use application has not been lodged for the proposed Lot 341, it has been demonstrated that vehicle access is available, and it is my view that the site maintains sufficient dimensions to accommodate an industrial land use in the future.</p> <p>b) Lot 371 maintains a site area of 2405 m²</p> <p>c) Lot 371 maintains a frontage of 42.7 metres to Daws Road and 41.75 metres to South Road.</p> <p>Does Not Comply</p> <p>b) Lot 341 maintains a site area of 1151 m², which is 349 m² less than the minimum specified. The applicant has confirmed that this allotment is not intended for a specific purpose at this stage.</p> <p>Does Not Comply</p> <p>c) Lot 341 maintains a frontage width of 23.6 metres to Daws Road, which is 6.4 metres less than the minimum specified.</p>
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Industry/Commerce Edwardstown Policy Area 5

<p>OBJECTIVES</p> <p><i>1 A policy area accommodating industry comprising a range of industrial, business, commercial, warehouse and storage activities.</i></p> <p><i>2 Development located and designed to have minimal adverse impact on surrounding uses, especially at the interface with residential zones, and to avoid potential environmental nuisance or harm.</i></p> <p><i>3 Development that enhances the visual qualities and amenity, especially that associated with neighbouring residential areas and the streetscapes adjacent arterial road corridors.</i></p> <p><i>4 Creation of attractive and visually cohesive entrances to the policy area on visually prominent sites along South Road and Daws Road.</i></p> <p><i>5 Development that contributes to the desired character of the policy area.</i></p>	<p>Complies</p> <p>The proposed land division should enable the development of land for land uses that are compatible with that envisaged in Policy Area 5, and which could maintain visually cohesive streetscapes.</p> <p>The subject land is not located at the interface with the Residential Zone.</p>
<p>DESIRED CHARACTER [relevant sections in bold (my emphasis)]</p> <p><i>This policy area includes established industrial areas, some of which are in close proximity to housing, and predominantly commercial strip development along South Road. South Road in particular has an intensive commercial character, and is subject to increasingly high traffic volumes. The level of business activity in the policy area contributes to overflow parking, congestion, and traffic within side streets commonly affecting adjoining residential areas. This calls for minimisation of the number of access points onto arterial roads, a restriction on intensive retail uses in the policy area, and discouragement of excessive traffic movements on side roads connecting with residential areas. The use of residential streets to provide access for traffic, particularly heavy vehicles, servicing industrial or commercial development cannot be supported.</i></p>	<p>Generally Complies</p> <p>The proposed land division will involve the closing of 2 vehicle access points on Daws Road, and another 2 vehicle access points on South Road. As such, the development will assist in achieving the desired minimisation of access points onto arterial roads.</p> <p>The subject land is not located in close proximity to residential areas. Although the Residential Zone is located approximately 26 metres south-west of the subject land, this is separated by Daws Road, and therefore any potential amenity impacts caused by use of the subject land in the future will be significantly obstructed by the intervening noise/light impacts created by the arterial road character of Daws Road.</p>

<p><i>There has been considerable conflict, in terms of external impacts of traffic, noise, air pollution and other factors, between industrial activities in the policy area and the use and enjoyment of nearby residential areas, with the latter areas afforded only minimal, if any, buffering in many instances. The policy area's extensive interface with residential areas calls for special attention to the avoidance of future land-use conflicts, and where opportunity exists, improvement of existing adverse environmental conditions. Where existing uses cause, or are liable to cause, adverse impacts on the amenity of localities, it is important that future development does not prolong or accentuate such impacts but, instead, incorporates measures to improve amenity, particularly the amenity of land in a residential zone.</i></p> <p><i>Assessment of the potential environmental impacts of a development is a necessary precursor to determination of a suitable location if one exists within the policy area. It is also integral to good environmental design which achieves containment of undesirable impacts.</i></p> <p><i>Some industrial, storage and other activities, due to their anticipated emission impacts, will need to be well removed from residential zone boundaries. Based on their greater recommended separation distances from housing, some will not be suitable anywhere in the policy area.</i></p> <p><i>At the same time, the policy area's economic function and vitality relies on fostering and developing a range of viable and efficient industrial and commercial activities. Fulfilment of this aim depends, in part, on preventing the encroachment on sites suitable for a wider range of industries (by virtue of greater separation from residential areas) by uses (eg certain offices) likely to be incompatible with, or require protection from, the impacts of such industries. Conversely, any commercial, light industrial or other activities likely to be adversely affected by general industries are appropriate at or near the periphery of the policy area (provided they are compatible with the use of adjoining zones).</i></p> <p><i>The policy area is an area catering for a wide range of environmentally-responsible industries and other businesses, and providing employment opportunities that are sustainable in the long term.</i></p> <p><i>Appropriate location and development of new activities and progressive improvement of site conditions will serve to buffer and protect the amenity of surrounding residential areas from adverse effects of industrial and other operations. In order to protect the amenity of land in a residential zone, development needs to be carefully designed and located.</i></p> <p><i>It is also important that streetscapes, particularly along arterial roads and involving landmark sites, form an attractive and impressive entry to the area.</i></p>	<p>The subject land division would not preclude the land from being developed in a manner which forms an attractive and impressive entry to the area.</p>
<p>PDC 1</p> <p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ commercial uses ▪ industry ▪ office ▪ storage ▪ warehouse. 	<p>Complies</p> <p>The proposed land division will enable the development of future land uses that are envisaged within the Policy Area.</p>

<i>PDC 5</i>	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Generally Complies
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DEVELOPMENT ASSESSMENT

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

Provisions:

Assessment:

Land Division	
Objectives <i>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</i>	Complies The proposed plan of division is orderly and utilises existing infrastructure.
<i>2 Land division that creates allotments appropriate for the intended use.</i>	Complies Lot 371 is suitable for its intended use, as demonstrated in Development Application 100/2015/1082 for a motor fuel outlet and shop. An intended land use for Lot 341 has not yet been confirmed. However, the allotment maintains vehicle access from Daws Road and an area of 1151 square metres, which should enable future development of the site to accommodate a type of land use envisaged in Policy Area 5. It is noted that the land area of this proposed allotment is larger than each of the existing allotments, and therefore the proposed land division will assist in achieving the desired outcomes of Policy Area 5.
Principles of Development Control <i>1 When land is divided:</i> (a) <i>stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i> (b) <i>a sufficient water supply should be made available for each allotment</i> (c) <i>provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> (d) <i>proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</i>	Complies a) The subject land is relatively flat, and both allotments maintain frontage to a public road. As such, future buildings could be appropriately designed to dispose of stormwater safely and efficiently from both proposed allotments. b) SA Water have confirmed that water supply is available to each allotment. c) Sewerage and wastewater could be disposed without risk to health. d) N/A

<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <ul style="list-style-type: none"> (i) an existing road (ii) a proposed public road (iii) access to a public road via an internal roadway in a plan of community division <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Complies</p> <p>(a)-(g) are satisfied</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Complies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Complies</p>
<p>Roads and Access</p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Not Applicable</p> <p>On-street parking is not permitted adjacent the subject land</p>
<p>Hazards</p>	
<p>19 Development, including land division, should not occur where site contamination has occurred unless the site has been assessed and remediated as necessary to ensure that it is suitable and safe for the proposed use.</p>	<p>Complies</p> <p>The site at 1102-1106 South Road Edwardstown, which housed the former Southland Mitsubishi, has been issued a Section 83A notification by the EPA advising of potential or actual groundwater contamination, due to the site's previous use for "storage of Listed Substances and motor vehicle repair or maintenance."</p> <p>Given that the northern boundary of the subject land adjoins this property with known contamination, the EPA have recommended that, for this situation, a Construction Environment Management Plan (CEMP) be prepared by a site contamination consultant in accordance with the NEPM to ensure that the demolition process is appropriately managed. A reserved matter has been recommended to this effect.</p>

	<p>The EPA have advised that an environmental audit would generally only be required if a sensitive land use is proposed. The proposed land use of Lot 371 has been confirmed as motor fuel outlet, which is not a sensitive use. The use of Lot 341 has not been confirmed, but sensitive land uses (i.e. residential use, pre-school or primary school) are not permitted or envisaged within the Industry Zone. As such, it is unlikely that this allotment would be used for a sensitive land use, and therefore a site audit is not considered necessary in this instance.</p>
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ANALYSIS/CONCLUSION

The proposed development satisfies a majority of the applicable provisions contained within the Marion Council Development Plan. It is acknowledged that the site area and frontage width of proposed Lot 341 fails to satisfy the minimum specified in the Industry Zone. However, as demonstrated in the above table, the allotment dimensions are nonetheless considered suitable to accommodate a future land use that complies with the applicable provisions of the Industry Zone and Industry/Commerce Edwardstown Policy Area 5.

Furthermore, it is noted that the site area of the existing allotments are significantly less than the minimum 1500 square metres envisaged, at approximately 600-700 square metres each. The proposed allotment amalgamation will therefore considerably enhance compliance with the Development Plan by providing two allotments at 2405 and 1151 square metres in area.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2015/1202 to undertake a boundary realignment and allotment amalgamation (Torrens Title - 5 into 2 allotments), incorporating demolition of the existing building on Lot 33, at 1108-1112 South Road and 100-102 Daws Road, Edwardstown, be GRANTED subject to the following Reserved Matter and conditions:

RESERVED MATTER

1. A Construction Environment Management Plan (CEMP) which has been prepared by a site contamination consultant in accordance with the EPA publication Environmental Management of On-site Remediation and other relevant EPA guidelines must be provided to the satisfaction of the EPA and the City of Marion, and implemented during site works. The CEMP must incorporate, without being limited to, the following matters:
 - a. air quality, including odour and dust
 - b. noise
 - c. surface water including erosion and sediment control
 - d. soils, including fill importation, stockpile management and prevention of soil contamination
 - e. groundwater, including prevention of groundwater contamination
 - f. occupational health and safety
 - g. remediation, if remediation is necessary to address contamination that may be identified which poses an actual or potential harm to the health or safety of human beings or the environment that is not trivial taking into the land use, or actual or potential harm to water that is not trivial
 - h. if during redevelopment site contamination is determined to exist, engage a site contamination consultant to undertake an environmental assessment (including validation) following completion of the proposed works, to ensure the site is suitable for the intended use (in accordance with Planning Advisory Notice 20/02 Site Contamination, found at: <http://dataserver.planning.sa.gov.au/publications/715p.pdf>) and that any residual contamination does not pose unacceptable risks to human health or the environment taking into account the land use, or harm to water that is not trivial

CONDITIONS

Development Plan Consent

1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No.100/2015/1202, except when varied by the following conditions of consent.

2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
4. The South Road access to Allotment 371 must accommodate any simultaneous two-way movement of a fuel tanker and B85 vehicle and shall be provided with generous flaring to minimise any encroachment of existing tankers on the South Road median lane.
5. The Daws Road and South Road access points to Allotment 371 shall be line marked and sign-posted to reinforce the desired traffic flow through the site.
6. All redundant crossovers (or part thereof) shall be closed and reinstated to Council standard kerb and gutter at the applicant's expense.
7. All vehicles must enter and exit the subject site in a forward direction.
8. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Daws Road and South Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense and to DPTI standards and requirements.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0034477).
An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard.

SA Water Corporation further advise on approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

The internal drains shall be altered to the satisfaction of the SA Water Corporation. The necessary easements shall be granted to the SA Water Corporation free of cost.

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

NOTES

1. All access to/from Allotment 341 should be located either adjacent the western boundary or via adjoining land to the north in the same proprietorship (FP 12147, Lot 38).

Attachments

Attachment I: Certificates of Title
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation
Attachment IV: External Agency Referral Comments

DEVELOPMENT ASSESSMENT PANEL
Wednesday 21 October 2015

Agenda Ref No:	DAP211015 – 2.8
Originating Officer:	Joanne Reid Development Officer - Planning
Applicant:	Amy La Spada Vodafone
Development Description:	Telecommunications facility and associated works
Site Location:	634 South Road Glandore
Zone:	Commercial
Policy Area:	South Road Policy Area 2
Application Type:	Category 2 / Consent
Lodgement Date:	02/04/2015
Development Plan:	Consolidated – 19 March 2015
Application No:	100/2015/571
Recommendation:	Development Plan Consent (Granted)

BACKGROUND

As members will recall, the subject application was considered by the Panel at its meeting of 16 September 2015 whereby a decision upon the application was deferred for the following reason;

To enable the applicant an opportunity to review the location of the proposed telecommunications facility to significantly increase the distance from the western boundary of the subject property to minimise the visual impact upon adjacent resident land to the west.

The applicant has revisited the design of the proposal and sought further advice from the Department of Planning, Transport and Infrastructure (DPTI) to gauge their opinion on moving the facility further east and closer to South Road.

The relevant plans and the DAP report of 16 September 2015 have been included as attachments. All other supporting attachments included in the previous report can be provided by contacting the author of this report.

(For members' reference, since being considered by the DAP on 16 September 2015, the applicant's details have changed to that now printed in this report).

DISCUSSION

Following the advice provided by DPTI, the applicant has chosen not to amend the application plans and have requested that a decision be made on the proposal plans that were considered by the Panel on 16 September 2015.

DPTI has advised that they would not be supportive of the telecommunications tower being moved further east and closer to South Road.

Mark Hyriciuk, Senior Planning Officer for DPTI has provided the following comments to the previous applicant upon undertaking further investigations to relocate the tower further east:

“Following on from our phone conversation regarding the telecommunications tower at 634 South Road, it is DPTI’s strong preference that the tower remain in the proposed location adjacent the western boundary of the site. This will minimize any potential future impact on the North-South Corridor project and on the telecommunications facility. Any relocation to the east would be objected to.”

Despite DPTI not indicating that there were road widening requirements on this section of South Road, it would appear that there is uncertainty regarding the future of South Road. Moving the facility further east could compromise either future works to the upgrade of South Road or the viability of the telecommunications tower.

ANALYSIS/CONCLUSION

Although the Panel's reason for deferral has not been satisfied, Council staff are of the view that the applicant has gone to reasonable steps to 'review' the location of the tower but have not been able to gain the support of DPTI.

In light of this, it is my opinion, as per my previous recommendation, that the tower has been sited as best as practicable and provides a balance of servicing a community need and minimising the visual impact on the surrounding environment.

It is my view that the proposed development is not seriously at variance to the Development Plan. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/571 for Telecommunications facility and associated works at 634 South Road, Glandore be **GRANTED** subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/571, being drawing numbers 580030-G1 to 580030-G6 (inclusive), received by Council on 18 August 2015, except when varied by the following conditions of consent.
- 2. The telecommunications tower must not exceed a maximum height of 51.232 metres AHD.
- 3. The tower must be obstacle lit with low intensity steady red lighting in accordance with the Manual of Standards (MOS) for Part 139 of the Civil Aviation Safety Regulations 1998 (Part 139 MOS) Section 9.4. Obstacle lights are to be arranged to ensure the lighting can be observed in a 360 degree radius as per subsection 9.4.3 of Part 139 MOS. Characteristics for low intensity lights are stated in subsection 9.4.6.
- 4. Adelaide Airport or the structure's owner is to monitor the ongoing availability of the obstacle lighting. For detailed requirements for the monitoring of obstacle lights within the OLS area of aerodromes, refer to subsection 9.4.10 of MOS Part 139.
- 5. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the tower. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Airports (Protection of Airspace) Regulations.
- 6. The proponent must provide AAL with the finished height of the tower in metres AHD from a certified surveyor upon completion.
- 7. The electricity and optical cables shall be directed to Nottingham Street, via the right-of-way at the rear of the site, then to South Road to minimise the future impact on these cables as a result of any upgrading of South Road.
- 8. The structure herein approved shall be maintained, kept tidy, free of graffiti and in good repair and condition at all times.
- 9. The finished colour of the subject tower hereby approved shall be of light grey hues and non-reflective hues.

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

NOTES

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

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

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

Attachments

- Attachment I: Proposal Plan and supporting documentation*
Attachment II: Correspondence from DPTI
Attachment III: DAP report of 16 September 2015