

**DEVELOPMENT ASSESSMENT PANEL  
AGENDA FOR MEETING TO BE HELD ON  
WEDNESDAY 7 DECEMBER 2016**

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# DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 December 2016

**Agenda Ref No:** DAP071216 – 2.1

**Originating Officer:** Dylan O'Brien  
Development Officer – Planning; and  
Rhiannon Hardy  
Development Officer – Planning

**Applicant:** Mr Matt Swinburne

**Development Description:** Demolition of parts of the existing buildings and alterations and additions to the existing place of worship including a new 180 seat auditorium, children's play room and outside play area, kitchen and foyer, toilet facilities, car parking and landscaping

**Site Location:** 80 Hendrie Street, Morphettville

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 3 / Consent

**Lodgement Date:** 29/05/2015

**Development Plan:** Consolidated – 19 March 2015

**Application No:** 100/2015/952

**Recommendation:** That Development Plan Consent be **REFUSED**

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## CATEGORISATION & DELEGATION

The subject application is a Category 3 / Consent form of development, as it is not prescribed as either Category 1 or 2 under the Marion Council Development Plan or 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
Reduce seat numbers within the proposed auditorium to 150 seats to reduce car parking demand	Nil

Revise the car park layout to close off the Condada Avenue crossover and gain a further 2 on-street spaces and an additional 3 to 5 on-site spaces.	Nil
Provide detail of mechanical heating/cooling systems, including location and specifications, to ensure that the impact on adjacent residential properties is minimised.	Applicant confirmed that air conditioning unit located adjacent the eastern side boundary will not exceed 40 dB(A).

## SUBJECT LAND & LOCALITY

The subject land is located at 80 Hendrie Street, Morphettsville and is currently the site of the Spring Park Baptist Church and associated parking area. The site accommodates the main church building adjacent the northern boundary, a hall adjacent the eastern boundary, and several buildings within the centre of the site consisting of amenities (toilet, kitchen, childcare). There is a bitumised at-grade car park located on the southern portion of the land that accommodates 29 car parks.

The site has a frontage width of 51.82 metres to Hendrie Street, 37.9 metres to Condada Avenue (excluding corner cut-off) and a total area of 2241.34 square metres.

The subject land features a number of mature trees, but none of those are regulated (the Lemon-scented Gum trees are located within 10 metres of nearby dwellings, and are therefore exempt under the Development Regulations 2008).

The site is located within the Residential Zone and the adjacent land uses are predominantly residential. Whilst the locality has experienced infill development in recent years, the narrative is predominantly detached dwellings on generous sized allotments which represent the original housing stock.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The proposal is for the redevelopment of the Spring Park Baptist Church to include a new 180 seat auditorium, children's play room and outside play area, renovation of the existing kitchen, foyer and toilet facilities, as well as a new car parking and landscaping layout.

The application proposes to demolish the existing buildings located centrally within the site, which comprise amenity areas (kitchen, bathrooms). The buildings to be demolished maintain a floor area of approximately 343 square metres.

The proposed building addition maintains a floor area of 547 square metres; resulting in an additional floor area of approximately 204 square metres. The existing church building and hall are proposed to be maintained, which have a combined floor area of 428 square metres. As such, the total floor area of the buildings on the land will equal 975 square metres, where it was previously approximately 770 square metres.

The additions will extend the building footprint to the south of the site by approximately 3.5 metres beyond the existing Condada Avenue building line, and include a new entrance and foyer set perpendicular to the corner cut-off of the site and will be visible from both Condada Avenue and Hendrie Street.

The proposal includes a re-design of the car parking areas situated between the church buildings and Condada Avenue to the south.

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	21 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	3 representations were received by Council including 2 who are neutral regarding the outcome although noting certain concerns and 1 who is in favour of the application subject to certain amendments or provisions being met.
<b>Persons wishing to be heard:</b>	Nil
<b>Summary of representations:</b>	<p><b>In favour:</b></p> <ul style="list-style-type: none"> <li>Lack of on-site parking and concerns regarding visual impact of the existing church façade against the contemporary structure. Would like to see the design blend more harmoniously with the new structure.</li> </ul> <p><b>Neutral regarding outcome:</b></p> <ul style="list-style-type: none"> <li>Problems regarding car parking too close to driveways on Sundays. Council should provide appropriate line marking as a solution.</li> <li>Concerns with impact of kitchen and toilet facilities adjacent eastern boundary on amenity of outdoor living area.</li> <li>Can applicant give assurance that no windows, doors, exhaust fans or vents will be visible or audible from the eastern property.</li> <li>Concern regarding impact of possible air conditioning unit being placed adjacent the eastern boundary. Seek assurance that no machinery (air conditioning unit) will be placed along the church's eastern side boundary or eastern roof.</li> <li>What sound proofing measures will be employed to protect residents from unreasonable intrusion?</li> <li>Concern with possible handling of asbestos.</li> <li>If the garden bed along the eastern side boundary is removed, we request that a bollard be put in place.</li> <li>While we have a neutral view towards the proposal we are supportive of development for the church's congregation and surrounding community and we look forward to continuing good relations with the church.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<p><b>Impact of kitchen and toilet facilities adjacent eastern boundary on amenity of outdoor living area.</b> No windows or doors will be on the eastern elevation as per the plans issued. Windows to female toilets on the southern elevation will be fixed windows and not openable. Exhaust fans to toilets will be vented through the ridge and not through the eastern wall.</p> <p><b>Seeking assurance that no windows doors exhaust fans or vents will be visible or audible from our property.</b> This is a planning application – final mechanical engineering has not been completed. Tonkin Schulz (TSDB) will comply with Council's</p>

	<p>requirements regarding this matter which are fair and appropriate for this development. Mechanical design and installation will comply with all EPA requirements around noise.</p> <p><b>What sound proofing measures will be employed to protect residents from unreasonable intrusion.</b> The auditorium is located in the centre of the site to increase the distance that sound has to travel to surrounding neighbours. Further to that, the new walls and roof will have greater acoustic properties than the current buildings and the new auditorium will give greater control over sound issues. This proposal will only improve the situation on site for the current use an auditorium.</p> <p><b>What measures will be used to eradicate any risk to us during the inevitable handling of asbestos.</b> Asbestos will be removed in accordance with the code of practice under section 274 of the Work Health and Safety Act.</p> <p><b>If the garden bed along the eastern side boundary is removed, we request that a bollard be put in place.</b> The garden bed along the eastern boundary is to remain and will not be removed in future.</p> <p><b>Lack of on-street parking.</b> We have engaged a traffic consultant to review and confirm that this development complies with the AS/NZS 2890.1-2004 standard for off street parking. We understand that council is currently making their own assessment regarding this issue.</p> <p><b>Concerns re visual impact of the existing church façade against the contemporary structure. Would like to see the design blend more harmoniously with the new structure.</b> We believe the current design works best and is very similar to other such church developments we have undertaken, which have all been received well by most.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>
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INTERNAL DEPARTMENT COMMENTS

<p><b>Council Arborist:</b></p>	<p>According to Council's Arborist, the site contains two lemon scented gum trees (<i>Corymbia citriodora</i>), located within the existing carpark, towards the south eastern front corner of the site facing Condada Avenue. Whilst both trees have a circumference which is greater than 2.0 metres, they are located within 10 metres of the neighbouring dwelling at 78 Condada Avenue. To this end, the trees are not regulated or significant. Council's Arborist has viewed the proposal and undertaken a visual inspection of the trees and is of the opinion that given the proposal is merely redeveloping the existing carpark in proximity to the existing trees, minimal harm to the trees is anticipated.</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:

<b>Residential Zone</b>	
<p><b>Objectives</b></p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.                      2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p>	
<p><b>PRINCIPLES OF DEVELOPMENT CONTROL</b></p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ domestic structure</li> <li>▪ dwelling</li> <li>▪ dwelling addition</li> <li>▪ small scale non-residential uses that serve the local community, for example:                             <ul style="list-style-type: none"> <li>- child care facilities</li> <li>- health and welfare services</li> <li>- open space</li> <li>- primary and secondary schools</li> <li>- recreation areas</li> <li>- shops, offices or consulting rooms</li> </ul> </li> <li>▪ supported accommodation.</li> </ul> <p>2 Development listed as non-complying is generally inappropriate.</p> <p>4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</p> <ul style="list-style-type: none"> <li>(a) serves the needs of the local community</li> <li>(b) is consistent with the character of the locality</li> <li>(c) does not detrimentally impact on the amenity of nearby residents.</li> </ul> <p>7 Dwellings should be designed within the following parameters:</p>	
<p>Minimum setback from side boundaries:</p>	<p>Where the wall height is not greater than 3 metres: 1 metre</p> <p>Where the wall height is between 3 metres and 6 metres:</p> <p>(a) 3 metres if adjacent southern boundary                      (b) 2 metres in all other circumstances.</p> <p>Where the wall height is greater than 6 metres:</p> <p>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres                      (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p>
<p>Maximum building height (from natural ground level):</p>	<p>2 storeys of not more than 9 metres</p>
<b>Northern Policy Area 13</b>	
<p><b>Objectives</b></p> <p>1 A policy area primarily accommodating low scale, low to medium density housing.                      2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.                      3 Development that contributes to the desired character of the policy area.</p>	

### **Desired Character**

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

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

### **PRINCIPLES OF DEVELOPMENT CONTROL**

*1 The following forms of development are envisaged in the policy area:*

- affordable housing*
- detached dwelling*
- group dwelling*
- residential flat building*
- row dwelling*
- semi-detached dwelling*
- supported accommodation.*

*2 Development should not be undertaken unless it is consistent with the desired character for the policy area.*

## Assessment

The proposed expansion to an existing place of worship is not specifically envisaged nor discouraged in the Residential Zone.

A place of worship is not listed as Non-Complying in the Residential Zone, nor is it an envisaged land use under Principle 1. However, PDC 4 of the Residential Zone anticipates non-residential development provided it is of a nature and scale that serves the needs of the local community, is consistent with the character of the locality, and does not detrimentally impact on the amenity of nearby residents.

It is noted that the Baptist Church is an established non-residential use within the locality, that has served the needs of the local community for many years in accordance with PDC 4. However, the proposed auditorium will significantly increase the size of the church, such that it may develop a scale that no longer serves the needs of the local community, but rather a wider community. Further, the subsequent increase in car parking demand (discussed further in this report) may cause detrimental impacts upon the amenity of nearby residents. As such, the proposal's compliance with PDC 4 of the Residential Zone is questionable.

That being said, the proposed building works should considerably improve the presentation of the land, as the contemporary building will replace existing underutilised and aging buildings. In this regard, the proposal satisfies those parts of the Desired Character which seek for new buildings to contribute to a variety of architectural styles, provide an attractive environment, and improve in the character of the built form in the locality.

The proposal will not result in the removal of any mature trees and the building additions and proposed carpark/landscaping layout should improve the overall built form character of the site, and make a positive contribution to the character of the locality.

It is noted that the relevant setback and height provisions of the Residential Zone and Northern Policy Area 13 relate to "dwellings" and therefore are not technically applicable to the proposed development. However, to assess the building's suitability within the residential environment, it can be beneficial to consider the proposed building's compliance with these quantitative parameters.



The setback from the eastern side boundary is maintained at 1.57 metres, to match the setback of the existing hall. The building addition maintains a wall height of 3.6 metres, which also matches the wall height of the existing hall. Whilst a setback of 2 metres applies, the proposed setback of 1.6 is considered sufficient given that the wall height is 2.4 metres lower than a typical two storey wall for which the 2 metre setback applies.

The setback from the rear boundary is unchanged, as the existing church halls are to remain adjacent the site's northern boundary.

The proposed auditorium building incorporates a maximum building height of 8.2 metres, which is less than the maximum permitted in the Policy Area. It is noted that the majority of the proposed building additions are single storey.

Overall, most elements of the proposal reasonably comply with the Objectives, Principles and Desired Character standards of the Residential Zone and Policy Area 13. However, the size and scale of the development may exceed that anticipated by PDC 4 of the Residential Zone.

DEVELOPMENT ASSESSMENT

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

Community Facilities
<p><i>OBJECTIVES</i></p> <ol style="list-style-type: none"> <li>1 <i>Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.</i></li> <li>2 <i>The proper provision of public and community facilities including the reservation of suitable land in advance of need.</i></li> </ol> <p><i>PRINCIPLES OF DEVELOPMENT CONTROL</i></p> <ol style="list-style-type: none"> <li>3 <i>Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.</i></li> <li>4 <i>Community facilities should be integrated in their design to promote efficient land use.</i></li> <li>5 <i>Design of community facilities should encourage flexible and adaptable use of open space and facilities to meet the needs of a range of users over time.</i></li> </ol>
<p>The proposed additions seek to provide improved facilities as an existing place of worship. The new auditorium would cater for Sunday mass, annual calendar events, as well as a variety of functions including youth, community and social activities, in-house committee meetings and religious education sessions.</p> <p>According to estimates by the church and their consultants, at present, the maximum number of people attending the church is typically for Sunday mass between the hours 10 am and 12 noon.</p> <p>Council has also been advised that the maximum number of patrons rarely exceeds 100. It is anticipated that the total number of patrons will grow by 80 to a total of 180 (as per the capacity of the proposed auditorium).</p> <p>The additions are also providing a kids outdoor and indoor play area and toddler's courtyard.</p>

This integrated arrangement should result in a flexible and efficient use of land, as envisaged by PDC 4 and 5.

## Design and Appearance

### OBJECTIVES

1. *Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.*
2. *Roads, open spaces, paths, buildings and land uses laid out and linked so that they are easy to understand and navigate.*

### PRINCIPLES OF DEVELOPMENT CONTROL

1. *Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:*
  - (a) *building height, mass and proportion*
  - (b) *external materials, patterns, colours and decorative elements*
  - (c) *roof form and pitch*
  - (d) *façade articulation and detailing*
  - (e) *verandas, eaves, parapets and window screens.*
2. *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.*
3. *The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.*
4. *Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.*

The additions to the Church are of a contemporary nature. The main feature of the new additions will be the foyer and main entrance that sit forward of the main auditorium that rises through the centre of the building to provide a focal point and a high level of articulation and stepping between the lower and higher section proposed.

The auditorium includes a pitched skillion roof and an angular wall facing perpendicular to Condada Avenue which contrasts with the lower level foyer/main entrance and existing sections of the church to be retained.

The external materials and finishes through the upper sections of the auditorium incorporate Harditex coloured cladding and a number of smaller windows, whereas the lower level foyer and entrance feature mainly glass through the front facades to provide an open and inviting sense to the building and main entrance.

Of note, the proposal will result in minimal change to the existing building height/setbacks adjacent neighbouring land to the eastern and northern boundaries.

The overall design is considered appropriate given it will provide a contrast to the existing church building that will accentuate the appearance of the old part of the building while providing a modern and contemporary facelift to the site.

The proposal will result in a small extension to the eastern side wall for a length of approximately 4.5 metres towards the Condada Street boundary (forward of the existing building line). The additions will maintain/continue the existing wall height which is approximately 3.6 metres and setback of 1.572 metres in relation to the eastern side boundary. Given the level of

separation and position of the building/additions in relation to the eastern side boundary, overshadowing is likely to only affect the neighbouring dwelling side wall in the late afternoon, but will have next to no impact on neighbouring habitable room windows or private open space. Furthermore, the position of the eastern side wall will have limited visual exposure beyond the site, and so likely impacts upon the neighbouring amenity is consider minor.

The skillion roof form of the auditorium is pitched inward toward the north and centre of the building and does not face directly toward adjacent properties. Consequently, the proposed building additions should not result in unreasonable glare.

The development incorporates a selection of landscaping surrounding the new car parking layout to enhance the visual attractiveness of the development site.

For these reasons, it is staff's view that:

- the proposal is of a reasonably high design standard that will reinforce positive aspects of the existing building form and local environment;
- the main entrance changes to the existing carpark design make the site and access easier to understand and navigate for patrons/visitors alike;
- the proposal provides a contemporary design as envisaged by Principle 1;
- as per Principle 2, the proposal will result in minimal change to the church building adjacent the immediate neighbouring residential properties to the east and north, and so the likely visual and/or overshadowing impacts upon the neighbouring amenity will not be exacerbated as a result; and
- due to the low angle of the proposed roof form, and use of materials/finishes that are not highly reflective, the proposal is unlikely to result in glare upon neighbouring properties, drivers or cyclists.

### **Overshadowing**

9 *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).*

10 *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.*

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:

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

b) Given that south and west elevations of the of the building face a street boundary, and mainly car parking areas, a majority of winter shadow will be cast within the carpark to the south, and over the western portion of the site up until midday. The proposal shall not result in any discernible increase in overshadowing impacts on the neighbouring dwellings to the east and north.

Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

**Relationship to the Street and Public Realm**

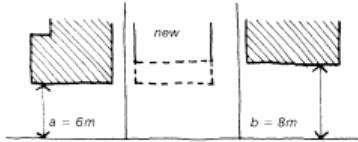
- 15 *Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated*
- 16 *Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.*
- 17 *Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.*
- 18 *Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.*

The design of the lower level front façade reinforces the entrance to the building and is positioned in a way that will emphasise the entry point to both Hendrie Street and Condada Avenue. Together with the redesign of the car parking area, the proposal accords sufficiently with PDC 15, 16 and 18.

The building walls incorporate a reasonable level of articulation through fenestration and a mixture of masonry and cement sheeting in the external facades, which should avoid extensive areas of uninterrupted walling as desired by PDC 17.

**Building Setbacks from Road Boundaries**

- 23 *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.*
- 25 *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 style="text-align: center;"><small>When <math>b &gt; a \times 2</math>, setback of new dwelling = a or b</small></p>
Greater than 2 metres	At least the average setback of the adjacent buildings

The proposed building is set back 6.3 metres from the primary street frontage (Hendrie Street) and 21.7 metres from the secondary street frontage (Condada Avenue).

Apart from the foyer/entrance and toilet which will extend approximately 4.5m forward of the existing building line facing Condada Avenue (secondary street), the additions will not be set any closer to the primary street (Hendrie Street) than the existing church building. To this end, the primary and secondary street setbacks are essentially in keeping with the existing building setbacks. As such, the proposal sufficiently accords with PDC 23 and 25.

## Interface Between Land Uses

### OBJECTIVES

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

### PRINCIPLES OF DEVELOPMENT CONTROL

1. *Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:*
  - (a) *the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
  - (b) *noise*
  - (c) *vibration*
  - (d) *electrical interference*
  - (e) *light spill*
  - (f) *glare*
  - (g) *hours of operation*
  - (h) *traffic impacts.*
2. *Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*
3. *Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.*
4. *Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.*
5. *Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.*
6. *Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.*

### **Noise Generating Activities**

7. *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.*

The Baptist Church has served the needs of the local community for many years and is an established use within the locality. The bulk of the church additions, and in particular the new auditorium with a total height of 8.2 metres, is located centrally within the site and is well separated from the neighbouring side boundaries so as to reduce likely impacts of the increased building height to adjacent neighbours.

The existing use of the land is compatible with the neighbouring residential housing and those in the locality, and given the building additions will result in minimal change to the existing church building adjacent the immediate neighbouring residential properties to the east and north, the likely visual and/or overshadowing impacts upon the neighbouring amenity will not be notably exacerbated.

The plans indicate an air-conditioning unit on the eastern side wall. The applicant has asserted that the unit will not exceed 40 dB(A) at the boundary, which accords with the Environment Protection (Noise) Policy's maximum tolerance of 45 dB(A) at a receiver's premises. However, it is acknowledged that air conditioning units mounted on walls do not require development authorisation pursuant to Schedule 3 of the *Development Regulations 2008*.

The auditorium is located in the centre of the site to increase the distance that sound has to travel to surrounding neighbours. There are no changes proposed to the existing window arrangement adjacent the eastern (side) and northern (rear) boundaries, and therefore privacy and/or noise from these buildings should remain as per the existing situation (or be lessened given that the church's main activities will take place in the new auditorium located centrally within the site). Further, the new walls and roof should have greater acoustic properties than the current older buildings and give greater control over sound issues. To this end, the proposal should lessen the amount of sound that can be heard beyond the site during services.

It is understood that, at present, the maximum number the people attending the church is typically on Sunday mass between the hours 10 am and 12 noon and rarely exceeds 100 people. The number of persons attending the new additions is expected to increase to 180 people in due course, but no increase in operating hours is anticipated.

The increase in patronage is unlikely to unreasonably impact on adjacent land in terms of noise from within the church given the appropriate siting of the new auditorium. However, it is anticipated that the increase in demand for car parking will cause traffic impacts that may detrimentally affect the amenity of the locality. This is discussed further in the *Traffic and Access* and *Vehicle Parking* sections of this report.

## Transportation and Access

### OBJECTIVES

#### 1 Development that:

- (a) provides safe and efficient movement for all transport modes
- (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
- (c) provides off-street parking
- (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks
- (e) provides convenient and safe access to public transport stops.

### PRINCIPLES OF DEVELOPMENT CONTROL

#### Access

1. Development should have direct access from an all-weather public road.
2. Development should be provided with safe and convenient access which:
  - (a) avoids unreasonable interference with the flow of traffic on adjoining roads
  - (b) provides appropriate separation distances from existing roads or level crossings
  - (c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision
  - (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.
3. Development should not restrict access to publicly owned land such as recreation areas.
4. The number of vehicle access points onto arterial roads shown on Overlay Maps – Transport should be minimised and, where possible, access points should be:
  - (a) limited to local roads (including rear lane access)
  - (b) shared between developments.
5. Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.
6. Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.
7. 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.

A 2016 traffic survey undertaken by Council observed that there was an average of 4709 vehicle movements per day along Hendrie Street and 693 vehicle movements along Condada Avenue.

At present, the site maintains three existing vehicle crossovers, including two with direct access to Hendrie Street, and one with direct access to Condada Avenue (adjacent the eastern side boundary).

The proposal will provide for a more efficient arrangement by reinstating one of the Hendrie Street crossovers (closest to the corner) to kerb, while the Condada Avenue crossover will be moved approximately 8.0 metres away from the eastern boundary to enable room for dedicated parking adjacent the eastern boundary within the site.

Based on the traffic reports/assessment by Phil Weaver and Associates and GTA Consultants, the parking and access arrangements are generally consistent with the Australian Standards. Furthermore, all vehicles will be able to enter and exit the site in a forward manner.

Overall, the proposal is considered to provide a more efficient vehicle access and egress arrangement than the current situation, while parking manoeuvring sufficiently accords with the relevant Australian Standards. Furthermore, the removal of the Hendrie street crossover will result in a maximum of two vehicle access points that are no less than 6.0 metres apart and increased on-street parking.

In general, the redesign of the parking area and remaining access points to Hendrie Street and Condada Avenue will provide a more accessible and convenient parking and access arrangement.

The traffic impact of the proposal is considered acceptable given traditionally low traffic volumes on Sundays within the Church's peak service period. To this end, the proposal is not considered to impact significantly on surrounding road networks or the intersection of Hendrie Street and Condada Avenue. However, if peak events were to occur more frequently (i.e. weddings, functions, etc.) and the peak demand became common, the impact on the surrounding road networks may be cause for concern, particularly when considered in conjunction with the shortfall in on-site parking (discussed below).

## Vehicle Parking

### **Access for People with Disabilities**

32. *Development should be sited and designed to provide convenient access for people with a disability.*

### **Vehicle Parking**

34. *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.*

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

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

- (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development*
- (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network*
- (c) not inhibit safe and convenient traffic circulation*
- (d) result in minimal conflict between customer and service vehicles*
- (e) avoid the necessity to use public roads when moving from one part of a parking area to another*
- (f) minimise the number of vehicle access points onto public roads*
- (g) avoid the need for vehicles to reverse onto public roads*
- (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points*
- (i) not dominate the character and appearance of a site when viewed from public roads and spaces*

*(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas*  
*(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.*

37. *Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.*
38. *Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.*
39. *Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.*
40. *To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.*
41. *Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.*

The existing car parking layout is in a run-down state with cracked bitumen and faded line marks that make it difficult to traverse or to distinguish individual parking spaces. The condition of the existing parking and access arrangement is therefore not ideal and in need of repair.

The proposal will result in a new sealed all-weather surface in a layout which is consistent with Australian Standard AS: 2890 – Parking facilities (refer traffic engineer's report in Attachment III). The newly-painted parking identification lines will improve the standard of vehicle access to and from the site and allow on-site parking to be easier to distinguish for all users.

A dedicated disabled parking space is located close to the entrance for easy access to and from the church, and the two access points and internal manoeuvring areas will allow for vehicles to enter and exit both Condada Avenue or Hendrie Street in forward manner.

For these reasons, the proposal's car park layout sufficiently accords with the Development Plan in relation to vehicle parking, including for the disabled.

While the car park layout will be improved, the proposal maintains a substantial shortfall in on-site car parking. Table Mar/2 of the Development Plan prescribes a minimum rate of 1 car park per 3 seats for a place of worship. The proposed 180 seat auditorium and 33 on-site car parks results in a rate of 1 space per 5.5 seats, or a shortfall of 27 spaces.

At present, there are 29 parking spaces on the site. The applicant has asserted that the church currently caters for approximately 100 patrons for any given Sunday service, although there is no official limit on the maximum capacity of the site. Table Mar/2 indicates that 33 spaces should be provided for a church of 100 seats, and therefore there is currently a shortfall of 4 on-site car parking spaces, based on current observed demand.

The proposed seating of 180 in the auditorium would require at least 60 on-site parking spaces to be compliant with Table Mar/2. However, the proposed reconfiguration of the car parking provides only 4 extra spaces for a total of 33 on-site parking spaces. This results in a total shortfall of 27 on-site parking spaces.

Furthermore, if the existing church building and hall were to be used at the same time as the auditorium, the shortfall would be significantly greater, as the existing parking requirement of 33 spaces plus the 60 spaces required for the new auditorium equals a total projected demand of some 94 spaces.

In response to this shortfall, the applicant has advised that the existing church chapel and hall will only be used as ancillary space that was being provided by the buildings that are to be demolished, and therefore the proposal should not generate additional car parking demand. The



applicant has also observed that, if the development is approved, there would be a 180-person limit on the Certificate of Occupancy which means they can only have one function on at a time when the auditorium is being used.

The applicant has engaged Phil Weaver & Associates to provide a traffic report for the proposed development. In addition, Council has engaged GTA Consultants to provide an independent traffic assessment/report. Both consultants undertook a survey of vehicles during Sunday service. The reports are contained in *Attachment VI*, and the observations and conclusions in relation to the shortfall in on-site car parking are summarised below:

#### **Traffic report by Phil Weaver & Associates (summary)**

**Parking survey:**

- 27 cars were parked on-site, and approximately 29 cars (possibly relating to the church) were parked within the surrounding streets. Based on the existing on-site parking capacity, there is a shortfall of 28 spaces.
- Whilst the existing onsite parking is virtually at capacity, the significant use of on-street parking during the Sunday service period appears to be on Condada Avenue within approximately 75 metres of the church.
- There remains capacity within Hendrie Street to accommodate additional parking at peak use.
- Car parking demand associated with other activities are much lower than the level of demand for the Sunday service and would be fully accommodated within the existing on-site parking.

**Conclusion:**

The proposal will continue to be used for both worship and a variety of existing activities including youth and community and social meetings, in house committee and educational sessions. It is anticipated that the number of persons on-site at any one time would continue to be of the order of 100 parishioners. This is typically the number of parishioners currently attending the church although the proposal could potentially accommodate up to 180 parishioners in the longer term. The peak service would only occur on Sunday mornings. Other regular activities held on site would continue to result in a maximum of 20 people per activity.

#### **Traffic report by GTA Consultants (summary)**

**Parking survey:**

- A total of 38 cars parked in association with the Sunday service which included approximately 28 on-site and 10 in surrounding streets.
- 4 patrons arrived via goffer and an estimated 85 patrons in total who attended the service.
- Average of 2.2 people per vehicle observed.

Table 1: Parking summary	Parking rate	No. of seats/people	Parking requirement	Parking shortfall
Existing development -	1 space per 3 seats	100 seats	33 spaces	4 spaces
Existing development – observed demand	1 space per 2.2 people	85 people	38 spaces	9 spaces
Proposed development – statutory requirement	1 space per 3 seats	180 seats	60 spaces	27 spaces
Proposed development – observed demand	1 space per 2.2 people	180 seats	78 spaces	45 spaces

**Conclusion:**

- The existing church has a statutory requirement of 33 spaces with the provision of 29 spaces, resulting in a shortfall of 4 spaces. It records a parking demand of 38 spaces, with a recorded shortfall of 9 spaces catered for by on-street parking primarily on Condada Avenue.
- The development proposal provides 33 on-site car parking spaces including one disabled space.
- The proposed development has a statutory parking requirement of 60 spaces (based on 180 seats). As such the proposed development will increase the parking shortfall to 27 spaces from the observed shortfall of 9 spaces.
- Based on the observed parking demand (95% drive at an average of 2.2 people per car), the 180 seats could potentially see a parking demand of 78 spaces, to produce an increased shortfall of 36 spaces.
- There is sufficient capacity in local streets to accommodate the additional parking shortfall. However, GTA consider that there could be some amenity impacts to residential properties in this area. Particularly if the potential capacity of 180 people occurs weekly at the regular Sunday service. If the church continues to operate at the existing capacity (with around 85 to 100 parishioners), the amenity impact on surrounding residents will be limited.

**Recommendations:**

- Consider removing the no-standing sign on Hendrie Street in front of the church to gain an additional 3 to 5 parking spaces in front of the church.

- Consider a revised layout to close the Condada Street crossover and gain 2 on-street parking spaces.
- Seek confirmation of regular events that would likely reach capacity.
- Consider seeking to restrict regularity of external events given the on-site parking shortfall that would occur with this level of use.

The findings of both reports confirm the significant shortfall in on-site parking as a result of the proposed increase in seating numbers. However, the reports also acknowledge that:

- the maximum number of patrons is unlikely to reach 180 for some time;
- parking capacity is available in surrounding road networks to accommodate the parking demand;
- the peak time for car parking demand is currently only experienced on Sunday mornings, which is a time when the streets typically experience lower traffic movements.

The survey by GTA Consultants extrapolated the likely parking demand from the trends of the current patrons on Sunday mornings - 95% drive at an average of 2.2 people per car. Using these rates, the 180 seats could potentially see a parking demand of 78 spaces, which equates to a shortfall of 45 spaces.

In order to address the car parking shortfall, Council has suggested to the applicant that:

- a) seats in the new auditorium are reduced to 150;
- b) confirmation in writing be provided that the existing church hall(s) and proposed auditorium will not operate at the same time; and
- c) the recommendation made by GTA consultants to increase the amount of direct on-street parking by approximately 5 to 7 spaces by providing a revised layout that shows the reinstatement of the Condada Avenue crossover to kerb.

This solution would reduce the required on-site parking to approximately 50 spaces, and with the added 5 to 7 on-street parking spaces directly in front of the church, the theoretical parking shortfall (for the new auditorium alone) would be significantly reduced to approximately 10 or 12 spaces.

The applicant, however, has opted not to make these changes, and instead requested that the proposal be considered in its current form with a condition to limit the capacity of the church to 180 patrons. Even if this condition were valid and enforceable (staff are of the view that it is not), it would still assume acceptance of a shortfall of 27 on-site car parking spaces (or a potential 45 space shortfall based on the current observed patronage of 1 space per 2.2 people).

It is clear that there is insufficient on-site car parking to cater for the size of the proposed additions. It is not considered appropriate to accept a car parking shortfall based on the assumption that patrons of the church are unlikely to increase to full capacity in the near future – a planning decision must consider the long-term implications of the proposed development.

The proposal does not comply with the Development Plan in relation to on-site car parking. This significant shortfall is acknowledged and considered on balance with the other applicable provisions of the Development Plan.

## Landscaping Fences and Walls

### OBJECTIVES

1. *The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.*

### PRINCIPLES OF DEVELOPMENT CONTROL

1. *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*
- ! screen service yards, loading areas and outdoor storage areas*
- (d) minimise maintenance and watering requirements*
- ! 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.*

2 *Landscaping should:*

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- ! result in the appropriate clearance from powerlines and other infrastructure being maintained.*

3 *Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.*

4 *Landscaping should not:*

- (a) unreasonably restrict solar access to adjoining development*
- (b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding*
- (c) introduce pest plants*
- (d) increase the risk of bushfire*
- (e) remove opportunities for passive surveillance*
- (f) increase autumnal leave fall in waterways*
- (g) increase the risk of weed invasion.*

The development incorporates a landscape plan which includes a selection of plantings throughout the more visible parts of the site and surrounding the revised car parking layout.

The landscaping incorporates a perimeter of garden beds adjacent the Condada Avenue and Hendrie Street boundaries and adjacent the eastern side boundary that will provide an appropriate buffer between the public realm.

The landscaping should sufficiently enhance and soften the existing and proposed church buildings and the revised car parking layout, as viewed from the street.

For these reasons, the proposal is considered to accord sufficiently with the above provisions.

## Energy Efficiency

- 3 *Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.*
- 4 *Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.*
- 5 *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.*

As identified in the Overshadowing section of this report, adequate winter sunlight shall remain available to the main activity areas of adjacent buildings. The building additions incorporate a north-facing roof section upon which solar collectors could be sited efficiently.

## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to noise, design and appearance and on-site car parking have been discussed in the body of this report.

The representor has also raised concerns over asbestos removal and the replacement of air conditioning units on the side wall. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence they are outside the scope of this assessment. The Environment Protection Authority (EPA) is the relevant authority in relation to the control of noise in the urban environment; further information is available by phoning the EPA on 8204 2000.

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## ANALYSIS/CONCLUSION

The proposed church additions satisfy a number of applicable Development Plan criteria. A church is a common land use in the Residential Zone and continues the existing use rights of the premises. The size, siting and appearance of the proposed additions generally satisfy the qualitative criteria of the Residential Zone, Northern Policy Area 13 and General Section of the Development Plan.

The Baptist Church has served the needs of the local community for many years and is an established use within the locality. The proposed additions should considerably enhance the visibility and setting of the church as viewed from adjacent streets, and therefore the proposal can be seen to positively contribute to the design and streetscape presence of the existing church buildings. The redesign of the on-site car parking will provide an improved parking and access arrangement, while landscaping should further enhance the appearance of the site.

The proposal's fundamental non-compliance relates to a lack of on-site car parking. The proposed 33 on-site car parking spaces do not sufficiently cater for the projected car parking demand of 60 spaces based on the new auditorium's seating capacity of 180 seats. Additionally, the existing buildings belonging to the church chapel and hall will remain on the land, which currently cater for approximately 100 people on a typical Sunday service. Assuming that all buildings on the land will cater for approximately 280 seats, 94 car parking spaces should be provided, which results in a shortfall of 61 on-site car parking spaces.

In response to this shortfall, the applicant and traffic consultants have observed that the peak demand is likely to be limited to Sunday mornings only. Further, they have predicted that an increase to 180 patrons is not anticipated to occur for quite some time, and the church's current attendance on a Sunday service is typically 100 parishioners.

In staff's view, it is not appropriate to accept a car parking shortfall of this magnitude based on the assumption that patrons of the church are unlikely to increase to full capacity in the near future, particularly when considering the long-term implications of the increased capacity. Furthermore, Council would have limited influence should other events of a similar scale to that of the Sunday service take place outside of the anticipated peak Sunday service times.

It must also be acknowledged that there is no limitation on the capacity of other ancillary activities associated with the church, and therefore such events could increase in the future, given the suitability of the new auditorium for events (i.e. weddings, christenings, functions, etc.).

It is an established position in planning that a failure to meet certain standards (in this instance, car parking), cannot be "made good" by controls imposed by the relevant authority. Rather, the merits of the proposal should be sound enough without the need for onerous or unenforceable planning conditions. As such, the shortfall in car parking should not be attempted to be fixed by

imposing conditions on maximum capacity or requiring only one building to be occupied at one time.

It is acknowledged that currently no planning restrictions exist in relation to maximum capacity or hours of operation of the church. The applicant has asserted that the existing church buildings maintain the capacity for up to 300 persons (even though a typical Sunday service would see occupancy of 100 people, as confirmed via the Traffic Engineers' surveys). The applicant has also advised that the proposed development would not substantially increase capacity, but rather provide a new upgraded venue to meet the church's needs.

If one were to accept the shortfall of 27 on-site car parks (or 61 parks when counting the existing church buildings to remain), it assumes that excess car parking will be catered for via on-street parking in local roads during Sunday services when the peak demand will occur. Whilst it is acknowledged the surrounding local streets have capacity to cater for on-street parking (particularly on Sunday mornings when traffic volumes are typically low), the Development Plan states that "*Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand*", and therefore specifically discourages reliance on on-street parking. In staff's view, the regular Sunday morning service would generate a peak frequent anticipated car parking demand that should not be met via reliance upon on-street parking.

Although the community benefits of the proposal are noted, it is staff's opinion that the shortfall in on-site car parking is too significant to warrant support. There is insufficient on-site car parking to cater for the proposed 180 seat auditorium, let alone retention of the existing chapel and hall.

It is staff's 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, given that a church is reasonably envisaged within a Residential Zone. However, as a result of the above considerations, the proposed development fails to sufficiently accord with the relevant provisions of the Marion Council Development Plan, and refusal is recommended.

## 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: 100/2015/952 to undertake demolition of parts of the existing buildings and alterations and additions to the existing place of worship including a new 180 seat auditorium, children's play room and outside play area, kitchen and foyer, toilet facilities, car parking and landscaping, at 80 Hendrie Street, Morphetville, be REFUSED for the following reasons:

## REASONS FOR REFUSAL

1. The proposed church additions are likely to detrimentally affect the amenity of the locality due to a significant shortfall in on-site car parking, and therefore the proposal is at variance to Principle of Development Control 4(c) of the Residential Zone.
2. The amount of on-site car parking fails to accord with Table Mar/2 - Off Street Vehicle Parking Requirements and Principle of Development Control 34 of the General Section: Transportation and Access.
3. The projected car parking demand is likely to detrimentally impact on the amenity of nearby residents through traffic impacts, and therefore the proposal fails to satisfy Objectives 1 and 2 and Principles of Development Control 8 and 11 of the General Section: Interface Between Land Uses, and Principle of Development Control 4 of the Residential Zone.

## Attachments

- Attachment I: Certificate of Title*  
*Attachment II: Aerial Photograph & Site Locality Plan*  
*Attachment III: Proposal Plan and supporting documentation*  
*Attachment IV: Statement of Representations*  
*Attachment V: Applicant's Response to Representations*  
*Attachment VI: Traffic Report by GTA and Phil Weaver*

DEVELOPMENT ASSESSMENT PANEL  
Wednesday 7 December 2016

**Agenda Ref No:** DAP071216 – 2.2

**Originating Officer:** Rhiannon Hardy  
Development Officer - Planning

**Applicant:** Alliance Development & Construction

**Development Description:** To demolish existing buildings and structures and to construct four (4) dwellings: two (2) two-storey dwellings and a single storey residential flat building comprising two (2) dwellings to the rear of the site, all with associated retaining walls, fencing and landscaping

**Site Location:** 1 Letcher Road, Oaklands Park

**Zone:** Residential Zone

**Policy Area:** Regeneration Policy Area 16

**Application Type:** Category 2 / Consent

**Lodgement Date:** 03/06/2016

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/2016/993

**Recommendation:** That Development Plan Consent be **GRANTED**  
subject to conditions

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#### CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns 2 or more dwellings on the same site where at least 1 of those dwellings is 2 storeys high as Category 2 development. Further, the proposed boundary walls maintain a height exceeding 3 metres above ground level, which is prescribed as Category 2 under the Marion Council Development Plan. 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.

In addition to the above, the subject application is also required to be determined by the Development Assessment Panel as the proposed new dwellings support allotment areas that are less than the minimum of 250 square metres required for detached dwellings and less than the minimum average area of 250 square metres required for single storey residential flat dwellings within Regeneration Policy Area 16. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

## BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage should be reduced achieve a greater level of compliance with the Development Plan (80 square metres)	Site coverage reduced as follows: Res 1 and 2: 100.8 m <sup>2</sup> to 91 m <sup>2</sup> (- 9.8 m <sup>2</sup> alfrescos removed) Res 3 and 4: 105.3 m <sup>2</sup> to 103.7 m <sup>2</sup> (-1.6 m <sup>2</sup> )
The upper storey North and South elevations lack sufficient articulation or visual interest and should be improved via a mix of external materials, patterns, colour and detailing (including the incorporation of high level windows)	RendaPanel cladding added to section of upper side wall on the outer elevations of Res 1 and 2
The existing street tree can be removed and replaced subject to costs of \$500 + GST	Fee paid
The finished paving level (FPL) should be set down at least 150mm below the finished floor levels (FFL) of the dwellings and the FFL should be sited 400 mm above the highest part of the road fronting the street water table	Levels amended accordingly

## SUBJECT LAND & LOCALITY

The subject land is located at 1 (Lot 8) Letcher Road, Oaklands Park. The allotment maintains a frontage width of 21.01 metres, depth of 42.68 metres, and total site area of 895.3 square metres.

The land currently accommodates a single storey detached dwelling constructed in approximately 1955. A driveway is located adjacent the southern side boundary, leading to a garage at the rear of the allotment. There are no regulated trees on the subject land.

The land rises by approximately 550mm from the front to the rear boundary.

The locality is predominantly residential, with exception to the State Heritage listed Hindu Temple located on the corner of Dwyer and Letcher Roads. Dwellings in the locality range from single storey detached dwellings at low densities (representative of the original dwelling stock), but more predominantly recently-developed medium density dwellings in the form of row, group and residential flat dwellings, many of which are two-storey. Letcher Road also accommodates older single-storey unit developments built in the 1960s at medium-to-high densities.

Oaklands Railway Station is located approximately 120 metres to the north-west (walking distance) from the subject land, while Dwyer Road reserve is located approximately 60 metres to the south. The Regional Centre Zone is located approximately 320 metres walking distance from the subject land, which accommodates the State Aquatic Centre, Marion Cultural Centre, government services and Westfield Marion, which incorporates a range of retail outlets, restaurants, offices, consulting rooms and a major bus interchange.

*Refer Attachments I & II*



## PROPOSED DEVELOPMENT

The subject application proposes to construct 4 dwellings on the subject land: 2 two-storey detached dwellings at the front of the site (Res 1 and 2), and 2 single-storey residential flat dwellings at the rear of the site on battle-axe allotments (Res 3 and 4). All dwellings incorporate garages which abut the side boundaries of the site.

A common driveway runs through the centre of the site to provide vehicle access to Res 3 and 4. A selection of landscaping is proposed along the common driveway, adjacent vehicle manoeuvring areas and in the garden areas of all dwellings.

Res 1 and 2 feature 3 bedrooms and a single garage, with the main bedroom and open-plan living/kitchen area on the ground floor and 2 bedrooms upstairs.

Res 3 and 4 feature 2 bedrooms, single garage and open-plan living/kitchen area.

Retaining walls are proposed along the side and rear boundaries, ranging from 300 mm in height at the rear of the site to 400 mm in height adjacent Res 1 and 2.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	25 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	4 representations were received by Council: 2 neutral and 2 in favour of the application
<b>Persons wishing to be heard:</b>	Victoria Turnbull (owner of 3/9 Dwyer Road)
<b>Summary of representations:</b>	<p><b>3/9 Dwyer Road:</b></p> <ul style="list-style-type: none"> <li>• Will the garage wall on Res 4 affect unit 3/9 pergola and lattice structure?</li> <li>• Will Alliance be constructing a new fence and at whose cost?</li> </ul> <p><b>2 Letcher Road:</b></p> <ul style="list-style-type: none"> <li>• Concern regarding parking – the street is so narrow that with parking on both sides it is difficult to manoeuvre into and out of driveways.</li> <li>• Suggest no parking at any time on one side of the street.</li> </ul> <p><b>3 Letcher Road:</b></p> <ul style="list-style-type: none"> <li>• Prefer the 2 front townhouses to be built at the back</li> <li>• Concern that the cadastral boundary may not be as per lot setup; request survey.</li> <li>• Main concern regarding parking on Letcher Road – the road is already congested by people catching the train, parking in a 2 hour zone for a longer period and the Hindu Temple celebrations.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	<p><b>3/9 Dwyer Road:</b></p> <ul style="list-style-type: none"> <li>• Alliance Development and Construction will be replacing the fencing and retaining all at our cost and we are happy to reinstate the lattice if it becomes damaged in this process.</li> </ul> <p><b>3 Letcher Road:</b></p> <ul style="list-style-type: none"> <li>• We will be completing an outer boundary survey to make sure that the new fencing, retaining and whole development are located correctly.</li> </ul>

	<ul style="list-style-type: none"> <li>The development has allowed for two off-street car parks per dwelling. We believe that this will allow for [resident's cars] to be parked off the streets and complies with council requirements.</li> </ul> <p style="text-align: right;"><i>Refer Attachment V</i></p>
<b>Council comment:</b>	<b>2 Letcher Road:</b> Council's Traffic Department have advised that a no parking area is not viable along Letcher Road given that the provision for on-street parking should be maximised.

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering Services:</b>	<ul style="list-style-type: none"> <li>Requested changes to finished floor levels and paving levels to minimise risk of damage in a flood event – addressed via amendments to the plans.</li> <li>Vehicle manoeuvring is satisfactory.</li> <li>The existing 2 Hour Parking sign located in the road reserve at the centre of the property can be relocated.</li> </ul>
<b>Open Space (Co-ordinator Arboriculture):</b>	Bottlebrush street tree is mature and in moderate overall condition and makes minimal contribution to the streetscape. The tree is suitable for removal and replacement, with costs (\$500) to be borne by the applicant.

## DEVELOPMENT ASSESSMENT

The objectives, desired character and principles of development control of the Marion Council Development Plan relevant to the proposed development are listed and assessed in the following table:

Provisions:

Assessment:

Residential Zone	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li><i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></li> <li><i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></li> </ol>	<p><b>Complies</b></p> <p>The application proposes to increase density on land which is in close proximity to the Regional Centre Zone (approx. 320 metres walking distance), Oaklands Railway Station (approx. 120 metres walking distance) and Dwyer Road public open space (approx. 60 metres walking distance), which satisfies Objective 2 of the Residential Zone.</p>
Regeneration Policy Area 16	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li><i>Integrated re-development of poor quality housing stock and underutilised land.</i></li> <li><i>Improved quality of living environments.</i></li> <li><i>Improved quality of housing.</i></li> <li><i>Increased mix in the range of dwellings, including a minimum of 15 per cent affordable housing available to cater for changing demographics, particularly smaller household sizes and supported accommodation.</i></li> </ol>	<p><b>Complies</b></p> <p>The proposed four dwellings will result in redevelopment of underutilised land to increase dwelling densities in a manner which provides improved quality of housing and living environments, and contributes to the range of dwellings in the locality.</p> <p>The subject land is not located nearby an adjoining residential policy area, and therefore</p>

<p>5 <i>Improved environmental outcomes.</i></p> <p>6 <i>Increased dwelling densities and population.</i></p> <p>7 <i>More efficient use of land.</i></p> <p>8 <i>Improved community services and infrastructure.</i></p> <p>9 <i>Higher dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p> <p>10 <i>A smooth transition in the character and scale of development between this and adjoining residential policy areas.</i></p> <p>11 <i>Development that contributes to the desired character of the policy area.</i></p>	<p>transitional character and scale is not required (but is nonetheless achieved via single-storey dwellings with appropriate setbacks being located at the rear of the site).</p> <p>The proposal therefore satisfies the relevant objectives of Policy Area 16.</p>	
<p><b>Desired Character</b></p> <p><i>... New development will occur at densities greater than the current density of housing to increase the number of dwellings and the number of residents within the policy area and justify the improvement of infrastructure and other services.</i></p> <p><i>This policy area encompasses areas of recent redevelopment and areas that are suitable for comprehensive redevelopment where the density of new development will substantially exceed that of existing low density housing...</i></p> <p><i>The desired character of the policy area is one of a high quality and distinctive living environment at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. It will be characterised by residential development at low-medium and medium densities, with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles. Buildings of up to two storeys in height are appropriate, with three storey buildings also being appropriate provided the impact of their additional height and bulk does not adversely impact on existing neighbouring development and amenity.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. For larger development sites, a comprehensive scheme for the development of a range of dwelling types is desirable.</i></p> <p><i>Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.</i></p> <p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p> <p><i>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</i></p>	<p><b>Complies</b></p> <p>The proposed development seeks to construct four dwellings on land where one detached dwelling currently exists to provide an envisaged form of housing (detached and residential flat dwellings) at a greater density to that which currently exists on the land. The proposed development therefore seeks to make efficient use of the subject land by replacing existing housing stock with new dwellings to provide an integrated form of development at medium densities, as envisaged within Regeneration Policy Area 16.</p> <p>The proposed dwellings will not require the removal of any regulated or significant trees from the land. Although a mature street tree is proposed to be removed, the tree is not considered to contribute positively to the landscape character of the locality, and therefore the proposal maintains reasonable compliance with the Desired Character in this respect.</p> <p>The proposal incorporates landscaping surrounding the common driveway and in the front gardens to present an attractive appearance to the streetscape.</p> <p>On balance, the proposal is considered to adequately satisfy the Desired Character of the Regeneration Policy Area 16.</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"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>student housing</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<p><b>Complies</b></p> <p>The application proposes dwellings, including a residential flat building</p>
<p>PDC 2</p>	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p><b>Complies</b></p> <p>See above</p>

PDC 5	<i>Allotments should be amalgamated to facilitate co-ordinated and efficient development.</i>	<b>Does Not Comply</b> The proposal does not incorporate allotment amalgamation, but regardless, is considered to result in a reasonably coordinated and efficient development.
PDC 3	<p><b>Minimum Site Area:</b></p> <p><i>Detached dwellings (Res 1 and 2): 250 m<sup>2</sup></i></p> <p><i>Single storey residential flat buildings (Res 3 and 4): 250 m<sup>2</sup> average per dwelling</i></p>	<p><b>Does Not Comply</b> Res 1 = 182.2 m<sup>2</sup> Res 2 = 182.5 m<sup>2</sup></p> <p><b>Does Not Comply</b> Res 2 and 4 maintain an average site area of <b>186.6 m<sup>2</sup></b> per dwelling, excluding the common driveway.</p> <p><i>Note: Res 3 and 4 achieve an average site area of 265.4 m<sup>2</sup> per dwelling when including the common driveway</i></p> <p><i>Note: The total site divided by 4 dwellings provides an overall average site area of 223.8 m<sup>2</sup> per dwelling.</i></p>
	<p><b>Minimum Frontage:</b></p> <p><i>Detached Dwelling: 9 metres</i></p> <p><i>Residential Flat Building (when on a battle-axe site, as per PDC 9 General Section: Land Division): 4 metres</i></p>	<p><b>Does Not Comply</b> Res 1 and 2: 8.51 metres</p> <p><b>Complies</b> Res 3 and 4: 4.0 metres</p>
	<p><b>Minimum Depth:</b></p> <p><i>Detached Dwelling: 20 metres</i></p> <p><i>Residential Flat Building: 45 metres</i></p>	<p><b>Complies</b> Res 1: 21.68 metres Res 2: 21.71 metres</p> <p><b>Does Not Comply</b> Res 3 and 4: 42.68 metres</p>

## Site Coverage

*Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:*

Site area	Maximum Site Coverage	Maximum Floor Area Ratio
< 200 m <sup>2</sup>	80 m <sup>2</sup>	0.7

*Regeneration Policy Area 16: PDC 4*

### Site coverage:

**Does Not Comply**  
Res 1 and 2: 91.0 m<sup>2</sup>  
Res 3 and 4: 103.7 m<sup>2</sup>

### Floor area ratio:

**Complies**  
Res 1 and 2: 0.66

*Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:*

- (a) would not be contrary to the relevant setback and private open space provisions*
- (b) would not adversely affect the amenity of adjoining properties*
- (c) would not conflict with other relevant criteria of this Development Plan.*

*Residential Zone: PDC 9*

### **Complies**

The proposal remains generally compliant with the relevant setback and POS provisions. Additionally, the excess in site coverage is not considered to result in adverse impacts to adjoining properties, and does not create conflict with other Development Plan criteria. As such, the site coverage complies with PDC 9.

*Site coverage should ensure sufficient space is provided for:*

- (a) pedestrian and vehicle access and vehicle parking*
- (b) domestic storage*

### **Complies**

The proposal provides sufficient space for vehicle access and parking, domestic storage,

<p>(c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>	<p>outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
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<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>	<p><b>Does Not Comply</b> Approximately 16.5% of the site comprises pervious landscaped areas.</p>
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## Private Open Space

<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>			<p><b>Complies</b> Res 1 and 2: 37.0 m<sup>2</sup> = 20.3% Res 3 and 4: 48.4 m<sup>2</sup> = 26.6%</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>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. The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>Res 3 and 4: All POS is directly accessible from a living room with minor gradient and minimum dimension of 5.3 x 6.1 metres</p>
<p>Residential Zone: PDC 7</p>			<p><b>Does Not Comply</b> Res 1 and 2: All POS is directly accessible from a living room with minor gradient, but maintains a minimum dimension of 3.6 x 6.5 metres</p>

<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living rooms of the dwelling (b) to be generally at ground level (other than for dwellings without ground level internal living rooms) (c) to be located to the side or rear of a dwelling and screened for privacy (d) to take advantage of, but not adversely affect, natural features of the site (e) to minimise overlooking from adjacent buildings (f) to achieve separation from bedroom windows on adjacent sites (g) to have a northerly aspect to provide for comfortable year round use (h) to not be significantly shaded during winter by the associated dwelling or adjacent development (i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 16</p> <p>Private open space should not include:</p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p><b>Complies</b></p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings, as the two-storey dwellings to the south incorporate appropriate privacy treatments. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land.</p> <p><b>Partially Complies</b></p> <p>g) The proposed POS areas maintain an eastern aspect. Although they do not face directly north, they should still receive some northern winter sunlight (particularly in morning hours) which should provide for reasonably comfortable year round use. k) Although the minimum dimension of POS to Res 1 and 2 fall short of minimum criteria, the overall POS areas are considered to have sufficient shape and area to be functional.</p>
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<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p><b>Complies</b> No verandahs proposed</p>
<b>Building Setbacks from Road Boundaries</b>	
<p><i>Minimum setback from primary road frontage where an established streetscape exists: 5 metres within Regeneration Policy Area 16</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b> Res 1 and 2: 5.0 metres</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p><b>Complies</b> The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b> Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<b>Side Setbacks</b>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> <i>(a) 3 metres if adjacent southern boundary</i> <i>(b) 2 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p><b><u>Res 1 and 2:</u></b> Ground floor (wall height 2.6 metres): 1.1 metres setback Upper floor (wall height 5.7 metres): 3.0 – 3.2 metres setback</p> <p><b><u>Res 3 and 4:</u></b> Ground floor (wall height 2.6 metres): 1.1 metres setback</p>
<p><i>Maximum length and height when wall is located on side boundary:</i> <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b> Res 1 and 2: 6.05 wall length Res 3 and 4: 3.35 wall length</p> <p><b>Does Not Comply</b> Res 1 and 2: 3.25 metres wall height (2.75 metres from FFL to top of parapet, plus approx. 500mm between FFL and ground level) Res 3 and 4: 3.2 metres wall height (2.75 metres from FFL to top of parapet, plus approx. 420 mm between FFL and ground level)</p>

## Rear Setbacks

*Minimum setback from rear boundary:*

*(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary*

*(b) 6 metres for all other parts of the dwelling with a wall height greater than 3 metres*

*Residential Zone: PDC 6*

### Generally Complies

Res 1 and 2:

Ground floor: 3.6 metres (44.7%) and 5.9 metres

Upper floor: 5.9 metres

Res 3 and 4: 3.1 metres (49.5%) and 6.1

*Buildings should be sited with respect to side and rear property boundaries to:*

*(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight*

*(b) minimise the impact of bulk and scale of development on adjoining properties*

*(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.*

*General Section: Design and Appearance: PDC 2*

### Complies

The separation from the side and rear boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

## Building Height

*Maximum building height (from natural ground level):*

*3 storeys of not more than 12 metres*

*Residential Zone: PDC 7*

### Complies

Res 1 and 2 have a maximum height of 7.3 metres above ground level, while Res 3 and 4 are 4.3 metres high, which is less than the maximum permitted in the Policy Area.

*Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.*

*General Section: Residential Development: PDC 2*

### Complies

Res 3 and 4 are single storey.

## Garages, Carports, Verandas and Outbuildings

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

*General Section: Residential Development: PDC 10*

### Complies

The proposed garage incorporate an architectural style which complements the built form of the associate dwelling.

*Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:*

*General Section: Residential Development: PDC 12*

#### Parameter

#### Value

*Minimum setback from a primary road frontage*

*Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide*

### Complies

Res 1 and 2: Garages set back 5.5 metres and 0.5 metres behind the dwelling's main face

	<i>articulation to the building as it presents to the street.</i>	
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	<b>Complies</b> Res 1 and 2 garages comprise 38.8% of frontage widths
<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 13</i></p>		<b>Complies</b>
<b>Vehicle Parking</b>		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 34</i></p>		<p><b>Complies</b></p> <p>Res 1 and 2 each provide 3 bedrooms with 2 car parking spaces (one of which is covered)</p> <p>Res 3 and 4 maintain 4 spaces (2 of which are covered), where 4 are required (i.e. 1.5 x 2 dwellings = 3 spaces + 1 visitor)</p>
<i>Detached Semi-detached Row</i>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<i>Group Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 42</i></p>		<p><b>Complies</b></p> <p>The proposed visitor parking spaces forward of Res 3 and 4 should not dominate the internal site layout, and are not specifically associated with the particular dwelling. The parks should remain accessible to visitors.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>		<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p><b>Does Not Comply</b></p> <p>d) e) Only one on-street car parking space shall remain available adjacent the subject land (between the driveway of Res 2 and the common driveway). As such, the proposal will result in a loss of an on-street car park. The on-site parking does not compensate for this loss of on-street parking.</p>



<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation &amp; Access: PDC 44</p>	<p><b>Complies</b></p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>														
<p>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><b>Does Not Comply</b></p> <p>1 on-street car parking space should be maintained between the common driveway and Res 2, however it is noted that a distance of only 5.5 metres exists between these driveways, which would only provide space for a small vehicle. Given that 2 on-street car parking spaces should be provided for the proposed 4 allotments (and no additional on-site visitor parking is provided), the proposal does not satisfy PDC 22.</p>														
<p><b>Access</b></p>															
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p><b>Complies</b></p> <p>All 3 proposed driveways have a width of 3 metres.</p>														
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p><b>Complies</b></p> <p>The Res 1 crossover is set back 1 metre from existing stobie pole.</p> <p>Council's Open Space Department have authorised removal and replacement of the existing street tree.</p> <p>Council's Engineering Department have authorised relocation of the existing 2 Hour Parking sign.</p> <p>As such, the proposed driveways should not unreasonably interfere with street infrastructure.</p>														
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p> <table border="1" data-bbox="177 1630 930 1861"> <thead> <tr> <th rowspan="3">Dwellings served</th> <th colspan="2">Trafficable width (metres)</th> <th rowspan="3">Width beyond first 6 metres</th> <th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th> </tr> <tr> <th colspan="2">Intersection with public road and first 6 metres</th> </tr> <tr> <th>Arterial roads</th> <th>Other roads</th> </tr> </thead> <tbody> <tr> <td>1 – 3</td> <td>6</td> <td>3</td> <td>3</td> <td>0.5</td> </tr> </tbody> </table> <p>General Section: Residential Development: PDC 41</p>	Dwellings served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	1 – 3	6	3	3	0.5	<p><b>Complies</b></p> <p>A 3.0 metre driveway width is maintained with 0.5 metre wide landscaping strips along both sides.</p>
Dwellings served		Trafficable width (metres)				Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)								
		Intersection with public road and first 6 metres													
	Arterial roads	Other roads													
1 – 3	6	3	3	0.5											
<p>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p><b>Does Not Comply</b></p> <p>The vehicle access points are separated by a distance of 5.6 metres and 5.0 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*

### **Complies**

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

- Different shades of render, including Surfist (i.e. white) on the bulk of the façade and Basalt (i.e. deep grey) on the portico and upper storey windows surrounds.
- Stepping of upper and lower storeys on the side and rear elevations to minimise building height, mass and proportion
- Protruding portico
- Eave overhang and pitched roof form at 25 degree slope in Basalt
- Fenestration

The garage of each dwelling features Surfist (i.e. white) Colorbond Panel lift door. These materials should not result in unreasonable glare to neighbouring properties, drivers or cyclists.

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

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

*General Section: Residential Development: PDC 8*

*Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.*

*General Section: Residential Development: PDC 9*

### **Complies**

Res 1 and 2 are oriented to address the street, with their entrance door, portico, and several large habitable room windows facing the primary street frontage.

## Relationship to the Street and Public Realm

*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 13*

*Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.*

*General Section: Design & Appearance: PDC 14*

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

*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 16*

### **Complies**

Res 1 and 2 are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.

The elevations of the dwellings feature a mixture of complementary render colours, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

## 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 otherwise specified in a zone, policy area or precinct, development should ensure that:*

- (a) north-facing windows to living 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 private open space of existing buildings receive 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 private open space*
  - (ii) 35 square metres of the existing ground level private open space*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.*

*General Section: Design & Appearance: PDC 10*

### **Generally Complies**

The applicant has provided shadow diagrams (enclosed in Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). Winter shadow is primarily cast south, affecting the southern adjoining properties at 1E Letcher Road and 3/9 Dwyer Road. The shadow diagrams illustrate that:

### **POS**

At 9 am, the POS areas of both southern adjoining properties are substantially overshadowed, but a considerable amount of this shadow is caused by a 1.8-metre-high boundary fence (which does not comprise development).

By 12 noon, approximately 50% of the neighbours' POS will be in shadow. It is noted that, given both neighbours feature POS adjacent their northern side boundary, a considerable amount of the overshadowing is caused by the boundary fence. The shadow cast from the two storey dwelling (Res 2) is cast upon the roof of 1E Letcher Road at noon, and does not affect their rear POS.

By 3pm, most of the POS of 1E Letcher Road and 3/9 Dwyer Road will be in shadow.

It is anticipated that between approximately 10am and 1pm, at least half of the southern adjoining properties' POS will receive winter sunlight, and therefore conforms with PDC 10 (b).

### **North-facing windows to living rooms**

The new dwelling at 1E Letcher Road does not incorporate living area windows on its northern elevation.

It is unknown whether 3/9 Dwyer Road maintains north-facing living area windows, but nonetheless, there is a verandah located on the northern side of this dwelling which would cast shadow on any northern windows, regardless of the shadow impact of the proposed single storey dwelling (Res 4).

As a result of the above considerations, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties reasonably complies with PDC 9 and 10.

## Visual Privacy

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

- (a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct*

### **Complies**

The upper level windows on the side and rear elevations of Res 1 and 2 incorporate either fixed obscure glazing to 1.8 metres above floor level, or a sill height commencing 1.8 metres above floor level. Upper storey windows on the front elevation remain

<p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 11</i></p>	<p>unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
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## Noise

<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p><b>Complies</b></p> <p>Res 3 and 4 have been designed such that their bedroom windows do not face the common driveway, which should protect these areas from noise and headlight glare.</p>
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## Site Facilities and Storage

<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</i></p> <p><i>General Section: Residential Development: PDC 31</i></p>	<p><b>Partially Complies</b></p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered pertinent given that each dwelling maintains access to their rear garden through its garage. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>
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## Energy Efficiency

<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p><b>Generally Complies</b></p> <p>Res 3 is oriented so that its open space and main activity area face north for exposure to winter sun, and thereby provides for efficient solar access to open space all year round.</p> <p>The main activity areas of Res 1 and 2 are oriented east, which should receive some northern winter sunlight, particularly in morning hours.</p> <p>Res 4 features south-facing living area windows, but most of its POS maintains an easterly aspect, which should receive adequate access to winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings should enable adequate winter sunlight to remain available to the main activity areas of adjacent buildings.</p> <p>The overall energy efficiency of the proposed development is considered to adequately satisfy the relevant provisions of the Development Plan.</p>
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*Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:*  
*(a) taking into account overshadowing from neighbouring buildings*  
*(b) designing roof orientation and pitches to maximise exposure to direct sunlight.*

*General Section: Energy Efficiency: PDC 3*

**Complies**

The dwellings each 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 20.6 (Res 1 and 2) and 20.7 (Res 3 and 4) should appropriately minimise the risk of damage from floodwaters in a 1-in-100-year average return interval flood event.

**Landscaping, Fences and Walls**

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

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

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

*Landscaping should:*

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

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

*Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.*

*General Section: Landscaping, Fences & Walls: PDC 3*

**Complies**

The development features a range of landscape plantings throughout the site, including Yucca "Silver Star" and Dodena trees along the common driveway. A Manchurian pear tree is proposed to be located in the front yard of Res 1 and 2. Dodena (screening plants) are also proposed to be located along the rear boundary of the site and adjacent the vehicle manoeuvring areas.

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

*Fences and walls, including retaining walls, should:*

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

*General Section: Landscaping, Fences & Walls: PDC 5*

#### **Complies**

The application proposes retaining walls varying in height to a maximum 400 millimetres. If a standard 1.8-metre-high fence is constructed atop these walls, this will result in a maximum structure height of 2.2 metres. This retaining height is considered necessary to achieve a level development site (with levels to mitigate the hazards of flooding), while the fencing height is considered appropriate to maintain privacy and security without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

## 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 areas
- Frontage width (Res 1 and 2)
- Site depth (Res 3 and 4)
- Site coverage
- Impervious area coverage
- Garage wall height along the boundary
- POS Dimensions (Res 1 and 2)
- On-street parking

### **Site areas, frontage and depth**

Whilst a minimum site area of 250 square metres is prescribed for detached dwellings within Regeneration Policy Area 16, it is noted that Res 1 and 2 each provide site areas of 182.5 square metres. This equates to a shortfall of 67.5 square metres (27%).

In addition to the above, the shortfall in the average site area for each of the residential flat dwellings at 186.6 square metres also does not meet the required average of 250 square metres prescribed for dwellings of this type within Policy Area 16, representing an average shortfall of 63.4 square metres (25.4%) per dwelling. That having been said, it should be noted that when calculating the site area for residential flat dwellings, the curtilage around the dwelling (associated shared driveway and manoeuvring areas) is excluded from the calculations.

This is different to when calculating the site area for detached dwellings where these areas are included. When including the common driveway and internal manoeuvring areas as part of the site area calculations for Res 3 and 4 to the rear, an average site area of 265.4 square metres is achieved per dwelling. Given this, the average site areas achieved for each of the two residential flat dwellings to the rear is considered to be acceptable in respect to the assessment of this application.

It is also worthy to note that the subject land is capable of accommodating four dwellings in the form of four, two storey group dwellings where the minimum site area for dwellings of this type within Regeneration Policy Area 16 equates to 200 square metres per dwelling. When considering the minimum site area prescribed for each dwelling (4 x 200 square metres = 800 square metres), the overall site area for the subject land at 895 square metres is considered

sufficient to accommodate the number of dwellings proposed for the subject land. Consequently, whilst the individual site areas for each of the dwellings does not accord with the requirements prescribed by the Development Plan, the development as a whole does not result in a density greater than that envisaged within Policy Area 16.

Given that the minimum site area for detached dwellings cannot be satisfied, the density proposed in the subject application is greater than that contemplated within Regeneration Policy Area 16. Notwithstanding, it is my opinion that the subject land and locality is one of the most appropriate areas within the City of Marion to encourage and accommodate higher residential forms of development, especially given the subject land's proximity to existing shopping and community facilities, a large area of public open space and bus and rail public transport nodes.

Furthermore, it is my view that the shortfall in the site areas proposed for Res 1 and 2 are not necessarily fundamental to the merits of the overall application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the fact that Res 1 and 2 still achieve a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from the Development Plan (as discussed further below).

In addition to the above, it has also been identified that the frontage widths for the allotments to the front of the subject land fall marginally short of the prescribed distance of 9 metres for detached dwellings, being 8.51 metres; a shortfall of 49 centimetres. Also, the depth of the subject land at 42.7 metres, falls short of the 45 metres required for land accommodating residential flat dwellings. It is considered that the shortfalls identified above to be relatively minor and should not prevent the subject land from being appropriately developed in accordance with the requirements set out within the Development Plan. This is further reinforced by the fact that each dwelling achieves appropriate front, side and rear setbacks from adjacent property boundaries.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfalls in site area, frontage width and depth do not jeopardise the underlying merits of the overall proposal.

### **Site coverage**

As identified above, the site coverage achieved in relation to proposed dwellings all exceed the required maximum provision of 80 square metres within Regeneration Policy Area 16, with Res 1 and 2 providing a site coverage of 91.0 square metres (an excess of 11.0 square metres), and Res 3 and 4 providing 103.7 square metres (an excess of 23.7 square metres).

Whilst the dwellings all exceed the maximum site coverage prescribed within Policy Area 16, it is not considered that the proposed development represents an over-development of the total site area. The overall building footprint of the subject land equals 43.5% (including the common driveway as part of the site), which is a reasonable proportion having regard to the relevant site coverage provisions and the nature of existing development in the locality.

It is also noted that the dwellings each provide a sufficient area of private open space and setbacks from boundaries. As such, the excess in site coverage should not adversely impact upon the amenity of adjoining land, nor impair the design and function of these dwellings.

Further to this point, 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. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits a maximum site coverage of 60%. This signifies that a new detached or semi-detached dwelling(s) could be constructed on the land "as of right" (i.e. without an assessment against Development Plan criteria) with site coverage of 60%.

Whilst it is acknowledged that Res 3 and 4 comprise residential flat dwellings and therefore cannot be regarded as a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that it is inappropriate to enforce the Policy Area's maximum site coverage to merit applications with such rigidity. Consequently, subject to satisfying other Development Plan criteria, the excess in site coverage is not considered to be fatal to the overall merits of the subject application.

### **Impervious area coverage**

Staff have calculated that approximately 16.5% of the site comprises pervious landscaped areas, where it should comprise 20%. While this shortfall is not ideal, there are no particular impervious areas of the development site which would lend themselves to pervious landscaped/garden areas, as the paved areas are limited to the common driveway, individual driveways of Res 1 and 2, perimeter paving, and a paved area of POS directly accessible from the living areas. Landscaping of adequate width is provided along both sides of the driveway and adjacent manoeuvring areas, a front garden is provided forward of Res 1 and 2, and each dwelling features a pervious garden area in their POS.

### **Garage wall heights on side boundaries**

The garage walls of Res 1 and 2 will stand 3.25 metres in height above ground level, while those of Res 3 and 4 will reach a height of 3.2 metres above ground level, which exceeds the 3.0 metre wall height prescribed for solid walls constructed along a side boundary.

These walls generally maintain a height of 2.8 metres from FFL to the top of the wall, however the additional height is necessitated by the FFLs of the dwellings being sited above ground level, which is required in order to mitigate hazards from flooding. It is noted that Schedule 4 complying development criteria permits wall heights on the boundary of 3 metres, measured from top of footings to the top of the wall, and for a length of 8 metres. As such, a wall of greater height and length could be constructed on the site boundaries "as of right" as complying development.

Furthermore, it is noted that the proposed boundary walls should not unreasonably impact on the amenity of adjacent land given that:

- a) The garage walls of Res 1 and 3 are located on the northern side boundary, and therefore will not cast shadow onto adjacent land in winter months;
- b) The garage wall of Res 1 is sited adjacent the front yard and garage wall of the northern adjoining property (3 Letcher Road) and therefore will not impact habitable areas;
- c) The garage wall of Res 3 is located adjacent the utility areas of 6/3A Letcher Road and therefore will not impact habitable areas;
- d) the adjacent property located to south of Res 2 (1E Letcher Road) does not feature any habitable windows on its northern elevation;
- e) the boundary wall of Res 4 is to replace an existing garage located on that boundary for a lesser length, and therefore may have similar, if not reduced, impacts on adjacent land.

As a result of the above considerations, the proposed dimensions and location of the boundary walls are deemed appropriate.

### **Private open space (POS) dimensions for Res 1 and 2**

The private open space of Res 1 and 2 maintains minimum dimensions of 3.55 x 5.9 metres directly adjacent the living area doors, and 3.6 x 6.5 adjacent the rear boundary. While these areas achieve the required 20% POS, they do not achieve the minimum dimension of 5 x 5 metres prescribed by the Development Plan.



Whilst this falls 1.4 metres short of the 5 metre minimum dimension, it is considered that the 3.6 metre by 6.5-metre-wide area of POS to the rear of this dwelling is adequate for the likely needs of the future residents of this dwelling, being flat and usable and of sufficient size and dimensions to provide for the drying of clothes and a small garden area.

It is also noted that the subject land is located in close proximity to a large area of public open space some 60 metres walking distance to the south, which should cater for the greater recreational needs of the future residents of the proposed dwellings. Given this, the shortfall in the dimensions of the private open space to the rear of proposed dwellings is not considered to be fatal to the overall merits of the application.

### **On-street parking**

There is a distance of 5.6 metres between the crossovers of Res 2 and the common driveway, which may lend itself to parking for a small vehicle. However, the separation between the driveways does not allow for the provision of any on-street parking in accordance with Development Plan criteria (i.e. minimum 6 metres between crossovers). The Development Plan prescribes that 1 on-street park should be provided for every 2 dwellings, and therefore 2 on-street parks should be maintained forward of the subject land. Given that all crossovers are single-width and located as close as practicable to the existing side boundaries, there is no opportunity to create additional on-street parking with the proposed site design.

This shortfall is notable, particularly given that several representors have noted that excessive on-street parking is an issue in the locality. It is noted that, at present, only 2 Hour Parking is permitted forward of the subject land between 8am and 4pm, and therefore on-street parking is already limited.

If the Panel resolves to grant consent to the proposal, recommended condition 2 states that the driveway crossovers of Res 2 and the common driveway shall be separated by a minimum distance of 6 metres to provide sufficient area for at least 1 on-street parking space. Given that 2 on-street parks should be maintained, this would still result in a shortfall of 1 on-street parking space.

Whilst this shortfall is not ideal, it is considered most important to provide sufficient on-site car parking, which would avoid the need for on-street parking in a locality already facing congestion. Each dwelling is provided with two on-site car parks, which is considered adequate for the nature of the dwellings (2 x two-bedroom dwellings and 2 x three-bedroom dwellings).

Given that the site is located in close proximity to the Oaklands Railway Station, it is anticipated that future residents would be more likely to utilise public transportation, which may reduce the level of car ownership. In this regard, developments should not over-cater for on-site car parking, as this may generate a disincentive to public transport uptake.

The lack of on-street car parking is not considered to warrant refusal of the application in itself, but has been taken into consideration with the proposal's merits and shortfalls.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to this matter. Concerns over potential for increased on-street parking have also been raised. The above table demonstrates that the proposal generally complies with the relevant vehicle access criteria, but results in a shortfall in on-street parking. This shortfall has been taken into consideration in the assessment of the proposal's merit.

The representors have also raised concerns over damage to property during construction, replacement fencing costs, traffic control measures on the street, and survey accuracy. 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.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development reflects a form and density of housing development that is justified within Regeneration Policy Area 16. Whilst proposing a density of development which is slightly higher than that anticipated within Policy Area 16, this slight increase is considered justified given the land's proximity to existing community facilities, public transport links, shopping opportunities and a large area of public open space. As such, the subject land is considered to be an appropriate site for medium density development satisfying all locational attributes in accordance with Objective 2 of the Residential Zone.

It is considered that the proposal complies with a majority of the quantitative and qualitative provisions of the Development Plan with all four dwellings providing adequate building setbacks from adjoining properties, suitable areas of private open space and sufficient provision for at least two on-site car parking spaces per dwelling. In terms of design and appearance, the proposed dwellings display a sufficient level of visual interest and articulation, whilst contributing a modern architectural style to the regenerating locality.

Several shortfalls have been identified with the proposed development, the most notable relating to site areas, site coverage (and the extent of impervious areas), POS dimensions of Res 1 and 2, and the lack of on-street parking.

In isolation, each of these shortfalls are considered to have acceptable repercussions without having an unreasonable impact on the function of the proposed development or adjacent dwellings within the locality. However, together, the shortfalls are notable.

When considering the weight of these shortfalls, the wider locality has been taken into account. It is noted that the proposed development is very similar to a development at 2 Crozier Terrace which was granted consent by the Panel on 20 January 2016. This proposal maintained near identical shortfalls in site areas, site coverage and private open space dimensions. It is also acknowledged that a number of developments in the locality support similar site areas and site coverage to the subject proposal. As a consequence, the proposal's shortfalls are not unprecedented and should remain consistent with the developing character of the locality.

Whilst the proposal is finely balanced, fundamentally, the proposed dwellings accord with the desired character of the policy area and are considered to be in keeping with the density of development that is envisaged within Regeneration Policy Area 16.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/993, to demolish existing buildings and structures and to construct four (4) dwellings: two (2) two-storey dwellings and a single storey residential flat building comprising two (2) dwellings to the rear of the site, all with associated retaining walls, fencing and landscaping, at 1 Letcher Road, Oaklands Park, be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/993, being drawing numbers PD1A 1 of 10 to 10 of 10 (inclusive) prepared by MCA Design (SA) Pty. Ltd. received by Council on 9 August 2016, and Contour and Drainage Layout prepared by Dennis Sandery Consulting Engineer received by Council on 18 August 2016, except when varied by the following conditions of consent.
2. The driveway crossovers of Res 2 and the common driveway shall be separated by a minimum distance of 6 metres to provide sufficient area for an on-street parking space.
3. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council. A copy of the information guide can be viewed at the City of Marion webpage:  
[www.marion.sa.gov.au/page.aspx?u=181](http://www.marion.sa.gov.au/page.aspx?u=181)  
  
Alternatively, 3000 litre rainwater retention tanks fully plumbed into toilet and laundry connected to at least 80% of roof area can be provided for each dwelling instead of dual retention/detention tanks.
5. The portion of the upper floor windows on Res 1 and 2 (except the west-facing windows presenting to the street) less than 1.7m above the internal floor level shall be treated prior to occupation of the building in a manner that permanently restricts views of adjoining properties yards and/or indoor areas being obtained by a person within the room to the reasonable satisfaction of the Council.
6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.

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

## NOTES

1. The existing 2 Hour Parking sign may be relocated in accordance with the requirements of Council's Traffic/Engineering Department. Please contact Kevin Browne of the Marion Council on 7420 6404 to arrange relocation.
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.
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. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, 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*  
*Attachment IV: Statement of Representations*  
*Attachment V: Applicant's Response to Representations*

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 December 2016

**Agenda Ref No:** DAP071216 – 2.3

**Originating Officer:** Kristen Sheffield  
Development Officer - Planning

**Applicant:** Estephan Maubarak

**Development Description:** Single-storey detached dwelling and a pair of single-storey semi-detached dwellings

**Site Location:** 18 Russell Avenue, Seacombe Gardens

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 1 / Consent

**Lodgement Date:** 29/07/2016

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/2016/1377

**Recommendation:** That Development Plan Consent be **GRANTED** subject to conditions

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## CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting allotment areas less than the minimum of 375 square metres required for detached dwellings, and 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
The front setback of Dwellings 2 and 3 should increase to a minimum of 5 metres.	Front setback of Dwellings 2 and 3 increased to greater than 5 metres.
Dwelling 2 should comprise a minimum 20% POS.	POS of Dwelling 2 increased from 16.5% to 20.8%.

The POS of Dwellings 2 and 3 should be provided with a minimum dimension of 5 x 5 metres.	Dimensions of POS increased for Dwelling 2, however remain below the 5 x 5 metre area sought. Minimum dimensions met for Dwelling 3.
Rear setbacks of Dwellings 2 and 3 should be increased to more closely align with Council's policies.	Rear setbacks of Dwellings 2 and 3 increased.
The dwellings should incorporate a greater variety of finishes/materials.	Material/colour schedule provided.

## SUBJECT LAND & LOCALITY

The subject site is located at 18 Russell Avenue, Seacombe Gardens. The land comprises a corner allotment, of irregular shape, with a northern primary street frontage to Russell Avenue of 18.3 metres, an eastern secondary street frontage to Spring Street of 27.33 metres, and a total site area of 862 square metres.

The subject land currently accommodates a single-storey detached dwelling (Fibro Cement) in poor condition with vehicular access to an attached carport at the rear of the dwelling, as well as a freestanding garage from Spring Street. A small slope exists, from the south to the north of the site, falling approximately 1.26 metres over a distance of some 35 metres. While several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality consists of a mix of redeveloped/sub-divided properties, (which typically take the form of single-storey and two-storey semi-detached and row dwellings), and single-storey detached dwellings at low densities, which are representative of the original dwelling stock.

Pitt Street Reserve, including a children's playground, is located 100 metres south of the subject land. Whilst the Regional Centre Zone is situated approximately 1 kilometre to the north of the site.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks to construct a single-storey detached dwelling (Dwelling 1) incorporating a garage wall on the southern boundary and a primary frontage to Spring Street, and a pair of single-storey semi-detached dwellings (Dwellings 2 and 3) incorporating a primary frontage to Russell Avenue.

Dwellings 1 and 3 each include three bedrooms, whilst Dwelling 2 provides a two-bedroom option (main with WIR and ensuite). Each dwelling comprises an open plan kitchen/living area, as well as a laundry, separate bathroom, and single-width garage under the main roof.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Engineering:</b>	The site works plan has been assessed by Council's Development Engineer who has advised that the finished floor levels, finished paving levels, and retention tanks/storm water drainage systems for the new dwellings are considered appropriate.
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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:

<b>Residential Zone</b>		
<p><b>Objectives</b></p> <p>1 An attractive 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 and community transport routes and public open spaces.</p>		
<b>Northern Policy Area 13</b>		
<p><b>Objectives</b></p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p><b>Desired Character</b></p> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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>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, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
<b>PDC 1</b>	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
<b>PDC 2</b>	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<b>Complies</b>

PDC 3	<i>Minimum Site Area:</i> <i>Detached: 375m<sup>2</sup></i> <i>Semi-detached: 320m<sup>2</sup></i>	<b>Does Not Comply</b> Dwelling 1: 321m <sup>2</sup> Dwelling 2: 270.5m <sup>2</sup> Dwelling 3: 270.5m <sup>2</sup>
	<i>Minimum Frontage:</i> <i>Detached: 12m</i> <i>Semi-detached: 9m</i>	<b>Does Not Comply</b> Dwelling 1: 11.33m Dwelling 2: 7.65m  <b>Complies</b> Dwelling 3: 10.65m
	<i>Minimum Depth:</i>	<b>Complies</b> Dwelling 1: 28m- 30.68m Dwelling 3: 24m- 27.3m  <b>Partially Complies</b> Dwelling 2: 16m- 24m

## Assessment

### **Objectives & Desired Character**

The application proposes to replace an existing single storey detached dwelling in average condition, with three dwellings, in the form of a single-storey detached dwelling and a pair of single-storey semi-detached dwellings, both of which are forms of development anticipated by PDC 1.

The application is consistent with the Desired Character of the Northern Policy Area 13 in that it will redevelop the site at a greater density than that of the original housing stock. The Desired Character also seeks for the range of dwelling types to increase to meet a variety of accommodation needs. The proposal includes two three-bedroom and one two-bedroom dwelling option, and therefore provides a variety in dwelling size.

The subject land is located 100 metres from the nearest public open space reserve and approximately 1 kilometre walking distance from the Regional Centre Zone and associated public transport opportunities. Given that the subject land is located within close proximity to public open space and within acceptable walking distance of public transport routes, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

### **Site Areas**

A minimum site area of 375 square metres is prescribed for detached dwellings in the Northern Policy Area 13, whilst semi-detached dwellings should comprise a minimum site area of 320 square metres. The proposed site areas equate to shortfalls of 54 square metres (14.4%) for Dwelling 1, and 49.5 square metres (15.5%) for each Dwellings 2 and 3.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is noted that row dwellings require a minimum site area of 250 square metres within the Northern Policy Area 13, whereby a site of 750 square metres could theoretically accommodate 3 dwellings. The subject land maintains an overall site area of 862 square metres. Therefore, it is suggested that while the site configuration results in shortfalls in site area, the proposed density is not necessarily inconsistent with that envisaged for the Policy Area. In addition, whilst the proposed configuration results in shortfalls in site area, it is acknowledged that this layout allows for greater levels of separation between the dwellings than three row dwellings would (which could be achieved if all three dwellings were joined together).



It is further noted that the Medium Density Policy Area 12 is sited on the northern side of Russell Avenue, within which, detached dwellings and semi-detached dwellings require minimum site areas of 300 square metres, and 270 square metres, respectively. Accordingly, the proposed site areas complement those sought within the immediate locality.

Furthermore, the proposed site areas fall within the categories of low and medium residential density, as defined in the handbook *“Understanding Residential Densities: A Pictorial Handbook of Adelaide Examples”* published by the Government of South Australia in October 2011. This remains in accordance with the “low-medium and medium densities” envisaged by the Desired Character. It is noted that this document has no statutory weight, however, it nonetheless provides a useful, and widely accepted methodology for the determination of residential densities within South Australia.

Given the considerations above, in my view, the shortfall in site areas is not necessarily fundamental to the merits of the application, in that it does not represent a substantial disparity against the provisions which, in itself, would warrant refusal of the application. This is reinforced by the ability of the application to maintain a high level of compliance with other applicable design criteria, with a majority of identified shortfalls deemed to be minor departures from Development Plan requirements (as discussed further in the Table Discussion of this report).

### ***Frontage width***

Dwelling 1 incorporates a frontage width of 11.33 metres, falling short of the prescribed minimum of 12 metres for detached dwellings within the Northern Policy Area 13. This shortfall is deemed relatively minor in extent and consequence. The dwelling nonetheless maintains an appropriate streetscape outcome, presenting habitable room windows, as well as the entry to the street, whilst maintaining side setback requirements, as discussed further below within this report.

Semi-detached dwellings should comprise a minimum frontage width of 9 metres, whereas Dwelling 2 incorporates a width of 7.65 metres at the front boundary. This measurement does not take into account the corner-cut off of the land, beyond which, the width of the allotment exceeds 11 metres.

### ***Site Depth***

The depth of the proposed allotment for Dwelling 2, at 16 metres, falls short of the prescribed minimum of 20 metres. However, this measurement is taken along the eastern boundary only, and does not include the corner cut off of the allotment, after which, the depth of the site increases to 20 metres or more. The shortfall in depth for a portion of the allotment is considered to be relatively minor. This is reinforced by the dwelling’s ability to maintain appropriate front, side and rear setbacks.

### ***Assessment summary***

On balance, the proposed development is considered to adequately comply with the Objectives, Principles and Desired Character of the Northern Policy Area 13. Fundamentally, the ability of the dwellings to accord with a majority of Development Plan criteria demonstrates that the shortfall in site areas and minor shortfalls in frontage width and site depth, do not jeopardise the underlying merit of the proposal.

# DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage			
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>		<p><b>Site coverage:</b></p> <p><b>Does Not Comply</b>                      Dwelling 1: 43.7% (138.9m<sup>2</sup>)                      Dwelling 2: 47.5% (128.6m<sup>2</sup>)                      Dwelling 3: 49.8% (134.8m<sup>2</sup>)</p>	
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>		<p><b>Complies</b></p> <p>The proposal generally maintains appropriate setbacks to boundaries and allows for adequate POS. As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.</p>	
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>		<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>	
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>		<p><b>Complies</b></p>	
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>		<p><b>Complies</b>                      Dwelling 1: 31.9% (102.5m<sup>2</sup>)                      Dwelling 2: 20.8% (56.3m<sup>2</sup>)                      Dwelling 3: 23.5% (63.5m<sup>2</sup>)</p> <p>5 x 5 metre POS dimension achieved by Dwellings 1 and 3</p> <p><b>Does Not Comply</b>                      Dwelling 2: Minimum POS dimensions not met</p>	
Site area of dwelling	Minimum area of POS		Provisions
175 square metres or greater	20 per cent of 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 and they have a minimum dimension of 2 metres. 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. The remainder of the space should have a minimum dimension of 2.5 metres.
<p><i>Residential Zone: PDC 7</i></p>			

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p><b>Complies</b></p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwelling/dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</p> <p>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p><b>Partially Complies</b></p> <p>g) The proposed POS area of Dwelling 1 faces west, whilst those of Dwellings 2 and 3 face south. Whilst undesirable, given the single-storey nature of the proposed dwellings, each area of POS should nonetheless receive adequate levels of sunlight.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p><b>Complies</b></p>
<p><b>Building Setbacks from Road Boundaries</b></p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p><b>Complies</b></p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setbacks of 5 metres (minimum) are considered to contribute positively to the function, appearance and desired character of the locality.</p>

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

Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
<p style="text-align: center;">When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>	
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

**Partially Complies**

Dwelling 1: 5m increasing to 6.43m.  
(Dwelling on adjoining land to the south set back approximately 8 metres)

**Complies**

Dwellings 2 and 3: 5m increasing thereafter.  
(Dwelling on adjoining land to the west set back approximately 5 metres)

PDC 21 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". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.

Minimum setback from secondary road frontage: 2 metres

Residential Zone: PDC 6

**Partially Complies**

Dwelling 2: 1.5m at the closest point, increasing thereafter.

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

General Section: Residential Development: PDC 37

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

**Side Setbacks**

Minimum setback from side boundaries:

Where the wall height is not greater than 3 metres:  
0.9 metres

Residential Zone: PDC 6

**Complies**

Dwelling 1: 1.2m  
Dwelling 3: 0.9m

Maximum length and height when wall is located on side boundary:  
(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height  
(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.

Residential Zone: PDC 6

**Complies**

Dwelling 1  
Length: 6.64m  
Height: 2.8m (from natural ground level)

**Rear Setbacks**

Minimum setback from rear boundary:

(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary  
(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres

Residential Zone: PDC 6

**Complies**

Dwelling 1: 3.2m increasing to 9.5m

**Partially Complies**

Dwelling 2: 2.2m increasing to 6.4m  
Dwelling 3: 2.8m increasing to 7.2m

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setbacks of Dwellings 2 and 3 do not strictly comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
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## Building Height

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 5 metres, which is less than the maximum permitted in the Policy Area.</p>
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## Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas 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: PDC 10</i></p>	<p><b>Complies</b></p> <p>Each proposed garage is incorporated under the main roof of the associated dwelling.</p>
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<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	
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<b>Parameter</b>	<b>Value</b>	
<i>Maximum wall or post height</i>	3 metres	<b>Complies</b>
<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	<b>Complies</b>
<i>Maximum length on the boundary</i>	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<b>Complies</b> Dwelling 1: 6.64m
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<b>Complies</b>

<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 13</i></p>	<p><b>Complies</b></p>					
<p><b>Vehicle Parking</b></p>						
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 34</i></p> <table border="1" data-bbox="177 584 925 745"> <tr> <td data-bbox="177 584 555 613"><i>Detached</i></td> <td data-bbox="555 584 925 667" rowspan="2"> <p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p> </td> </tr> <tr> <td data-bbox="177 613 555 642"><i>Semi-detached</i></td> </tr> <tr> <td data-bbox="177 642 555 672"><i>Row</i></td> <td></td> </tr> </table>	<i>Detached</i>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	<i>Semi-detached</i>	<i>Row</i>		<p><b>Complies</b></p> <p>Each dwelling features two or three bedrooms and at least two on-site car parking spaces (one of which is covered).</p>
<i>Detached</i>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>					
<i>Semi-detached</i>						
<i>Row</i>						
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>						
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>	<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located within acceptable walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 3 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><b>Complies</b></p> <p>3 on-street car parking spaces are provided for the proposed allotments.</p>					
<p><b>Access</b></p>						
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p>					
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>					
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p><b>Partially Complies</b></p> <p>The vehicle access points servicing Dwellings 2 and 3 are not separated by 6 metres, however at least 3 on-street car parking spaces are available adjacent the subject land.</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*

### **Complies**

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

- Mixture of brick and render on the front façades
- Protruding portico
- Eave overhang and pitched roof form at 25-degree slope
- Fenestration

The proposed materials/colours should not result in glare to neighbouring properties, drivers or cyclists.

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

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

*General Section: Residential Development: PDC 8*

*Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.*

*General Section: Residential Development: PDC 9*

### **Complies**

## Relationship to the Street and Public Realm

*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 13*

*Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.*

*General Section: Design & Appearance: PDC 14*

*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 16*

### **Complies**

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

## Overshadowing

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

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

*General Section: Design & Appearance: PDC 9*

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

- (a) north-facing windows to living 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 private open space of existing buildings receive 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 private open space*
  - (ii) 35 square metres of the existing ground level private open space*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.*

*General Section: Design & Appearance: PDC 10*

### **Complies**

An assessment of the projected extent of overshadowing on 21 June (winter solstice) demonstrates that;

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

Shadow cast into the southern adjoining property will be limited to the front yard/side of this dwelling whilst shadows cast in 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.

Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

## Energy Efficiency

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

*General Section: Energy Efficiency: PDC 1*

*Buildings should be sited and designed:*

- (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings*
- (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.*

*General Section: Energy Efficiency: PDC 2*

### **Complies**

The main activity areas of the dwellings are oriented west and south, which, given the single-storey nature of the dwellings 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.

*Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:*

- (a) taking into account overshadowing from neighbouring buildings*
- (b) designing roof orientation and pitches to maximise exposure to direct sunlight.*

*General Section: Energy Efficiency: PDC 3*

### **Complies**

The dwellings incorporate hipped roof forms 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 that the proposed finished floor levels, finished paving levels and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100-year average return interval flood event.



## Landscaping, Fences and Walls

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

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

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

*Landscaping should:*

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

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

*Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.*

*General Section: Landscaping, Fences & Walls: PDC 3*

### **Complies**

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

*Fences and walls, including retaining walls, should:*

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

*General Section: Landscaping, Fences & Walls: PDC 5*

### **Complies**

The application proposes retaining walls varying in height to a maximum 700 millimetres. The maximum retaining height is required along the rear/southern boundaries of Dwellings 2 and 3 (and the northern side boundary of Dwelling 1). As this level of retaining is internal to the site, it should not result in impacts upon adjoining land.

If a standard 1.8-metre-high fence is constructed atop these walls, this will result in a maximum structure height of 2.5 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.

## TABLE DISCUSSION

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

- Site Coverage
- Private open space dimensions (Dwelling 2)

## Site Coverage

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 43.7%, 47.5% and 49.8% for Dwellings 1, 2 and 3 respectively. The following considerations are noted with regard to the discrepancy in site coverage;

- a) The proposed dwellings each include an undercover verandah. Were these to be deleted from the proposal, site coverage would reduce to more closely align with Council's policies, however this would not necessarily improve outcomes, resulting in less functional areas of POS with no shading provided to enhance year-round usability.

Furthermore, verandahs are anticipated structures within areas of POS. Should future residents apply to construct verandahs similar to those proposed; such structures are likely to comply with Schedule 1A of the Development Regulations 2008 (which allows for site coverage of up to 60%) and therefore would not require Development Plan Consent. Accordingly, whilst removal of the proposed verandahs would reduce site coverage, it would ultimately be inconsequential and therefore does not affect the merit of the subject application.

- b) The proposal exceeds the minimum POS requirement of 20%, at 31.9%, 20.8% and 23.5% for Dwellings 1 to 3 respectively. Additionally, the proposed dwellings achieve sufficient setbacks from boundaries. Accordingly, the excess in built form should not result in any significant impact on the function or amenity of the proposed dwellings nor that of adjacent land.
- c) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access and vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.
- d) 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 detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.

## Private open space dimensions (Dwelling 2)

Each dwelling should be provided with a minimum dimension of private open space of 5 x 5 metres. The minimum dimensions prescribed are not strictly satisfied by Dwelling 2. However, the dimensions provided are nonetheless considered to be usable for the likely needs of a two-bedroom dwelling, with the shortfall not resulting in meaningful impacts upon the amenity of functionality of the dwelling.

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## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains shortfalls in site coverage and POS dimension, assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves site areas. However, considerations within this report have demonstrated that proposed density is not necessarily inconsistent with that envisaged for the Policy Area.

When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the non-compliances are not of such severity to warrant refusal of the application.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1377 for a single-storey detached dwelling and a pair of single-storey semi-detached dwellings at 18 Russell Avenue, Seacombe Gardens, 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. 100/2016/1377, except when varied by the following conditions of consent.
2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

## 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. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, 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 7 December 2016

**Agenda Ref No:** DAP071216 – 2.4

**Originating Officer:** Nicholas Timotheou  
Development Officer - Planning

**Applicant:** Mr Derek Royans

**Development Description:** To construct a pair of semi-detached dwellings with associated garages and landscaping

**Site Location:** 28 Clifford Street, Ascot Park

**Zone:** Residential Zone

**Policy Area:** Northern Policy Area 13

**Application Type:** Category 1 / Consent

**Lodgement Date:** 16/09/2016

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/2016/1716

**Recommendation:** That Development Plan Consent be GRANTED subject to conditions

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## CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new 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
The design of the dwellings should be flipped to provide greater transition to buildings on adjacent land and to avoid removal of the Council street tree.	The design of the dwellings has been inverted and the proposed crossovers remain clear of street infrastructure.

The internal design of the dwellings should be reconsidered in order for the bathroom window to be relocated away from the primary street.	No changes made; however, the bathroom has been amended to incorporate a high level window.
A mixture of colours and materials should be provided to the front façade to provide greater articulation to the streetscape.	Front façade of the dwellings amended from exposed brick and rendered piers to the porch to include rendered facades, which vary in colour and feature exposed brick to the porch and garage piers.
Habitable room windows presenting to the primary street should be increased in size and be appropriately proportioned to reduce the bulk of the building.	Habitable rooms along the front facade have been amended from incorporating multiple slim vertical awning windows to large single horizontal awning windows.
The internal garage widths of each dwelling fail to satisfy the relevant Australian Standard and should be increased to a minimum 3.0 metres.	Internal garage widths increased to a minimum 3.0 metres.
Information Requested	Information Provided
Scaled application plans.	Provided.
A fully engineered site works and drainage plan.	Provided.
A landscaping plan.	Provided.
Sectional details of the party wall system.	Provided.
Schedule of proposed colours and materials.	Provided.

## SUBJECT LAND & LOCALITY

The subject land comprises 28 Clifford Street, Ascot Park. The allotment is rectangular in shape, achieving a frontage width of 15.24 metres, depth of 39.78 metres and a total site area of 606.2 square metres. The site currently accommodates a detached dwelling in relatively good condition. The dwelling is setback 7m from Clifford Street and achieves an approximate secondary street setback of 600mm to Linda Street. Vehicular access is currently available from Clifford Street, adjacent the western boundary of the allotment. The site also features a number of ancillary structures to the rear of the dwelling, including an outbuilding which gains access via Linda Street. The secondary street elevation features fencing which incorporates two roller doors, which vary in height. The contour of the land is relatively flat and there are no regulated trees on the subject or adjoining land.

The pattern of development in the locality is typically defined by single storey detached dwellings at low to low-medium densities; however, there is a minor presence of residential flat dwellings (7 Linda Street) and maisonette dwellings (15 Linda Street), which were built some time ago. There has been little recent development within the locality, albeit a single storey detached dwelling at 17 Linda Street, which is in the final stages of construction and was approved as a Complying form of development.

Linda Street features a variety in front setbacks along with a number of dwellings presenting their associated secondary street elevation to the street. Further, it is acknowledged that the rear of an existing electricity sub-station (16a Wood Street) is situated approximately 30 metres west of the subject land. Lastly, the Ascot Park Shopping Centre, which is within a Neighbourhood Centre Zone is situated a short distance from the subject land (approximately 170 metres to the west).

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes the construction of a two single storey semi-detached dwellings with associated garages and landscaping presenting to Linda Street.

Each dwelling is mirrored, incorporating two bedrooms, bathroom/laundry and open plan kitchen/living/meals area with direct access to the main area of private open space. The dwellings feature a single width garage. Lot 1 seeks to utilise an existing crossover, whereas Lot 2 seeks to gain access via a new crossover, setback 2.0 metres from the northern boundary.

The front façade of each dwelling incorporates a mixture of colours and materials, including two tones of render, exposed brick, panel lift doors, timber infills to the porch and Colorbond roofing.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Technical Design Officer:</b>	Council's Technical Design Officer has advised that as the crossover location associated with Lot 2 is to a local road, the access point is appropriate in this instance.
<b>Coordinator Arboriculture:</b>	<p>The mature street tree within the road reserve (along Linda Street) has been identified as a Queensland Box and is suitable for retention, a minimum tree protection zone of 2.5m is required.</p> <p>The recently planted trees have been identified as Ornamental Pears.</p>

## ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p><b>Objectives</b></p> <p>1 An attractive 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 and community transport routes and public open spaces.</p>



## Northern Policy Area 13

### Objectives

- 1 A policy area primarily comprising 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 minimises the impact of garaging of vehicles on the character of the locality.
- 4 Development densities that support the viability of community services and infrastructure.
- 5 Development that reflects good residential design principles.
- 6 Development that contributes to the desired character of the policy area.

### Desired Character

*This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).*

*The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.*

*The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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.*

*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, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.*

*Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.*

PDC 1	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> <li>▪ <i>affordable housing</i></li> <li>▪ <i>dwelling including a residential flat building</i></li> <li>▪ <i>supported accommodation.</i></li> </ul>	<b>Complies</b>
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<b>Complies</b>
PDC 3	<p><i>Minimum Site Area: 320 square metres</i></p>	<p><b>Does Not Comply</b>                      Lot 1: 303.1 square metres                      Lot 2: 303.1 square metres</p>
	<p><i>Minimum Frontage: 9 metres</i></p>	<p><b>Complies</b>                      Lot 1: 19.8m                      Lot 2: 19.8m</p>
	<p><i>Minimum Depth: 20 metres</i></p>	<p><b>Does Not Comply</b>                      Lot 1: 15.2m                      Lot 2: 15.2m</p>

## Assessment

The application proposes two dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by one. It is acknowledged that the Residential Zone and Northern Policy Area 13 encourages an increase in densities within close proximity to centre zones and public transport opportunities. The subject site is located a short distance to public transport options and the Ascot Park Shopping Centre along Marion Road, which is located within a Neighbourhood Centre Zone.

It is acknowledged that the depth of the allotment fails to meet the minimum 20 metres required and the site area falls 16.9 (5.3%) square metres short of the minimum 320 square metres for semi-detached dwellings in the Northern Policy Area 13. Despite the site area and dimensions failing to meet the minimum sought, it is acknowledged that this non-compliance with Council's Development Plan will not come at the expense of the dwellings' ability to function appropriately. It has been demonstrated that dwellings can function on the undersized allotments in terms of (but not limited to) site coverage, setbacks to boundaries, POS, access arrangements and design and appearance. It is also of value to note that the proposed frontage width exceeds the minimum sought in the Northern Policy Area 13 which allows for additional landscaping opportunities and therefore, in my opinion, the shortfall in site area and depth will not be apparent when viewed from the primary street.

The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and design to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and is considered to provide a positive contribution to the existing streetscape.

The dwellings shall contribute to the provision of a variety of dwelling types and accommodation needs in an area which encourages the redevelopment of the existing housing stock at low to low medium densities. The proposal is therefore considered to complement the applicable Objectives, Principles of Development Control and Desired Character statement of the Residential Zone and Northern Policy Area 13.

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## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><b><u>Site coverage:</u></b></p> <p><b>Complies</b></p> <p>Lot 1: 113.15m<sup>2</sup> (37.3%)</p> <p>Lot 2: 113.15m<sup>2</sup> (37.3%)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b></p>

<p>Site coverage should ensure sufficient space is provided for:</p> <ul style="list-style-type: none"> <li>(a) pedestrian and vehicle access and vehicle parking</li> <li>(b) domestic storage</li> <li>(c) outdoor clothes drying</li> <li>(d) rainwater tanks</li> <li>(e) private open space and landscaping</li> <li>(f) convenient storage of household waste and recycling receptacles.</li> </ul> <p>General Section: Residential Development: PDC 14</p>	<p><b>Complies</b></p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>	<p><b>Complies</b></p>						
<p><b>Private Open Space</b></p>							
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>	<p><b>Complies</b></p> <p>Lot 1: 84.63 (29.5%) Lot 2: 84.63 (29.5%)</p> <p>5 x 5 metre dimension of POS exceeded.</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Site area of dwelling</th> <th style="width: 15%;">Minimum area of POS</th> <th style="width: 70%;">Provisions</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">175 square metres or greater</td> <td style="vertical-align: top;">20 per cent of site area</td> <td style="vertical-align: top;">Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. 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. The remainder of the space should have a minimum dimension of 2.5 metres.</td> </tr> </tbody> </table>		Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of 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 and they have a minimum dimension of 2 metres. 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. The remainder of the space should have a minimum dimension of 2.5 metres.
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<p>Residential Zone: PDC 7</p>							
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <ul style="list-style-type: none"> <li>(a) to be accessed directly from the internal living rooms of the dwelling</li> <li>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</li> <li>(c) to be located to the side or rear of a dwelling and screened for privacy</li> <li>(d) to take advantage of, but not adversely affect, natural features of the site</li> <li>(e) to minimise overlooking from adjacent buildings</li> <li>(f) to achieve separation from bedroom windows on adjacent sites</li> <li>(g) to have a northerly aspect to provide for comfortable year round use</li> <li>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</li> <li>(i) to be partly shaded in summer</li> <li>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</li> <li>(k) 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.</li> </ul> <p>General Section: Residential Development: PDC 16</p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from the internal living rooms of the dwellings.</li> <li>b) All POS is located at ground level.</li> <li>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</li> <li>d) The subject land does not maintain natural features which warrant preservation.</li> <li>e) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>f) Adequate separation has been provided from bedrooms of dwellings on adjacent sites and standard fencing is considered to provide an appropriate level of privacy.</li> <li>g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</li> <li>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</li> <li>i) POS areas are capable of being shaded during summer.</li> <li>j) Traffic, industry or other business activities should not affect the subject land.</li> <li>k) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul>						

<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p><b>Complies</b></p>
<p><b>Building Setbacks from Road Boundaries</b></p>	
<p><i>Minimum setback from primary road frontage where no established streetscape exists: 5 metres in all other circumstances.</i></p> <p><i>Residential Zone: PDC 6</i></p> <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p><b>Does Not Comply</b></p> <p>A 5m setback applies in this instance as dwellings on adjacent land do not share the same primary street frontage.</p> <p>Lot 1: 3.3m, 4.5m and 5m Lot 2: 3.3m, 4.5m and 5m</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 it is acknowledged that the dwellings at 25 Clifford Street and 67 Beaconsfield Terrace present a reduced setback to Linda Street, serving as the secondary street. It is also acknowledged that the development at 17 Linda Street achieves a front setback equal to 3.0 metres, which steps to 5.5m.</p> <p>On balance, the dwellings are afforded with appropriate transition to the buildings on adjacent land and the landscaping combined with the 2.0m of separation from each side boundary is considered to assist in reducing the bulk of dwellings.</p> <p>The proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality and demonstrates compliance with PDC 21.</p>
<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Lot 2: 2.0 metres</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p><b>Side Setbacks</b></p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Lot 1: 2.0 metres</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The separation from the side boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight.</p>
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## Rear Setbacks

<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>Lot 1: 3m (33%) and 6m Lot 2: 3m (33%) and 6m</p>
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<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight.</p>
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## Building Height

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 4.3 metres, which is less than the maximum permitted in the Policy Area.</p>
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## Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas 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: PDC 10</i></p>	<p><b>Complies</b></p>
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<p><i>Garages, carports, verandas and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p><b>Complies</b></p>
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<b>Parameter</b>	<b>Value</b>	
Maximum floor area	60 square metres	<b>Complies</b>
Maximum wall or post height	3 metres	<b>Complies</b> 2.7m
Maximum height of finished floor level	0.3 metres	<b>Complies</b> 0.2m

<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></p>	<p><b>Complies</b></p> <p>Each garage is setback 5.5m and 2.2m behind the main façade of the associated dwelling.</p>
<p><i>Minimum setback from a secondary road frontage</i></p>	<p><i>0.9 metres or in-line with the associated dwelling (whichever is the lesser)</i></p>	<p><b>Complies</b> Lot 2: 2m</p>
<p><i>Minimum setback from a rear or side vehicle access way</i></p>	<p><i>1 metre</i></p>	<p><b>Complies</b> Lot 1: 2m</p>
<p><i>Maximum frontage width of garage or carport with an opening facing the street</i></p>	<p><i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i></p>	<p><b>Complies</b> Lot 1: 3m (15%) Lot 2: 3m (15%)</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> <i>(a) not adversely impact on the safety of road users</i> <i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<p><b>Complies</b></p> <p>Council's Technical Design Officer has confirmed the location of the garage associated with Lot 2 is appropriate. Therefore, the garage of each dwelling is not considered to adversely impact on the safety of road users and shall provide safe entry and exit.</p>
<p><b>Vehicle Parking</b></p>		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 34</i></p>		<p><b>Complies</b></p> <p>Each dwelling is provided with 2 on-site parking spaces, one of which is covered.</p>
<p><i>Detached Semi-detached Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i> <i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></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 (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>		<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. 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) 5 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><b>Complies</b></p> <p>5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22</p>

## Access

*The width of driveway crossovers serving single dwellings 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**

3m crossover provided per dwelling.

*Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).*

*General Section: Residential Development: PDC 40*

### **Complies**

The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure and clear of street trees.

*The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.*

*General Section: Transportation and Access: PDC 28*

### **Complies**

Vehicle access points are separated by a minimum distance of 6 metres.

## Design & Appearance

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

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

*General Section: Design & Appearance: PDC 1*

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

*General Section: Design & Appearance: PDC 3*

### **Complies**

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

- Mixture of brick and render on the front façade.
- Stepping of the main façade to provide transition to adjacent land.
- Eave overhang and pitched roof form at 22.5 degree.
- Fenestration.

The dwellings incorporate a 22.5 degree Colorbond roof in Monument, with rendered facades. The garage of each dwelling features "Surfmist" Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

*General Section: Residential Development: PDC 8*

*Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.*

*General Section: Residential Development: PDC 9*

### **Complies**

The front entrance point to each dwelling presents to the primary street, which incorporates a protruding porch and is therefore considered easily identifiable.

## Relationship to the Street and Public Realm

*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 13*

*Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.*

*General Section: Design & Appearance: PDC 14*

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

*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 16*

### Complies

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

The elevations of the dwellings feature a mixture of render and exposed brick, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.

## 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 otherwise specified in a zone, policy area or precinct, development should ensure that:*

- (a) north-facing windows to living 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 private open space of existing buildings receive 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 private open space*
  - (ii) 35 square metres of the existing ground level private open space*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.*

*General Section: Design & Appearance: PDC 10*

### Complies

Given appropriate setbacks have been achieved, overshadowing impacts to adjoining land is not considered to result in adverse impacts to adjacent properties; however, the following points are noted:

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

b) Any shadow cast to the south will be upon existing structures on adjoining land and not a main area of POS.

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. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

## Energy Efficiency

*Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:*

- (a) taking into account overshadowing from neighbouring buildings*
- (b) designing roof orientation and pitches to maximise exposure to direct sunlight.*

*General Section: Energy Efficiency: PDC 3*

### Complies

The dwellings incorporate a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.



*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:*

- (a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings*
- (b) so that open spaces associated with the main activity areas face north for exposure to winter sun.*

*General Section: Energy Efficiency: PDC 2*

**Complies**

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

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.

**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*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

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

*Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.*

*General Section: Landscaping, Fences & Walls: PDC 3*

**Complies**

The application plans propose landscaping to the front/rear yard of each dwelling and along the side paths. Further, landscaping will be provided to both sides of the driveways, which will soften the appearance of paving to the street and assist in achieving a cohesive streetscape.

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

The preceding assessment has demonstrated that the proposed development reflects the low to medium level of density that is envisaged within Northern Policy Area 13. The proposed development is also suitably located within walking distance to a nearby Neighbourhood Centre Zone and public transport links. As such, the subject land is considered to be an appropriate site for an increase in density, satisfying some of the locational attributes prescribed within Objective 2 of the Residential Zone. Further, the proposal is considered to reflect the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock and a greater diversity in dwelling types. The provision of two, two bedroom dwellings is also a positive outcome of the proposal, increasing the variety of dwelling types within the locality and catering for changing demographics.

Whilst the allotments are slightly undersized (5.9%) and fail to meet the minimum depth, the proposed development satisfies a majority of the provisions of Council's Development Plan, demonstrating that the site is able to accommodate a pair of semi-detached dwellings in the form proposed. In my view, the main non-compliance attributed with the site dimensions is the proposed front setbacks of the dwellings. When this failing is assessed and considered in relation to the associated impacts, it has been demonstrated that the dwellings will be able to function appropriately and the amenity of the locality will not be adversely affected.

It is acknowledged that the proposal fails to achieve other aspects of the quantitative provisions of Council's Development Plan. These shortfalls have been considered on balance with the overall compliance with the Development Plan and the merit of the proposal is considered to outweigh any discrepancies. Further, assessment of the qualitative criteria has demonstrated that the proposal achieves the anticipated design, layout and features sought for new residential development. Accordingly, the proposed development achieves a number of positive outcomes for future residents as well as the amenity and character of the locality.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1716 to construct a pair of semi-detached dwellings with associated garages and landscaping at 28 Clifford Street, Ascot Park be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1716, being drawing numbers 1 – 4 (inclusive) of Project No. 6042 prepared by Supreme Building Design, received by Council on 10 November, 17 November and 24 November 2016 (respectively) and the Civil Plan, Drawing No. TX-12088.00 C01, prepared by Triaxial Consulting, received by Council on 10 November 2016, except when varied by the following conditions of consent.
2. A revised Civil Plan shall be provided to Council prior to the issue of Development Approval, which ensures consistency with the approved Landscape plan prepared by Supreme Building Design in relation to the driveway and crossover widths.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

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

## 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. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, 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 7 December 2016

<b>Agenda Ref No:</b>	<b>DAP071216 – 2.5</b>
<b>Originating Officer:</b>	<b>Rhiannon Hardy Development Officer - Planning</b>
<b>Applicant:</b>	<b>Designtech Studio</b>
<b>Development Description:</b>	<b>To construct a single-storey detached dwelling to the rear of the existing dwelling, incorporating a garage wall on the southern boundary</b>
<b>Site Location:</b>	<b>2 Wolseley Terrace, Ascot Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>08/09/2016</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2016/1662</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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## CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(i)&(ii)) of the Development Regulations 2008, which assigns the construction of detached dwellings or single storey dwellings as Category 1 development. It is noted that the proposed boundary wall does not fall within Category 2 criteria in the Development Plan given that it maintains a height less than 3.0 metres above ground level and a length less than 8 metres.

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

## BACKGROUND

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

Amendments Requested	Amendments Made
The proposed dwelling (lot 102) fails to meet the rear setback requirement of 3 metres for no more than 50% of the width of the rear boundary/6 metres for the remainder of the rear setback.	Rear setback increased from 4.05 metres to 4.44 - 6.2 metres.
The proposed dwelling (lot 102) fails to meet private open space dimension requirement of providing a 5 metre by 5 metre dimension.	POS minimum dimension increased from 4.05 to 6.2 metres.
Dwellings should achieve a maximum site coverage of 40%.	Site coverage of the proposed dwelling decreased from 47.7% to 42.2%.
The proposed rear setback of the existing dwelling (lot 101) fails to meet 3 metres for no more than 50% of the width of the rear boundary/6 metres for the remainder of the rear setback.	No change
The existing dwelling (lot 101) fails to meet the required private open space dimension requirement of 5 metres by 5 metres.	No change

## SUBJECT LAND & LOCALITY

The subject land is located at 2 Wolseley Terrace, Ascot Park (Lot: 221 CT: 5302/634). The allotment is located on the corner of Wolseley Terrace and Robert Street, with a primary street frontage to Wolseley Terrace of 18.29 metres, and secondary street frontage to Robert Street of 39.62 metres. The site maintains an allotment area of 724.65 square metres.

The existing detached dwelling on the subject land was constructed circa 1940. A carport is located adjacent the western boundary, and a lean-to addition is located at the rear of the original dwelling. A shade cloth pergola, swimming pool and outbuilding are located to the rear of the dwelling.

The locality is residential in nature. Dwellings along Wolseley Terrace are generally representative of the original dwelling stock, however redevelopment is common in the wider locality. Redeveloped properties typically take the form of single storey dwellings in row, semi-detached or group dwelling format.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to retain the existing dwelling, and to construct a new detached dwelling at the rear of the allotment with a primary street frontage to Robert Street. The new dwelling features three bedrooms and single garage with access from Robert Street (utilising the existing vehicle crossover).

The carport on the western side of the existing dwelling is proposed to be retained, which provides access from Wolseley Terrace.

*Refer Attachment III*

## DEVELOPMENT ASSESSMENT

The provisions of the Marion Council Development Plan relevant to the proposed development are listed and discussed in the following table:

Development Plan provisions:

Assessment:

Residential Zone	
<p><b>Objectives</b></p> <p><i>1 An attractive 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 and community transport routes and public open spaces.</i></p>	<p><b>Complies</b></p> <p>The subject land is located approximately 200 metres from the Woodlands Park train station and approximately 110 metres from the Edwardstown Memorial Oval. Its close proximity to public transport and public open space warrants increased dwelling densities in accordance with Objective 2.</p>
Northern Policy Area 13	
<p><b>Objectives</b></p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>	<p><b>Complies</b></p> <p>The proposed allotment sizes are classified as low density.</p> <p>Garaging impact is appropriately minimised.</p> <p>The proposed dwelling is of a typical dwelling design, reflective of good residential design principles.</p>
<p><b>Desired Character</b></p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. 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>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, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>	<p><b>Generally Complies</b></p> <p>The proposed dwelling should contribute toward an attractive residential environment. The proposed site areas fall within the classification of low density, but still provide for densities greater than the original dwelling stock.</p> <p>The new dwelling provides a typical modern dwelling layout, which does not necessarily contribute to diversity in accommodation needs, but nevertheless appears to satisfy current market demand in the area.</p> <p>The architectural style of the dwelling incorporates traditional elements, such as a hipped roof form with eave overhang, which should provide for a cohesive design within the streetscape.</p> <p>The proposed development does not result in the removal of mature street trees in the road reserve.</p>

<p><b>Principles of Development Control</b></p> <p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b> Detached dwelling proposed</p>
<p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p><b>Complies</b></p>
<p>3 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:</p> <p>Minimum Site Area: 375 m<sup>2</sup></p> <p>Minimum Frontage: 12 metres</p> <p>Minimum Depth: 20 metres</p>	<p><b>Does Not Comply:</b> Proposed dwelling: 301.8 m<sup>2</sup></p> <p><b>Complies</b> Existing dwelling: 422.9 m<sup>2</sup></p> <p><b>Complies</b> Proposed dwelling: 16.5 metres Existing dwelling: 18.3 metres</p> <p><b>Does Not Comply:</b> Proposed dwelling: 18.3 metres</p> <p><b>Complies</b> Existing dwelling: 23.1 metres</p>
<b>Site Coverage</b>	
<p>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</p> <p>Northern Policy Area 13: PDC 4</p>	<p><u>Site coverage:</u></p> <p><b>Does Not Comply</b> Proposed dwelling: 127.4 m<sup>2</sup> = 42.2% Existing dwelling: 178 m<sup>2</sup> = 42.1%</p>
<p>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p> <p>Residential Zone: PDC 9</p>	<p><b>Complies</b> The slight excess in site coverage should not result in adverse impacts to the amenity of adjacent land, nor result in conflict with other Development Plan criteria.</p>
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>	<p><b>Complies</b> The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>



*Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.*

*General Section: Residential Development: PDC 15*

**Complies**

Proposed dwelling: 34.7% of the site (104.7 m<sup>2</sup>) comprises pervious garden areas

**Private Open Space**

*Dwellings should include POS that conforms to the requirements identified in the following table:*

<b>Site area of dwelling</b>	<b>Minimum area of POS</b>	<b>Provisions</b>
175 square metres or greater	20 per cent of 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 and they have a minimum dimension of 2 metres. 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. The remainder of the space should have a minimum dimension of 2.5 metres.

*Residential Zone: PDC 7*

**Complies**

Proposed dwelling: 93.3 m<sup>2</sup>, 30.9% of site area POS is directly accessible from living areas with minor gradient and minimum dimension of 6.2 metres.

**Partially complies**

Existing dwelling: 132 m<sup>2</sup>, 31.2% of site area 10.2% is located directly adjacent living areas with minor gradient, but a minimum dimension of 4.6 metres.

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

- (a) to be accessed directly from the internal living rooms of the dwelling*
- (b) to be generally at ground level (other than for dwellings without ground level internal living rooms)*
- (c) to be located to the side or rear of a dwelling and screened for privacy*
- (d) to take advantage of, but not adversely affect, natural features of the site*
- (e) to minimise overlooking from adjacent buildings*
- (f) to achieve separation from bedroom windows on adjacent sites*
- (g) to have a northerly aspect to provide for comfortable year round use*
- (h) to not be significantly shaded during winter by the associated dwelling or adjacent development*
- (i) to be partly shaded in summer*
- (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (k) 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 16*

*Private open space should not include:*

- (a) any area covered by a dwelling, carport, garage or outbuildings*
- (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas*
- (c) common areas such as parking areas and communal open spaces*
- (d) any area at ground level at the front of the dwelling (forward of the building line)*
- (e) any area at ground level with a dimension less than 2.5 metres*

*General Section: Residential Development: PDC 17*

**Complies**

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

**Partially complies**

- f) Although the southern portion of the existing dwelling's POS is located adjacent bedrooms of the proposed dwelling, the amenity impact should not be unreasonable due to adequate setbacks, the intervening fence, and the fact that the existing dwelling's living area and associated POS face west.
- g) The proposed POS areas maintain a western aspect, which should provide sufficient access to winter sunlight in afternoon hours.

A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.

General Section: Residential Development: PDC 22

**Complies**

Existing dwelling: 19 m<sup>2</sup> existing verandah = 85.6% of POS remains open to sky

**Building Setbacks from Road Boundaries**

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 21

**Complies**

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 4.0 metres 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 adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

**Complies**

Proposed dwelling: 4.0 metres  
 (Dwellings on adjoining land set back approximately 4 and 5 metres, therefore a minimum setback of 4 metres is anticipated)

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

General Section: Residential Development: PDC 37

**Complies**

Habitable rooms are adequately separated from pedestrian and vehicle movement.

**Side Setbacks**

Minimum setback from side boundaries:

Where the wall height is not greater than 3 metres:  
 0.9 metres

Residential Zone: PDC 6

**Complies**

Proposed dwelling: 0.98 m

Maximum length and height when wall is located on side boundary:  
 (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height

Residential Zone: PDC 6

**Complies**

Proposed dwelling: 6.6 metres length, 3.0 metres in height

**Rear Setbacks**

Minimum setback from rear boundary:  
 (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary

Residential Zone: PDC 6

**Complies**

Proposed dwelling: 4.4 metres for 24.8% of the lot width, and 6.2 metres thereafter

**Partially Complies**

Existing dwelling: 3.1 metres for 53.6% of the allotment width

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>Although the rear setback of the existing dwelling does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered to be compatible with other developments in the locality (in particular, the subdivision directly north of the subject land), and therefore should maintain the character of the locality in relation to patterns of space.</p>	
<b>Building Height</b>		
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>The proposed dwelling incorporates a maximum building height of 5.0 metres.</p>	
<b>Garages, Carports, Verandas and Outbuildings</b>		
<p><i>Garages, carports, verandas 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: PDC 10</i></p>	<p><b>Complies</b></p> <p>Proposed dwelling: Dwelling is incorporated under the main roof of the associated dwelling.</p>	
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
<p><b>Parameter</b></p>	<p><b>Value</b></p>	
<p><i>Maximum floor area</i></p>	<p><i>60 square metres</i></p>	<p><b>Complies</b></p>
<p><i>Maximum wall or post height</i></p>	<p><i>3 metres</i></p>	<p><b>Complies</b></p>
<p><i>Maximum building height</i></p>	<p><i>5 metres</i></p>	<p><b>Complies</b></p>
<p><i>Maximum height of finished floor level</i></p>	<p><i>0.3 metres</i></p>	<p><b>Complies</b></p>
<p><i>Minimum setback from a primary road frontage</i></p>	<p><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street.</i></p>	<p><b>Complies</b></p> <p>5.5 metres and 1.4 metres behind the main face</p>
<p><i>Maximum length on the boundary</i></p>	<p><i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i></p>	<p><b>Complies</b></p> <p>6.55 metres or 35.8% of the boundary</p>
<p><i>Maximum frontage width of garage or carport with an opening facing the street</i></p>	<p><i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i></p>	<p><b>Complies</b></p> <p>3.25 garage width = 19.7% of frontage width</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 13</i></p>	<p><b>Complies</b></p>	

## Vehicle Parking

*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.*

*General Section: Transportation & Access: PDC 34*

*Detached  
Semi-detached  
Row*

*2 per dwelling containing up to 3 bedrooms one of which is to be covered.  
3 per dwelling containing 4 or more bedrooms one of which is to be covered.*

*Table Mar/2 - Off-street Vehicle Parking Requirements.*

### Complies

Proposed dwelling: 3-bedroom dwelling with 2 on-site car parking spaces, 1 of which is covered  
Existing dwelling: 3-bedroom dwelling with 2 on-site car parking spaces, 1 of which is covered

*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 (e.g. 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 34.  
b) Public transport (train) is located within walking distance of the dwellings  
c) The likely occupants are anticipated to have standard mobility and transport requirements.  
d) e) Approximately 7 on-street car parking spaces should remain available adjacent the subject land. There will be no loss of on-street parking arising as a result of the development, as the proposed dwelling shall utilise the existing driveway crossover.

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

*General Section: Land Division: PDC 22*

### Complies

Approximately 7 on-street car parking spaces are provided for the subject 2 allotments, which satisfies PDC 22.

## Access

*The width of driveway crossovers serving single dwellings 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*

Existing crossovers maintained

*Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).*

*General Section: Residential Development: PDC 40*

Existing crossovers maintained

## 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*

### Complies

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

- Brick facades

*(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*

- Protruding portico
- Eave overhang of 500mm
- Pitched roof form at 25-degree slope
- Fenestration

Details of colours/finishes have not been provided, however the provision of a colour schedule is recommended as a condition of consent.

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

## Relationship to the Street and Public Realm

*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 13*

*Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.*

*General Section: Design & Appearance: PDC 14*

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

*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 16*

### **Complies**

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

## 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:  
(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings  
(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.*

*General Section: Energy Efficiency: PDC 2*

### **Complies**

The main activity areas of the dwellings are oriented west, which should receive winter sunlight in afternoon hours.

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

*Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:*  
*(a) taking into account overshadowing from neighbouring buildings*  
*(b) designing roof orientation and pitches to maximise exposure to direct sunlight.*

*General Section: Energy Efficiency: PDC 3*

**Complies**

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

## ANALYSIS/CONCLUSION

The proposed development satisfies a number of applicable Development Plan criteria, however the above table has highlighted several shortfalls, including:

- Site area of the proposed dwelling's allotment (302 m<sup>2</sup> where 375 m<sup>2</sup> applies);
- Depth of the proposed dwelling's allotment (18.3 metres where 20 metres applies); and
- Minimum dimension of POS for the existing dwelling (4.6 metres where 5.0 metres applies).

The shortfalls in the area and depth of the proposed allotment are not considered to jeopardise the suitability of the allotment for its intended use, as the proposed detached dwelling demonstrates that the allotment dimensions can accommodate a dwelling with sufficient setbacks from boundaries and ample private open space. Further, given that the allotment has sufficient frontage width of 16.5 metres, the undersized nature of the allotment should not be readily visible from the streetscape, and therefore should not impair the character of the locality. This is further demonstrated by the fact that allotments of around 300 square metres or less are common in the locality.

The POS of the existing dwelling exceeds the minimum area requirements, but provides a minimum dimension of 4.6 metres; 0.4 metres less than that desired by the Development Plan. While the dimension of the POS is not ideal, this relatively minor shortfall is not considered to outweigh the merits of the application.

Minor excesses in site coverage and the width of the proposed dwelling (as it relates to rear setback criteria) are considered inconsequential, and do not detract from the merit of the proposal.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1662 to construct a single-storey detached dwelling to the rear of the existing dwelling, incorporating a garage wall on the southern boundary, at 2 Wolseley Terrace, Ascot Park, be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1662, except when varied by the following conditions of consent.
2. A schedule of proposed colours/materials/finishes to be used on the external elements of the proposed dwelling shall be provided to Council for consideration and approval, prior to Development Approval being issued.
3. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
4. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, 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: Locality Plan*  
*Attachment III: Proposal Plan and supporting documentation*



DEVELOPMENT ASSESSMENT PANEL  
Wednesday 7 December 2016

<b>Agenda Ref No:</b>	<b>DAP071216 – 2.6</b>
<b>Originating Officer:</b>	<b>Rhiannon Hardy Development Officer - Planning</b>
<b>Applicant:</b>	<b>Regent Homes SA Pty Ltd</b>
<b>Development Description:</b>	<b>To install roof-mounted air conditioning units</b>
<b>Site Location:</b>	<b>29, 29A, 29B, 29C, 29D and 29E Trott Grove, Oaklands Park</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Medium Density Policy Area 12</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>07/09/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1611</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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#### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 Part 1 – 2(g) of the *Development Regulations 2008*, as it is deemed to be a kind of development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. This decision was not made lightly – whether the impact of the air conditioning units is “minor in nature” is finely balanced. When making this decision, regard has been had to the commonality of locating domestic infrastructure on dwelling roofs, such as air conditioning units (albeit, typically evaporative units), satellites, antennae, solar cells, etc. Regard has also been had to the acoustic impacts of the proposed units, which is discussed in further detail in this report.

The City of Marion’s *Schedule of Delegations and Sub-Delegations* do not require the subject application to be considered by the Development Assessment Panel (the Panel). However, the Manager of Development & Regulatory Services has elected for the subject application to be determined by the Panel in this instance given that:

- a) Council has not dealt with many applications similar to that proposed;
- b) There is a lack of clear criteria in the Development Plan relating to the siting of air conditioning units on residential buildings;
- c) The outcome of this application may guide future decisions;
- d) The original dwelling application was determined by the Panel; and
- e) The application is retrospective and relates to a compliance issue.

## BACKGROUND

The subject dwellings were granted Development Plan Consent by Council's Development Assessment Panel on 18 June 2014. Construction was completed on or about June 2015.

In July 2015, Council staff received a complaint regarding the roof-mounted air conditioning units (the units). Following inspection by Council's Compliance Officer, Council advised the property owners that the units on the 6 subject dwellings had been unlawfully installed, and invited the developer to lodge a Development Application to seek retrospective consent.

The developer/applicant lodged the subject application in September 2015. Shortly thereafter, Council staff requested that the units on the single storey dwellings were relocated to the ground or wall of the associated dwellings in order to minimise visual and acoustic impacts.

In November 2015, the applicant requested that they be able to negotiate a suitable outcome with the affected neighbour due to difficulties in arranging relocation of the units. Council advised that this was not an appropriate outcome, and instead requested further information to process the application, re-iterating that the units on the single storey dwellings should be relocated.

In May 2016, the applicant advised Council that, after lengthy communications, the property owner at 29C Trott Grove would not allow relocation of their unit. Having ruled out relocation, Council requested further information regarding the noise impacts of the air conditioning units. The applicant sought to obtain acoustic testing between June and October 2016, however the testing could not be undertaken at the receivers' premises due to unavailability of access. In lieu of acoustic readings at the receiver's premises, the applicant has provided acoustic testing immediately adjacent the unit at 29C Trott Grove.

## SUBJECT LAND & LOCALITY

The subject land comprises six (6) allotments known as 29, 29A, 29B, 29C (lots 804-807) and 29D and 29E (lots 902-903) Trott Grove, Oaklands Park.

29D and 29E Trott Grove accommodate two-storey row dwellings, while the remaining properties accommodate single storey dwellings.

The locality comprises a mixture of dwelling types and densities, with a combination of existing housing stock at low densities and redeveloped properties at low-to-medium densities. Redeveloped properties take the form of a range of dwellings types including row dwellings, semi-detached dwellings and group/residential flat building developments.

Air conditioning units sited upon roofs of dwellings are common in the locality, but typically take the form of evaporative units (not the inverter/split-system units proposed in the subject application). Roof-mounted evaporative units are evident within the locality at 19 and 19A Trott Grove, 24, 25, 30, 30A and 32 Pemberton Street, 8 and 11 Exmoor Avenue and 10A Renfrey Street. Many dwellings also feature roof-mounted infrastructure such as solar panels, photovoltaic hot water systems, chimneys and satellite dishes.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application seeks retrospective consent to install 6 air conditioning units on the roofs of the 6 subject dwellings.

The other row dwellings in the development (31 Trott Grove) has its air conditioning unit located on the ground, and therefore does not require development authorisation.

*Refer Attachment III*

## DEVELOPMENT ASSESSMENT

The objectives, desired character and principles of development control of the Marion Council Development Plan relevant to the proposed development are listed and assessed in the following table:

Provisions:

Assessment:

Residential Zone	
<p><b>Principles of Development Control</b></p> <p><i>1 The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ domestic outbuilding in association with a dwelling</li> <li>▪ domestic structure</li> <li>▪ dwelling</li> <li>▪ dwelling addition</li> <li>▪ small scale non-residential uses that serve the local community, for example:               <ul style="list-style-type: none"> <li>- child care facilities</li> <li>- health and welfare services</li> <li>- open space</li> <li>- primary and secondary schools</li> <li>- recreation areas</li> <li>- shops, offices or consulting rooms</li> </ul> </li> <li>▪ supported accommodation.</li> </ul>	<p><b>Complies</b></p> <p>The application proposes air conditioning units for residential dwellings, which is considered a “domestic structure”, as envisaged by PDC 1.</p>
<p><i>7 Maximum building height (from natural ground level):</i></p> <p>(i) 2 storeys of not more than 9 metres</p> <p>(ii) 2 storeys plus attic of not more than 10 metres</p>	<p><b>Complies</b></p> <p>The air conditioning units of the single-storey dwellings are sited approximately 4.05 metres above ground level, which is below the dwellings’ building height of 4.9 metres (29C) and 5.05 metres (29, 29A, 29B).</p> <p>The air conditioning units of the two-storey dwellings are sited approximately 4.95 metres above ground level, which is well below the dwellings’ maximum building height of 7.6 metres.</p>
Medium Density Policy Area 12	
<p><b>Objectives</b></p> <p><i>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.</i></p> <p><i>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</i></p> <p><i>4 Development that contributes to the desired character of the policy area.</i></p>	<p><b>Partially Complies</b></p> <p>The application maintains the authorised use of the land for medium density dwellings. However, the proposed air conditioning units are not considered to represent “good residential design principles”, as ideally the units would be screened and/or integrated into the design of the dwellings.</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....*

**Partially Complies**

The proposed air conditioning units are not readily visible from the streetscape, and therefore do not affect the “attractive residential environment” presented to the locality.  
The units, however, do project above the profile of the roofs of the single storey dwellings as viewed from neighbouring properties. The additional height could be seen to impact on the amenity of neighbouring development, however the unit is such a small element of the roof form that it is not considered to contribute to the building’s “bulk”.

**General Section: Design & Appearance**

**Principles of Development Control**

*4 Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.*

**Partially Complies**

The proposed air conditioning units are not screened from view and do not form part of the building design (see photos in *Attachment IV*).

The units of the two-storey dwellings at 29D and 29E Trott Grove are considered to have acceptable visual impact given that they are sited adjacent the upper storey wall, and therefore are not silhouetted above the profile of the associated dwelling. However, the units on the single-storey dwellings are visually prominent when viewed from adjoining land due to their location above the roof profile.

Screening the units upon the single-storey dwellings was considered as part of the development assessment process, however screening was considered likely to increase the bulk of the buildings, and therefore was unlikely to assist in minimising the visual impact of the proposed units.

As a compromise, the applicant has offered to paint the galvanised support frames and the units themselves in “Slate Grey” in order to match the roof colour of the dwellings. If the units are painted, it is accepted that the units would complement the building design in relation to external finishes and colours. If the Panel resolves to grant consent to the proposed units, recommended condition 2 stipulates that this painting shall occur within 2 months of Development Approval being granted.

**General Section: Interface Between Land Uses**

**Objectives**

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

**Generally Complies**

Although the proposed units are not designed and sited to minimise adverse impacts between land uses with respect to visual impact, the units do not cause interference through any of the sources contemplated by PDC 1 (below). As such, the overall health and amenity impacts are considered acceptable with reference to the relevant Principles of Development Control of “Interface Between Land Uses”.

The use of the land remains for residential purposes, and therefore the units do not represent “incompatible development” with the Policy Area’s desired land uses.

<p><b>Principles of Development Control</b></p> <p><i>1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p>	<p><b>Complies</b></p> <p>The proposed units are typical for residential dwellings, and should not emit airborne pollutants.</p> <p>Noise impacts are discussed below.</p> <p>The potential for vibration is considered to be minor.</p> <p>Items (d) through (h) are not relevant to the proposed units.</p>
<p><i>2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p>	<p><b>Partially Complies</b></p> <p>The air conditioning units do not cause any of the impacts described in PDC 1.</p> <p>Residential development is desired in the locality, which represents the existing and potential future land uses in the locality. The proposed units are of a size and nature typical of residential air conditioners. It is, however, noted that the units are located on the roofs of the dwellings, which is not a typical location for inverter/split-system units, but is typical for evaporative units.</p>
<p><i>7 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><b>Complies</b></p> <p>The Environment Protection (Noise) Policy stipulates that the noise level of a fixed domestic machine should not be greater than 45 dB(A) at any time when measured at the receiver's premises. The Environment Protection Authority (EPA) have clarified that the place for measurement is not at the boundary of the receivers' premises, but in a place within the receivers' premises that is located closest to the noise source where you would reasonably expect the neighbours to utilise (i.e. a pergola area).</p> <p>The applicant sought to undertake acoustic testing for the unit located at 29C Trott Grove. However, the applicant was unable to gain access to the receivers' premises at 31A Trott Grove. Instead, the applicant's acoustic engineer took a measurement 1 metre from the unit when running at full capacity. The unit measured 49 dB(A) at 1 metre from the unit. The unit is located approximately 2.4 metres from the boundary, and approximately 4.6 metres from the edge of the neighbour's pergola area.</p> <p>The acoustic engineer observed that <i>"with sound reducing over distance and whilst then standing at the fence line, one could only hear a minor hum of the unit, and I questioned whether the unit was still running, which it was. Using the EPA standard, where the reading should be measured at the receiver's premises, one can only assume the sound emittance is negligible if it can be heard at all. My experience suggests it would be far less than 45 DBA as suggested in the EPA Noise report."</i></p> <p>Council staff have contacted the EPA, who advised that, generally, the source noise drops by 3 dB(A) as the distance from the noise source doubles, so if it were</p>

	<p>49 dB(A) at 1 metre from the unit, it would be 46 dB(A) at 2 metres away (approximately at the fenceline) and 43 dB(A) at 4 metres away (approximately at the neighbour's pergola area).</p> <p>Given that the remaining units are located a greater distance from the boundaries than 29C Trott Grove, it is accepted that the noise impacts of all units would likely comply with the Environment Protection (Noise) Policy and PDC 7. As such, the noise impacts are considered acceptable.</p>
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**General Section: Orderly and Sustainable Development**

<p><b>Objectives</b></p> <p><i>1 Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.</i></p> <p><i>3 Development that does not jeopardise the continuance of adjoining authorised land uses.</i></p> <p><i>4 Development that does not prejudice the achievement of the provisions of the Development Plan.</i></p> <p><b>Principles of Development Control</b></p> <p><i>1 Development should not prejudice the development of a zone for its intended purpose.</i></p>	<p><b>Partially Complies</b></p> <p>The proposed units do not particularly contribute toward a safe, convenient and pleasant environment in which to live because they are prominently visible from adjoining residential properties. However, they fundamentally relate the land's use for residential purposes, and therefore do not jeopardise the continuance of authorised land uses.</p> <p>The units are not considered to prejudice the underlying provisions of the Development Plan, as the use of the land remains for residential purposes, and the air conditioning units are of a size typical of residential dwellings.</p>
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**General Section: Residential Development**

<p><b>Objectives</b></p> <p><i>1 Safe, convenient, sustainable and healthy living environments that meet the full range of needs and preferences of a diverse community.</i></p> <p><b>Principles of Development Control</b></p> <p><i>28 Noise generated by fixed noise sources such as air conditioning units and pool pumps should be located, designed and attenuated to avoid nuisance to adjoining landowners and occupiers.</i></p> <p><i>29 External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p>	<p><b>Partially Complies</b></p> <p>The air conditioning units do not specifically offend Objective 1 for residential development of safety, convenience, sustainability and healthy living environments.</p> <p>However, PDC 28 specifies that air conditioning units should be "<i>located, designed and attenuated to avoid nuisance to adjoining landowners and occupiers.</i>" In this case, the units are not located to avoid nuisance, as they are elevated on support frames and face adjoining properties. They are also not designed to minimise nuisance, as their location on support frames upon the roofs of the dwellings emphasises visual dominance. The units are not attenuated to minimise noise, but, as discussed above, the noise impact of the air conditioning units is acceptable with regard to the Environment Protection (Noise) Policy, and therefore arguably attenuation it is not required. As such, the units do not wholly comply with PDC 28.</p> <p>The units are not located in proximity to bedrooms on adjacent land, and therefore comply with PDC 29.</p>
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**ANALYSIS/CONCLUSION**

The proposed air conditioning units reasonably comply with a majority of applicable criteria in the Marion Council Development Plan. Although not specified as an envisaged form of development in the Residential Zone or Medium Density Policy Area 12, they are of a size and standard which is expected for residential development. The issues relate to the units' location on the roofs of the single storey dwellings, as these units are elevated above the roof profile and face toward the private open space areas of adjacent land. The amenity issues are two-fold: noise and visual impact.

The acoustic testing undertaken by an acoustic engineer has indicated that the noise impacts satisfy the Environment (Protection) Noise Policy, and therefore the proposal is considered to reasonably satisfy the relevant provisions of the Development Plan which relate to noise impacts.

The remaining issue relates to visual impact. The proposal fails to satisfy PDC 4 of the General Section: Design and Appearance, which states that:

*“Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.”*

The subject air conditioning units are not screened from view, and are readily visible from the private open spaces of adjoining properties. The applicant has offered to improve the units' integration with the building design by painting the galvanised frames and the units themselves to match the roofs of the associated dwelling. As such, if the Panel resolved to grant consent to the proposal, the units could be made to complement the building design with relation to colour and external finishes, but ultimately the shaping does not complement the roof forms (see photos in *Attachment IV*).

It is noted that Schedule 3 of the Development Regulations allows the following forms of common residential infrastructure to be installed without requiring Development Plan Consent:

- *a windmill or a flagpole which is attached to a building and is not more than 4 metres in height above the topmost point of attachment to the building, exclusive of guy wires;*
- *an individual air handling unit mounted on a wall, window or domestic floor*
- *prescribed infrastructure (a non-load-bearing aerial, antenna, mast or open-framed tower, or other similar structure) if the total height of the prescribed infrastructure (taking into account attachments), will not exceed 2 metres when attached to a building.*
- *in the case of prescribed infrastructure that is or incorporates, or has as an attachment, a microwave, satellite or other form of communications dish—the diameter of the dish will not exceed—*
  - (i) in a residential zone—1.2 metres*
  - (ii) in any other case—2.6 metres*

These anticipated forms of residential infrastructure are often unscreened and visible from adjoining properties, and therefore it is reasonable to expect certain infrastructure on roofs of residential dwellings. The size and height of this anticipated roof-mounted infrastructure is not dissimilar to the size and height of the proposed units on the single storey dwellings, which have a height of approximately 1.2 metres above the roof and a width of 0.95 metres.

It is also noted that evaporative air conditioners are commonly installed on the roofs of dwellings in residential areas across metropolitan Adelaide. In the subject locality, roof-mounted evaporative units exist at 19 and 19A Trott Grove, 24, 25, 30, 30A and 32 Pemberton Street, 8 and 11 Exmoor Avenue and 10A Renfrey Street. The height and siting of the proposed air conditioning units is not dissimilar to that of evaporative units. Yet, in this particular case, the units on the single-storey dwellings do appear somewhat incongruous due to their inverter type.

The appropriateness of roof-mounted inverter air conditioning units has been considered in the case of *Blazon Construction Pty Ltd v City of Holdfast Bay* in the Environment, Resources and Development Court [2010] SAERDC 7. In this case, the air conditioning units were located on the roofs of 9 new dwellings, directly visible from the private open spaces and living areas of existing residential properties to the south (see Figure 1 below).



**Figure 1. Roof-mounted air conditioning units approved at 3 Barwell Avenue, Seacliff**

Unlike the subject application, these units incorporated an “acoustic screen” forward of each unit to minimise noise impacts in accordance with the EP (Noise) Policy – this provided a maximum noise level of 40 dB(A).

Commissioner Mosel made the following relevant observations:

*“... I do not think it is disputed that the installation of an air-conditioning unit is generally regarded as a reasonable expectation, if not a necessity, for a dwelling. To that limited extent, there is no dispute that the proposal as a whole is not inconsistent with the broad policy intent for dwellings in the [Residential] Zone.”*

*“When assessed against the provisions relevant to this question, the proposal cannot escape criticism. The acoustic screens would increase the apparent bulk of the southern building and would, from certain vantage points, be viewed as intrusions into far distant views. To that extent, I do not consider that the proposal enhances the visual amenity (Objective 31). However, those considerations are to be weighed against the nature and character of the existing visual environment, the generous setback distances of each screen from the southern wall of each dwelling and the southern boundary (Principle 94 refers), and the features of the proposal (materials and colour) that are complementary to the existing building (Principle 78 and the DFC refers). In all, I consider that the impact on the visual amenity of the acoustic screens is not unreasonable. This conclusion, together with the evidence of Mr Turnbull to the effect that the screens will reduce the noise emissions to a level that is almost inaudible, are factors which weigh in favour of the appellant’s case.”*

In that case, the air conditioning units were granted consent.

In the case of the subject application, the visual impact differs given that:

- a) Acoustic screens are not provided (but are not necessary to satisfy the Noise Policy). In this case, the introduction of screening is considered unlikely to improve visual impact given that it would further exacerbate the visual bulk of the units, and is not required for acoustic purposes.
- b) The units are located closer to the site boundaries – 2.4 metres from the southern boundary and 4.0 metres from the northern boundary, whereas those at 3 Barwell Ave were located approximately 6 metres from their southern boundary.



On the other hand, it could also be argued that the visual impact is lesser in this instance because the position of the units is more isolated (not visible together when viewed from one vantage point) and do not interfere with ocean vistas or attractive views enjoyed from habitable areas.

Evidently, the merits of the proposal are finely balanced. However, on balance, it is acknowledged that the proposal satisfies a majority of applicable provisions of the Development Plan.

As demonstrated in the above table, most applicable criteria related to fixed noise sources and equipment relate to noise impacts. Although visual impact is also important, the visual impact is not dissimilar in terms of height and bulk to other common roof-mounted equipment. If the noise impacts of the proposed units did not satisfy the Noise Policy, the merits of the proposal may be outweighed. However, as it stands, having regard to all relevant provisions of the Development Plan, and having regard to other types of roof-mounted infrastructure in the locality, it is my view that the proposed units do not cause such unreasonable impacts to warrant refusal.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1611 to install roof-mounted air conditioning units at 29, 29A, 29B, 29C, 29D and 29E Trott Grove, Oaklands Park, be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1611, including plans received by Council on 25 November 2016 prepared by Regent Homes, and correspondence from Mr Simon Kither dated 17 November 2016 and 10 August 2016, except when varied by the following conditions of consent.
2. The air conditioning units and galvanised support frames located on the dwellings at 29, 29A, 29B and 29C Trott Grove, Oaklands Park, shall be painted in "Slate Grey" or similar to match the roof of the associated dwelling, to the reasonable satisfaction of the Council, within 2 months of the date of Development Approval.
3. The units shall not exceed the maximum noise levels prescribed by the Environment Protection (Noise) Policy. Further information is available by phoning the Environment Protection Authority on 8204 2000.

## Attachments

- Attachment I: Certificate of Title*  
*Attachment II: Aerial Photograph*  
*Attachment III: Proposal Plan and supporting documentation*  
*Attachment IV: Photos*

## DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 December 2016

**Agenda Ref No:** DAP071216 – 2.7

**Originating Officer:** Kristen Sheffield  
Development Officer - Planning

**Applicant:** Mr Shane Gregory Rusby

**Development Description:** Application to vary Development Application 100/441/2015 (A two storey building comprising four dwellings incorporating a garage wall on the western boundary, with associated car parking and landscaping): to increase the upper floor area of House 2, 3 and 4 to provide an upper level family room to these dwellings, as well as alterations to the roof form and materials of the building.

**Site Location:** 26 Johnstone Road, Oaklands Park

**Zone:** Residential Zone

**Policy Area:** Medium Density Policy Area 12

**Application Type:** Category 1 / Consent

**Lodgement Date:** 19/09/2016

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/1732/2016

**Recommendation:** That Development Plan Consent be **GRANTED**  
subject to conditions

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### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(g) of the Development Regulations 2008, which assigns development that is of a minor nature only, and that will not unreasonably impact on adjacent land, as Category 1 development.

The subject application is required to be determined by the Development Assessment Panel (DAP) given that, in staff's view, the proposed increase in floor area and alterations to the external design of the dwellings may compromise or undermine the Panel's previous decision.

### BACKGROUND

The original application was considered and granted Development Plan Consent by the Development Assessment Panel on 1 July 2015. The application was a Category 2 / Consent form of development, but did not receive any representations during the public notification period. The application was delegated to the DAP given that it proposed undersized allotments.

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

Amendments Requested	Amendments Made
The overall bulk and scale of the dwellings warrants revision. The parapet wall/height of the dwellings should be reduced, whilst the materials proposed should include horizontal (instead of vertical) elements.	Height of the parapets/dwellings unchanged. Vertical wall cladding altered to horizontal 'Linea' cladding (as proposed within the previous application).
Upper level windows not facing the primary or secondary street frontages should be fixed and obscured to at least 1.7 metres above the upper floor level.	Upper level windows obscured to 1.7 metres above the upper floor level.

## SUBJECT LAND & LOCALITY

The subject site is located at 26 Johnstone Road, Oaklands Park. The land comprises a corner allotment, of irregular shape, with an eastern primary street frontage to Johnstone Road of 19.81 metres, a northern secondary street frontage to Dwyer Road of 25.78 metres, and a total site area of 806 square metres.

The subject land previously accommodated a single-storey detached dwelling with vehicular access to a freestanding garage from Dwyer Road. Several trees were also located on the subject land, none of which were classified as regulated pursuant to the current legislation. The dwelling and all associated structures have recently been demolished and the site cleared of all vegetation, as per approved demolition application 100/262/2016. Laying of the slab and construction of the framing of the previously approved dwellings has commenced.

The locality comprises a mixture of dwelling types including original detached dwellings on large allotments; detached, semi-detached, group and row dwellings on smaller redeveloped allotments; and older established units and row dwellings further to the west of the site. A small group of shops within a Local Centre Zone is located on the opposite north-eastern corner, however, the locality is predominantly residential. The site is located approximately 650m away from both the Westfield Marion Shopping Centre and the Oaklands Railway Station.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The application proposes to increase the upper floor area by an additional 13 square metres for House 2 and 3, and 15 square metres for House 4, through the alteration of previous 'void' areas to a family room. In addition, the proposal incorporates alterations to the roof form (from individual pitched roofs to a parapet design) as well as changes to the external materials of the building.

*Refer Attachment III*

## 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

### Objectives

- 1 An attractive 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 and community transport routes and public open spaces.

## Medium Density Policy Area 12

### Objectives

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

### Desired Character

This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage 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 are appropriate where located centrally within a large site.

Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure 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. Development should not result in the 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, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 6	Minimum Site Area:	<p><b>Does Not Comply</b>            House 1: 194m<sup>2</sup>            House 2: 179m<sup>2</sup>            House 3: 183m<sup>2</sup></p> <p><b>Complies</b>            House 4: 250m<sup>2</sup></p>

## Assessment

The proposed variation application remains compliant with a majority of Objectives and the Desired Character of the Medium Density Policy Area 12, as the development will still achieve redevelopment of under-utilised land, increased dwelling densities and more efficient use of land.

The Desired Character seeks for dwellings of a variety of architectural styles. The proposed variation provides a more contemporary design and appearance aesthetic contributing to further variety in housing style within the locality.

The subject variation application does not propose to alter the site areas.

## 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>Dwellings should be designed to have a site coverage and floor area ratio within the following parameters:</i></p> <table border="1"> <thead> <tr> <th>Site area</th> <th>Maximum Site Coverage</th> <th>Maximum Floor Area Ratio</th> </tr> </thead> <tbody> <tr> <td>250 - 325 m<sup>2</sup></td> <td>130 m<sup>2</sup></td> <td>0.6</td> </tr> <tr> <td>&lt; 250 m<sup>2</sup></td> <td>100 m<sup>2</sup></td> <td>0.7</td> </tr> </tbody> </table> <p><b>100m<sup>2</sup> and 0.7 applies for House 1, 2 and 3.</b>  <b>130m<sup>2</sup> and 0.6 applies for House 4.</b></p> <p><i>Medium Density Policy Area 12: PDC 7</i></p>			Site area	Maximum Site Coverage	Maximum Floor Area Ratio	250 - 325 m <sup>2</sup>	130 m <sup>2</sup>	0.6	< 250 m <sup>2</sup>	100 m <sup>2</sup>	0.7	<p><b>Site coverage:</b></p> <p><b>Unchanged</b>            House 1: 101.3m<sup>2</sup>            House 2: 101.3m<sup>2</sup>            House 3: 101.4m<sup>2</sup>            House 4: 127.3m<sup>2</sup></p> <p><b>Floor area ratio:</b></p> <p><b>Unchanged</b>            House 1: 0.72</p> <p><b>Does Not Comply</b>            House 2: 0.79 (previously 0.76)            House 3: 0.78 (previously 0.75)            House 4: 0.63 (previously 0.6)</p>
Site area	Maximum Site Coverage	Maximum Floor Area Ratio										
250 - 325 m <sup>2</sup>	130 m <sup>2</sup>	0.6										
< 250 m <sup>2</sup>	100 m <sup>2</sup>	0.7										
Building Height												
<p><i>Maximum building height (from natural ground level):</i></p> <p>(i) 2 storeys of not more than 9 metres            (ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than 10 metres</p> <p><i>Residential Zone: PDC 7</i></p>			<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 6.7 metres, which is less than the maximum permitted in the Policy Area.</p>									
Design & Appearance												
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p>(a) building height, mass and proportion            (b) external materials, patterns, colours and decorative elements            (c) roof form and pitch            (d) façade articulation and detailing            (e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design &amp; Appearance: PDC 1</i></p>			<p><b>Complies</b></p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate a contemporary design aesthetic contributing to diversity in housing styles. The dwelling façades incorporate the following elements to enhance their design and appearance:</p>									

<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design &amp; Appearance: PDC 3</p>	<ul style="list-style-type: none"> <li>• Mixture of brick, horizontal cladding and render on the front façade</li> <li>• Protruding balcony element.</li> <li>• Fenestration</li> </ul> <p>While it is noted that the design does not incorporate stepping between upper and lower storeys to minimise building height, mass and proportion, the front façade of the building does incorporate stepping between each dwelling. Furthermore, the side and rear elevations of the dwellings feature a mixture of brick, horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i></p> <p><i>(b) include balustrade detailing that enables line of sight to the street</i></p> <p><i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p>General Section: Design &amp; Appearance: PDC 5</p>	<p><b>Complies</b></p> <p>The proposed balconies complement the overall design and appearance of the development and incorporate clear glass balustrading to enable line of sight to the street.</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p>General Section: Residential Development: PDC 8</p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p>General Section: Residential Development: PDC 9</p>	<p><b>Complies</b></p> <p>Each dwelling will present the entrance point and upper and lower level habitable windows to the primary street which will enhance the streetscape elevation and provide passive surveillance.</p>
<b>Relationship to the Street and Public Realm</b>	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design &amp; Appearance: PDC 13</p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design &amp; Appearance: PDC 14</p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design &amp; Appearance: PDC 15</p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design &amp; Appearance: PDC 16</p>	<p><b>Complies</b></p> <p>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.</p> <p>The elevations of the dwellings feature a mixture of brick, horizontal cladding and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p>

<b>Visual Privacy</b>	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(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</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 11</i></p>	<p><b>Complies</b></p> <p>The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations.</p> <p>Upper storey windows on the front and secondary street elevations remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The balconies on the front façade are oriented to obtain views of the streetscape.</p> <p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
<b>Energy Efficiency</b>	
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p><b>Partially Complies</b></p> <p>The dwellings incorporate a parapet roof form. Whilst this does not provide the most efficient pitch for the siting of solar collectors, such collectors may nonetheless benefit from an adequate degree of solar access.</p>

## TABLE DISCUSSION

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

### **Floor Area Ratios (House 2, 3 and 4)**

The floor area ratio (FAR) should not exceed 0.7 for House 2 and 3, and 0.6 for House 4. A 13 square metre increase in the upper level floor area of each of House 2 and 3, and 15 square metres for House 4, results in FAR's of 0.79, 0.78, 0.63 respectively. It is noted that the previously approved House 2 and 3 already surpassed the prescribed limit, at 0.76 and 0.75, respectively.

The additional floor area is gained through the alteration of previous 'void' areas, accordingly the increase is not perceivable from the streetscape or adjacent properties. As such, the excesses in FAR's do not result in direct impacts to adjacent land, the street or the proposed dwellings, and as such, suggests the size of the dwellings is acceptable having regard to the form of development proposed.



## ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties.

The proposed dwellings provide articulation through a stepped front setback from Dwyer Road, as well as visual interest through an appropriate mix of materials and finishes. The design and appearance of the dwellings nonetheless contribute to the Desired Character of the Policy Area, which seeks for a variety in architectural styles.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1732 for Application to vary Development Application 100/441/2015 (A two storey building comprising four dwellings incorporating a garage wall on the western boundary, with associated car parking and landscaping): to increase the upper floor area of House 2, 3 and 4 to provide an upper level family room to these dwellings, as well as alterations to the roof form and materials of the building at 26 Johnstone Road, Oaklands Park, be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/441 and 100/2016/1732, except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a retention tank (or tanks) which are sized and installed in accordance with the Drainage Plan with Job No. 1503070, Drawing No. CRD/A, prepared by SAF Consulting Engineers and received by Council on 29 March 2015.
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. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
11. 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.

## NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
4. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

## Attachments

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

# DEVELOPMENT ASSESSMENT PANEL

Wednesday 7 December 2016

**Agenda Ref No:** DAP071216 – 2.8

**Originating Officer:** Stephen Both  
Senior Development Officer - Planning

**Applicant:** Mr Bruno Carrabs

**Development Description:** To seek retrospective approval for the erection of existing wall mounted advertising signage and the erection of new additional wall mounted signage.

**Site Location:** 838-842 Marion Road, Marion

**Zone:** Industry Zone

**Policy Area:** Industry/Commerce Policy Area 4

**Application Type:** Category 1 / Consent

**Lodgement Date:** 14 November 2016

**Development Plan:** Consolidated 28 April 2016

**Application No:** 100/2016/2114

**Recommendation:** Development Plan Consent to be Granted subject to conditions

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## CATEGORISATION & DELEGATION

The subject application has been categorised as a Category 1 form of development and therefore exempt from public notification pursuant to Schedule 9 Part (1), 2(g) of the Development Regulations 2008, as the proposed signage is considered to be of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.

The subject application requires the determination of the Development Assessment Panel pursuant to the City of Marion Schedule of Delegations, as the proposal comprises the erection of a multiple number of wall-mounted advertising signs which are to be attached to a building or structure where the face of the advertising structure exceeds 10m<sup>2</sup> in display area. The collective display area of all signs well exceeds this measure.

## BACKGROUND

Members are advised that this application is seeking retrospective approval for both the erection of unauthorised wall-mounted advertising signage that has been erected along the side walls of the tenancies occupied by *Haggle Co* and the *IT Warehouse* franchises, as well as approval for the inclusion of new additional wall-mounted advertising signage. The proposed multi-tenancy signs to be erected along the east and north facing walls of the building will replace

unauthorised advertising signage which faces Marion Road and the adjacent Harvey Norman car park. The report that follows provides an assessment in relation to the merits of the application.

The proposed development which comprises the erection of previously unauthorised and new additional wall mounted advertising signage on the building constitutes a merit form of development within the Industry Zone as it meets the following exceptions listed within the non-complying table;

***Advertisement and/or advertising hoarding;***

***Except where the advertisement and/or advertising hoarding achieves any one of the following:***

***(a) it is attached to a building or structure where the height of the advertisement does not exceed the height of the roof of the walls or parapet of the building or structure by more than 2 metres***

***(b) it is freestanding and has a height not exceeding 10 metres***

***(c) it is located on a side or rear wall facing and not within 50 metres of an abutting residential zone.***

## SUBJECT LAND & LOCALITY

The subject land is located on the western side of Marion Road at 838-842 Marion Road and forms part of a much larger commercial site which now includes the former "Fielders" site to the south at 844-850 Marion Road, Marion.

The subject land comprises a regular shaped allotment which has a 45.7 metre frontage to Marion Road and a depth of 133 metres, thereby providing a total site area of approximately 2,605 square metres. The land is devoid of any existing significant trees or easements.

The land is developed with an existing two storey "U" shaped commercial building which accommodates a number of different tenancies comprising retail showrooms at ground floor level and including an existing gym and recently approved offices all located at first floor level.

The subject land also provides a large double sided illuminated multi-tenancy advertising sign which is located adjacent the Marion Road entrance to the existing car park which provides a total of 66 on-site parking spaces for both customers and staff.

The wider locality is characterised by a combination of different land uses with retail and bulky goods outlets being the most prominent uses to be exhibited along both sides of Marion Road, including the Harvey Norman shopping complex located directly to the north of the subject land.

Some small scale light industrial and commercial premises also exist in the locality being more specifically situated to the north of the subject land along the western side of Marion Road and to the north and south of the new City Services complex on the eastern side of Marion Road.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

As previously mentioned, the applicant is seeking retrospective approval for the erection of existing unauthorised wall mounted advertising signage as well as the erection of new additional advertising signage to be placed on the walls of the building. The size and location of the existing and proposed signage is set out below;

- **Sign (1)**:- comprises a wall mounted multi-tenancy advertising sign which is to be located high up on the north-facing wall of the existing commercial building (facing the Harvey Norman car park). This sign will be made from sheet metal which is to be painted and will

measure 2.2 metres in height by 4.7 metres in width. This sign will comprise six individual signage panels of equal size to provide a total display area of 10.34 square metres.

- **Sign (2)**:- comprises a wall mounted multi-tenancy advertising sign which is to be centrally located on the east-facing wall of the existing commercial building (facing Marion Road). This sign will be made from sheet metal which is to be painted and will measure 2.5 metres in height by 4.7 metres in width. This sign will comprise six individual signage panels of equal size to provide a total display area of 11.75 square metres.
- **Sign (3)**:- comprises an irregular-shaped parapet-mounted advertising sign which will be located on the east- and south-facing wall of the existing commercial building (facing Marion Road and the internal car parking area, respectively). This sign will be made from sheet metal which is to be painted and will measure approximately 2.0 metres in height by 4.9 metres in width. This sign will be used to advertise the existing *IT Warehouse* tenancy.
- **Sign (4)**:- comprises a wall banner sign which will be located along the south facing wall of the existing commercial building (facing the internal car parking area). This sign will measure 1.0 metre in height and extend for a distance of 16.6 metres.
- **Sign (5)**:- comprises a set of two existing wall mounted signs requiring retrospective approval which all relate to the existing *Haggle Huge* retail showroom tenancy. These existing signs are located along the southern and eastern walls of the existing commercial building (facing the internal car parking area) and have been made from sheet metal and painted in the corporate colours of *Haggle Co*. These existing signs are detailed below;
  - **Sign (5A)**:- measures 2.0 metres in height by 9.8 metres in width and is located along the south-facing wall (facing the internal car park).
  - **Sign (5B)**:- measures 1.8 metres in height by 3.7 metres in width and is located above the entry door on the east-facing wall of the existing commercial building (facing the internal car park).
  - **Sign (5C)**:- measures 1.2 metres in height by 2.5 metres in width and is located above the entry door on the south-facing parapet of the existing commercial building (facing the internal car park).
- **Sign (6)**:- comprises a wall mounted advertising sign to be erected along the north-facing wall of the existing commercial building (facing the internal car parking area). This sign will be made from sheet metal and painted measuring 2.0 metres in height by 9.8 metres in width.

*Refer Attachment III*

#### GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure:</b>	No referral to the Transport Services Branch of DPTI was considered necessary pursuant to Schedule 8 of the Development Regulations 2008.
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## ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Industry Zone and Industry/Commerce Policy Area 4 are listed in the following table and discussed in further detail below:

Industry Zone		
Objective 1	A zone primarily accommodating a wide range of industrial, warehouse, storage and transport land uses.	<p><b>Complies</b></p> <p>The proposed and retrospective signage to be retained on the building is designed to be associated with the existing approved retail and commercial land uses which currently occupy the existing commercial building.</p> <p>The new multi-tenancy signage panels proposed along the eastern and northern sides of the building provide adequate provision for the advertising of the yet to be occupied office tenancies to be located on the first floor.</p>
PDC 7	<p>Advertisements and advertising hoardings should not include any of the following:</p> <ul style="list-style-type: none"> <li>(a) flashing or animated signs</li> <li>(b) bunting, streamers, flags, or wind vanes</li> <li>(c) roof-mounted advertisements projected above the roofline</li> <li>(d) parapet-mounted advertisements projecting above the top of the parapet</li> </ul>	<p><b>Complies</b></p> <p>The proposed and retrospective signage which is to be retained on the building does not flash and is not to be internally illuminated.</p> <p>It is considered that the proposed and retrospective signage does not offend any of the stipulations set out in (a – d).</p>

Industry/Commerce Policy Area 4	
<p><b>Objectives</b></p> <ol style="list-style-type: none"> <li>1 A policy area accommodating a range of light and service industry, depots and commercial activities.</li> <li>2 Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road.</li> <li>3 A policy area where development minimises impacts on residential uses in adjoining zones, especially to the west of Marion Road.</li> <li>4 Development that contributes to the desired character of the policy area.</li> </ol>	<p><b>Complies</b></p> <p>The proposed and retrospective signage on the building is considered to be appropriate as it has been designed to support the existing lawful retail and commercial land uses that currently occupy the existing commercial building on the land.</p>
<p><b>Desired Character</b></p> <p><i>It is intended that the policy area be consolidated and further developed with a mixture of small to medium-scale industry and commercial uses, preferably integrated within the one site. The environmental performance of new development needs to take account of the amenity of adjoining localities, by incorporating improved emission controls, management measures, building appearance treatments, landscaping and other design measures, to ensure minimal adverse impact.</i></p> <p><i>The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.</i></p> <p><i>Development is expected to promote attractive frontages and park-like settings to enhance the visual qualities and streetscape of the Marion Road corridor. Building styles may be varied and display high aesthetic</i></p>	<p><b>Complies</b></p> <p>In terms of design and appearance, it is considered that the proposed multi-tenancy wall-mounted signs along the east and north facing walls of the existing building to be orderly and equitable when compared with the ad-hoc placed unauthorised signage that it is to replace.</p> <p>Furthermore, it is considered that the proposed replacement signage will not be as visually dominant as the existing unauthorised signage which is to be removed from the existing building.</p> <p>It is considered that the proposed new wall-mounted, multi-tenancy signs will</p>

<i>qualities to enhance the visual character of the locality.</i>	reduce visual clutter and generally enhance the appearance of the existing commercial building when viewed from surrounding land.
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## DEVELOPMENT ASSESSMENT

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

### Principles of Development Control

### Assessment

Advertisements	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <p><i>(a) consistent with the predominant character of the urban or rural landscape</i></p> <p><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></p> <p><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 1</i></p>	<p><b>Complies</b></p> <p>It is considered that the proposed and retrospective signage complements the scale and extent of advertising signage that currently adorns the external walls of other adjacent tenancies on the land.</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 style="text-align: right;"><i>General Section: Advertisements: PDC 2</i></p>	<p><b>Complies</b></p> <p>The proposed signage along the eastern and northern elevations of the building is considered to be well-dimensioned and likely to be clear and easy to read from a distance, without appearing cluttered or being adversely dominant from a visual perspective.</p>
<p><i>Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.</i></p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 3</i></p>	<p><b>Complies</b></p> <p>It is considered that compared with the layout of the unauthorised signage currently attached to the building, the proposed replacement signage to be orderly, having regard to the design of the building which includes a series of curved parapets along the top of the building.</p> <p>It is considered that the proposed signage along each parapet achieves a co-ordinated approach for each individual tenancy. As such, it is considered that the proposed signage designed along the curved parapets accords with the intent of PDC 3.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 4</i></p>	<p><b>Complies</b></p> <p>The proposed and retrospective signage which is to be retained is or will be limited to information relating to the legitimate use of each individual 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 style="text-align: right;"><i>General Section: Advertisements: PDC 5</i></p>	<p><b>Complies</b></p> <p>All signage is to be completely contained within the boundaries of the subject land being attached to the elevations of the existing building.</p>



<p>Advertisements and/or advertising hoardings should not be erected on:</p> <p>(a) a public footpath or veranda post  (b) a road, median strip or traffic island  (c) a vehicle adapted and exhibited primarily as an advertisement  (d) residential land.</p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 6</i></p>	<p><b>Complies</b></p>
<p>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 7</i></p>	<p><b>Complies</b>  The proposed and retrospective signage to be retained on the building will not be erected on the roof of the building nor extend above the height of the existing curved parapets or any other external walls of the building.</p>
<p>Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 9</i></p>	<p><b>Complies</b>  All signage will be contained within the architectural outline of the building.</p>
<p>Advertisements should be designed to conceal their supporting advertising hoarding from view.</p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 10</i></p>	<p><b>Complies</b></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 style="text-align: right;"><i>General Section: Advertisements: PDC 11</i></p>	<p><b>Complies</b>  The proposed and retrospective signage to be retained on the building is considered to be appropriate in that it provides sufficient space in which to provide a clear message identifying the individual business and or merchandise that is to be offered for sale from each individual tenancy.</p>
<p><b>Safety</b></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  (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  (c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high  (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 (e.g. junctions, bends, changes in width, traffic control devices).</p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 15</i></p>	<p><b>Complies</b>  All proposed and retrospective wall mounted advertising signage will not be highly illuminated so as to create difficulty to drivers, nor will it comprise any elements that are designed to either flash or be animated in any way so as to distract or cause a potential hazard to motorists travelling along Marion Road.</p>
<p>Advertisements should not be erected in positions close to existing electricity mains so that potentially hazardous situations are created.</p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 16</i></p>	<p><b>Complies</b></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 style="text-align: right;"><i>General Section: Advertisements: PDC 17</i></p>	<p><b>Complies</b>  None of the proposed and or existing wall mounted advertising signage is to be internally illuminated.</p>
<p><b>Flags, Bunting and Streamers</b></p> <p>Advertisements and/or advertising hoardings should not comprise bunting, streamers or attached floating objects.</p> <p style="text-align: right;"><i>General Section: Advertisements: PDC 23</i></p>	<p><b>Complies</b>  The proposed advertising signage does not include bunting, streamers or any floating objects.  The applicant is not proposing any additional advertising devices including those mentioned above.</p>

**Advertising along Arterial Roads**

*Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.*

*General Section: Advertisements: PDC 24*

**Complies**

This section of Marion Road adjacent the subject land has a maximum speed limit of 60km/h.

**ANALYSIS/CONCLUSION**

This application seeks to remedy a number of existing breaches that have occurred over recent times in relation to the unauthorised erection of various wall-mounted advertising signs on the existing building at 838 – 842 Marion, Marion. Many of these signs have been attached in an ad-hoc fashion to various parts of the building without approval in a bid to gain greater exposure to passing traffic travelling along Marion Road. As a result, the appearance of the building has been adversely impacted with the east and north facing walls of the building heavily dominated by the erection of large unauthorised advertising signs.

The proposed development seeks to address this breach, with the applicant seeking to remove the existing unauthorised wall mounted signage along the east- and north-facing walls of the building and replace this with the erection of two well designed multi-tenancy signs over the area currently occupied by the unauthorised signage. The erection of these new wall-mounted signs will not only enhance the appearance of the building, but more importantly, will limit and restrict the erection of signage on the building in the future by providing for the orderly placement on wall mounted advertising for the life of the development.

Whilst the relevant signage provisions within the Development Plan are devoid of any specific criteria which helps to limit or restrict the display area of wall mounted advertising signage along the front and side walls of buildings, I am of the opinion that the size and extent of the proposed signage in this application to be in keeping with the scale and extent of advertising that currently adorns the external walls of many existing commercial tenancies located within the immediate locality. Given this, I am of the opinion that the proposed development displays sufficient merit to warrant the support of the Development Assessment Panel.

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

## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan; in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2114 seeking retrospective approval for the erection of existing wall mounted advertising signage and the erection of new additional wall mounted advertising signage at 838-842 Marion Road Marion be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the Planning Report prepared by URPS Planning Consultants plans and details stamped dated received 30 November 2016, all submitted with and forming part of Development Application No. 100/2016/2114.

## NOTES

1. No hoardings, flags, flashing lights, bunting or other advertising devices or signs are to be erected or displayed on the site unless Development Approval is obtained from the Council pursuant to the Development Act 1993.
2. The wall mounted advertising signage shall not contain moving or flashing lights or images unless the further development approval of the Council is obtained.
3. Given that some wall mounted advertising structures exist without authorised consent, Council seeks your prompt attention and cooperation to ensure that Building Rules Consent and Development Approval are gained in a timely manner. Failure to do so may result in Council undertaking enforcement action.

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## Attachments

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