

Members – Council Assessment Panel
CITY OF MARION



**NOTICE OF
COUNCIL ASSESSMENT PANEL MEETING**

Notice is hereby given that a Council Assessment Panel Meeting will be held:

Wednesday 4 April 2018

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

A copy of the Agenda for the meeting is attached. Meetings are open to the public and interested members of the community are welcome to attend. Access to the CAP Meeting is via the main entrance to the Administration building, 245 Sturt Road, Sturt.

A handwritten signature in black ink, appearing to read 'Robert Tokley', is positioned above the printed name.

Robert Tokley
ASSESSMENT MANAGER

28 March 2018

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 APRIL 2018
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 1 ALLAN STREET MARINO

To construct a two storey dwelling with undercroft garage, fencing, swimming pool and deck with associated earthworks and retaining walls

Report Reference: CAP040418 - 2.1.....1

2.2 22 MOOR CRESCENT HALLETT COVE

Alterations and additions to an existing two-storey dwelling and the construction of a two-storey dwelling and associated earthworks, resulting in a two-storey building comprising two dwellings

Report Reference: CAP040418 - 2.2.....32

2.3 19 STUART ROAD, SOUTH PLYMPTON

Single storey dwelling alterations and additions, verandah and front fence

Report Reference: CAP040418 - 2.3.....50

2.4 7 BESSIE STREET DOVER GARDENS

Three two storey row dwellings and associated Torrens Title land division (1 into 3 allotments)

Report Reference: CAP040418 - 2.4.....65

2.5 9 NELSON STREET SOUTH PLYMPTON

To construct a single storey dwelling and a single storey residential flat building at the rear of the site, comprising two dwellings with associated car parking and landscaping

Report Reference: CAP040418 - 2.5.....85

2.6 10 – 12 MULCRA AVENUE, PARK HOLME

To vary Development Application 100/2017/463 - Two, two storey residential flat buildings - deleting of partywall to provide for two, two storey detached dwellings and two, two storey residential flat buildings

Report Reference: CAP040418 - 2.6.....102

3. OTHER BUSINESS

3.1 APPEALS UPDATE

3.2 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 4 APRIL 2018**

5. MEETING CLOSURE

**REPORT REFERENCE: CAP040418 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 APRIL 2018**



Originating Officer: Nicholas Timotheou
Development Officer - Planning

Applicant: Ms Nadia Tugwell

Development Description: To construct a two storey dwelling with undercroft garage, fencing, swimming pool and deck with associated earthworks and retaining walls

Site Location: 1 Allan Street, Marino

Zone: Residential Zone

Policy Area: Hills Policy Area 11

Application Type: Category 2 / Consent

Lodgement Date: 30/03/2017

Development Plan: Consolidated – 28 April 2016

Referrals: nil

Delegations Policy: nil

Application No: 100/2017/557

Recommendation: That Development Plan Consent be **GRANTED** subject to a Reserved Matter and conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that involves retaining walls and/or earthworks which are not of a minor nature, as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Council Assessment Panel.

BACKGROUND

In 1992 an application for earthworks and retaining walls was lodged for the subject land in order to accommodate a tennis court. A review of Council's oldest applicable aerial photography indicates the earthworks and retaining walls were constructed at some stage between 1992 and 1999. It is understood the tennis court was used by the occupants of 3 Allan Street and accessed from the adjoining land.

Between January 2014 and February 2015, the subject land was cleared, generally maintaining the authorised levels approved in the 1992 application. In 2015 an application (100/902/2015) for the construction of a two storey detached dwelling with associated earthworks, retaining walls and fencing was lodged. The application was issued Development Plan Consent and received Development Approval in September 2015. This application was not pursued and has since lapsed.

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

Amendments Requested	Amendments Made
The proposal should be amended to ensure the visual privacy of properties to the west is not unreasonably impacted.	Inclusion of obscure glass balustrade screen to 1500 mm above FFL for the western edge of the balcony and 1500mm external privacy louvres to western full length windows.
Given the elevated nature of the site, the dwelling should be designed in a way which minimises its profile, bulk and scale when viewed from the streetscape and adjoining land, while providing a roofline that complements the natural form of the land.	Reduction in the building height as measured at (a) the southern "end" to 7m (down from 7.37m) and (b) the northern "end" to 10.05m (down from 10.3m).
The proposed western side setback, should be increased to ensure compliance with Council's setbacks provisions and subsequently achieve greater compliance with the Hills Policy Area 11 Desired Character and Principles of Development Control.	Western side setback increased from 2m to 3m.
To provide the desired transition of built form and achieve greater compliance with the applicable sloping land provisions, the finished floor level of the dwelling should be reduced.	Finished floor levels reduced from 104.5 to 103.9 (600mm).
Additional landscaping should be considered along the western side of the dwelling.	No changes made.
It is encouraged that windows along the eastern elevation be full length and incorporate obscure glazing or window sill heights of 1.5m above the finished floor levels.	No changes made.
Information Requested	Information Provided
Detail is requested in relation to the location of the associated pool pump equipment.	Pool pump equipment detailed on the site plan.
Landscape plan.	Provided.
Schedule of colours/materials/finishes to be used on the external elements of the dwelling.	Provided.
The elevation plans should detail the proposed colours/materials of fencing along the western boundary.	Provided.

The application plans should be updated to detail the proposed finished floor levels, for each level of the dwelling	Provided.
The elevations plans should be updated to detail finished ground and finished floor levels, existing/proposed retaining walls & lift over-run detail.	Provided.
A streetscape elevation, detailing the siting of the proposal in context of existing dwellings on adjoining land and the existing levels.	Not provided.
A revised fully engineered site works and drainage plan.	Not provided.

SUBJECT LAND & LOCALITY

The subject land comprises 1 Allan Street, Marino. The allotment is rectangular in shape, achieving a frontage width of 18.3m, depth of 44.7m and total site area of 816.75 square metres. The site is currently void of all structures, aside from retaining walls, internal to the rear boundary and along the western boundary with several low to medium growing plantings/shrubs between the rear boundary and retaining wall. Low growing plantings are also present at the front of the site. The previous use of the subject land as a tennis court and associated structures were demolished between January 2014 and February 2015, resulting in a majority of the site presenting a flat surface which reflects the original location of the tennis court. The original retaining walls proposed as part of that application (tennis court) are intact and remain in place.

Vehicular access is currently available adjacent the eastern side of the allotment and there are no Regulated Trees on the subject land.

The site is bound by residential properties from east to west in a clockwise direction and Allan Street (residential allotments opposite) to the north. Land immediately adjacent the subject land is contained within the Hills Policy Area 11 of the Residential Zone, whilst land further west (adjacent dwellings facing Marine Parade) is located within the Coastal Conservation Zone. On the west side of the Allan Street / Marine Parade junction comprises the Marino to Hallett Cove walking trail.

The site incorporates a predominately southeast to northwest fall; however, the central portion of the site is generally flat. The site slopes considerably towards the street at the front for the site, as well as the rear 4.5 metres (adjacent the benched area).

The topography of the locality varies, incorporating a diagonal cross-fall towards the north-west. When travelling east to west along Allan Street, the existing housing stock typically steps towards the coast and is evident in the nearby streets. As a result of the topography, dwellings on the higher side of the street, generally sit higher than dwellings on adjoining land to the west (Refer Photo 7 through to 11 of Attachment VI).

The locality comprises detached dwellings of a variety of architectural styles and comprise both single and double storey in form. The existing housing stock comprises low density dwellings on large allotments which is typical within the area. The design of dwellings and newer additions are generally designed to take advantage of the coastal views to the west and/or north.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of a two storey dwelling with undercroft garage, swimming pool and deck with associated earthworks and retaining walls.

The majority of earthworks and retaining walls proposed are associated with the undercroft garage which is cut 3.1m into the land. Access to the garage is gained via an existing crossover (albeit widened) adjacent the eastern side boundary. A series of stepped retaining walls are proposed adjacent the western side of the driveway, providing pedestrian access to the first level of the dwelling and pool/deck.

The ground floor incorporates two bedrooms, one with associated WIR and ensuite, "home theatre" room, laundry/bathroom, open plan family room with direct access to the area of private open space as well as the deck/pool area at the front of the dwelling. A 2.1m high good neighbour fence is proposed along a portion of the western side boundary and atop existing retaining walls.

The first floor incorporates two bedrooms with associated WIR and ensuite, study, bathroom and open plan kitchen/meals/living with direct access to the balcony oriented to the street.

The dwelling features a lift which can be accessed from each level of the dwelling. Landscaping is proposed throughout the site and primarily within the front yard/between retaining walls. Earthworks and retaining walls are proposed throughout the subject land, with a majority taking place at the front of the site, associated with the undercroft garage and stairs which provide pedestrian access from the street to the ground floor. The dwelling features a variety of colours and materials including timber cladding, stone veneer, render and glass balustrade. Louvered screens are provided to selected full length upper level windows whilst obscure glass is proposed along the western side of the balcony.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified

10 properties were notified during the Category 2 public notification process.

Representations

4 representations were received by Council, 3 of which are in favour of the application (subject to certain amendments or provisions being met) and 1 of which is primarily against the proposal.

Persons wishing to be heard

Julia Tonkin of Maddocks Lawyers on behalf of Nicole Lehmann.

Summary of representations

- Concerns in relation to structural impacts upon the existing retaining walls at 3 Allan Street;
- Concerns regarding loss of privacy upon 4 Murto Road;
- Concerns in relation to the building height when taken from natural ground level;
- Concerns in relation to the built form being out of character with the existing streetscape;
- Concerns regarding overlooking to the west;
- Structural concerns in relation to any proposed retaining walls along the western boundary;
- Concerns over loss of view which may be experienced from the property situated at 23 The Cove Road and loss of amenity; and
- Loss in property value.

Refer Attachment IV

Applicant's response

Refer Attachment V for the applicant's response to the representations received.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

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.

Hills Policy Area 11

Objectives

- 1 A policy area primarily comprising detached dwellings at low densities.
- 2 Residential development which is sensitive to the particular topography of the locality.
- 3 Residential development which has minimal visual and environmental impacts.
- 4 Development that contributes to the desired character of the policy area.

Desired Character

The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.

The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.

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.

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

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

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

Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except in areas where land has been subdivided into smaller allotments than now desired in this policy area, any new land division and development will be at a lower density and intensity than existing. In addition, larger-than-minimum allotments may be preferable due to the natural topography.

PDC 1	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	Satisfies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Satisfies
PDC 3	Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.	Partially Satisfies (see comments)
PDC 4	Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.	Partially Satisfies (see comments)

PDC 5	<p><i>Development that would be prominently visible from the Adelaide Plains should:</i></p> <p><i>(a) achieve a profile that blends with the topography of the land</i></p> <p><i>(b) avoid the use of bright and highly reflective external materials and finishes</i></p> <p><i>(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</i></p>	<p>Partially Satisfies (see comments)</p>
PDC 6	<p><i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:</i></p> <p><i>(a) incorporating stepping in the design in accordance with the slope of the land</i></p> <p><i>(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</i></p>	<p>Does Not Satisfy (see comments)</p>

Assessment

I am of the view that it is important to firstly clarify Administration's approach to this proposal with respect to an assessment regarding ground level (ie: 'existing' to 'natural' ground level) – having regard to reference to 'natural ground level' in the Hills Policy Area 11.

It is of value to acknowledge the existing levels have previously been authorised by Council for the purposes of a tennis court, as part of an application granted authorisation in 1992 (and it is assumed the land has remained at this level since or around that time).

It is considered appropriate to utilise the existing levels for the following reasons:

- The existing ground level provides a relatively functional building platform;
- The ground level provides opportunities for a usable, flat area of private open space to the rear of the dwelling;
- The alternative approach (ie 'finding' and returning ground levels to (an assumed) natural ground level and requesting existing retaining structures be removed) is, in staff's view, an unrealistic and unreasonable approach in the event it can be demonstrated that a dwelling utilising the existing land levels can find appropriate compliance with the applicable Development Plan guidelines to warrant the granting of Development Plan Consent.

It is acknowledged the finished floor levels of the dwelling are positioned generally higher than natural ground level; however, the proposal utilises the existing 'authorised' level of the land, which subject to compliance with other considerations, such as bulk/scale, building height and visual impacts, is considered appropriate.

The Policy Area seeks for dwellings of more than one storey to "take account of the height and bulk of the proposed building" and "incorporate stepping...in accordance with the slope of the land", be split level "to reduce visual bulk" and "[set] back the upper storey...from...the lower storey". Buildings should "pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development".

The built form proposed is likely to have the greatest impact upon the property to the direct north-west (14 Marine Parade); due to the height of the building and relative levels between the two properties. Additionally, allotments at 23 The Cove Road (south), 4 Murto Road (south) and 15 Marine Parade (west) will experience varying degrees of impact in terms of visual amenity (discussed within the visual privacy section of this report).

The dwelling is proposed to be constructed over three levels and has been designed to run south-north. The building is provided with an appropriate level of articulation and has been designed to take advantage of the flat grade at the centre of the land. The garage is set into the land, whilst the ground floor is partially set into the land.

Due to the proposed design, the siting/placement of each level and existing ground levels of the site in relation to adjacent allotments, the built form will result in bulk/scale impacts on some of the adjacent dwellings on adjoining land.

When considering the proposed setbacks and bulk and scale impacts, consideration to the form and extent of setbacks to boundaries achieved by dwellings adjacent to the subject allotment and their finished floor levels should be considered.

The proposal displays one area of non-compliance with regard to side setbacks. The eastern side setback of the dwelling is equal to 1.8 metres, whereas the Development Plan guidelines call for a 2 metre setback, plus an additional setback equal to the increase in wall height above 6 metres. When the wall height is measured from the existing/proposed ground level, a maximum height of 6.9m is achieved, requiring a 2.9m side setback. Whilst the proposal falls 1.1m short of the side setback guideline and it is acknowledged the Hills Policy Area 11 calls for “low-density detached dwellings”, consideration has been afforded to the existing development on adjoining land and within the locality.

When considering the associated impacts of the non-compliant side setback, regard should be had to the visual impacts upon adjoining land (3 Allan Street). The adjacent dwelling located to the east of the subject site, is located central to the allotment and achieves an approximate front setback to Allan Street of 16 metres. The main area of POS is located to the south of the dwelling and features a pergola and outbuilding along the western boundary, adjacent the subject land. The dwelling is setback approximately 2.5m from the western boundary and features an external staircase linking the rear yard to the front of the dwelling. The dwelling presents an uninterrupted two storey wall on its western façade and protruding balcony at the front of the site. Further, the dwelling features retaining walls along the shared boundary and will sit slightly higher than the proposed dwelling (finished floor levels of 3 Allan Street approximately 620mm higher at ground level and 420mm at the first floor).

It is acknowledged the garage is cut into the land, such that only the ground and first floor will be situated adjacent the western stairs of 3 Allan Street. Further, it is acknowledged the proposed ground and first floor of the dwelling will generally be situated adjacent a blank wall on adjoining land and not the primary area of private open space or habitable room windows. Having regard to the above and acknowledging that the proposed wall will not cast unreasonable shadow onto adjoining land (discussed in Overshadowing section of this report), the non-compliant side setback results in acceptable outcomes and is not considered to result in adverse amenity impacts upon the adjacent property to the east.

Aside from the non-compliance in the eastern side setback, the proposal maintains separation from the western side and southern rear boundary in accordance with the applicable Development Plan provisions. It is acknowledged however, the design of the dwelling is not entirely consistent with the Desired Character statement and applicable provisions of the Hills Policy Area 11, which seeks to accommodate development that minimises its profile, bulk and scale when viewed from the streetscape and adjoining land.

The Desired Character statement also identifies that *“Buildings and associated earthworks will be designed to minimise alteration of the natural or existing land form...and reduce the need to cut and fill sloping sites”*. As such, whilst it is considered that additional earthworks (cutting) into the land would assist in minimising the visual appearance of the building as viewed from adjoining land (particularly to the north-west), a reduction in the finished floor levels would be at variance to the

Desired Character of the Hills Policy Area 11, seeking for development that “*minimise[s] alteration of the natural or existing landform*” (my underlining).

Given the elevated nature of the site compared to those to the west, the profile, bulk and scale of the building will be most apparent when viewed from 14 Marine Parade, which is situated approximately 3.33m lower than the subject land. Further, the design of the dwelling incorporates an upright two storey wall presenting to the adjacent property to the north-west. PDC 6 states that “*Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land*” and “*where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey*”.

Whilst the proposal accords with the western side setback provision, the upright two storey wall is considered to result in greater impacts upon adjoining land – due to the elevated position of the land. This notwithstanding, the design of the dwelling incorporates elements which assist in softening the overall appearance of the building, including a mixture of render and wall cladding, high level and full length windows with louvered screens and balcony fitted with obscure glass. The use of these elements provides some form of visual interest and avoids large expanses of uninterrupted walling presenting to the street and adjoining land.

The design of the building and extent of separation afforded between the proposed dwelling and dwellings to the west will assist in reducing the likely visual impacts associated with the built form. On balance, whilst the external outlook from adjoining land to the north-west will change considerably, the anticipated visual and amenity impacts are not considered to be fatal to the overall merits of the application. It should be acknowledged that due to the orientation of the allotment, and topography of the subject land and adjoining land, any new dwelling on the land will invariably have an appreciable impact upon land to the north-west.

The proposed development maintains the existing low density character of the Hills Policy Area 11 by proposing a single dwelling on the allotment. It is acknowledged however, the ‘density’ of the proposed development, does not entirely reflect that sought by the Hills Policy Area 11 Desired Character which seeks ‘low scale’ development. The Policy Area further emphasises the importance of development incorporating a variety of architectural styles, being sensitive to the topography of the area and maintaining the importance of the landscape character particularly in areas which contribute to scenic coastal landscapes.

The proposal will not result in the loss of mature vegetation, nor impact on the natural features of the coast or watercourses, and whilst visible from different vantage points along the coast, the site is not readily visible from the Adelaide plains. Principle 5 seeks development that blends with the topography of the land, avoids the use of bright and highly reflective materials and finishes and incorporates vegetation wherever possible to assist in reducing the bulk and scale of the building and associated earthworks. The Desired Character further emphasises this by seeking buildings on sites located in a highly visible and prominent location or adjacent open space be finished with colours and materials that complement the surrounding environment. In addition to the use of colours and materials which, in my opinion, complement existing development within the locality, the proposal incorporates generous landscaping throughout the site and in particular at the front of the site which provides a range of plantings, materials and structures that assist in reducing the bulk and scale of the building and associated earthworks, and complement the surrounding environment.

In my opinion, the proposal is considered to adequately satisfy the Objectives and Desired Character of the Policy Area.

The overall allotment incorporates a cross-fall grade of approximately 15.69% (1 in 6.3), and in order to minimise considerable alteration of the existing authorised land form, whilst providing some improvement in transition to existing dwellings on adjoining land, the land is proposed to be slightly altered to accommodate the dwelling. The built form proposes approximately 600mm of cut, whereas the undercroft garage is cut into the site, approximately 3.1m. The undercroft garage is considered to incorporate the largest extent of earthworks/retaining walls and whilst significant in nature, a majority of cut is retained via stylized retaining walls (slate finish) and incorporated into the overall dwelling and landscape design.

Whilst the proposed development would have a significant impact on the original/natural topography of the land in terms of cutting and filling, it should be acknowledged the existing topography has already been altered due to the previous (authorised) use of on the land. A significant portion of cut proposed as part of the development is concealed and therefore not visible from surrounding properties. Further, the tallest section of the proposed retaining wall is tiered towards the street, such that they are not considered to visually dominate the streetscape.

The above notwithstanding, I am satisfied the extent of earthworks and retaining proposed is acceptable, will not compromise the integrity of the Policy Area, nor have a detrimental impact upon the amenity of the subject or adjoining land to the extent where refusal is warranted.

As a result of existing retaining walls along the western boundary, it is acknowledged the built form and associated fencing will nonetheless result in some bulk/scale impacts on the existing dwelling north-west of the subject land. Due to the construction of fencing atop the existing retaining wall, this element of the proposal achieves heights of up to 5.43 metres.

Whilst the proposed fencing atop the existing retaining wall will maintain privacy between the deck/pool area at the front of the site and adjoining land to the north-west, it is considered to result in visual bulk/scale impacts on occupants of adjacent allotments when considering the appearance and height in relation to ground level.

In my opinion, the proposed boundary fencing atop the existing retaining walls along the western boundary will result in substantial visual and amenity impacts upon the occupants of the adjacent north-western dwelling (14 Marine Parade) (Refer Photo 27 and 28 of Attachment VI). The height the existing retaining wall and proposed fencing achieve (approximately 5.43 metres above ground level), are prominent and result in a reduced outlook for the occupants, particularly when viewed from east facing windows or the rear yard.

This notwithstanding, it is worthy to acknowledge the existing retaining wall along the western boundary has been in place since the early to late 1990s and some form of boundary fencing atop could be anticipated in some form. The design of the dwelling has attempted to incorporate elements to reduce the overall bulk and scale presenting to adjoining land, which is discussed further within this report.

Views Assessment

Given that loss of view is an amenity consideration, it is important when assessing such a development to have regard to the potential loss of view(s) experienced by adjacent land, should the proposed development be approved in its current form. In assessing the loss of views, I have

not only had regard to the City of Marion's Development Plan, but also recent Environment, Resources and Development (ERD) Court and Supreme Court Decisions.

In my opinion, views currently achieved from dwellings to the eastern and western side of the subject land will largely be unaffected. Whilst some views over the allotment will be removed for the property at 3 Allan Street, a majority of outwards views over the dwellings on the northern side of Allan Street will be maintained. Further, the property at 15 Marine Parade gains views from within the dwelling and front balcony to the west which will be unaltered. This property also features a deck accessed from the rear yard which achieves north-westerly through to north-easterly views. In administration's opinion, it was not considered necessary to undertake detailed view assessments from these properties.

In assessing the potential loss of view, in my opinion, the two dwellings potentially most affected by the proposed development are those located at 4 Murto Road and 23 The Cove Road, Marino (south of the subject land).

It should be noted the owner of the subject land has the right to develop their property for a residential dwelling, and given that adjacent dwellings to the rear of the subject site are situated significantly higher than the subject land and have their associated private open space areas oriented to take advantage of views over the subject land, and that two storey dwellings are envisaged in the Policy Area, it is inevitable that any reasonably sized dwelling on this land will have an impact upon the views currently available to adjacent properties.

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

Justice Debelle endorsed the following four-part test for the assessment of a development which proposed to obstruct the views of existing developments. An outline of the process has been provided below.

- The first step in the assessment is to assess the views to be affected, i.e. water, land, coast etc. In this regard, iconic views are valued more highly than views without icons and whole views are valued more highly than partial views.
- The second step is to consider from which part of the property the views were being obtained – taking into account that views across side boundaries are harder to protect than those over the front or rear boundaries, and sitting views are harder to protect than standing views. Whether a view is considered to be "hard" to protect will be relevant to whether the loss of the view is acceptable or not.
- The third step is to assess the extent of impact of the loss of views.
- The fourth step to assess the reasonableness of the development proposal, which will cause the impact on the views from existing developments.

The following assessment considers the potential loss of view experienced by those properties identified, following the four-part test. For the sake of clarity, a separate views assessment undertaking the above mentioned steps will be undertaken for each relevant property.

I believe it is also worthwhile providing context to the DeBelle J decision to the City of Marion. In *Alexander & Anor v The City of Marion* [2010] SASC 86, Bleby J stated that “[i]t should be noted that in *Hutchens v City of Holdfast Bay* the relevant Development Plan contained many more specific provisions relating to protection of coastal views...” (para 19). It was further stated that “[the] protection of coastal views receives less attention in this [Marion Council] Development Plan than in some others” (para 23).

This is not to say that view loss should not be considered – the Marion Development Plan nonetheless contains principles relating to the protection of amenity (Design and Appearance PDC 2(a), Siting and Visibility Obj 1, PDC 1, PDC 2, PDC 3 and PDC 4, Sloping land Obj 1 and PDC 2 and Hills Policy Area 11 Desired Character). However, it is also appropriate to conclude that the protection of views, as is now an established planning consideration, can be given less weight where the applicable Development Plan places less importance on such matters.

4 Murto Road, Marino

The dwelling at 4 Murto Road, Marino is located to the south of the subject land. Views currently available from this land and dwelling span from the west to the north / north-north-east (in a clockwise direction). In taking the approach of Justice DeBelle, it is considered that view of the coast, which includes “icons” such as Glenelg, are valued higher than other views.

Views gained from the subject property comprise the ocean and portion of the coastline and are gained from an upper level bedroom window and balcony which wraps around the rear of the dwelling and is accessed from an internal living area. Whilst views are achieved, it is of importance to note that the extent of view is interrupted to the north and north-east due to the placement of existing vegetation and buildings within the locality. Views from the lower level, within the dwelling, are generally restricted; however, partial views can be achieved when standing adjacent the rear boundary (Refer Photo 13 through to 18 of Attachment VI).

The proposed development will have an impact on the views that are currently experienced from the site in a northern and north-easterly direction. These views are primarily achieved to the rear of the dwelling, and therefore over that property’s rear boundary and over the subject land to the north.

Due to the protruding nature of the first floor, existing north and north-eastern views of the ocean and coastline achieved from within the upper level of the dwelling and balcony will be altered. Northern and partial north-eastern views of the coastline will be achieved from a standing position on the upper level balcony. Views to the west through to the north-north-west will not be affected from the relevant areas of the upper level.

Although the proposed dwelling will see a reduction in views in a northerly direction (both of a portion of the coastline and the ocean), the views able to be enjoyed from the site will not be removed completely. Views will still be able to be had in a north-westerly direction, particularly when standing on the western side of the balcony and will still include views of the coastline (towards Brighton/Glenelg) and the ocean. Therefore, the proposed dwelling, whilst it will have some impacts on views, the view loss in my opinion is minor given that a large proportion of the views will still remain from several vantage points on the site.

23 The Cove Road, Marino

The dwelling at 23 The Cove, Marino is located to the south-east of the subject land. Views currently available from this land and dwelling span from the west to the north (in a clock-wise direction). It should be acknowledged that the views gained from the subject property comprise the ocean and portions of the coastline. These views are gained from the upper level open plan kitchen/meals/living room and balcony. Some views are available of the ocean and coastline from the rear yard at ground level; however, are largely screened by existing vegetation and a “bali hut” structure on the site (Refer Photo 19 through to 27 of Attachment VI).

The proposed development will have an impact on the views that are currently experienced from the site in a northern and north-easterly direction. These views are primarily achieved to the side/rear of the dwelling, and therefore over that property’s side/rear boundary and over the subject land and the existing dwelling at 3 Allan Street, Marino to the north. Other views of the ocean are enjoyed to the side/rear of the dwelling and over other dwellings within the locality.

Due to the protruding nature of the first floor, existing views of the ocean and coastline achieved from within the upper level of the dwelling and balcony will be altered; however, will be largely retained.

The views from this dwelling are somewhat limited and are predominantly of the ocean and portion of the coastline. My estimates indicate any view loss experienced from this property will predominately comprise some ocean views to the north-west and partial views of the coastline from ground level.

As such, it is my opinion that the proposed development will not have such a detrimental impact upon the views currently enjoyed from the land and dwelling at 23 The Cove Road as to warrant amendments to the proposal or refusal of the application.

The fourth and final stage in the assessment process is to assess the reasonableness of the proposal causing the impact. Two storey dwellings achieving a height of up to 9m above ground level are an anticipated form of development within the Residential Zone Hills Policy Area 11.

Considerable views are achieved over the subject allotment and therefore the impact of the proposed development upon the views available from 4 Murto Road and 23 The Cove Road relate to the setbacks, siting and design, and height of the proposed development.

It is considered that the proposed development reasonably reflects the Desired Character of the Policy Area, by providing a low density detached dwelling, which has been designed to protect the landscape character of the Policy Area and reduce exposed alteration of the natural landform, whilst maintaining adequate privacy and amenity to adjoining land.

Whilst the dwelling exceeds 9.0 metres in height when measured from the estimated natural ground level (discouraged by Zone Principle 6 – refer to Building Height section of this report), a majority of the dwelling façades are below the maximum height prescribed. Further, the proposal generally accords with the minimum setback requirements, including the portion of built form which exceeds 9 metres in height. Where the dwelling fails to accord with the minimum side setback guidelines, it is demonstrated that the proposal will not result in unreasonable impacts upon the adjacent property.

Whilst the proposed dwelling will interrupt the current views available from the properties situated at 4 Murto Road and 23 The Cove Road, a high degree of the main views from these properties will remain largely unaffected.

In my opinion, the proposed development will not have such an adverse impact upon the amenity of the abovementioned properties when taking into consideration existing views, the extent of likely view loss and the overall reasonableness of the proposal as a whole as to warrant further amendments to the proposal or refusal of the application.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>	<p><u>Site coverage:</u></p> <p>Satisfies 182.25sqm (22.3%)</p> <p><u>Floor area ratio:</u></p> <p>Satisfies 0.4</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><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>Partially Satisfies</p> <p>The proposal maintains appropriate setbacks to boundaries and allows for adequate POS (discussed throughout this report). 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>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>Satisfies Approx. 294.5sqm (36%)</p>

Private Open Space

<i>Dwellings should include POS that conforms to the requirements identified in the following table:</i>			Satisfies Approx. 335sqm (41%)
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.	The dwelling is provided with an area of POS which exceeds 5 x 5 metre directly accessible from an internal living room.
<i>Residential Zone: PDC 7</i>			
<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>Satisfies</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 and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</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>Partially Complies</p> <p>g) The proposed POS areas maintain a southerly aspect as a result of the existing orientation of the allotment. This notwithstanding, the area of POS is generous in area and dimension, such that it is considered to meet the likely needs of occupants. It is also acknowledged that the upper level balcony faces north for comfortable year round use. Further, whilst the pool/deck area at the front of the property is not technically classified as POS, this area will likely function as one of the main entertaining areas as it gains some of the main views and achieves a northern orientation.</p> <p>Does Not Satisfy</p> <p>e) As a result of the topography of the locality and existing development on adjoining land, it is acknowledged the main area of private open space will likely be overlooked. It is acknowledged that this is common for the locality and that the location of POS proposed</p>

	is in accordance with the Development Plan guidelines.
<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>	Satisfies
Building Setbacks from Road Boundaries	
<p><i>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies 15m to 17.7m</p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i> (a) <i>be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> (b) <i>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>Satisfies The proposed front setback of 15m and 17.7m metres is slightly forward of the existing dwelling at 3 Allan Street, Marino (approximately 2m) or in-line with the protruding balcony. This notwithstanding, the variety in front setbacks, inclusion of a variety in colours/materials to the main façade, front yard landscaping and cantilevered balcony 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>Satisfies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres: 2 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies West side: 3m (wall height: 7m)</p> <p>Does Not Satisfy East side: 1.8m (wall height: 6.9m)</p> <p>The merits of the proposed setbacks and potential impacts are discussed within the Residential Zone/Hills Policy Area 11 assessment chapter of this report.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) <i>maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> (b) <i>minimise the impact of bulk and scale of development on adjoining properties</i> (c) <i>maintain the character of the locality in regards to the patterns of</i></p>	<p>Satisfies Although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise</p>

<p><i>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>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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Rear Setbacks

<p><i>Minimum setback from rear boundary:</i></p> <p><i>(a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)</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>Satisfies</p> <p>15.9m and 14.4m</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>Satisfies</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 (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.</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>Does Not Satisfy</p>
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The proposed dwelling is situated over three levels and achieves a maximum building height of 10.55 metres at its highest point, measured from the finished floor level of the garage (100.9 to top of stone veneer column). It is acknowledged that the measurement of building height is as per the definition outlined under Schedule 1 of the Development Regulations 2008. PDC 6 states that buildings in the Hills Policy Area 11, within the Residential Zone should have a maximum building height of not more than 9 metres, when measured from natural ground level (my underlining).

It is important to acknowledge the topography of the land has been significantly altered from what was the natural ground level due to the previously authorised earthworks and retaining walls. A review of Council's records has failed to identify detail of what the natural ground level was prior to the earthworks and retaining walls authorised as part of the 1992 development application. As such, the following process has been carried out to the best of Administration's ability and is based on the information submitted as part of the subject application and knowledge of the site's history.

Following inspection of the subject land and review of the 1992 development application, the following points have been identified:

- Between the existing retaining wall internal to the southern boundary and the southern boundary, there is likely to have been some form of manipulation to the natural contour of the land; however, the current levels provide the closest point of reference for "natural ground level" along the southern boundary;
- Similarly, the subject land currently slopes considerably towards the street and as such, the levels along the northern boundary can be used as a guide for what the natural ground level may have been;
- By extrapolating these levels, spot levels throughout the site can be determined, providing an indication of where natural ground level may be been.

The above methods relate to the plans contained within Attachment VII.

Based on the above, given the north-westerly slope of the land, the tallest portion of the dwelling, when measured from the estimated natural ground level is based below the north-western column of the balcony. As the land slopes from both south to north as well as east to west, the X and Y axis of the site are both considered as part of the assessment.

On the Y axis, the north-western column of the balcony is positioned at an estimated natural ground level of 101.965. If the dwelling measures at 111.45m at the highest point, a maximum building height of 9.5m is achieved. On the X axis, the north-western column of the balcony achieves an estimated natural ground level of 101.93. This indicates a maximum building height of 9.3m. As such, it is estimated that if the natural ground level of the subject land had not been manipulated, the non-compliance is largely a result of the central "stone veneer column" or limited to the front north-western portion of the dwelling, reducing further to the east and south respectively.

If I am incorrect in regard to the above, I am nonetheless satisfied that the proposed building height is not considered unreasonable, as the dwelling does not result in significant loss of northern views from allotments located to the south of the subject land, nor create unreasonable overshadowing impacts. It should also be noted, the excess in height is limited to the front north-western portion of the dwelling and is only exceeded due to the "stone veneer column" sitting 500mm above the parapet roof design.

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

Satisfies

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	
<i>Maximum floor area</i>	<i>60 square metres</i>	Satisfies 57.5sqm
<i>Maximum wall or post height</i>	<i>3 metres</i>	Does Not Satisfy 3.15m Given the garage wall is cut into the subject land, the non-compliance in wall height is not considered to result in visual impacts upon the adjacent property to the east.
<i>Maximum height of finished floor level</i>	<i>0.3 metres</i>	Satisfies
<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</i>	Does Not Satisfy 13.6m and forward of the main façade Despite the garage being situated forward of the main façade, when the dwelling is viewed, the ground and first floor are considered to present as the main element to the street. The undercroft garage is cut beneath the existing surface of the subject land and the design and appearance of the dwelling provides visual interest, assisting in reducing the visual dominance of the garaging.
<i>Minimum setback from side or rear boundaries (when not located on the boundary)</i>	<i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i>	Satisfies

<p>Maximum frontage width of garage or carport with an opening facing the street</p>	<p>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)</p>	<p>Satisfies 6m (43.8%)</p>
<p>Carports and garages should be setback from road and building frontages so as to: (a) not adversely impact on the safety of road users (b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		<p>Satisfies</p>
<h3>Vehicle Parking</h3>		
<p>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.</p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Satisfies 6 on-site parking spaces provided, 2 of which are covered.</p>
<p>Detached Semi-detached Row</p>	<p>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>		
<p>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).</p> <p>General Section: Transportation & Access: PDC 43</p>		<p>Satisfies a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 34. b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) on-street car parking spaces shall remain available adjacent the subject land.</p>
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>		<p>Satisfies 1 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
<h3>Access</h3>		
<p>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.</p> <p>General Section: Residential Development: PDC 39</p>		<p>Satisfies 5m</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>Satisfies The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</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> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Partially Satisfies (See comments below)</p>
<p><i>Balconies should:</i></p> <ul style="list-style-type: none"> <i>(a) be integrated with the overall form and detail of the building</i> <i>(b) include balustrade detailing that enables line of sight to the street</i> <i>(c) be recessed where wind would otherwise make the space unusable.</i> <p><i>General Section: Design & Appearance: PDC 5</i></p>	<p>Satisfies</p> <p>The proposed balcony is integrated into the overall dwelling design, with clear balustrading that enables line of sight to the street. The balcony is located forward of the main face and is partially shielded by the obscure glass along the western elevation and the first floor beyond, which offers protection from the southerly and south-westerly winds</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><i>General Section: Residential Development: PDC 8</i></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><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies (See comments below)</p>
<p>The proposed dwelling features a variety of design elements and colours/materials and substantial glazing throughout the main façade. The Desired Character of the Hills Policy Area 11 seeks to accommodate development of a low density, comprising a variety in architectural designs, which in my opinion, is achieved through the proposed design.</p> <p>The undercroft garage features selected stone veneer and a single panel lift door. The driveway is bordered by articulated retaining walls in slate finish, providing visual interest when viewed from the streetscape. The ground and first floor of the dwelling provides a mixture of artificial timber cladding, stone veneer, render and glass balustrade to the deck/pool area and balcony. Further visual interest is achieved through the cantilevered balcony and substantial glazing at the ground level and first floor. Landscaping is interspersed within the front yard of the dwelling and between retaining walls which will assist in softening the overall appearance of the building and retaining walls, which nonetheless comprise attractive materials, complementary to the desired character of the Hills Policy Area 11.</p> <p>The contrast in colours and materials vary, providing a variety in finishes, including timber, stone and render in white. Surrounding dwellings generally incorporate light and dark exposed brick and light and/or neutral colours/materials. When considered in context of the locality and desired character, the use of the above-mentioned colours and materials is considered complementary to both the original housing stock and newer dwelling additions and ensures the dwelling blends into the landscape character when viewed from afar. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The flat roof does not complement the local topography and reinforces the bulk and scale of the proposal in terms of its height and overall built form. This notwithstanding, it is acknowledged the flat roof design complements the existing and authorised topography of the subject land; however, this element of the proposal fails to accord with</p>	

PDC 1(c), which will be discussed further within the "Siting and Visibility" section of this report.

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

Satisfies

The dwelling has been designed so that its main facade faces Allan Street, presenting an entrance door and habitable windows to the street.

The elevations of the dwelling feature a mixture of stone and timber cladding, render and fenestration 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

Satisfies

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) Some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Generous separation is achieved from the rear boundary and adjacent areas of POS to the south is generally situated on higher land, such that any shadow cast from the proposed dwelling to the south will likely be contained within the subject land.

Visual Privacy	
<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 & Appearance: PDC 11</i></p>	<p>Satisfies (Refer comments below)</p>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Satisfies The fixed louvre screen is integrated with the overall design of the dwelling and shall be finished in a standard powder coat or natural anodized finish.</p>
<p>Eastern elevation (side) The eastern elevation of the dwelling incorporates high level window sills, a minimum 2.1m above the first floor finished floor levels.</p> <p>Southern elevation (rear) The rear elevation of the dwelling incorporates a variety of full length and high level windows. One of the two full length windows is associated with a habitable bedroom and incorporates a fixed louvered screen, 1.5m above the floor level. The design of the louvre screen prevents downward overlooking. The second full length window is proposed adjacent the stairwell, which links the ground floor to the first floor. Despite this window being clear, it is acknowledged this space is not an area occupied for extended periods of time and that the internal configuration of the first floor would prevent any loss of privacy when the open plan kitchen/meals/living area is in use. As a result of the topography of the locality, it is acknowledged there is potential for adjacent properties to the south to gain views into the dwelling, through the high level windows and vice versa. This outcome is inevitable and could be addressed by deleting all windows along the southern elevation; however, this is considered a poor outcome for the amenity of occupants of the dwelling (loss of natural light and ventilation), as well as adjacent properties which would view a large expanse of uninterrupted wall.</p> <p>Western elevation (side) The western elevation of the dwelling incorporates high level window sills, a minimum 1.7m above the first floor finished floor levels. Full length windows along this elevation incorporate a fixed louvered screen, 1.5m above the floor level. The design of the louvre screen prevents downward overlooking. The balcony has been amended to include a 1.5m screen comprising obscure glass. A 2.1m high good neighbour fence is proposed atop the existing retaining walls along the western side boundary. This fencing shall prevent overlooking from the pool/deck area at the front of the site into habitable room windows and adjacent areas of POS to the west.</p> <p>Upper storey windows and balustrade on the front elevation 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 balcony on the front façade is oriented to obtain views of the streetscape.</p> <p>The dwelling has 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>	

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

Partially Satisfies

The dwelling is oriented so that the main area of open space faces south. This is a result of the existing orientation of the site; however, it is acknowledged a generous dimension is provided to this area, such that adequate natural light will likely be available throughout the day.

The upper level balcony and pool/deck area face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around. Although the pool/deck area cannot be classified as private open space (in accordance with Residential Development, PDC 17(d)), they are likely to comprise part of the main activity areas as they are vantage points which gain some of the main views. Further, entertaining areas forward of the main façade are not uncommon for the locality and are welcomed as they bring activity to the front of the dwelling and enhance surveillance of the street.

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

Does Not Satisfy

The proposed flat roof design of the dwelling does not facilitate the efficient use of photovoltaic cells and solar hot water systems. If applied for in the future, it is likely that any solar panels (or similar) would need to be angled on a frame for maximum northern exposure and require further assessment.

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

Satisfies

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

Landscaping throughout the site incorporates a range of plantings suitable for the coastal environment and will assist in providing an attractive and high quality environment and complement and reduce the visual impact of the built form and retaining walls.

The proposal is considered to satisfy Principles 1 and 2.

<p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Partially Satisfies (See comments below)</p>
<p>The application proposes retaining walls varying in height to a maximum 3m. The proposed retaining walls incorporate a tiered design towards the street, comprising a slate finish. This extent of retaining is not considered to result in significant impacts upon the streetscape as it is coordinated with the overall design of the dwelling and further softened through landscaping. The dwelling itself has been designed to minimise earthworks where possible, and the incidental retaining required is considered appropriate in context of the steep gradient at the front of the site.</p> <p>A 2.1m high fencing is proposed along a portion of the western boundary in order to provide privacy between the subject land and adjacent property. Whilst 2.1m high fencing can be constructed as of right, it is acknowledged the fencing is to be constructed atop an existing retaining wall, which is approximately 3.33m in height. As such, the overall appearance of the combined retaining wall and fencing is considered to present as a dominant feature to the adjacent properties to the west, in particular, 14 Marine Parade and to a lesser degree, 15 Marine Parade.</p> <p>As identified within this report, it is acknowledged the existing retaining wall along the western boundary has been authorised under a previous Development Application in 1992. Given the existing levels on the subject land significantly vary compared to those of 14 Marine Parade, it is my opinion that any additional fencing atop the existing retaining wall will likely result in visual impacts upon the adjacent property. It is acknowledged however, that in order to achieve visual privacy between the subject land and the adjacent land to the west, some form of fencing is required. At present, a person is able to stand on the subject land and directly overlook the POS and habitable room windows facing south / east of 14 Marine Parade. As such, it can be argued that some form of fencing along the western boundary can be anticipated and would result in similar visual impacts to those of a 2.1m high fence as proposed.</p> <p>This element of the proposal is considered to create visual bulk and scale impacts on occupants of 14 Marine Parade, considering the combined height of the existing retaining wall and proposed fencing.</p>	
<p>Sloping Land</p>	
<p><i>Retaining walls should:</i></p> <ul style="list-style-type: none"> <i>(a) not exceed 1.5 metres in height</i> <i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i> <i>(c) be constructed to a high standard from high amenity materials</i> <i>(d) be landscaped to enhance their appearance.</i> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Partially Satisfies (See comments below)</p>

<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) minimises the extent of cut and/or fill</i> <i>(d) minimises the need for, and the height of, retaining walls</i> <i>(e) does not cause or contribute to instability of any embankment or cutting</i> <i>(f) avoids the silting of watercourses</i> <i>(g) protects development and its surrounds from erosion caused by water runoff.</i> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p>Partially Satisfies (See comments below)</p>
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i> <i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i> <i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i> <i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p>Does Not Satisfy (See comments below)</p>
<p>As mentioned throughout this report the application proposes substantial earthworks and retaining, and the visual bulk of the dwelling, and more so the combined boundary fencing/retaining walls are considerable. Setbacks to boundaries and the setting of the dwelling into the site assists in reducing the bulk of the building. Although the proposal does not to comply with Principle 2, the appropriateness of the proposed bulk/scale and associated visual impacts has been discussed earlier within this report, and concluded to be acceptable</p> <p>It must be acknowledged that the existing topography of the land has been significantly altered from what was the natural topography of the land due to the previously authorised earthworks and retaining walls. The maximum amount of cut proposed is approximately 3 metres adjacent the driveway area, in order to accommodate the undercroft garage. Whilst the retaining wall achieves an approximate height of 3 metres, the potential visual impacts have been considerably reduced and softened by tiering the retaining wall towards the front boundary and through generous landscaping.</p> <p>Whilst the height of retaining exceeds that sought in Principle 8, all retaining is to be constructed to a high standard from high amenity materials, and further, be landscaped to enhance their appearance and assist in reducing visual impacts. When considering the building's relationship with ground level and the extent of earthworks proposed, it is my opinion that the cut proposed and the treatment of exposed retaining walls is appropriate and the proposal is considered acceptable in the context of the Objectives, Principles and Desired Character of the Policy Area.</p>	
<p>Siting and Visibility</p>	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <ul style="list-style-type: none"> <i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i> <i>(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land</i> <i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p>Does Not Satisfy (See comments below)</p>

<p><i>The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.</i></p> <p><i>General Section: Siting and Visibility: PDC 5</i></p>	<p>Satisfies (See comments below)</p>
<p>The dwelling footprint has been limited to sit generally central to the allotment, which assists in reducing the overall bulk and scale of the building. It is acknowledged however, the incorporation of a flat roof does not complement or follow the natural form of the land, which falls in a north-westerly direction. Design elements such as multiple front setbacks, articulation, fenestration and use of colours and materials have assisted in reducing the overall mass of the building when viewed from the street. Further, it is acknowledged that by increasing the western side setback of the dwelling to 3m, assists in reducing the overall bulk of the building in view from adjacent properties which are most likely to be impacted.</p>	
<p>Whilst the proposed flat roof design fails to follow the natural topography of the land, it is acknowledged the land falls in a north-westerly direction. As such, it is considered that a roof form that “truly” follows the natural topography of the land would be difficult to achieve, unless the dwelling and allotment were angled towards to the north-west. Rather than incorporating a design sensitive to the natural contour of the land, a roof design has been adopted which complements the existing (authorised) levels of the land. This notwithstanding, it is considered that the dwelling is somewhat ‘nestled’ into the locality, with dwellings on the higher side of the subject land to the east and south forming a backdrop to the flat roof and square/rectangular nature of the building. As such, the overall mass of the building will only be as apparent when viewed from adjoining land to the west and vantage points on the low side of Allan Street and Marine Parade.</p> <p>Whilst three storeys in height, the undercroft garage and ground floor are cut into the land. The elevated nature of the subject land and flat roof design exacerbates the prominence of the dwelling when viewed from the west, noting that the ground level of the proposal will sit approximately 620mm lower than the adjacent property at ground level and 420mm lower at the first floor, to the east (3 Allan Street) and 3m higher than the property to the west (14 Marine Parade). To the south, the ground level will sit approximately 2.64m lower than the adjacent private open space of 4 Murto Road. Levels of 15 Marine Parade have not been provided; however, following inspection of this property, it has been identified that at the shared boundary, the land gradually falls towards to the west, with the dwelling cut further into the land. A review of the locality has identified the siting of dwellings generally provide a gradual transition in a north-westerly direction, with the associated levels somewhat following the natural contour of the land. In this instance, it is considered that the proposal fails to tie in with this characteristic of the locality. It is also acknowledged that if the proposal were to complement the general existing transition between dwellings, significant earthworks would be required, which would be at variance to the Desired Character statement of the Hills Policy Area 11.</p> <p>The proposed colours and materials are considered complementary to the locality and existing dwellings. The general layout and design of the dwelling assists in ensuring the building does not detract from the visual character and amenity of the landscape character.</p>	
<p>Swimming Pools and Outdoor Spas</p>	
<p><i>Swimming pools, outdoor spas and associated ancillary equipment and structures should be sited to protect the privacy and amenity of adjoining residential land.</i></p> <p><i>General Section, Residential Development, PDC 34</i></p> <p><i>Swimming pools, outdoor spas, and associated structures (other than fencing) should be setback from site boundaries by a minimum distance of 1 metre.</i></p> <p><i>General Section, Residential Development, PDC 35</i></p> <p><i>Pool or spa equipment should be contained within a sound reducing enclosure and located at least 5 metres from a dwelling on an adjoining property, or where not within a sound reducing enclosure, at least 12 metres from a dwelling on an adjoining property.</i></p> <p><i>General Section, Residential Development, PDC 36</i></p>	<p>Satisfies The pool pump equipment is contained within a sound reducing enclosure and at least 5 metres from the nearest dwelling on adjoining land.</p> <p>Does Not Satisfy It is acknowledged the proposed pool is situated within the front yard of the dwelling, adjacent the western boundary and approximately 3m from the nearest habitable room on adjoining land (14 Marine Parade). The location of the pool will likely bring additional activity to the front yard area and increase the likelihood of noise impacts upon habitable rooms on adjoining land. The proposed fencing is considered to protect the privacy of the adjacent allotment and will provide some acoustic treatment to adjacent occupants.</p>

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to loss of privacy, building height and design and appearance failing to complement the character of the locality have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over the potential for the proposal to impact the structural integrity of retaining walls along the eastern and western boundary and loss in property value. 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. It is also acknowledged that an assessment under the National Construction Code should take into consideration any potential impacts upon existing retaining walls throughout the site, on the allotment boundaries and on adjoining land.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated the proposed development generally satisfies the applicable quantitative and qualitative provisions of the Development Plan and Objectives and Desired Character of the Hills Policy Area 11.

The proposal fails to accord with Council's Development Plan in respect to the eastern side setback, building height, roof form and siting of the garage being forward of the main façade. Each area of non-compliance has been identified throughout this report and demonstrated that they result in acceptable outcomes and are not fatal to the overall merits of the proposal.

The main façade features a variety of complementary colours and materials and design elements, stepping and substantial glazing. The presentation to the street is articulated and is considered to provide visual interest and increase the variety in architectural form within the locality. The use of timber and stone cladding, render, panel lift garage door and glass balustrade to the balcony is complementary to dwellings in the locality and desired character of the Hills Policy Area 11.

The dwelling has been designed in a way which aims to complement the existing topography of the land. Additional earthworks and retaining walls are proposed and are generally associated with the undercroft garage and associated driveway. Whilst the earthworks and retaining walls proposed are significant, they are well contained within the subject land, thereby minimising impacts on adjacent allotments. The proposed retaining walls will be in view from the street; however, incorporate an attractive material which ties in with the overall design of the dwelling and is further softened by providing a tiered/staggered appearance and the use of landscaping.

The siting/placement of the dwelling, proposed ground levels of the site in relation to adjacent allotments, fencing atop existing retaining walls and the built form of the dwelling will result in bulk/scale impacts on adjacent dwellings on adjoining land (in particular 14 Marine Parade). Whilst the eastern side setback accords with the Council's Development Plan guidelines, due to the elevated nature of the allotment, the likely visual impacts caused by the height and design of the built form will change the outlook currently experienced by the occupants on the adjacent allotment to the west. On balance, the anticipated visual and amenity impacts, whilst significant, are not considered to be fatal to the overall merits of the application and can arguably be anticipated.

The proposed development has sought to minimise direct overlooking into habitable areas of other dwellings through a combination of high level windows, screening devices (including fencing) and adequate separation.

In conclusion, having regard to the nature of the impacts associated with the development, the topography of the land and the compliance of the proposal with a number of design criteria, I am of the view that the proposed development is not seriously at variance to the Development Plan, and whilst finely balanced in some areas, the proposal on balance warrants Development Plan Consent.

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 a Reserved Matter and conditions.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/557 for the construction of a two storey dwelling with undercroft garage, fencing, swimming pool and deck with associated earthworks and retaining walls at 1 Allan Street, Marino be **GRANTED** subject to the following Reserved Matter and Conditions:

RESERVED MATTER

Pursuant to Section 33(3) of the Development Act, Council **RESERVES** its decision in relation to the following matter. Development Approval cannot be issued by the Council unless and until it has assessed such matters and granted its consent in respect thereof.

1. Provision of a revised fully engineered siteworks and drainage plan detailing 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 infrastructure and street trees, to the reasonable satisfaction of the Manager of Development and Regulatory Services.

Pursuant to Section 33(3) of the Development Act 1993 the Council reserves its decision on the form and substance of any further conditions of the development plan consent that it considers appropriate to impose in respect of the reserved matter outlined above.

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/557, except when varied by the following conditions of consent.
2. 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.
3. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

5. **Stormwater must be disposed of in such a manner that does not flow or discharge onto land of adjoining owners, lie against any building or create insanitary conditions.**
6. **All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.**
7. **Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**
8. **All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and shall be contained within a sound reducing enclosure.**

NOTES

1. **Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.**
2. **You are undertaking work that may affect the stability of adjoining land. Section 60 of the Development Act 1993 and Regulation 75 of the Development Regulations 1993, prescribe that your neighbour has a right to be notified by you 28 days prior to you undertaking that work. This is to enable your neighbour to obtain a report for which you are obliged to pay, that specifies any work that is required to be undertaken to ensure the stability of your neighbour's property is maintained during and following the undertaking of the work you propose. You should make yourself aware of these requirements before proceeding.**
3. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**
4. **Before commencing any site works, a temporary vehicular access to the property for machinery, delivery of building materials and general vehicles should be provided. In the case where no driveway invert exists, the kerb can be saw cut and removed at the intended location for the new driveway invert to provide the necessary temporary access. In addition, if a paved Council footpath exists, this should also be removed in alignment with the removed section of kerb. The applicant should also take note of other information provided regarding use of, damage to and construction on Council owned land.**
5. **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.**

6. 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).
7. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council (a suggested measure is to install a gravelled construction exit with wash down facilities).
8. 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.
9. 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.
10. Any additional excavated material not required as fill for the site must be removed immediately after excavation to prevent bogging and soil washing away.

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: Photographs
Attachment VII: Administration assessment to estimate natural ground level

**REPORT REFERENCE: CAP040418 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 APRIL 2018**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	C R Consultants
Development Description:	Alterations and additions to an existing two-storey dwelling and the construction of a two-storey dwelling and associated earthworks, resulting in a two-storey building comprising two dwellings.
Site Location:	22 Moor Crescent, Hallett Cove
Zone:	Residential Zone
Policy Area:	Southern Policy Area 18
Application Type:	Category 3 / Consent
Lodgement Date:	22/06/2017
Development Plan:	Consolidated – 28/04/2017
Referrals:	Nil
Delegations Policy:	Nil
Application No:	100/2017/1127
Recommendation:	That Development Plan Consent be REFUSED

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development by virtue of the proposal not meeting the criteria of Parts 1 or 2 of Schedule 9 of the Development Regulations 2008 as a Category 1 or 2 form of Development. As the proposal cannot be considered minor in nature, pursuant to clause 2(g) of Part 1, the application has been processed as a Category 3/Consent form of Development.

Given that a similar proposal on the same allotment and by the same applicant was referred to the Council Assessment Panel (previously Council's Development Assessment Panel) it was deemed appropriate for the subject application to be referred to the Council Assessment Panel for determination.

In addition, the proposal received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, in such instances Council delegates authority to the Council Assessment Panel.

BACKGROUND

A similar proposal for a “*single-storey detached dwelling and alterations to the existing dwelling*” under Development Application number 100/2015/431 was previously submitted by the applicant. The application was referred to the Council Assessment Panel (previously Development Assessment Panel) which refused the application. Development Application 100/2015/431 is currently subject to an appeal lodged by the applicant.

It is noted that an application to create an additional allotment has been lodged by the applicant for the subject land which is consistent with the subject application.

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

Amendments Requested	Comments
Amendments to the proposed dwelling to better address the primary street frontage to clearly define entrance door	Front door repositioned to be visible from the primary street frontage.
Garage of the proposed dwelling to be setback a minimum of 0.5 metres behind the main face of the dwelling	Garage of the proposed dwelling setback 0.5 metres behind the main face of the dwelling
Additional information requested	Comments
Provide a cross-sectional detail through the shared wall between the existing and proposed dwellings to verify the dwelling are connected forming one building	Detail provided as requested
Provide additional elevation drawings of the existing and proposed dwelling showing all sides	Information provided as requested
Provide first floor plan of the existing dwelling to show the extent of proposed works	Information provided as requested
Provide shadow diagrams to show the extent of overshadowing caused by the proposed development on 21 st June (Winter Solstice)	Information provided as requested
Provide an engineered site works plan to show propose finished floor levels and extent of site works proposed (excavation and/or fill)	Information provided as requested

SUBJECT LAND & LOCALITY

The subject site is located at 22 Moor Crescent, Hallett Cove. The land comprises an approximately rectangular corner allotment within the elbow of Moor Crescent, with a southern primary street frontage, an eastern ‘secondary street’ frontage, and a total site area of 814 square metres.

The subject land accommodates a two-storey detached dwelling in good condition with a driveway sited alongside the western boundary providing access to a single-width garage under the main roof of the dwelling. Access is gained to a balcony/deck sited at the rear from both the upper level of the dwelling as well as external stairs from the area of private open space at ground floor level, which takes advantage of coastal views to the north-west. Several trees are located on the subject land, none of which are classified as regulated pursuant to the current legislation.

The locality comprises a slope from the south-east to the north-west, and consists of predominantly single-storey and (to a lesser extent) two-storey, detached dwellings built since the 1970's at low densities.

Several areas of public open space are noted within the vicinity, the closest of which (Oakvale Way Reserve) is sited approximately 400 metres walking distance to the south of the site. Hallett Cove Railway Station is sited some 1.75 kilometres walking distance to the west.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct a two-storey dwelling, located within the northern portion of the subject land. Works proposed to the existing dwelling include removal of the upper level balcony/deck at the rear of the dwelling, and an extension of the ground floor of the dwelling to the proposed northern boundary of the allotment incorporating a kitchen and meals area. From the meals area, a patio door provides access to a fenced area of private open space adjacent the eastern boundary of the allotment.

For the purposes of assessment, the proposed dwelling has been considered a two-storey, semi-detached dwelling, as it is indicated to be sited on its own allotment, have exclusive access to a public road and be connected to the existing dwelling at ground floor level by a party wall. This is reflected in the associated land division application 100/D258/17.

The proposed dwelling features two bedrooms, study, bathroom, kitchen, open plan dining/living areas and a laundry at ground floor level. An internal staircase provides access to a second floor within the roof space comprising an additional bedroom with ensuite. Direct access is provided to private open space at the rear of the dwelling via a patio door from the dining area. A single width garage is incorporated under the main roof of the dwelling, and is to be sited on the proposed southern boundary. Vehicular access is provided from the eastern boundary of the allotment and there is sufficient space for a vehicle to park on the driveway.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	16 properties were notified during the Category 3 public notification process.
Representations:	2 representations were received by Council against the application
Persons wishing to be heard:	Mr Robert Dopson of 24 Moor Crescent, Hallett Cove
Summary of representations:	Concerns regarding overshadowing of neighbouring land north of the subject land (24 Moor Crescent, Hallett Cove). Impact of additional vehicles being parked in the street. Concerns regarding the impact the proposed dwelling will have on existing views from land on the eastern side of Moor Crescent <i>Refer Attachment IV</i>

Applicant's response:	<p>The applicant noted that the subject land is located to the south of land at 24 Moor Crescent and will not be overshadowed by the proposed development.</p> <p>Given the significant difference in relative site levels between the subject land and land on the eastern side of Moor Crescent, the applicant is of the opinion that the proposed development will not result in a significant loss of view.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>
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ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Southern Policy Area 18 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.

Southern Policy Area 18

Objectives

- 1 A policy area primarily comprising low scale, low to medium density housing.
- 2 Development that minimises the impact of garaging of vehicles on the character of the locality.
- 3 Development that reflects good residential design principles.
- 4 Development that contributes to the desired character of the policy area.

Desired Character

This policy area encompasses the generally established residential areas in the suburbs of Hallett Cove (east of the Adelaide-Seaford railway), Sheidow Park (north), and Trott Park. Land is typically undulating with some areas of steeper terrain. The existing character of streetscapes is largely derived from single-storey detached dwellings built since the 1970s which incorporate generous front and rear setbacks.

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

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

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

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>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Satisfies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Partially Satisfies
PDC 3	Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.	<p>Partially Satisfies</p> <p>Although the proposed dwelling is setback a lesser distance from the primary street boundary than existing dwellings in the locality (including the dwelling on adjoining land at 24 Moor Crescent which is setback 10 metres from the boundary closest the proposed dwelling) the setback of the proposed dwelling provides a transition to the corner of Moor Crescent where the existing dwelling at 22 Moor Crescent is setback 4.5 metres from the boundary at its closest point, albeit the secondary street boundary associated with that dwelling.</p>
PDC 4	Minimum Site Area: 350m ² (semi-detached dwellings)	<p>Satisfies</p> <p>Existing dwelling: 468m²</p> <p>Does Not Satisfy</p> <p>Proposed dwelling: 347m² Representing a negligible shortfall of 3m² (or 0.86%).</p>
	Minimum Frontage: 12m (semi-detached dwellings)	<p>Satisfies</p> <p>Existing dwelling: 13.5m Proposed dwelling: 16.4m</p>
	Minimum Depth: 20m	<p>Partially Satisfies</p> <p>Existing dwelling: 19.57m increasing to 22.7m Proposed dwelling: 19.5m increasing to 22.37m</p>

Assessment

The application seeks for the retention of an existing two-storey detached dwelling, whilst providing an additional two-storey dwelling attached to the existing dwelling by a shared party wall to the rear of the existing allotment. A mix of housing densities and housing types are a form of development anticipated by the Desired Character of Southern Policy Area 18.

The proposed development complements the desired character of the Policy Area in that it contributes to a mix of housing densities. However, the Desired Character also seeks for new buildings to maintain the existing pattern of existing buildings, and for the built form, architectural and landscaping design to make a positive contribution to the streetscape. Furthermore, PDC 3 outlines that “where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings”.

It is acknowledged the proposed dwelling is set within an attractive established streetscape which is characterised by dwellings at low densities incorporating generous front and rear setbacks.

While semi-detached dwellings are an anticipated form of development, the proposal, in my view, appears ‘cramped’, by virtue of the limited separation between the existing dwelling to the proposed dwelling/boundary, and reliance upon side yards as the primary area of private open space, rather than the rear yard.

A minimum site area of 350 square metres is prescribed for semi-detached dwellings in Southern Policy Area 18. The proposed dwelling comprises a site area of 347 square metres, which equates to a shortfall of 3 square metres, or 0.86% less than the minimum sought. This relatively minor shortfall is negligible and considered inconsequential to the assessment of the application.

When considering the proposed increase in density, it is also appropriate to have regard to the proximity of activity centres, public transport and public open space. While it is acknowledged that public open spaces are sited within reasonable walking distance of the site (the closest being some 500 metres to the south), the subject land is not in close proximity to activity centres, a railway station or a high-frequency bus service.

It is my view that the proposed residential density, in part, finds conflict with that permitted in the Policy Area. It is of further worth to note that the consideration of density relates not only to the average site area per dwelling, but also other design aspects such as proximity of buildings to boundaries, and the height, bulk and scale of buildings. The siting and design of the dwellings are assessed in the following section ‘Development Assessment’.

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:

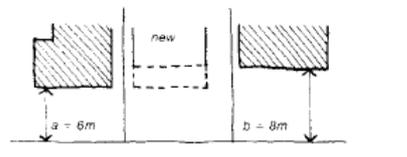
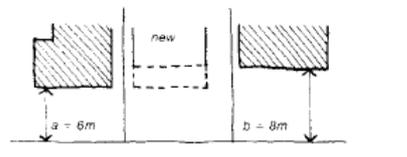
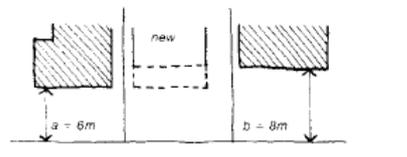
Site Coverage			
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.5.</i></p> <p><i>Southern Policy Area 18: PDC 5</i></p>			<p>Site coverage:</p> <p>Satisfies Existing dwelling: 30.5% Proposed dwelling: 34.5%</p> <p>Floor area ratio:</p> <p>Satisfies Existing dwelling: 0.45 Proposed dwelling: 0.35</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>Satisfies</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>Satisfies</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Satisfies</p> <p>Proposed dwelling: 2 areas: 22.7m² & 55.5m² (78.2m²): 22.5%</p> <p>Does Not Satisfy</p> <p>Existing dwelling: 2 areas: 63.4m² & 24.4m² (87.8m²): 18.8%</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>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.</p> <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.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
<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>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(i) to be partly shaded in summer</p> <p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(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><i>Private open space should not include:</i></p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings</p> <p>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</p> <p>(c) common areas such as parking areas and communal open spaces</p> <p>(d) any area at ground level at the front of the dwelling (forward of the building line)</p> <p>(e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>Satisfies</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 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>g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use.</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>Partially Satisfies</p> <p>k) Whilst the POS area of the proposed dwelling is considered to have sufficient shape and area to be functional, the areas of POS remaining available to the existing dwelling are somewhat compromised by the location of the proposed boundary. The POS remaining is split into two sections, one which achieves a maximum depth of 3.1 metres and the other being located to the side of the existing dwelling with access from the proposed meals area. The total POS achieved for the existing dwelling is 18.8% of the total allotment area.</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>General Section: Residential Development: PDC 22</p>	<p>Satisfies</p>
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Building Setbacks from Road Boundaries

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</p> <p>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Partially Satisfies</p> <p>Proposed dwelling: 6.65m increasing to 7.7m</p> <p>The proposed front setback of 6.65 metres (increasing to 7.7 metres) is considered to provide an acceptable transition in front setback towards the corner of Moor Crescent. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="143 302 861 627"> <thead> <tr> <th data-bbox="143 302 438 369">Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th data-bbox="438 302 861 369">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="143 369 438 627">Up to 2 metres</td> <td data-bbox="438 369 861 627">The same setback as one of the adjoining buildings, as illustrated below:  When $b > a \geq 2$, setback of new dwelling = a or b</td> </tr> <tr> <td data-bbox="143 627 438 660">Greater than 2 metres</td> <td data-bbox="438 627 861 660">At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	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:  When $b > a \geq 2$, setback of new dwelling = a or b	Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Partially Satisfies</p> <p>Proposed dwelling: 6.65 metres increasing to 7.7 metres</p> <p>The dwelling on adjoining land at 24 Moor Crescent is set back approximately 10 metres (decreasing to 8 metres) from the primary street boundary.</p> <p>Whilst the front setback of the proposed dwelling is 3 metres less than the dwelling at 24 Moor Crescent it is considered to provide an acceptable transition towards the corner of Moor Crescent. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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:  When $b > a \geq 2$, setback of new dwelling = a or b						
Greater than 2 metres	At least the average setback of the adjoining buildings						
<p>Minimum setback from secondary road frontage: 3 metres</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies</p> <p>The existing dwelling will maintain a setback of 4.5 metres to the secondary street boundary.</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>General Section: Residential Development: PDC 37</p>	<p>Satisfies</p>						
<p>Side Setbacks</p>							
<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies</p> <p>Existing dwelling: 4.5 metres (increasing to 5.8 metres) (eastern boundary) & 2.3 metres (eastern boundary) to ground floor and first floor. Proposed dwelling: 1 metre (northern boundary) & 3.2 metres (beyond garage on boundary) (southern boundary) for the ground floor. The first floor is setback 7 metres from the southern boundary and 4.7 metres from the northern boundary.</p>						
<p>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.</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies</p> <p>The extent of the wall on the proposed boundary is a shared party wall common to both dwellings, has a maximum length of 9 metres and a maximum height of approximately 2.8 metres. The party wall (shared) component of the wall on the boundary has a maximum length of 4.3 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>Partially Satisfies</p> <p>The separation from the northern side boundary is considered sufficient to minimise the visual impact of the building from the adjacent property to the north.</p> <p>The boundary wall on the southern side boundary may result in visual impacts on the existing dwelling on the southern portion of the subject land. Further, overshadowing of the north facing POS, and to some extent the north facing habitable room windows, of the existing dwelling may occur during winter months, as discussed in the Overshadowing section of this table.</p>
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>Partially Satisfies</p> <p>Proposed dwelling: 5.5 metres for 44% the width of the rear boundary and 4 metres for 27% of the width of the rear boundary.</p> <p>Does Not Satisfy</p> <p>Existing dwelling: the portion of the ground floor level not on the proposed boundary is setback 3.1 metres for 26% of the width of the rear boundary. The first floor is setback 3.1 metres for the extent of the first floor which has a length of 12.35 metres (55% of the width of the rear boundary).</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>The proposed dwelling incorporates a maximum building height of 6.145 metres, which is less than the maximum permitted in the Policy Area.</p>
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>Satisfies</p> <p>Proposed dwelling: Garage is set back 8.3 metres (increasing to 8.8 metres) from the primary road frontage.</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>	

Parameter	Value	
Maximum floor area	60 square metres	Satisfies
Maximum wall or post height	3 metres	Satisfies
Maximum building height	5 metres	Satisfies
Maximum height of finished floor level	0.3 metres	Satisfies
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Satisfies Proposed dwelling: 6.45 metres
Maximum frontage width of garage or carport with an opening facing the street	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)	Satisfies Proposed dwelling: 2.4 metres (opening)
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Satisfies
Vehicle Parking		
<p>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.</p> <p>General Section: Transportation & Access: PDC 34</p>		Satisfies Existing dwelling: 3 off-street car parking spaces are maintained, 1 of which is covered. Proposed dwelling: 2 off-street car parking spaces are provided, 1 of which is covered.
Detached Semi-detached Row	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</p> <p>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation & Access: PDC 42</p>		Satisfies
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		Satisfies a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7. b) Although centre facilities are not located within walking distance of the dwellings, the nearest bus stop is sited some 500 metres walking distance to the west of the subject land, providing services between Hallett Cove Beach Railway Station and Flinders University.

	<p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 4 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>Satisfies</p> <p>4 on-street car parking spaces remain available for the proposed allotments (1 adjacent the existing driveway crossover access point of the existing dwelling and 3 adjacent the eastern boundary of the allotment).</p>
Access	
<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>Partially Satisfies</p> <p>Existing dwelling: 3m (unchanged) Proposed dwelling: 3.3m</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>Satisfies</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>Satisfies</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Partially Satisfies</p> <p>The proposed dwelling is somewhat articulated through varied setbacks; however, a limited colour/material palette is noted. The dwelling façades incorporate the following elements;</p> <ul style="list-style-type: none"> • Sandstone coloured render to front façade, brickwork to remaining elevations. • Eave overhang and pitched (tiled) roof form at 25-degree slope • Fenestration <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the proposed dwelling is considered satisfactory, however could nonetheless incorporate a greater range of colours and materials to the front façade to enhance its design and appearance and provide visual interest.</p>

<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></p> <p><i>(b) individual entries for ground floor accommodation</i></p> <p><i>(c) opportunities to overlook adjacent public space.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></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><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies</p> <p>Landscaping forward of the proposed dwelling incorporates a 0.8 metre wide landscaping strip adjacent the driveway and adjacent the northern boundary of the allotment in addition to a grassed area to the primary street boundary of the allotment.</p> <p>The proposed dwelling is designed so that the main facade faces the primary street frontage, presenting front entrance door and windows to habitable rooms to the street.</p>
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Overshadowing

<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(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</i></p> <p><i>(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></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Satisfies</p> <p>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:</p> <p>a) North-facing windows to habitable rooms of the existing dwelling, and other dwellings on adjacent land, shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on 21 June</p> <p>b) The north-facing POS of the existing dwelling may experience some level of overshadowing from the boundary wall of the proposed dwelling. Further, the main area of POS of the existing dwelling will be partially shaded during afternoon hours being sited on the eastern side of the two-storey dwelling. However, this area will receive access to sunlight in morning hours.</p> <p>Considering the above observations, the extent of shadow cast onto habitable windows and private open spaces of both existing and adjacent properties maintains adequate compliance with PDC 9 and 10.</p>
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Visual Privacy

<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</i></p>	<p>Satisfies</p> <p>The existing dwelling incorporates obscure film to 1.7 metres above floor level to the existing windows on the rear elevation.</p> <p>Upper storey windows on the front elevation remain unobscured to provide surveillance to</p>
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<p><i>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 & Appearance: PDC 11</i></p>	<p>the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p> <p>The proposed dwelling incorporates first floor dorma-style window within the roof form of the dwelling facing the public street and will not provide opportunities for overlooking of adjoining land.</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>Partially Satisfies</p> <p>The existing dwelling is oriented so that the internal living areas face north for exposure to winter sun (albeit a portion of these windows are overshadowed by the boundary wall of the proposed dwelling for parts of the day in winter months). The main area of POS faces east which should nonetheless receive some northern winter sunlight.</p> <p>The POS and main activity areas of the proposed dwelling are oriented west, which is not ideal, but is somewhat necessitated due to the orientation of the proposed allotment. Nonetheless, the POS should receive some northern winter sunlight.</p> <p>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.</p>
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<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>Satisfies</p> <p>The proposed dwelling incorporates a hipped roof form set at a 25-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
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Landscaping, Fences and Walls

<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p>	<p>Satisfies</p> <p>A selection of landscaping is proposed to the front and rear of the proposed dwelling though largely limited to turf forward of the dwelling adjacent the boundary with the public street.</p>
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<p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Satisfies</p> <p>The application proposes sandstone block retaining walls varying in height to a maximum of 1.06 metres (comprising a 0.2 metre addition to the existing concrete retaining on the northern boundary of the allotment). A standard 1.8 metre high fence is proposed atop the walls resulting in a maximum structure height of 2.86 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
<h2>Sloping Land</h2>	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises their visual impact</i> <i>(b) reduces the bulk of the buildings and structures</i> <i>(c) minimises the extent of cut and/or fill</i> <i>(d) minimises the need for, and the height of, retaining walls</i> <i>(e) does not cause or contribute to instability of any embankment or cutting</i> <i>(f) avoids the silting of watercourses</i> <i>(g) protects development and its surrounds from erosion caused by water runoff.</i> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p>Satisfies</p>
<p><i>The cutting and/or filling of land should:</i></p> <ul style="list-style-type: none"> <i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i> <i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i> <i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i> <i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i> <p><i>General Section: Sloping Land: PDC 7</i></p>	<p>Satisfies</p>

TABLE DISCUSSION

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

- Front setback (proposed dwelling)
- Rear setback (existing dwelling)
- Private open space (existing dwelling)

Front setback (proposed dwelling)

The main face of the proposed dwelling is set back at 6.65 metres from the front boundary at its closest point increasing to 7.7 metres, where PDC 22 (General Section: Design and Appearance) stipulates that setbacks should not be less than the average of buildings on adjoining allotments. The dwelling on the adjoining allotment to the north of the subject land has a front setback of approximately 10 metres, while the existing dwelling on the southern portion of the subject land incorporates a secondary street setback of 4.5 metres to the section of Moor Crescent running north/south. Accordingly, a front setback of 7.25 metres is required by PDC 22. Whilst a front setback of 7.25 metres has not been achieved, the proposed setback of between 6.65 metres and 7.7 metres is considered appropriate and provides a transition to the corner where the existing dwelling achieves a setback of 4.5 metres to the secondary street frontage. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality satisfying PDC 21 (General Section: Design and Appearance).

Rear setback (existing dwelling)

Single-storey dwellings should maintain a rear setback of 6 metres, with an incursion of up to 3 metres permitted for no more than 50% of the allotment width, while two-storey dwellings should be set back from the rear boundary by not less than 8 metres. Where the wall is not on the proposed boundary the existing dwelling incorporates a rear setback from the lower level of 3.1 metres for 26% of the width of the rear boundary. The first floor is setback 3.1 metres for the full extent of the first floor which has a length of 12.35 metres, representing 55% of the width of the rear boundary.

PDC 2 (General Section: Design and Appearance) prescribes that, where a building is sited close to a rear boundary, the dwelling should minimise the visual impact of the building as viewed from adjacent properties as well as overshadowing of adjacent properties to allow adequate sunlight access to neighbouring buildings.

It is acknowledged that the shortfall in upper level setback is unlikely to result in overshadowing of adjacent land given the northern orientation of the rear boundary. However, the visual impact resulting from the substantial shortfall in rear setback is likely to be significant from adjacent land and the locality. The bulk and scale of the first floor portion of the dwelling is likely to be made more evident given the downward gradient of the land from the corner of Moor Crescent in a northerly direction. As the existing dwelling does not achieve sufficient upper level setbacks from the rear boundary, the proposal presents a density not necessarily envisaged for the Policy Area.

It is further considered that the location of the proposed boundary results in limited separation between, and amenity impacts upon, the existing dwelling. The north (rear) facing windows of the existing dwelling will have an outlook upon a boundary wall within 3.1 metres of the lower level habitable rooms. The north facing portion of the POS of the existing dwelling, being limited to a depth of 3.1 metres, is likely to experience overshadowing, though limited, from the proposed dwelling.

The shortfall in rear setback of the existing dwelling is noted and considered accordingly with the overall merit of the proposal.

Private open space (existing dwelling)

The proposed development results in the existing dwelling having a maximum area of private open space equal to 18.8% of the total allotment area. Whilst this represents a relatively minor departure from the Development Plan standard of 20%, the remaining private open space is split into two sections that are less functional than the private open space currently available to the occupant. The area directly accessible from the living room of the dwelling is somewhat compromised achieving a maximum depth of 3.1 metres and a length of 7.85 metres. The second area is accessible from the proposed meals area, is adjacent the side elevation of the dwelling and achieves an area of 63.4 square metres. In addition, the additional private open space provided by the existing first floor deck measuring approximately 4.4 metres by 5.8 metres will no longer be available as the deck is to be removed to accommodate the proposed development.

REPRESENTOR'S CONCERNS

Whilst the applicant has not made amendments to the plans since the application was placed on public notification, the concerns raised by the representors in relation to overshadowing of adjoining land, the impact of additional cars parking in the street and the potential loss of view from the eastern side of Moor Crescent have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

ANALYSIS/CONCLUSION

The proposed development fails to satisfy several key Objectives, Principles of Development Control and aspects of the Desired Character of the Southern Policy Area 18 which relate to minimum setbacks from allotment boundaries for dwellings and the overall pattern of development.

Assessment of the proposal against applicable Development Plan criteria has demonstrated a substantial shortfall in the rear setback of the existing dwelling and private open space of the existing dwelling being somewhat compromised. When viewed in isolation, the shortfalls may be viewed as tolerable or justifiable for one reason or another, and it is acknowledged that the proposed development is finely balanced in this regard. However, I am of the opinion that the cumulative impact of these shortfalls suggests that that the proposal does not accord with the intent of the Southern Policy Area 18, and that an increase in density (whilst retaining the existing dwelling) may not be appropriate.

As a result of the above considerations, it is my view that whilst the proposed development is not seriously at variance to the Development Plan, the proposal however fails to sufficiently accord with the relevant provisions of the Development Plan, and therefore warrants refusal.

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; but that
- (c) That Development Plan Consent for Development Application No: 100/2017/1127 for alterations and additions to an existing two-storey dwelling and the construction of a two-storey dwelling and associated earthworks, resulting in a two-storey building comprising two dwellings at 22 Moor Crescent, Hallett Cove be REFUSED for the following reasons.

REASONS FOR REFUSAL

1. The development results in a built form density that does not comply with that sought within the Southern Policy Area 18 and is at variance to Objective 4 and Principles of Development Control 2 and 3 of Southern Policy Area 18.
2. The rear setback of the existing dwelling does not minimise the impacts of the building upon the proposed dwelling and will not maintain the patterns of space between buildings, failing to satisfy Design and Appearance Principles 2(b) and 2(c).
3. The private open space of the existing dwelling is compromised and the total area of private open space available to the existing dwelling does not satisfy Principle of Development Control 7 of the Zone Section: Residential Zone and Principle of Development Control 16(k) of the General Section: Residential Development.

Attachments

- Attachment I: Certificate of Title*
Attachment II: Aerial photograph & site locality plan
Attachment III: Proposal plans and supporting documentation
Attachment IV: Representations
Attachment V: Applicant's response to representations

**REPORT REFERENCE: CAP040418 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 APRIL 2018**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Ashley Elizabeth Light
Development Description:	Single storey dwelling alterations and additions, verandah and front fence
Site Location:	19 Stuart Road, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 2 / Consent
Lodgement Date:	27/09/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	nil
Delegations Policy:	nil
Application No:	100/2017/1806
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan which assigns development that has a wall abutting a side or rear property boundary exceeding a height of 3 metres (above natural ground level as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

Members of the Panel should be aware that upon initial inspection of the subject land, it was identified that construction has commenced on the proposed fencing at the front of the. Subsequently, the subject application seeks partial retrospective approval from Council for these works.

During the assessment process, Council staff requested the following information:

Information Requested	Information Provided
The fencing at the front of the property requires Development Approval from Council as it exceeds 1m in height and is situated adjacent the Stuart Road and Edgeworth Street junction. Details of the proposed fencing should be detailed on the application plans.	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 19 Stuart Road, South Plympton. The allotment is rectangular in shape and incorporates a corner cut-off to the south-western boundary, thereby achieving a frontage width of 14.02 metres, average depth of 26 metres and a total site area of 465 square metres. The site currently accommodates a detached dwelling in relatively good condition. The dwelling is set back approximately 13.5m. Vehicular access is currently available from Stuart Road, adjacent the eastern boundary of the allotment; however, does not lead to a parking structure. The contour of the land is relatively flat and there are no regulated trees on the subject land.

The locality is typically defined by single storey detached dwellings on large allotments and group/residential flat dwellings in the form of hammerhead allotments. Recent development in the locality displays a presence of newly built group and semi-detached dwellings.

The subject land is situated a short distance from the Neighbourhood Centre Zone along Marion Road (south-west of the subject land) and Edwardstown Oval (south-east of the subject land), which is situated within a Community Zone. The subject land has secondary frontage to Edgeworth Street, which is a "no through road" which meets the oval associated with Forbes Primary School.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes single storey alterations and additions to the existing dwelling, the construction of a verandah and front fence.

The proposed development will see the existing kitchen removed and replaced with a walk-in-robe and ensuite associated with bedroom 1. The single storey addition of the dwelling is situated within the current rear yard of the dwelling, adjacent the northern boundary. This area comprises a laundry and open plan kitchen/meals/living which achieves direct access to the private open space, situated east of the dwelling. A portion of the POS is covered by the proposed verandah which incorporates a skillion roof design falling away from the dwelling. Front fencing wraps around the corner of the allotment and incorporates timber posts with Colorbond infills.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified

16 properties were notified during the Category 2 public notification process.

<p>Representations</p> <p>3 representations were received by Council, one of which is in favour of the application and 2 of which are primarily against the application.</p>
<p>Persons wishing to be heard</p> <p>Mr. Charles Anstey Mr. Ziggy Winnicki</p>
<p>Summary of representations</p> <ul style="list-style-type: none"> - Concerns regarding the removal and management of asbestos from the building; - Concerns regarding boundary wall development and impacts during construction, limitation of future development, visual impacts, loss of natural light, loss in property value, loss in fencing during construction, access to adjoining land in order to complete the development and structural impacts upon existing water tank. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<p>Applicant's response</p> <p>Refer Attachment V for applicant's response to the representations received.</p>

INTERNAL DEPARTMENT COMMENTS

<p>Development Engineer</p> <p>Council's Development Engineer has reviewed the application plans and advised they raise no concerns with the proposed fencing as vehicle sight lines are not affected.</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:

<p>Residential Zone</p>
<p>Objectives</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"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	Satisfies
PDC 2	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	Satisfies

Assessment

The proposed development maintains the existing low to medium density character of the Northern Policy Area 13 by proposing alterations and additions to the existing dwelling on the allotment. It is acknowledged however, the 'density' of the proposed development in terms of setbacks to boundaries for example, does not entirely reflect that sought by the Northern Policy Area 13 Objectives, which seeks to accommodate 'low scale' housing. This area of non-compliance is discussed in the following "Development Assessment" section of this report.

The alterations and additions of the dwelling are considered to maintain an appropriate design and appearance, satisfying the Desired Character, Objectives and Principles of Development Control of the Northern Policy Area 13 by incorporating a protruding porch forward of the main façade and gable ends facing the street, each incorporating render materials. The rear addition incorporates

exposed brick and a low profile Colorbond roof. Colorbond is also featured in the proposed verandah and front fencing. The mixture of these materials are considered complementary to the existing dwelling and locality, provide a modern finish and assist in achieving a variety in architectural style.

These considerations display the proposal complements the applicable Objectives, Principles of Development Control and Desired Character statement of the Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>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>Site coverage:</p> <p>Satisfies 179.6sqm (38.6%)</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> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Satisfies</p> <p>Whilst site coverage does not exceed that sought by the Development Plan, other quantitative failings are identified and discussed further throughout this report.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Satisfies</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>Satisfies</p>

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 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, have an area of 16 square metres with a minimum dimension of 4 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

Does Not Satisfy

85.83sqm (18.45%)
Maximum POS dimension is equal to 4.75m x 11m.

Despite the total area and dimension of POS failing to meet the minimum sought by Council's Development Plan, I am satisfied that the proposed area will meet the likely needs of occupants. The POS is separated into two areas, both of which are adjacent the side of the dwelling. The main area is directly accessed from the open plan kitchen/meals/living area and achieves a total area of 67sqm. The main area of POS is separated from adjacent properties entertaining areas and is adjacent the northern end of Edgeworth Street which services four dwellings and therefore likely generates low traffic movements on an ordinary day. Given the characteristics of the locality and separation achieved from adjacent properties POS, it is considered that this area provides appropriate privacy between properties and will reduce noise impacts upon adjacent habitable rooms.

The secondary area is directly accessible from the proposed laundry and the front of the site, thereby providing opportunity for the main entertaining area to be free of domestic storage, outdoor clothes drying and rainwater tanks.

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,*

Satisfies

- 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 of the dwelling 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.
- 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.
- k) The POS areas are considered to have sufficient shape and area to be functional.

Does Not Satisfy

- g) The proposed POS areas maintain a westerly aspect, which will nonetheless receive some northern and afternoon light.

<p>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>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	Satisfies
Building Setbacks from Road Boundaries	
<p>Except in areas where a new character is desired, the setback of buildings from public roads should:</p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Satisfies</p> <p>No changes are made to the front setback of the dwelling. The protruding porch area is a welcomed addition to the dwelling which assists in defining the front entry to the dwelling.</p>
<p>Minimum setback from secondary road frontage: 2 metres</p> <p>Residential Zone: PDC 6</p>	<p>Satisfies</p> <p>4.75m</p>
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Satisfies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p>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</p> <p>Residential Zone: PDC 6</p>	<p>Partially Satisfies</p> <p>5.8m in length and 2.9m, increasing to 3.4m in height</p> <p>Approx. 4.45m of wall is between 3 and 3.4m in height.</p> <p>Whilst a portion of the boundary wall exceeds 3m in height, it is acknowledged that it will generally be situated adjacent a verandah structure/side path of the adjacent property. Whilst it is acknowledged this wall will also be situated adjacent the POS of the adjacent property, it is worthy to acknowledge that under Schedule 4 (dwelling walls and outbuildings) and Schedule 1A (outbuildings), permits boundary development up to 8m in length and 3m in height, without any regard to adjacent properties.</p> <p>Notwithstanding the above, PDC 6 anticipates boundary development and the 400mm excess in wall height by 4.45m in length is not considered to result in significant amenity impacts upon the adjacent property where amendments or refusal of the application is warranted.</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>Satisfies</p> <p>Although the boundary wall height does not comply with quantitative criteria, the design and appearance is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The boundary wall considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing section of this report). As such, the excess in boundary wall height should not result in unreasonable impacts to the adjacent property. The design is 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>
<p>Rear Setbacks</p>	
<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>Does Not Satisfy 0.9m (72.1%)</p> <p>It is of value to note that if a new dwelling were to present to Edgeworth Street, a 0.9 metre side setback could be achieved with PDC 6, which would arguably result in similar impacts to those proposed to the adjacent land in relation to overshadowing and visual impacts.</p> <p>This notwithstanding, it is acknowledged the rear setback of the addition will generally be situated adjacent the garage wall (constructed on the shared boundary) of 16 Edgeworth Street, such that visual impacts upon this property will not be as apparent. Further, any shadow cast from the property will generally be contained within this site and as such, the non-compliance in rear setback, whilst significant, is considered acceptable in this instance.</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>Satisfies</p> <p>Although the rear setback Does Not Satisfy 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 section 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>

Building Height															
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	Satisfies														
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>	Satisfies														
<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>															
<table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td><i>Maximum floor area</i></td> <td><i>60 square metres</i></td> </tr> <tr> <td><i>Maximum wall or post height</i></td> <td><i>3 metres</i></td> </tr> <tr> <td><i>Maximum building height</i></td> <td><i>5 metres</i></td> </tr> <tr> <td><i>Maximum height of finished floor level</i></td> <td><i>0.3 metres</i></td> </tr> <tr> <td><i>Minimum setback from a secondary road frontage</i></td> <td><i>0.9 metres or in-line with the associated dwelling (whichever is the lesser)</i></td> </tr> <tr> <td><i>Minimum setback from side or rear boundaries (when not located on the boundary)</i></td> <td><i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i></td> </tr> </tbody> </table>	Parameter	Value	<i>Maximum floor area</i>	<i>60 square metres</i>	<i>Maximum wall or post height</i>	<i>3 metres</i>	<i>Maximum building height</i>	<i>5 metres</i>	<i>Maximum height of finished floor level</i>	<i>0.3 metres</i>	<i>Minimum setback from a secondary road frontage</i>	<i>0.9 metres or in-line with the associated dwelling (whichever is the lesser)</i>	<i>Minimum setback from side or rear boundaries (when not located on the boundary)</i>	<i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i>	
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Vehicle Parking															
<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 & Access: PDC 34</i></p>	Partially Satisfies See below														
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<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>															
<p>Two on-site parking spaces are retained for the subject land; however, no covered space is provided.</p> <p>For Member's reference, the existing carport on the western side of the dwelling was constructed as part of the Development Application (2013/276) that sought the division of the land and construction of the adjacent dwelling to the north (16 Edgeworth Street).</p> <p>The current owner has sought to abandon use of this carport, and has recently installed a new driveway adjacent the eastern side of the property and reinstated the previously-constructed driveway crossover to kerb (approved by</p>															

Council via a Section 221 (of the Local Government Act) permit). This is at variance to the previous authorisation for the land, and in the event this application is not supported by the Panel, administration will consider whether enforcement action pursuant to Section 84 of the Development Act is necessary.

It is acknowledged the current driveway adjacent the eastern boundary provides occupants with a more convenient driveway alignment, with greater clearance from the adjacent intersection.

As the proposal seeks to do away with provision of existing undercover parking, consideration must be had to the importance the provision of undercover parking has in the context of the Development Plan. This is necessary, as it is commonplace for owners of properties to seek cover from the elements for their vehicle/s.

In the event the proposal is to gain consent, it is acknowledged that any future carport/garage structure is unlikely to comply with a number of the applicable Development Plan criteria, as it will likely be located wholly forward of the dwelling.

Whilst not proposed as part of this application, in administration's view, the most likely position for a carport would be at the northern end of the existing driveway. Such a carport, with a standard length of 6.0 metres is likely to protrude (approximately) 1.0 metre forward of the adjacent dwelling to the east (21 Stuart Road), and equal to the setback of the dwelling at 23 Stuart Road. In this regard, the carport will not be considerably closer to the street than adjacent dwellings to the east. Furthermore, the carport will maintain a setback of approximately 8-9 metres from the primary street frontage; and will be partially screened from view via the proposed fencing.

In conclusion, the proposal fails to comply with Table Mar/2, however, in administration's view, a carport located at the northern end of the existing driveway may be tolerable, subject to an appropriate design minimising the appearance of the structure.

On-site visitor parking spaces should be sited and designed to:
 (a) not dominate internal site layout
 (b) be clearly defined as visitor spaces not specifically associated with any particular dwelling
 (c) be accessible to visitors at all times.

General Section: Transportation & Access: PDC 42

Satisfies

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

Satisfies

a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling.
 b) Centre facilities and public transport are located a short distance of the subject land.
 c) The likely occupants are anticipated to have standard mobility and transport requirements.
 d) e) 4 on-street car parking spaces shall remain available adjacent the subject land.

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

Satisfies

Existing.

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

Satisfies

Existing.

Design & Appearance

<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><i>General Section: Residential Development: PDC 8</i></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><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies Existing front entry point maintains presentation to the street and is further defined by the front porch.</p>
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Satisfies The proposed dwelling alterations and additions reflect the desired character of the locality, as they maintain an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance it's design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick and render on the front façade • Protruding porch • Eave overhang and pitched roof form • Fenestration <p>The dwelling maintains the existing roof pitch and a 5 degree pitch for the addition in Colorbond. The main façade and addition incorporate a mixture of exposed brick and render. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

Relationship to the Street and Public Realm

<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></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><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Satisfies The proposed alterations and additions include a front porch which faces the primary street frontage and assists in identifying the location of the existing entrance door.</p> <p>The elevations of the dwelling feature a mixture of render and exposed brick, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view. Due to the single storey nature of the dwelling, the uninterrupted exposed brick wall adjacent the northern boundary will likely be screened by standard good neighbour fencing.</p>
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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

Satisfies

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 forms the street boundary, a majority of winter shadow will be cast within the front yard of the subject site. However, some shadow will be cast into the eastern adjoining property in afternoon hours.

Shadow cast into the eastern adjoining property shall only begin in afternoon hours. 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

Satisfies

The main activity area of the dwelling is oriented west, with the secondary area facing east, which should nonetheless receive some northern winter sunlight.

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

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

Satisfies

The existing dwelling incorporates a hipped roof form, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

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

Satisfies

The proposed fencing at the front of the site measures 1.6m in height, incorporating both timber and Colorbond materials. The fencing does not result in damage to neighbouring trees, is considered compatible with the locality, enables some visibility of the dwelling, maintains sight lines for motorists and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to the visual impacts of the boundary wall and associated loss in natural light have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representors have also raised concerns over the boundary wall and limitation of future development, loss in property value, loss in boundary fencing during construction, access to adjoining land during construction, structural impacts upon adjacent water tank and asbestos removal/management from the building. 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. I do acknowledge however, the removal and management of asbestos from a building is a matter under the care and control of the Environmental Protection Authority and in the event further concerns are raised at a later stage, the relevant authority of the EPA can undertake further investigations/enforcement as required

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an improvement in architectural form and maintains the desired low to medium density of the locality.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains some numerical shortfalls including private open space area and dimension, boundary wall height and rear setback. Further 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. 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.

Whilst the proposal provides adequate on-site and on-street parking, it is acknowledged that a covered space is not available and opportunities are restricted for future development, noting the Development Plan guidelines discourage parking structures forward of the main façade.

Assessment of the proposal against the applicable qualitative provisions of the Development Plan has demonstrated the proposal will maintain the desired streetscape presentation as sought by the Desired Character of the Northern Policy Area 13. The inclusion of a protruding porch, exposed brick and render throughout the development and front fence will provide updated facades and provide further visual interest when viewed from the street.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/1806 for single storey dwelling alterations and additions, verandah and front fence at 19 Stuart Road, South Plympton 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. 100/2017/1806, except when varied by the following conditions of consent.
2. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
3. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

NOTES

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

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

**REPORT REFERENCE: CAP040418 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 APRIL 2018**



Originating Officer:	Dylan O'Brien Development Officer - Planning
Applicant:	Mr Cameron Scott
Development Description:	Three two storey row dwellings and associated Torrens Title land division (1 into 3 allotments)
Site Location:	7 Bessie Street, Dover Gardens
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	10/11/2017
Development Plan:	Consolidated – 28 April 2017
Referrals:	nil
Delegations Policy:	nil
Application No:	100/2017/2136
Recommendation:	That Development Plan Consent be REFUSED

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(iv)) of the Development Regulations 2008, which assigns the construction of 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high, as Category 1 development. The subject application is being determined by the Council Assessment Panel as Council has exhausted all avenues to reach a consensus with the applicant and the proposal is being put to the Panel for resolution.

BACKGROUND

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

Amendments Requested	Amendments Made
Council initially raised concern with the number of dwellings being proposed. The reason for this is each site / dwelling falls considerably short of	The proposal has been amended to reduce site by removing the alfrescos to the rear although site coverage for the dwellings is still between

<p>the required minimum frontage widths (for Row Dwellings), and the front setbacks are set much closer to the street, than the established neighbouring dwellings.</p> <p>The lack of frontage width, combined with the number of driveways fails to provide any usable on-street parking and necessitates the removal of an established street tree. Site coverage and floor areas ratios exceed the respective 40% and 0.60 standard.</p> <p>Council's Arborist has recommended the street tree be retained. To this end, the driveways will dominate the street presentation and vehicle access to Dwelling 2 cannot be achieved in a safe and convenient manner.</p>	<p>47 and 48.8%.</p> <p>The driveway configuration for Dwelling 2 has been altered / angled to provide separation from the street tree. However, the level of separation from the tree is only 1.0m and the angle of the revised driveway arrangement does not enable safe and convenient vehicle access to and from Dwelling 2).</p>
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SUBJECT LAND & LOCALITY

The subject land is located at 7 Bessie Street Dover Gardens. The allotment is a regular rectangular shape, incorporating a frontage width of 17.67 metres, a depth of 43.76 metres and total site area of 773.4 square metres. Both the land and locality are virtually flat with discernible slope.

The locality comprises a mix of the original housing stock, which incorporate generous boundary setbacks and open landscaped front gardens and recent infill development, mainly in the form of single storey detached / semi-detached dwellings, and to a lesser extent row-dwelling development, in a variety of architectural styles on smaller sites and lesser setbacks to property boundaries.

Whilst the subject land is located within walking distance to Local Centre Zones and public transport along Sturt Road as well as a number of small reserves, convenient shopping and the nearest transport hub is located approximately 1km away.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposal is for the construction of three two storey row-dwellings, facing Bessie Street and an associated Torrens title land division, creating three allotments from one.

The each dwelling incorporates a main bedroom and ensuite, laundry and open plan kitchen / living / meals area with direct access to the rear private open space, on the lower level.

The upper level comprises, two bedrooms, a bathroom and an open study adjacent the upper level landing. Each dwelling provides a garage under the main roof and seeks the construction of two new crossovers for access.

Each dwelling incorporates Hebel Panel construction, clad with texture-coated finish to both the lower and upper levels, powder coated aluminium windows, panel lift garage doors, a protruding Harditex clad wing-wall and timber entry door.

GOVERNMENT AGENCY REFERRAL

Development Assessment Commission (DAC):	Standard comments
SA Water:	Standard comments

Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Engineering:	The angle of the crossover (Dwelling 2) fails to meet Council requirement or convention. Reversing from the site would be particularly difficult as a result. It is Council's requirement that two-way driveway crossovers be constructed perpendicular to the road in order to maximise clear sight distances both ways and to balance entry and exit turning circles i.e. optimum safety is achieved by a perpendicular driveway crossover. In terms of flooding the FFL will be acceptable if set at least 300 mm above top of kerb.
Arboriculture Coordinator:	Existing street tree is to be retained and a TPZ between the outside trunk and any crossovers is no less than 1.5m.

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>Objectives</p> <ol style="list-style-type: none"> <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i> 	<p>Partially satisfies</p> <p>The subject land is located approximately:</p> <ul style="list-style-type: none"> • 200 metres from bus stops on Sturt Road • 300 metres from the nearest public open space at Winchester Street Reserve • 200 metres from two (2) Local Centre Zones, on Sturt Road, that contain a number of small boutique shops, although for everyday shopping and service needs the nearest supermarket and regional services are approximately 1.0km away at the Marion Regional Centre. • Approximately 1.0 kilometre from Oakland's Park and Warradale Railway Stations
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	<p>Whilst the subject land is within convenient walking distance of public open space and public transport options, including a number of boutique shops on Sturt Road, the nearest train station(s), public service / supermarket facilities, and regional transport hub are located approximately 1.0 kilometre away. To this end, the proposed increased dwelling density is only partially compliant with Objective 2.</p>
<p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling including a residential flat building ▪ dwelling addition ▪ small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - consulting rooms - health and welfare services - offices - open space - primary and secondary schools - recreation areas - shops ▪ supported accommodation. 	<p>Satisfies</p> <p>Proposed dwellings (Row Dwellings) are an envisaged form of development.</p>
<p>2 Development listed as non-complying is generally inappropriate.</p>	<p>Satisfies</p>
<p>3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</p>	<p>Partially satisfies</p> <p>Whilst the proposal is for higher density at an average site area of 257 square metres (equal to approximately 39 dwellings per hectare, the increase in frontage density (proposed) combined with a significant shortfall in frontage width is not compatible with the scale / pattern of both the adjoining and espoused residential development in the area.</p>
<p>Northern Policy Area 13</p>	
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</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>Partially satisfies</p> <p>1 with an average site area of 257 square metres the proposed dwellings are classified as medium density housing. However, the proposed frontage widths are approximately 20% below the minimum 7m standard. This represents a significant departure, which is out of character with both the prevailing and espoused medium density housing in the locality.</p> <p>Partially satisfies</p> <p>3 The proposed garages are included under the main roof of the associated dwelling, and integrated into the design of the dwellings. However, given the shortfall in frontage widths,</p>

	<p>the width of the garaging both individually and combined represents approximately 55% of the total frontage width. To this end, the proposed garaging, albeit integrated into the dwelling design, is likely to be a dominant feature of the dwellings, as viewed from the street.</p> <p>Partially satisfies 4 The subject land is located within convenient walking distance of public open space and transport options, including, a number of boutique shops on Sturt Road. To this end, the proposal is likely to contribute to the viability of the nearest Council reserves, Local Centre Zones, and bus services along Sturt Road. However (as noted) the nearest train station(s), larger scale public service / supermarket facilities, and regional transport hub is located approximately 1.0 kilometre away. As such, future occupants are likely to be reliant on private vehicles for access services / essential shopping needs.</p> <p>Satisfies 5 The proposal provides a number of the typical contemporary design elements such as a main entrance and upper level habitable room windows and panel lift garage doors presenting to the street. The roof design is a hipped / gabled roof form, with 450mm wide boxed eave overhangs (upper level only) and the front facade includes, setback variation between the garage and lower level main entrance and upper level habitable room windows.</p> <p>Partially satisfies 6 Refer to Desired Character comments in the section below.</p>
<p>Desired Character</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>Partially satisfies The proposal is deemed to be partially consistent with the Desired Character of the Northern Policy Area 13, in so far as it will provide: two-storey medium density dwellings; redevelop the site at a greater density than that of the original housing stock, and the dwellings will present a typical modern / contemporary look, with the design and choice of materials.</p> <p>However, the shortfall in frontage widths are out of character with the prevailing and espoused frontage width densities in the locality, resulting in limited provision of landscaping forward of the dwellings, which will also be set substantially closer to the street than that of the established neighbouring dwellings on either side.</p> <p>For these reasons, the proposal does not provide / maintain a coherent streetscape and it is doubtful as to whether the proposal will provide a positive contribution to the existing streetscape.</p> <p>The dwellings each contain three bedrooms,</p>

<p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development.</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>which is a typical dwelling size in the locality. Accordingly, the proposal does not increase the range of dwelling types in the locality to meet a variety of accommodation needs. That being said, it is noted that the two-storey dwellings with smaller backyards present a different dwelling option to the typical original dwelling stock in the locality.</p> <p>The proposed driveway arrangement for Dwelling 2, has been designed to avoid an existing established street tree which Council's Arborist has recommended be retained. However, the driveway will encroach within the required 1.5m tree protection area and the angled crossover is convoluted and fails to meet council's driveway guidelines.</p> <p>For the reasons above, the proposal is not considered on balance to comply sufficiently with the Desired Character.</p>
<p><i>Principles of Development Control</i></p> <p>1 <i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Satisfies</p> <p>The proposal is for residential dwellings, which is an envisaged form of development in the policy area.</p>
<p>2 <i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Does not Satisfy</p> <p>As noted above the proposal Does not Satisfy sufficiently with the Desired Character of the Northern Policy Area.</p>
<p>3 <i>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:</i></p> <p><i>Minimum Site Area: 250 square metres</i></p> <p><i>Minimum Frontage: 7.0 metres</i></p> <p><i>Minimum Depth: 20 metres</i></p>	<p>Satisfies</p> <ul style="list-style-type: none"> • Dwelling / lot 1: 258 square metres • Dwelling / lot 2: 257 square metres • Dwelling / lot 3: 258 Square metres <p>Does not Satisfy</p> <ul style="list-style-type: none"> • Dwelling / lot 1: 5.90 metres • Dwelling / lot 2: 5.88 metres • Dwelling / lot 3: 5.90 metres <p>Satisfies</p> <ul style="list-style-type: none"> • 43.74 metres
<p>The proposal falls significantly short of the required minimum frontage widths for Row Dwellings. Notwithstanding, 7.0m represents the smallest frontage width requirement for any dwelling type, in this instance the lack of frontage width is approximately 15% shy of the minimum standard. This represents a significant departure, which out of character with both the prevailing and espouse development in the locality and results in limited landscaping forward of the dwellings, and, due to the retention of the street tree, a convoluted and unsafe ingress/egress arrangement for Dwelling 2 (discussed further in this report).</p>	

Site Coverage

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.

Northern Policy Area 13: PDC 4

Site coverage:

Does not Satisfy

Dwelling / lot 1: 126.03 square metres or 48.85%
 Dwelling / lot 2: 121.30 square metres or 47.19%
 Dwelling / lot 3: 125.86 square metres or 48.78%

Floor area ratio:

Does not Satisfy

Dwelling / lot 1: 166.62 square metres or 0.645
 Dwelling / lot 2: 182.92 square metres or 0.710
 Dwelling / lot 3: 167.45 square metres or 0.649

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

Partially satisfies

Whilst the proposal accords with the required private open space area for each dwelling, the front setback proposed is considerably forward of neighbouring dwellings, and I considered to fail the relevant tests.

Site coverage should ensure sufficient space is provided for:

- (a) *pedestrian and vehicle access and vehicle parking*
- (b) *domestic storage*
- (c) *outdoor clothes drying*
- (d) *rainwater tanks*
- (e) *private open space and landscaping*
- (f) *convenient storage of household waste and recycling receptacles.*

General Section: Residential Development: PDC 14

Partially satisfies

The proposal provides sufficient space for domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage as well as on-site parking. However vehicle access to Dwelling 2 is compromised by the lack of frontage width as the proposed crossover comes into conflict with the established street tree and the convoluted / angled crossover design which has been designed to provide for an on street parking space is in sufficient to enable safe and convenient vehicle access and parking.

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

Satisfies

Each site / dwelling provides approximately 20% pervious land.

Private Open Space

Residential Zone: PDC 7

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

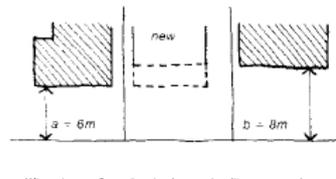
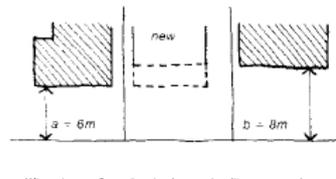
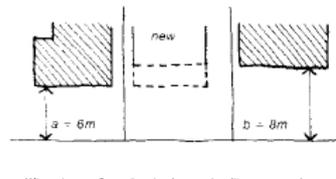
Satisfies

- Dwelling / lot 1: 74.7 square metres or 29%
- Dwelling / lot 2: 85.3 square metres or 33%
- Dwelling / lot 3: 74.7 square metres or 29%

Site area of dwelling	Minimum area of POS	Provisions
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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>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>Satisfies</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 rear of the 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>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>Partially satisfies</p> <p>g) The proposed POS areas maintain a southern aspect and is likely to be partially over shadowed during the winter months. However given the generous level of rear boundary separation, it is anticipated that a majority of the rear yards will be free of overshadowing and by able to receive sufficient available sun-light for comfortable year round use.</p> <p>h) Whilst some overshadowing is likely to occur during the winter months, as noted above, given the generous level of rear separation, the POS areas should not be significantly shaded during winter by the associated dwelling nor adjacent development.</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>Satisfies</p> <p>The proposed private open space areas are completely open to the sky. Whilst it is likely that future occupants may proposed a veranda / alfresco, a modest structure should is unlikely to exceed 50% of the total area.</p>	
Building Setbacks from Road Boundaries			
<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>Does not Satisfy</p> <p>The established neighbouring dwellings feature front setbacks of approximately 8.6m and 9m. It is acknowledged the setbacks of more recent</p>	

<p>(b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>development in the locality are located between 5 - 7 metres from the primary street boundary.</p> <p>Whilst the Desired Character anticipated lesser setbacks, the proposed front setback of 5.6m for each dwelling represents a notable departure from the average.</p> <p>Furthermore, the closer setbacks combined with the two-storey nature of the proposal and significant departure in frontage width, is, in my view, not similar or compatible with the setback of buildings on adjoining land. To this end, the proposal will not contribute positively to the function, appearance and Desired Character of the locality.</p>
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<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:</p> <table border="1" data-bbox="143 772 861 1131"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	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	<p>Does not Satisfy</p> <p>Proposed setback: 5.6 metres, whereas, Dwellings on adjoining land are set-back approximately 8 and 9 metres, which equals an average setback of 8.5 metres.</p> <p>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". However, whilst the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks, in this instance, the extent of the lesser setback (approximately 3.0m less than the average) combined with the two-storey nature of the dwellings, and significant departure in frontage width, sets a new built form pattern of development / narrative which is not sufficiently compatible with the setback of buildings on adjoining land. To this end, the proposal fails to address the PDC 22.</p>
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								

<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Satisfies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
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Side Setbacks

<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres: 0.9 metres</p> <p>Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p>	<p>Partially satisfies</p> <p>Apart from the external garage walls (Dwellings 1 and 3), which are set only 600mm from the each side boundary, and the upper level eastern sidewall for Dwelling 2 (internal) which is setback less than 2.0m, the proposal is generally compliant with both the lower and upper level setback standards, being, 900mm (lower level) and no less than 2.0m for the (upper levels).</p> <p>The shortfall in the upper level side setback relates only to the middle dwelling (Dwelling 2), where it will have minimal material impact over neighbouring private open space areas or habitable room windows via overshadowing or</p>
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<p>Residential Zone: PDC 6</p>	<p>visual presence.</p> <p>The external garage walls fail to provide the desired 900mm level of side boundary separation. Whilst the visual impact of these walls upon neighbouring properties is likely to be negligible, the separation from the boundary is insufficient to provide convenient storage of waste receptacles or pedestrian movement, given the likely accommodation of stormwater downpipes and/or electrical meter boxes and the like.</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>General Section: Design and Appearance: PDC 2</p>	<p>Satisfies</p> <p>Although the side setbacks do not comply entirely with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties given the overall level of setback relief that is proposed. The side setbacks are also 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 side setbacks (garages only), should not result in unreasonable impacts to adjacent properties. The overall level of setback relief particularly in relation to the proposed rear setbacks is compatible with other developments in the locality, and therefore should maintain the character of the locality satisfactorily, in relation to rear and side setbacks.</p>
<p>Rear Setbacks</p>	
<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>Residential Zone: PDC 6</p>	<p>Satisfies</p> <ul style="list-style-type: none"> • Lower level: Dwelling 1 and 3: 12.5 metres and Dwelling 2: 14.3 metres. • Upper level: Dwelling 1, 2 and 3: 22 metres <p>Note: The proposal accords with all rear setback requirements.</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>General Section: Design and Appearance: PDC 2</p>	<p>Satisfies</p> <p>The rear setbacks comply with the quantitative criteria. Moreover, the level of separation from the rear boundary is greater than the minimum standard espouses and sufficient to minimise the visual impact of bulk and scale on adjacent properties to the rear, including neighbouring rear yard areas. Whilst the two storey design represents the first incursion into this part of Bessie Street, the generous rear setbacks are 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).</p> <p>The generous rear setbacks are considered to be compatible with the immediate original housing stock, which abuts the subject site to</p>

		both side and rear boundaries and should maintain the character of the locality in relation to patterns of space.
Building Height		
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Satisfies</p> <p>Notwithstanding the applicant is yet to provide an engineered 'site works and drainage plan' which includes accurate finished floor levels, based on the plans provided, the proposed dwellings incorporate a maximum building height of approximately 7.2 metres (above finished floor level) which is well-below the maximum 9.0m permitted in the Policy Area. Given the site is virtually flat, and the finished floor levels are not anticipated to be any greater than 500mm above natural ground level, the overall height of the dwelling is anticipated to be no greater than 8.0m - well-below the maximum 9.0 metres anticipated.</p>
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>Satisfies</p> <p>All garaging associated with the proposal is under main roof / upper level, and therefore sufficiently integrated into the dwelling design.</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>Does not Satisfy</p> <p>Whilst each of the garages are single car widths only (approximately 3.0metres wide), given the lack of frontage width, the garaging will account for over 50% of the total frontage width(s). Including, the extra driveway / crossovers, the garaging is likely to be a dominant feature of the overall design as viewed from the street. For these reasons, the garaging fails to accord with the PDC 12.</p>
Parameter	Value	Satisfies
Maximum floor area	60 square metres	The garaging for each dwelling has a floor area of approximately 3.0m by 6.0m or 18 square metres. This is well below the maximum floor area standard.
Maximum wall or post height	3 metres	Satisfies 2.7m
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 articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Satisfies Each garage is setback no less than 500mm behind the associated mainface
Minimum setback from side or rear boundaries	0.6 metres for an open structure, or	Does not Satisfy

<i>(when not located on the boundary)</i>	0.9 metres for a solid or enclosed wall	The garaging for Dwellings 1 and 3 will be include enclosed walls in relation to each side boundary that are setback 600mm.
<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)	Partially satisfies Whilst the garaging is less than 6.0m in width as noted in this report, due to the lack of frontage width the garaging constitutes over 50% of the individual and combine site frontage.

Vehicle Parking

<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 & Access: PDC 34</i></p>		<p>Satisfies</p> <p>Each dwelling incorporates up to 3 bedrooms and two on-site parking spaces, one of which is undercover.</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. 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></p> <ul style="list-style-type: none"> <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><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Partially satisfies</p> <ul style="list-style-type: none"> a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) The subject land is located within convenient walking distance of public open space and transport options, including, a number of boutique shops on Sturt Road. However (as noted in this report), the nearest train station(s), larger scale public service / supermarket facilities, and regional transport hub is located approximately 1.0 kilometre away. As such, future occupants are likely to be reliant on private vehicles for access to most services / essential shopping needs. c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) One (1) on-street car parking space shall remain available adjacent the subject land, however, this has come at the expense of providing safe and convenient vehicle access to Dwelling 2. Alternatively, the less convoluted arrangement would require removal of the existing street tree and result in no on-street parking. <p>For these reasons, the proposal fails to sufficient comply with PD C 43</p>
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Access

<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Does not Satisfy</p> <p>The proposal will result in three driveways and two crossovers (1x double and 1 x single width). Specifically, Dwelling 1 includes a single car crossover approximately 3.0m wide, whereas, Dwelling 2 and 3 share a combined double width</p>
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	<p>crossover with a combined width of approximately 7.2m. The combined width is approximately 2.3 wider than that which is espoused, and the angled crossover arrangement for Dwelling 2 fails to provide safe and convenient vehicle access to and from the subject land or the specified amount of separation from the existing street tree. For these reasons, the proposal fails to comply sufficiently with PDC 39.</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>Does not Satisfy</p> <p>The proposed crossover (Dwelling 2) fails to provide the required 1.5m setback from the existing street tree as requested by Council's Arborist.</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>Partially satisfies</p> <p>Whilst vehicle access points between Dwelling 1 and 2 are separated by a minimum distance of 6 metres this has come at the expense of safe and convenient vehicle access to Dwelling 2. If the proposal were to be amended to provide a perpendicular access point to Dwelling 2, it would require the removal of the existing street tree.</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> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Satisfies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate a number of the typical contemporary design elements such as a main entrance and upper level habitable room windows and panel lift garage doors presenting to the street. The roof design is a hipped / gabled roof form, with 450mm wide boxed eave overhangs (upper level only) and the front facade includes setback variation between the garage and lower level main entrance and upper level habitable room windows.</p> <p>The dwellings incorporate an approximate 20 degree Colorbond roof in Shale Grey, with rendered facades. The garage of each dwelling features Stone coloured Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <ul style="list-style-type: none"> <i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Satisfies</p> <p>The proposal provides entries for each dwelling at ground level and upper level habitable room windows that look to the street to provide opportunity for passive surveillance over the public realm. For these reasons the proposal accords sufficiently with PDC 6.</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><i>General Section: Residential Development: PDC 8</i></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><i>General Section: Residential Development: PDC 9</i></p>	<p>Satisfies</p> <p>All entrances and upper level habitable room windows face the street directly. The proposal accords with PDC 8 and 9.</p>
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Relationship to the Street and Public Realm

<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></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><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Satisfies</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 render and horizontal cladding and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>
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Overshadowing

<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to 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</i> <i>(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> <ul style="list-style-type: none"> <i>(i) half of the existing ground level private open space</i> <i>(ii) 35 square metres of the existing ground level private open space</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Satisfies</p> <p>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.</p> <p>b) Given that north forms the street boundary, a majority of winter shadow will be cast within the back yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties Satisfies with PDC 9 and 10.</p>
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Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Satisfies

The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

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.

Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.

General Section: Design & Appearance: PDC 12

Satisfies

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

Partially satisfies

The dwellings are oriented so that their open spaces and main activity areas face south, which deny complete exposure to winter sun. The orientation of the proposal thereby fails to provide for efficient solar access to open space all year around. However, given the generous level of separation from rear boundaries at least half the private open space areas are likely to receive available sun light during the winter months.

The main activity areas of the dwellings are oriented south and Dwelling 1 and 3 feature west and east facing side habitable room windows that will receive some sunlight in either the early morning or late afternoon, although, Dwelling 2 is likely to be denied any direct sunlight to habitable rooms on the ground level throughout the winter months.

The whilst all dwellings will receive sunlight to at least half the available private open space during the winter months, solar access to the buildings / internal living areas is not ideal. To this end the proposal only Partially satisfies with PDC 1.

Satisfies

As identified in this report the proposed dwellings are designed and sited with sufficient separation from side and rear boundaries to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings. The proposal accords with PDC 2.

<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>Partially satisfies</p> <p>The dwellings incorporate a hipped roof form set at a 20 degree pitch, however, given the orientation of the site and proposed roof design, there is only a small hipped section of roof facing the street upon which solar collectors could be sited efficiently.</p>
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Flooding

<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>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:</i></p> <p><i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i></p> <p><i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p><i>General Section: Hazards: PDC 5</i></p>	<p>Note: Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event.</p> <p>The applicant has not provided sufficient detail for Council's Development Engineer to consider. To this end, if the Members should choose to support the proposal it is respectfully suggested that this subject to a Reserved Matter requiring a fully engineered site works and drainage plan to be provided for consideration and direction by Council's Engineer.</p>
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Landscaping, Fences and Walls

<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Partially satisfies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p> <p>However, due to the narrow frontages proposed, there is limited area available for landscaping to compensate for the considerable amount of hardstand area forward of the dwellings.</p>
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Land Division

<p><i>When land is divided:</i></p> <p>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</p> <p>(b) a sufficient water supply should be made available for each allotment</p> <p>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</p> <p>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.</p> <p>General Section: Land Division: PDC 1</p>	<p>Satisfies</p> <p>a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 6, 7 and 8.</p> <p>b) SA Water have confirmed that water supply is available (subject to conditions).</p> <p>c) SA Water have confirmed that sewerage connection is available (subject to conditions).</p> <p>d) N/A</p>
<p><i>Land should not be divided if any of the following apply:</i></p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p> <p>General Section: Land Division: PDC 2</p>	<p>Does not Satisfy</p> <p>a) Through this report, it has been identified that the width of the proposed allotments finds conflict with that sought in the Policy Area.</p> <p>Satisfies</p> <p>b) All allotments will have a frontage to the public road.</p> <p>c) Whilst no site works details have been provided, it is anticipated that minor level of cut/fill (no more than 500mm) would be required.</p> <p>d) Erosion is unlikely.</p> <p>e) The area is sewerred.</p> <p>g) The allotments are located wholly within the zone and policy area.</p> <p>f) The intended use of the land, for residential purposes, is consistent with that sought.</p>
<p>Design and Layout</p> <p><i>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p> <p>General Section: Land Division: PDC 3</p>	<p>Does not Satisfy</p> <p>Exacerbated by the lack of frontage, each allotment has a site depth, which is approximately 7.4 times the total depth.</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p> <p>General Section: Land Division: PDC 10</p>	<p>Partially satisfies</p> <p>The lack of frontage has contributed to a short fall in front setback, garage dominance and a scale of development that is considered to dominate the setting of the surrounding locality and is likely to have material impact upon an established street tree. To this end, the proposal fails to accords with PDC 10 (d) and (e).</p>

<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>	<p>Partially satisfies</p> <p>As a result of the street boundary being the northern boundary, the layout of the land division fails to achieve opportunity for standing dwelling design to have good solar access habitable spaces including habitable rooms. Despite being situated to the south of each dwelling, given the level of rear separation (rear setback), private open space provided is likely to receive direct sun throughout the year to majority of the private open space area and at least half the private open space are throughout the winter months.</p>
<p>Roads and Access</p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>General Section: Land Division: PDC 21</i></p>	<p>Does not Satisfy</p> <p>See commentary below</p>
<p>Does not Satisfy</p> <p>a) Whilst the proposal provides sufficient on-site parking for each dwelling, the proposed on-street parking space has been provided at the expense of a convoluted driveway / crossover access for Dwelling 2, which does not meet Council's vehicle access standards. As such the provision of on-street parking is predicated on the accepting a substandard vehicle access arrangement.</p> <p>Furthermore, there does not appear to be an acceptable alternative option that can be considered, as the Dwelling 2 crossover comes into conflict with an existing street tree which Council's Arborist has requested retention of, and a minimum setback of 1.5m. As such, the proposal does not achieve room for any on-street parking nor is it acceptable to support other significant compromises. That is, no on-street parking and the removal of the existing street tree.</p> <p>b) Public transport services are accessible in the wider locality. Specifically, within 200m of the subject site on Sturt Road. However access to more frequent transport services (at the Marion Regional Centre) including the Oakland Park and Warradale train stations are located approximately 1.0km away.</p> <p>Satisfies</p> <p>c) As an almost exclusively residential locality, nearby uses are anticipated to generate standard demand for on-street parking.</p> <p>For these reason the proposal fails to achieve sufficient compliance with PDC 21.</p>	
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Does not Satisfy</p> <p>One on-street car parking space is provided for the proposed extra 2 allotments, which is less than that sought by PDC 22.</p> <p>The provision of on-street parking is predicated on the accepting a substandard vehicle access arrangement. To this end, the proposal's compliance with PDC 22 has come at the expense of other relevant standards.</p>

ANALYSIS/CONCLUSION

Whilst the preceding assessment has indicated a number of compliances with applicable design criteria, the main concerns surrounding the lack of frontage width, shortfall in front setbacks, impact on street infrastructure and inability for the proposal to provide safe and convenient vehicle ingress and egress for Dwelling 2 detract significantly from the merits of the proposal.

Furthermore, the proposal is not consistent with the prevailing character of the locality, and does not accord strongly with the Development Plan policy (particularly in terms of a desired future character). The narrow frontages proposed will, in my view, appear out of character with that which typifies the area – including those of more recent construction.

Of the estimated 30 properties in Bessie Street, I have identified approximately 15 similar dimensioned / sized properties that include the original housing stock. As such, the proposal does not represent the 'last remaining option' in the locality.

It is my opinion these particular shortfalls are not minor departures. Moreover, whilst the proposal is not seriously at variance with the Development Plan in accordance with Section 35(2) of the Act, the noted departures are significant enough to jeopardise the merits of the proposal 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: 100/2017/2136 for three two storey row dwellings and associated Torrens Title land division (1 into 3 allotments) at 7 Bessie Street, Dover Gardens be REFUSED for the following reasons:

Reasons for refusal

1. The proposal is at variance to that part of the Desired Character of the Northern Policy Area 13, which seeks for “cohesive streetscapes” by virtue of the narrow frontage widths and shortfall in front setback proposed.
2. The proposal fails to provide frontage widths that satisfy that sought by Principle 3 of the Northern Policy Area 13.
3. The proposal fails to satisfy the General Section: Design and Appearance: Principle of Development Control 22, as the shortfall in front setbacks proposed is not sufficiently compatible with the setback of buildings on adjoining land.
4. The proposal fails to comply with the General Section: Residential Development: Principle of Development Control 40, The proposed crossover (Dwelling 2) fails to provide the required setback from the existing street tree as requested by Council’s Arborist.

Attachments

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

**REPORT REFERENCE: CAP040418 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 APRIL 2018**



Originating Officer:	Nicholas Timotheou Development Officer - Planning
Applicant:	Yogo Design
Development Description:	To construct a single storey dwelling and a single storey residential flat building at the rear of the site, comprising two dwellings with associated car parking and landscaping
Site Location:	9 Nelson Street, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	05/12/2017
Development Plan:	Consolidated – 28 November 2017
Referrals:	nil
Delegations Policy:	nil
Application No:	100/2017/2325
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii)) of the Development Regulations 2008, which assigns the construction of 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 residential flat building supporting an average allotment area less than the minimum of 300 square metres required 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
Site coverage of each dwelling should be reduced to more closely align with Council's Development Plan provision of 40%.	Site coverage reduced from 56.8% to 48.5% for Lot 1; however, has increased from 45.7% to 50.1% for Lot 2 and from 45.7% to 51.3% for Lot 3. Alterations have also been made to the allotment dimensions of each dwelling.
The front setback of Dwelling 1 should be increased to maintain a cohesive streetscape.	Front setback increased from 5m to 5.9m.
Obscure glazing of habitable room windows should be deleted from the application plans.	Obscure glass deleted from habitable room windows.
Private open space of each dwelling should equal 20% of the site area or ideally exceed 20% as the allotments are undersized.	POS increased from 19.6% to 22% for Lot 1, from 21.5% to 24.8% for Lot 2 and from 21.5% to 26% for Lot 3.
The application plans should be amended in order to provide safe and convenient movements to and from all parking spaces. In particular, the carport associated with Lot 1 cannot be entered in a single vehicle movement.	Alterations made to the carport design/location of Lot 1 in order to achieve access in a single vehicle movement and egress in two movements.
Information Requested	Information Provided
A fully engineered site works and drainage plan.	Provided.
A landscaping plan.	Provided.
A schedule of proposed colours/materials/finishes.	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 9 Nelson Street, South Plympton. The allotment is rectangular in shape, achieving a frontage width of 18.29 metres, depth of 50.3 metres and a total site area of 920 square metres. The site currently accommodates a detached dwelling in relatively good condition. The dwelling is set back approximately 8.5m which steps to 10m. Vehicular access is currently available from Nelson Street, adjacent the eastern boundary of the allotment. The contour of the land is relatively flat and there are no regulated trees on the subject land.

The locality is typically defined by single storey detached dwellings on large allotments and group/residential flat dwellings in the form of hammerhead allotments. Recent development in the locality displays a presence of newly built group, semi-detached dwellings and row dwellings.

The subject land is situated in close proximity to the Neighbourhood Centre Zone along Marion Road. Further, the Edwardstown Oval is located a short distance, east of the subject land, which is situated within a Community Zone.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of a single storey dwelling facing Nelson Street and a single storey residential flat building comprising two dwellings, to the rear of the site.

Lot 1 features a dwelling, single storey in nature, incorporating three bedrooms and associated bathroom/ensuite, laundry, bathroom and open plan kitchen/living/meals area with direct access to the main area of private open space. A double width garage is situated along the western boundary, which seeks to gain access via a new crossover and requires the removal of a Council street tree.

Lot 2 and Lot 3 are single storey in nature and incorporate three bedrooms, associated bathroom/ensuite, laundry room and open plan kitchen/living/meals area with direct access to the main area of private open space. The dwellings feature single width garages with stacked visitor parking space. Vehicular access is provided through a common driveway running the length of the eastern boundary of the allotment.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Coordinator Arboriculture

The tree towards the western boundary alignment warrants removal, provided a fee of \$350 + GST is paid by the applicant to cover its replacement. A 1.5 metre separation is required from the face of the trunk of the remaining tree and any works footprint including but not limited to proposed excavation for a driveway/cross-over, stormwater discharge pipe, service (gas, water, sewer, electrical).

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

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.

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>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Satisfies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Satisfies
PDC 3	<p>Minimum Site Area: Lot 1 - 375sqm Lot 2/3 - 300sqm average</p>	<p>Does Not Satisfy Lot 1: 328.1sqm Lot 2/3: 212.45sqm average Average site area <u>per dwelling</u> including common driveway: 306.6sqm</p>
	<p>Minimum Frontage: Lot 1 – 12m Lot 2/3 – 4m</p>	<p>Satisfies Lot 1: 14.29m Lot 2/3: 4m</p>
	<p>Minimum Depth: Lot 1 – 20m Lot 2/3 - 45m</p>	<p>Satisfies Lot 1: 21.5m – 25.2m Lot 2/3: 50.2m</p>

Assessment

The application proposes three dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). It is considered that the proposal is consistent with the Desired Character of the Northern Policy Area 13 in that it will provide medium density dwellings, and redevelop the site at a greater density than that of the original housing stock. The locality also features attributes identified in PDC 2 of the Residential Zone, seeking for an increase in density in close proximity to centres, open space and public transport opportunities.

Further, 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 will provide a positive contribution to the existing streetscape.

On balance, the proposal is considered to adequately satisfy the Objectives and Desired Character of the Northern Policy Area 13.

Site Area

The site area of each proposed allotment fails to meet the minimum prescribed for detached and residential flat buildings within the Northern Policy Area 13. Detached dwellings require a minimum 375 square metres whereas residential flat buildings require an average site area of 300 square metres.

Lot 1 achieves a site area equal to 328.1 square metres, which equates to a shortfall of 46.9 square metres (12.5%). Lot 2 and Lot 3 incorporate an average site area equal to 212.45 square metres, which is equal to a shortfall of 87.55 square metres (29.2%). Despite the undersized nature of each allotment, the design of the dwellings has demonstrated that the site dimensions will not result in adverse impacts to the amenity of adjoining properties or come at the expense of the other relevant provisions of the Development Plan (discussed throughout this report).

Furthermore, Res. 1 maintains a frontage width of 14.3 metres, 2.3m greater than the required 12 metres for the Policy Area. As such, the undersized nature of the allotment will not be as apparent from the street as the predominant pattern of wider frontages for detached dwellings will be maintained.

In relation to the site area of Lot 2 and Lot 3, it is noted that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It is noted that, if the driveway were to be included in site areas, the residential flat building (Lot 2 and Lot 3) would maintain an average site area of 295.85 square metres per dwelling.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. The average site area (including the area of handle) falls marginally short of the minimum 300 square metres required for residential flat buildings in the Northern Policy Area 13. As such, in my view, subject to achieving appropriate compliance with Council's Development Plan, the subject land could feasibly be developed to accommodate three dwellings.

These considerations suggest that the shortfall in site areas is not fatal to the merit of the subject application. This is further demonstrated by the ability of the dwellings to satisfy a majority of other design criteria (illustrated in the below table, and discussed further below).

DEVELOPMENT ASSESSMENT

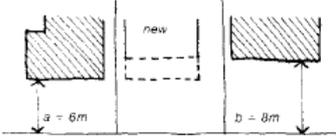
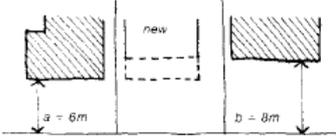
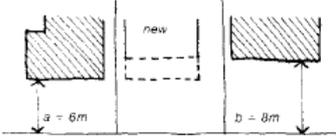
The relevant principles of development control from the Marion Council Development Plan are listed and assessed in the following table:

Principles of Development Control:

Assessment:

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>Site coverage:</p> <p>Does Not Satisfy</p> <p>Lot 1: 159.3sqm (48.5%) Lot 2: 106.6sqm (50.1%) Lot 3: 106.6sqm (51.3%)</p> <p>Total site coverage 372.5sqm (40.4%)</p>
<p>The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the discrepancy in site coverage:</p> <ul style="list-style-type: none"> (a) The figures above are based upon the curtilage of the dwellings only, and do not include the common driveway. When including the driveway area, overall site coverage for the whole of the land equates to 40.4%, slightly above the maximum prescribed. (b) The proposal achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below) Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land. (c) The proposal is considered to Satisfy with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, 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 Satisfying 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. Whilst not applicable to this form of development, 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). <p>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.</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> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Satisfies</p> <p>The proposal 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>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking (b) domestic storage (c) outdoor clothes drying (d) rainwater tanks (e) private open space and landscaping (f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>	<p>Satisfies</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>Satisfies</p> <p>237sqm (25.7%)</p>						
Private Open Space							
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>	<p>Satisfies</p> <p>Lot 1: 72sqm (22%) Lot 2: 54sqm (24.8%) Lot 3: 54sqm (26%)</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;">Less than 175 square metres</td> <td style="vertical-align: top;">35 square metres</td> <td style="vertical-align: top;"> Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 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, have an area of 16 square metres with a minimum dimension of 4 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	Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 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, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	<p>Each dwelling is provided with a 5 x 5 metre area, directly accessible from an internal living room.</p>
Site area of dwelling	Minimum area of POS	Provisions					
Less than 175 square metres	35 square metres	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 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, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.					
<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> <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>Satisfies</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. g) The proposed POS areas maintain a northerly aspect to provide for comfortable year round use. 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.</p>						

<p><i>Private open space should not include:</i></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>Does Not Satisfy</p> <p>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/minimise noise impacts.</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>General Section: Residential Development: PDC 22</p>	<p>Satisfies</p>								
<p>Building Setbacks from Road Boundaries</p>									
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Satisfies</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 setback of 5.9 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>								
<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="150 1137 868 1485"> <thead> <tr> <th style="background-color: #cccccc;">Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th style="background-color: #cccccc;">Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  <p>When $b > 2$, setback of new dwelling = a or b</p> </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	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>When $b > 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Does Not Satisfy</p> <p>Lot 1: 5.9 metres</p> <p>(Dwellings on adjoining land set back approximately 7 and 9 metres, which equals an average setback of 8 metres)</p> <p>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.</p> <p>Notwithstanding the above, the proposed front setback of 5.9 metres is considered to provide an appropriate level of transition to buildings on adjacent land. Further, the level of articulation provided to the front façade combined with the landscaping throughout the site shall assist in reducing the overall bulk of the building and assist in achieving a cohesive streetscape.</p>
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>When $b > 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								
<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>General Section: Residential Development: PDC 37</p>	<p>Satisfies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>								

Side Setbacks	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>Lot 1: 1.1m Lot 2: 0.9m Lot 3: 0.9m</p>
<p><i>Maximum length and height when wall is located on side boundary:</i> (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p> <p>Lot 1: 6.18m in length and 2.84m in height (from NGL)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (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.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies</p> <p>The separation from the side 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 section 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.</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</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 (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Satisfy</p> <p>Lot 1: Internal boundary Lot 2/3: 5m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (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.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Satisfies</p> <p>Although the rear setback does not Satisfy 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>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> 2 storeys of not more than 9 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</p>

<p><i>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.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Satisfies</p>	
<p>Garages, Carports, Verandas and Outbuildings</p>		
<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>Satisfies</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>Parameter</p>	<p>Value</p>	
<p><i>Maximum floor area</i></p>	<p><i>60 square metres</i></p>	<p>Satisfies</p>
<p><i>Maximum wall or post height</i></p>	<p><i>3 metres</i></p>	<p>Satisfies</p>
<p><i>Maximum height of finished floor level</i></p>	<p><i>0.3 metres</i></p>	<p>Satisfies</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</i></p>	<p>Satisfies Lot 1: 6.4m (0.5m behind main façade)</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>Satisfies Lot 1: 6.2m</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>Satisfies Lot 1: 6m (44%)</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>Satisfies</p> <p>The manoeuvring into and out of the car parking spaces meets the technical requirements of the Australian Standards and provide appropriate clearance for vehicles to avoid damage to the dwellings, fencing and landscaping.</p>	
<p>Vehicle Parking</p>		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>	<p>Satisfies</p> <p>Lot 1: 3 parking spaces Lot 2/3: 2 parking spaces</p> <p>No independently accessible visitor parks are available. It is acknowledged however, that one on-street park will remain available and Lot 1 provides an additional on-site parking space than required. As such, I am of the opinion that the proposal is appropriate in this regard.</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></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	

<p>Group <i>Residential flat building</i></p>	<p><i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i></p>	
<p><i>Multiple dwelling</i></p>	<p><i>0.7 per bedroom</i></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>		<p>Satisfies</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 & Access: PDC 43</i></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>Satisfies</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) Adequate on-site car parking provided to compensate for the sites distance to centre facilities.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Partially Satisfies</p> <p>d) e) 1 on-street car parking space is provided for the proposed allotments; however, given Res. 1 exceeds the minimum on-site parking by one space, I am of the view that the increased density of the site will not result in impacts to the street.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>		<p>Satisfies</p> <p>(a) (b) Council's tracking data indicates 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>Access</p>		
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>		<p>Satisfies</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>Satisfies</p>

<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p>				<p>Satisfies Lot 2/3: 3m trafficable width with 500mm landscaping along each side.</p>
Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)
	Intersection with public road and first 6 metres		Width beyond first 6 metres	
	Arterial roads	Other roads		
1 – 3	6	3	3	0.5
4 – 7	6	5	3	0.8
8 or more	6	6	5	1.0
<p>General Section: Residential Development: PDC 41</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>General Section: Transportation and Access: PDC 28</p>				<p>Satisfies Vehicle access points are separated by a minimum distance of 6 metres.</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>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>				<p>Satisfies</p> <p>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:</p> <ul style="list-style-type: none"> • Mixture of brick and render on the front façade • Protruding portico • Eave overhang and pitched roof form at 25-degree slope • Fenestration <p>The dwellings incorporate a 22.5 degree Colorbond roof in Woodland Grey, with exposed brick to the main facade. The garage of each dwelling features a panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The rear dwellings incorporate exposed brick, panel lift doors and a Colorbond roof</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

Relationship to the Street and Public Realm

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

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

Satisfies
 Lot 1 is designed so that the 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 render and exposed brick, fenestration and protruding porch to avoid extensive areas of uninterrupted walling exposed to public view.

Landscaping forward of Lot 1 and within the common driveway is considered to assist in achieving a cohesive streetscape and enhance the visual attractiveness of the locality.

Site Facilities and Storage

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

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

General Section: Residential Development: PDC 31

Partially Satisfies

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

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

- (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

Satisfies

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.

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

Satisfies

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 forms the street boundary, a majority of winter shadow will be cast within the front yard of the proposed dwellings and the vehicle manoeuvring area of Lot 2/3. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Likewise, shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties Satisfies with PDC 9 and 10.

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

Satisfies

Landscaping is proposed within the front yard of Lot 1, adjacent the common driveway and throughout the site.

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

Satisfies

The application proposes retaining walls varying in height to a maximum 300 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.1 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the nature of the proposed development complements the Desired Character and Objectives of the Northern Policy Area 13, as it achieves an increase in dwelling densities compared to the original housing, situated a short distance from centres, public transport opportunities and public open space.

Despite the individual deficiencies in site area, the assessment discussion contained within this report has demonstrated that the subject land can accommodate three dwellings in the form proposed, without resulting in amenity impacts upon the locality or adjoining land.

Assessment of the proposal against qualitative and quantitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains some numerical shortfalls including site coverage, front/rear setbacks and on-street parking. Further 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. 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.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2325/2017 for the construction of a single storey dwelling and a single storey residential flat building at the rear of the site, comprising two dwellings with associated car parking and landscaping at 9 Nelson Street, South Plympton 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. 100/2325/2017, 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

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

NOTES

1. **Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
2. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
3. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
4. **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

**REPORT REFERENCE: CAP040418 – 2.6
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 APRIL 2018**



Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Strategy Urban Projects
Development Description:	To vary Development Application 100/2017/463 - Two, two storey residential flat buildings - deleting of partywall to provide for two, two storey detached dwellings and two, two storey residential flat buildings
Site Location:	10 – 12 Mulcra Avenue, Park Holme
Zone:	Residential Zone
Policy Area:	Regeneration Policy Area 16
Application Type:	Category 1 / Consent
Lodgement Date:	21/03/2018
Development Plan:	Consolidated – 28 February 2018
Referrals:	Nil
Delegations Policy:	Nil
Application No:	100/2018/515
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application has been classified as a Category 1 form of development, as the element sought to be varied was not subject to any representations, and in the opinion of administration, it is “unnecessary to deal with the matter as [a] Category 3 development” pursuant to Section 39(7)(c) of the Development Act, 1993.

As the proposal could be considered to “compromise or undermine” a previous decision of the CAP, and as the proposal seeks for dwellings to be sited on allotments less than that sought in the Policy Area, Council has delegated decisions to the Council Assessment Panel.

BACKGROUND

At the Development Assessment Panel meeting of 7 June 2017, Development Plan Consent was granted for the construction of eight (8) dwellings on the land, in the form of two, two storey

residential flat buildings. In accordance with the *Cheesman v City of Walkerville & Anor* (SAERDC 59) decision, that application was treated as a Category 3 form of development.

At the time of writing, the applicant has not pursued Building Rules Consent, and therefore, Development Approval for the dwellings remains outstanding.

Land Division Consent and Development Approval for the associated land division has been granted.

If Members seek to view the 7 June report, please refer to the Council's website - <http://www.marion.sa.gov.au/page.aspx?u=636> - or alternatively, please contact the author of this report.

SUBJECT LAND & LOCALITY

The land subject to the application is situated at 10 (lot 505) and 12 (Lot 504) Mulcra Avenue, Park Holme. The combined allotments have a total frontage width of 36.57 metres, an average depth of 42.41 metres; providing a total site area of approximately 1551 square metres.

The land is currently vacant, with an almost flat grade.

The locality is defined by single storey detached dwellings, typically constructed in 1950-60 on large allotments of 600 – 800 square metres in area and an increasing mix of single storey and two storey detached, row and residential flat dwellings. A large aged care aged care facility is located to the west, with access from Austral Terrace.

Three areas of public open space are available within convenient walking distance of the site; the Mulcra Avenue reserve is located 100 metres to the south, the Cowra Crescent reserve some 350 metres to the east and the Appleby Road reserve (which, in the next 18 months will be redeveloped with new playground facilities and kick-about areas) is located 470 metres to the west.

Hendrie Street (to the west) and Bray Street (to the north) provide bus services to the CBD and Marion Regional Centre.

To the south-west of the site, Renewal SA have recently been granted an exemption from Development Plan Consent to re-subdivide a large swathe of land to the south-west of the site. This land is generally bound by the aged care centre to the north, Hendrie Street to the east, Carlisle Avenue to the south and Appleby Road to the west.

This division will accommodate a range of allotment sizes and dwellings types – with new allotments ranging from (approximately) 80 square metres to 450 square metres.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to remove the partywall between Dwellings 1 and 2 and between Dwellings 7 and 8, such that Dwellings 1 and 8 will constitute detached dwellings pursuant to Schedule 1 of the Development Regulations.

The owner/applicant has advised that this measure is intended to address constraints encountered by potential purchasers of these dwellings, whereby financial institutions are reluctant to provide funding to separate entities where partywall rights exist.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

- 1 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.

Regeneration Policy Area 16

Objectives

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

Desired Character

This area has been identified for regeneration because many of the dwellings and other infrastructure within the area are nearing the end of their economic life. Within the context of the Council area and the surrounding region this policy area represents a key opportunity to achieve strategic goals such as improved living conditions, environmental outcomes, and community services and infrastructure, as well as provide economically viable housing choices for the changing demographics of our population and make more efficient use of land and infrastructure within the Metropolitan area.

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.

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. Much of the existing development in the area comprises older public housing, primarily detached or semi-detached dwellings of varying age and construction materials.

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.

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.

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. 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.

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	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ student housing ▪ supported accommodation. 	Satisfies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Satisfies
PDC 5	Allotments should be amalgamated to facilitate co-ordinated and efficient development.	Satisfies
PDC 3	Minimum Site Area:	Does Not Satisfy Dwg 1: 216 sq metres Dwg 2: 125.5 sq metres Dwg 3: 125.5 sq metres Dwg 4: 196 sq metres Dwg 5: 196 sq metres Dwg 6: 125.5 sq metres Dwg 7: 125.5 sq metres Dwg 8: 216 sq metres
	Minimum Frontage:	Satisfies Dwg 1: 15.3 metres Dwg 8: 15.3 metres Hammerhead: 6.0 metres
	Minimum Depth:	Does Not Satisfy Dwg 1: 14.0 metres Dwgs 2-7: 42.39 metres (min) Dwg 8: 14.0 metres

Assessment

By virtue of the proposal seeking to delete the partywall attachment between Dwellings 1 and 2 and between Dwellings 7 and 8, a greater numerical shortfall in site area results.

The Regeneration Policy Area 16 seeks for detached dwellings to incorporate a site area of 250 square metres, and residential flat dwellings, and average of 200 square metres.

The previous proposal demonstrated a 16.8% shortfall in average site area (excluding the common driveway). The proposal now represents a 22% shortfall in average site area (excluding the common driveway).

Despite the additional numeric shortfall in site area, the proposal will remain identical to that previously granted consent, albeit Dwellings 1 and 8 will now abut Dwellings 2 and 7, respectively, rather than adjoin.

For Member's reference, the following is an excerpt from administration's report justifying the shortfall in site area.

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

The site of the development comprises two, amalgamated allotments, located in close proximity to areas of public open space, a Centre Zone and bus routes on Hendrie and Bray Streets. As such, the proposal complies with Objectives 1, 5 and 9 and Principle 5 of the Policy Area and the site is suitable for "appropriately designed medium-density development...with a variety of architectural styles and a wide range of dwelling types to meet a variety of accommodation needs", as sought by the Desired Character of the Policy Area.

There are a number of properties within the locality that accommodate dwellings at a similar density to that proposed. Dwellings at 9, 9A, 11 and 11A incorporate a site area of 170 square metres each, whilst residential flat dwellings at 11-17 (inclusive) and 19 Hendrie Street result in an average site area of approximately 200 square metres per dwelling.

As identified in the Subject Land and Locality section of this report, Renewal SA have recently been granted an exemption from Development Plan Consent to re-subdivide a large swathe of land to the south-west of the site. This division will accommodate a range of allotment sizes and dwellings types – with new allotments ranging from (approximately) 80 square metres to (approximately) 450 square metres.

As such, the immediate locality accommodates a number of sites accommodating similar densities to that proposed, whilst the wider locality will be undergoing significant renewal in the near future to provide a wide range of dwelling types and styles – including one and two bedroom apartments and 'terrace' housing (row dwellings), and single and two storey detached dwellings.

Furthermore, the proposed site areas fall within the category of "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.

These considerations suggest that the shortfalls in site areas may not be fatal to the merit of the subject application. However, it is also important to consider whether the shortfalls in site areas have resulted in subsequent design failings when assessed against other quantitative and qualitative criteria of the Development Plan. The design and form of the dwellings is assessed in the following section 'Development Assessment'.

In conclusion, whilst representing a greater departure from the numeric requirements of the Development Plan, the overall appearance and function of the development site will remain consistent with that previously granted consent. Therefore, it is staff's respectful position that the merits of the proposal remain congruous with that previously supported by administration and the Panel.

ANALYSIS/CONCLUSION

The preceding assessment has identified that whilst the numeric shortfall of the proposal will increase via the proposed deletion of partywalls between Dwellings 1 and 2 and Dwellings 7 and 8, the proposal will otherwise remain identical to that previously granted consent.

As concluded in administration's previous report, the density proposed is similar to that exhibited by other allotments in the locality, whilst the imminent redevelopment of Renewal SA land to the south-west will result a significant change to the density, streetscape and built form within the wider locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2018/515 to vary Development Application 100/2017/463 - Two, two storey residential flat buildings - deleting of partywall to provide for two, two storey detached dwellings and two, two storey residential flat buildings at 10 - 12 Mulcra Avenue, Park Holme be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2018/515, except when varied by the following conditions of consent.
2. A revised, fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. 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.

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

5. All 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.
6. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention

or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

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

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