

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 July 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 blue ink, appearing to read 'R Tokley', is written over a light blue circular stamp.

Per Robert Tokley
ASSESSMENT MANAGER

27 June 2018

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



- 1.1 OPEN MEETING**
- 1.2 PRESENT**
- 1.3 APOLOGIES**
- 1.4 IN ATTENDANCE**
- 2. APPLICATIONS**
 - 2.1 26 MARINE PARADE, MARINO**
To construct a two storey dwelling with associated garage and landscaping
Report Reference: CAP040718 - 2.1 1
 - 2.2 575 - 577 MARION ROAD, SOUTH PLYMPTON**
Ground floor and first floor additions and alterations to existing consulting rooms
and car parking
Report Reference: CAP040718 - 2.228
 - 2.3 7 RAILWAY TERRACE, EDWARDSTOWN**
Land Division Residential Torrens Title - 1 into 2 allotments and the construction
of a carport associated with the existing dwelling
Report Reference: CAP040718 - 2.348
 - 2.4 7 RAILWAY TERRACE, EDWARDSTOWN**
Single storey dwelling and carport associated with the existing dwelling
Report Reference: CAP040718 - 2.457
- 3. OTHER BUSINESS**
 - 3.1 APPEALS UPDATE**
 - 3.2 POLICY OBSERVATIONS**
- 4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING
HELD ON 4 JULY 2018**
- 5. MEETING CLOSURE**

**REPORT REFERENCE: CAP040718 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 JULY 2018**



Originating Officer:	Nicholas Timotheou Acting Team Leader - Planning
Applicant:	John Douglas Spoehr
Development Description:	To construct a two storey dwelling with associated garage and landscaping
Site Location:	26 Marine Parade, Marino
Zone:	Residential Zone
Policy Area:	Hills Policy Area 11
Application Type:	Category 2
Lodgement Date:	11/09/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	nil
Application No:	100/2017/1681
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 includes a residential building of 2 or more storeys on a battle-axe site 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

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

Amendments Requested	Amendments Made
North facing windows of Bedroom 2 and 3 should be fitted with obscure glass in order to prevent overlooking of adjacent properties	Obscure glass provided to north facing windows of Bedroom 2 and 3.
The proposed finished floor levels (FFLs) should be set 250mm above finished paving levels around the perimeter of the dwelling, in order to address flood risk of the property.	Amendment made as requested.
Additional Information Requested	Information Provided
Engineered siteworks and drainage plan.	Provided.
Landscape plan.	Provided.
Schedule of proposed colours/materials/finishes to be used on the external elements of the dwellings	Provided.
Details of the "screen diagram"	Provided.

SUBJECT LAND & LOCALITY

The subject land comprises 26 Marine Parade, Marino. The allotment is generally rectangular in shape, achieving a frontage width of 18.24m, average depth of 39m and total site area of 702.6 square metres. The site currently accommodates a single storey dwelling in average condition and a freestanding garage situated to the south-eastern portion of the allotment. An existing stone retaining wall is situated along the western boundary. The dwelling presents to Marine Parade, which is not available for public traffic. As such, vehicular access is currently gained via a Right of Way easement, over the property situated at 43 The Cove Road. There are no Regulated Trees on the subject land.

The site is bound by residential properties from north to south in a clockwise direction and the Marino to Hallett Cove walking trail to the west. Land immediately adjacent the subject land is contained within the Hills Policy Area 11 of the Residential Zone, whilst land to the west is located within the Coastal Conservation Zone.

The site incorporates a predominately southeast to northwest fall. Apart from the Right of way which slopes away from The Cove Road, the site incorporates two relatively flat areas. These include the location of the existing dwelling and the associated entertaining area adjacent Marine Parade and the south-eastern corner of the allotment, where the freestanding garage is situated. The site incorporates a considerable slope between the existing garage and dwelling.

The topography of the locality varies, incorporating a diagonal cross-fall towards the north-west. As a result of the topography, dwellings with frontage to the Cove Road generally sit higher than those adjacent Marine Parade.

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 garage and landscaping. The proposal does not involve any significant earthworks or retaining walls, rather it seeks to utilise the existing levels of the land. Access to the garage is gained via the existing Right of Way.

The ground floor incorporates the master bedrooms with associated WIR, open plan study, laundry/bathroom and store room. The first floor incorporates two bedrooms, bathroom and open plan kitchen/meals/living with direct access to the deck area, oriented towards Marine Parade.

Landscaping is proposed throughout the site, primarily between the vehicle manoeuvring area and the dwelling, the yard area adjacent Marine Parade and adjacent the northern side boundary. The dwelling features a mixture of render and timber cladding and incorporates a parapet style roof.

Refer Attachment III

PUBLIC NOTIFICATION

<p>Properties notified</p> <p>5 properties were notified during the Category 2 public notification process.</p>
<p>Representations</p> <p>4 representations were received by Council.</p>
<p>Persons wishing to be heard</p> <p>Professor Ruurd Jaarsma Miss Jenny Raymond</p>
<p>Representations received</p> <p>Refer Attachment IV for detail of the representations received.</p>
<p>Response to representations</p> <p>Refer Attachment V for Applicant's response to the representations.</p>

INTERNAL DEPARTMENT COMMENTS

<p>Development Engineer</p> <p>Council's Development Engineer has reviewed the latest set of plans submitted to Council and advised they raise no concerns from a flood risk perspective or with on-site vehicle manoeuvrability.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

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	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	<p>Does Not Satisfy As the site lacks site exclusivity but has frontage to a public road, the proposal is not defined as a detached or group dwelling, rather it is undefined. This notwithstanding, it is acknowledged the proposed dwelling will be situated on an existing allotment, it is considered that there is no consequence upon the integrity of the Hills Policy Area 11.</p>
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p>Partially Satisfies (see below assessment)</p>
PDC 3	<p>Development should be designed and sited to relate to the slope of the land, so that:</p> <p>(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.</p>	<p>Partially Satisfies (see below assessment)</p>
PDC 4	<p>Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.</p>	<p>Partially Satisfies (see below assessment)</p>
PDC 5	<p>Development that would be prominently visible from the Adelaide Plains should:</p> <p>(a) achieve a profile that blends with the topography of the land (b) avoid the use of bright and highly reflective external materials and finishes (c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.</p>	<p>Satisfies (see below assessment)</p>
PDC 6	<p>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:</p> <p>(a) incorporating stepping in the design in accordance with the slope of the land (b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</p>	<p>Satisfies (see below assessment)</p>

Assessment

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”.

It should be acknowledged the natural topography has already been altered due to the existing dwelling on the land and formation of the Right of Way servicing the subject land. This notwithstanding, in order to assist in reducing the overall bulk and scale presenting to adjacent properties and Marine Parade, the profile of the building presents in a way which complements the

current levels of the land,. Further, it is acknowledged that the proposal does not include any additional earthworks or retaining walls in order to accommodate the dwelling.

Due to the proposed design, the siting/placement of the dwelling and existing ground levels of the site in relation to adjacent allotments, it is acknowledged the built form will result in some bulk/scale impacts upon the adjacent property to the south. 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 three areas of non-compliance with regard to setbacks from allotment boundaries. The northern side setback of the dwelling is equal to 1.1 metres, whereas a 0.9m – 1m southern side setback is proposed. The Development Plan guidelines seek for a 2 metre (north) and 3 metre (south) side setback, plus an additional setback equal to the increase in wall height above 6 metres. Whilst the proposal falls short of the side setback guidelines 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 setbacks, regard should be had to the visual impacts upon adjoining land (25 and 27 Marine parade). The adjacent dwelling located to the north of the subject site, is located central to the allotment and achieves an approximate southern side setback of 3m. The main area of POS is located forward of the dwelling and adjacent Marine Parade, aiming to take advantage of coastal views. It is acknowledged the proposed ground and first floor of the dwelling will generally be situated adjacent a south facing service yard and not the primary area of private open space or north facing 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 departure in northern side setback results in acceptable outcomes and is not considered to result in adverse amenity impacts upon the adjacent property to the north.

The existing dwelling situated south of the subject land comprises 27 Marine Parade. A review of the original dwelling plans for this property has identified a northern side setback of approximately 0.9m at ground level and 2m to the upper level, with the associated balcony wrapping around the northern side of the building. A secondary area of private open space is situated adjacent the shared boundary and includes an in-ground pool. This courtyard area shares a similar level to the location of the existing garage on the subject land. It is also of value to note, this dwelling incorporates a two storey wall on the southern boundary. Despite the proposal failing to provide separation from the southern side boundary in accordance with the Development Plan guidelines, it has been identified the departure in setback is largely adjacent the side path of the adjacent property. It is acknowledged however, a portion of the elevated section of the dwelling will be situated adjacent an area of private open space.

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 adjoining land. Due to the non-compliant southern side setback and parapet roof design, it is considered the proposal will result in bulk/scale impacts upon the adjacent property situated at 27 Marine Parade.

The external outlook from the secondary area of POS and upper level north facing windows on adjoining land to the south will change considerably. It is worthy to acknowledged however, despite the proposal incorporating a 6.75m high wall in close proximity to the southern boundary, due to the existing levels of the north facing courtyard of 27 Marine Parade, this portion of the dwelling will generally present as a single storey wall. Further, the existing fencing along the shared boundary will somewhat screen the majority of the proposal.

This notwithstanding, when viewed from the upper level open plan kitchen/meals/living area, the overall bulk/scale of the building will be apparent. A review of existing development within the locality has identified a number of two storey dwellings which achieve reduced setbacks to boundaries. This is considered to indicate the proposed northern and southern side setbacks are not necessarily out of character with the locality. Further, due to the apparent inconsistency between existing development in the locality and the current Development Plan guidelines, it is considered the proposal will be somewhat “nestled” in with the adjacent properties.

It is my opinion that entertaining areas adjacent Marine Parade should be considered with higher importance as they function as the main area of private open space. This is evident within the locality, with numerous properties incorporating a design oriented to the west and north-west in attempt to take advantage of coastal views. Whilst, it could be argued that the bulk and scale of the upper level will be imposing on the adjacent property to the south, the anticipated visual and amenity impacts are not considered to be fatal to the overall merits of the application.

As such, although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the 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). 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.

The front setback of the dwelling (measured from the Marine Parade boundary) is equal to 7.4m, increasing to 11.3m, where a minimum 8m setback is sought in the Hills Policy Area 11. The proposed front setback of is considered similar to that of existing dwellings in the locality, which present a variety of setbacks to Marine Parade. Further, as a result of the angled boundary and design of the dwelling, the front setback increases to 11.3 metres which is considered to provide appropriate transition to adjacent buildings. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

As a result of the “battle-axe site” the garage portion of the dwelling is setback 1.4m from the rear boundary, increasing to 2.7m; however, the Development Plan guidelines call for an 8m rear setback. It is of value to note the Development Plan permits garages and outbuildings to be setback 0.9m from rear boundaries and that an existing structure is setback a similar distance from the rear boundary. This notwithstanding, it is acknowledged the subject land sits lower than the adjoining land to the south-east and that numerous other properties in the locality, situated on battle-axe sites, or the like, present similar designs, incorporating reduced rear setbacks. As such, it is my opinion that the non-compliant rear setback will not result in unreasonable visual or bulk/scale impacts upon the adjacent properties and is not out of character with the locality.

The design of the dwelling incorporates a two storey wall presenting to the adjacent property to the north and south. Although 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”*, as discussed above, the overall bulk and scale of the building is considerable when viewed from adjoining land to the south. This notwithstanding, the design of the dwelling has attempted to minimise these impacts through a mixture of render, timber cladding and high level and full length windows. The use of these elements provides some form of visual interest and avoids large expanses of uninterrupted walling presenting to adjoining land. Further, it has been identified that numerous dwellings within the locality achieve limited separation from side boundaries and it is considered that higher regard should be had to the amenity of entertaining areas adjacent Marine Parade, rather than internal courtyards or side yards.

The design of the building and extent of separation afforded between the proposed dwelling and dwellings to the north and south will assist in reducing the likely visual impacts associated with the built form. The anticipated visual and amenity impacts are not considered to be fatal to the overall merits of the application.

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 landscaping throughout the site which provides a range of plantings and design elements that assist in reducing the bulk and scale of the building and complement the surrounding environment.

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

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 if the proposed development is approved. In assessing the loss of views, I have not only had regard to the Marion Council Development Plan, but also relevant decisions of the Environment, Resources and Development (ERD) Court and Supreme Court.

In my opinion, views currently achieved from dwellings to the north side of the subject land will largely be unaffected. In assessing the potential loss of view, in my opinion, the three dwellings potentially most affected by the proposed development are those located at 27 Marine Parade, 43 The Cove Road and 49 The Cove Road, Marino.

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 higher than the subject land and have their associated private open space areas oriented to take advantage of views over the subject land, 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 a four-part test for the assessment of a development which would result in the obstructing of views of existing developments. In the interests of brevity, these are;

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

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

Prior to undertaking a views assessment, I believe it is of value to recognise that the subject property is a private parcel of land. The owner/s of the allotment has a right to develop the property for a residential dwelling, in general accordance with the Council’s Development Plan.

Given the fact that adjacent dwellings are designed to take advantage of views over the subject land, and that two storey dwellings are envisaged in the Policy Area, any two storey dwelling on the subject land will have an impact upon the outlook currently available to adjacent properties.

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.

27 Marine Parade, Marino

At present, the dwelling at 27 Marine Parade enjoys significant and uninterrupted views of the coastline, Gulf St Vincent and horizon that extend from the north to the southwest in an anti-clockwise direction, including portions of Brighton. 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 upper level are to the north along the Adelaide coastline and ocean and northwest through to the southwest of the ocean and horizon. Whilst views are achieved, it is of importance to note that the extent of view becomes more limited further north-east due to the placement of existing buildings. Views from the lower level, within the dwelling, are restricted to the northwest through to the southwest, whilst view from the yard area adjacent Marine Parade obtains views to the north through to the southwest in an anti-clockwise direction.

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

Due to the protruding nature of the first floor, existing northern views of the ocean and coastline achieved from within the upper level kitchen of the dwelling will be altered. This notwithstanding, northern views of the coastline will remain available from the upper level balcony and vantage points within the dwelling. Views to the west through to the south-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 (portion of the coastline), the views able to be enjoyed from the site will not be removed completely. Views will still be able to be had in a northerly and south-westerly direction, particularly when standing on 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.

43 The Cove Road, Marino

The dwelling at 43 The Cove Road is located to the east of the subject site. At present, a partial view of the ocean horizon is visible as well as a portion of the coastline from vantage points. Views currently available from this land and dwelling span from the north to the south-west (in an anti-clock-wise direction). In my opinion, the most attractive views are to the west as they can be gained with the least obstruction from buildings and mature vegetation within the locality. It is also my opinion that these views do not include 'icons' as described in *Hutchens v City of Holdfast Bay*.

The dwelling is single storey in nature; however, views can be enjoyed from the area of private open space, balcony area which is directly accessed from the main living area, kitchen/meals room and other partial views from habitable rooms within the dwelling.

Within the kitchen/meals room, views can be enjoyed on an angle to the west and south-west. It is acknowledged that portions of the ocean horizon are screened via some vegetation and existing buildings. These views can be gained in a standing position. Any views gained from a sitting position are considered minor.

In relation to the main living room, views are gained through a doorway and windows, which leads to the main balcony area. The views gained are to the north-west and can be enjoyed in a sitting and standing position. Views gained from this room are best enjoyed from a standing position and directly in-front of the doorway leading to the balcony.

The main balcony area experiences the main views of the ocean and portion of the coastline; however is generally obstructed due to existing buildings within the locality. The balcony area allows the enjoyment of the largest extent of views from various vantage points and can be experienced from both a standing and sitting position. In my opinion, it is view from this area that should be given most weight in relation to the proposed development.

From my estimates, the proposed development will mostly impact views to the west and south-west. This notwithstanding, it is acknowledged the views further north-west and north will remain, which comprises the ocean and portion of the coastline.

The impact of the proposed development upon the views available from 43 The Cove Road relates to dwelling setback (to side and rear boundaries) and building height.

The dwelling does not exceed 9.0 metres above ground level (discouraged by Zone Principle 6 – refer to Table Discussion for explanation) and despite the side and rear setbacks failing to accord with the minimum guidelines, compliance with these provisions would not significantly reduce the extent of view loss for the site.

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 43 The Cove Road as to warrant amendments to the proposal or refusal of the application.

49 The Cove Road, Marino

The dwelling at 49 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, north-north-west, through to the north (in a clock-wise direction) dependant on vantage points of the site. It should be acknowledged that the views gained from the subject property comprise the ocean and portions of the coastline. These views are mainly gained and enjoyed from the upper level balcony area and internal living room.

The proposed development will have a minor impact on the views that are currently experienced from the site in a north-north-westerly direction for the southern balcony area and the west for the northern section of the balcony. 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 other buildings to the north.

Due to the protruding nature of the first floor, existing views of the ocean will be altered; however, will be largely retained, along with the portion of coastline available. 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 49 The Cove Road.

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 the abovementioned properties 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 further alteration of the natural landform, whilst maintaining adequate privacy and amenity to adjoining land.

Whilst two storey dwellings are not encouraged on battle-axe sites, this aspect of the proposal is not out of character with the locality and does not result in direct overlooking or visual impacts upon adjacent properties. Whilst it can be argued 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), the dwelling façades are below the maximum height prescribed. 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.

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>Site coverage:</p> <p>Satisfies 220sqm (31.3%)</p> <p>Floor area ratio:</p> <p>Satisfies 0.35</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>Satisfies</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>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> <p>Approx. 217.7sqm (31%)</p>
Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Does Not Satisfy</p> <p>75.2sqm (10.7%)</p>
Site area of dwelling	Minimum area of POS	Provisions	<p>171.35sqm (24.3%) when land forward of the main façade is included in calculation</p> <p>Although the area of private open space fails to accord with PDC 7, It is acknowledged that the land adjacent Marine Parade (forward of the dwelling façade) will likely function as an entertaining area.</p>
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</p>	

		<p>an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>As identified in the Desired Character statement of the Hills Policy Area 11 “many dwelling sites have good views of the Adelaide Plains or the coast”, which are generally designed to take advantage of these views.</p>
<p><i>Residential Zone: PDC 7</i></p>			<p>Although this area 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 will achieve northern light.</p> <p>Further, it is acknowledged that due to the nature of the “battle-axe site”, POS forward of the dwelling façade can be anticipated and is common within the locality.</p>
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>			<p>Satisfies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) POS is located at both ground level and the first floor of the dwelling</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>Does Not Satisfy</p> <p>c) Although POS is located to the side of the dwelling and capable of being screened for privacy, the area adjacent Marine Parade and forward of the main façade will likely function as one of the main entertaining areas. This is largely a result of the nature and configuration of the allotment; however, is nonetheless considered appropriate to meet the needs of occupants.</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; however, the balcony and undercover area is appropriately screened to provide privacy for occupants.</p> <p>g) The proposed POS areas maintain a westerly aspect, which will nonetheless receive some northern light. Whilst the balcony and undercover area face north, it is acknowledged these areas are enclosed and oriented to gain views of the ocean.</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>

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>Does Not Satisfy 7.4m to 11.3m</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>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality. 34</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Satisfies</p> <p>The proposed front setback 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>
<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>Satisfy</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: 2 metres</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p> <p><i>Where the wall height is greater than 6 metres:</i></p> <p><i>(a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres</i></p> <p><i>(b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</i></p> <p><i>Residential Zone: PDC 6</i></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>Does Not Satisfy North: 1.4m (2.75m required) South: 0.9m - 1m (3.75m required)</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>

Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> (a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres) (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 Garage: 1.4 – 2.7m</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) 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 comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
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>Does Not Satisfy (refer below comments)</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>Does Not Satisfy (refer below comments)</p>
<p>The proposed dwelling is situated over two levels and achieves a maximum building height of 6.75 metres at its highest point, measured from the finished floor level of the ground floor. 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, <u>when measured from natural ground level</u> (my underlining).</p> <p>It is important to acknowledge the topography of the land has been significantly altered from what was the natural ground level due to the previous earthworks undertaken to accommodate the original dwelling. A review of Council's records has failed to identify detail of what the natural ground level was prior to construction of the dwelling on the subject land; however, assessment of existing levels on the subject land, Marine Parade and adjacent The Cove Road has enabled Administration to identify the estimated lowest "natural ground level" (below the dwelling). This is estimated adjacent the north-western corner of the proposed dwelling (spot level of 36.76). The highest point of the dwelling achieves a reference level of 45.1 and therefore, using the estimated natural ground level, my assessment indicates the building achieves a maximum height of 8.26 metres. When measured from the "platform" of the stairs, linking the open plan kitchen/meals/living to the private open space, a maximum building height of 9.2m is estimated. 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 external stair design, which is nonetheless concealed and is not considered to impact adjacent properties.</p>	

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 is also acknowledged the proposal incorporates a two storey building on a battle-axe site, which is discouraged by PDC 2. It is my opinion PDC 2 holds less weighting in this instance as the proposal is somewhat nestled into the locality and amongst numerous other two storey buildings on "battle-axe" sites or the like. Throughout this report, it has been identified that the two storey nature of the dwelling will not result in unreasonable impacts upon adjacent properties, despite areas of non-compliance with some of the quantitative guidelines. The visual privacy of adjacent properties has been maintained, while the bulk and scale of the building has been appropriately minimised. It is also acknowledged dwellings in the locality are generally designed in a way to take advantage of coastal views, with numerous similar allotments comprising two storey dwellings. Further, the subject land sits lower than properties to the north-east to south-east (in a clockwise direction) and as such, I am of the opinion that the two storey nature of the building is appropriate, despite being situated on a battle-axe site.

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>
<i>Maximum wall or post height</i>	<i>3 metres</i>
<i>Maximum building height</i>	<i>5 metres</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>

Satisfies

Does Not Satisfy

3.15m

The additional wall height exceeding 3m is not considered to result in unreasonable amenity impacts upon the adjacent properties as it is generally adjacent a similar structure to the south and situated lower than the property to the east.

Satisfies

Satisfies

0.9m

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

General Section: Residential Development: PDC 13

Satisfies

Council's Development Engineer has reviewed the application plans and is satisfied that vehicle will be able to enter and exit the site in a forward direction safely and conveniently.

Vehicle Parking

Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.

General Section: Transportation & Access: PDC 34

<i>Detached</i>	<i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i>
<i>Semi-detached</i>	<i>3 per dwelling containing 4 or</i>
<i>Row</i>	

Satisfies

2 covered parking spaces provided.

	<i>more bedrooms one of which is to be covered.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <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><i>General Section: Transportation & Access: PDC 42</i></p>		Satisfies
<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>Satisfies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, 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. Public transport opportunities are located a short distance from the subject land.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) The proposal does not result in a loss in on-street parking.</p>
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <ul style="list-style-type: none"> <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><i>General Section: Transportation & Access: PDC 44</i></p>		<p>Satisfies</p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <ul style="list-style-type: none"> <i>(a) not face the primary street frontage</i> <i>(b) be located to the rear of buildings with access from a shared internal laneway</i> <i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i> <p><i>General Section: Transportation & Access: PDC 45</i></p>		<p>Satisfies</p> <p>The parking areas are located to the rear of the building with access from a shared Right of Way, and therefore do not face the primary street frontage.</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>The proposal does not result in a loss in on-street parking.</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>Partially Satisfies (See comments below)</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>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</p> <p>General Section: Design & Appearance: PDC 3</p>	
<p>Balconies should:</p> <p>(a) be integrated with the overall form and detail of the building (b) include balustrade detailing that enables line of sight to the street (c) be recessed where wind would otherwise make the space unusable.</p> <p>General Section: Design & Appearance: PDC 5</p>	<p>Satisfies</p> <p>The proposed balcony is integrated into the overall dwelling design, with balustrading that enables line of sight to Marine Parade. The balcony is located to the side of the main face and is partially shielded by the first floor and partial enclosure on the north side, which offers protection from the southerly and south-westerly winds</p>
<p>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:</p> <p>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants (b) individual entries for ground floor accommodation (c) opportunities to overlook adjacent public space.</p> <p>General Section: Residential Development: PDC 6</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 dwelling has been designed in a way which complements the configuration of the allotment. The ground and first floor of the dwelling provides a render façade and timber balustrade. Further visual interest is achieved through the side balcony and substantial glazing at the ground level and first floor. Landscaping is interspersed within the front yard of the dwelling and between the stairs, which will assist in softening the overall appearance of the building, which nonetheless comprise attractive materials, complementary to the desired character of the Hills Policy Area 11 and dwellings within the locality.</p> <p>The dwelling facades mainly incorporate a render finish in white, which is broken up through a mixture of timber and high level and full length windows. Surrounding dwellings in the locality feature a variety of colours and materials, noting the presence of both light/neutral and dark 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 dwellings/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 portions of the existing topography of the subject land; however, this element of the proposal fails to accord with PDC 1(c), which will be discussed further within the “Siting and Visibility” section of this report.</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><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>The dwelling has been designed so that its main facade faces Marine Parade, presenting large habitable windows to the street.</p> <p>The elevation of the dwelling features a mixture of render, timber and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p> <p>It is acknowledged the main entry point does not face either Marine Parade or The Cove Road; however, would be difficult to achieve, due to the existing configuration of the allotment. This notwithstanding, it is acknowledged the main entry is situated at the “shoulder” of the Right of Way”, such that visitors to the property should be able to easily identify the entry point when approaching the dwelling.</p>
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>Does Not Satisfy (Refer below comments)</p>

It is acknowledged north-facing windows to habitable rooms and areas of POS for 25 Marine Parade and 49 The Cove Road shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.

Shadow diagrams prepared by the applicant have demonstrated the proposed development will mainly cast shadow on the adjacent property to the south, including some north facing windows and area of private open space. A review of the original dwelling plans for 27 Marine Parade has identified the building incorporates a single north facing habitable room window at ground level. The first floor has north facing windows associated with the open plan kitchen/meals/living area and is bordered by a wraparound balcony. A north facing area of private open space is also available for use, situated adjacent the shared boundary.

It is acknowledged the ground level north facing windows of 27 Marine Parade currently receive limited exposure to northern sunlight due to the design of the dwelling and existing fencing. The upper level north facing windows receive substantial light; whereas the north facing "courtyard" and swimming pool area experience some shadow, which is cast from the associated dwelling and structures on the allotment and subject land.

The upper level north facing windows of 27 Marine Parade will likely experience late afternoon sunlight over a portion of their surface; however, will be in shadow during morning and early afternoon hours. Similarly, the north facing courtyard will receive some late afternoon sunlight; however, the proposed dwelling will cast shadow over this area during morning and early afternoon hours. Subsequently, the proposal fails to accord with PDC 9 and 10, which comes as a result of the non-compliant southern side setback and building height.

This notwithstanding, as identified earlier within this report, although the yard and entertaining area adjacent Marine Parade cannot be classified as private open space (in accordance with Residential Development, PDC 17(d)), it likely functions as part of the main activity areas as it comprises part of the site's vantage point, which gains some of the main coastal views. This area will receive direct sunlight for the majority of the day, including the windows which have a partial northern orientation (open plan kitchen/meals/living with direct access to balcony). As such, whilst the proposal fails to accord with the overshadowing guidelines, I am nonetheless satisfied the extent of shadow cast to adjoining land will not significantly impact the amenity of the adjacent property, to the extent where refusal is warranted.

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 elevations. Upper storey windows on the main facade remain unobscured to provide surveillance to Marine Parade and take advantage of views. The balcony on the front facade is oriented to obtain views over Marine Parade and incorporates an angled screen along the rear and side elevation to prevent overlooking of the adjacent properties.

The design of the dwelling and use of screening devices will assist in minimising 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	
<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> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <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>Satisfies</p> <p>The dwellings are oriented so that their open spaces and main activity areas will receive some exposure to winter sun.</p> <p>Although the yard area adjacent Marine Parade cannot be classified as private open space (in accordance with Residential Development, PDC 17(d)), it is 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 Marine Parade.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i> <i>(a) taking into account overshadowing from neighbouring buildings</i> <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>Does Not Satisfy</p> <p>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.</p>
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> <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> <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>Satisfies</p> <p>Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor levels, finished paving levels and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</p>

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

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.

Sloping Land

Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:

- (a) minimises their visual impact*
- (b) reduces the bulk of the buildings and structures*
- (c) minimises the extent of cut and/or fill*
- (d) minimises the need for, and the height of, retaining walls*
- (e) does not cause or contribute to instability of any embankment or cutting*
- (f) avoids the silting of watercourses*
- (g) protects development and its surrounds from erosion caused by water runoff.*

General Section: Sloping Land: PDC 2

Partially Satisfies

(Refer below comments)

<p><i>The cutting and/or filling of land should:</i></p> <p><i>(a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation</i></p> <p><i>(b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment</i></p> <p><i>(c) only be undertaken if the resultant slope can be stabilised to prevent erosion</i></p> <p><i>(d) result in stable slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.</i></p> <p><i>General Section: Sloping Land: PDC 7</i></p> <p><i>Retaining walls should:</i></p> <p><i>(a) not exceed 1.5 metres in height</i></p> <p><i>(b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total</i></p> <p><i>(c) be constructed to a high standard from high amenity materials</i></p> <p><i>(d) be landscaped to enhance their appearance.</i></p> <p><i>General Section: Sloping Land: PDC 8</i></p>	<p>Satisfies</p>
<p>As mentioned throughout this report, design of the dwelling and use of materials 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 in the Zone and Policy Area assessment, 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 original dwelling. The proposal does not incorporate substantial cutting, filling of the land or retaining walls as design seeks to utilise the existing “platform” established by the original dwelling. Arguably, the use of the existing “platform” remains in accordance with that part of the Desired Character statement for the Hills Policy Area 11, which seeks for “<i>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform.</i>”</p> <p>The site will be landscaped to enhance the appearance of the building. When considering the building’s relationship with ground level and adjacent properties, it is my opinion that proposal find appropriate compliance with PDC 2 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> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i></p> <p><i>(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land</i></p> <p><i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p>Does Not Satisfy</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</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. The dwelling extends adjacent the southern boundary, which will result in some bulk/scale impacts upon the adjacent property to the south, particularly from the upper level open plan kitchen/meals/living room. As identified in the Zone and Policy Area assessment of this report, it is considered that the proposal fits with existing development within the locality and that higher weighting should be provided to areas which receive unobstructed views.

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 and large areas of uninterrupted wall presenting to Marine Parade and adjacent properties.

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 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 south.

In my opinion, the flat roof design exacerbates the prominence of the dwelling when viewed from the south particularly when considered in combination with the non-compliant side setback; however this design element also provides a “low profile” as sought by PDC 4.

The profile of the building is low when considering the topography of the land and the fact highest part of the dwelling is set below The Cove Road and dwellings to the north-east and South-west, which results in the dwelling essentially fitting into the hillside. As such, when the proposal is considered amongst the surrounding dwellings, it has been demonstrated the areas of non-compliance with PDC 4 will not necessarily result in a significant visual impact in the landscape.

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.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to loss of view, privacy concerns, loss in amenity and visual impacts have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A representor has also raised concerns over the protection of Council land during construction. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The 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 front and rear setback, northern and southern side setback, private open space area, roof form and extent of shadow cast. 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 dwelling 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, render and substantial glazing 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 and thereby minimises the need for additional earthworks and retaining walls. The proposed development has sought to minimise direct overlooking into habitable areas of other dwellings through a combination of high level windows, screening devices and adequate separation.

In my opinion, the largest failings against the applicable Development Plan provisions relate to the siting/placement of the dwelling and non-compliant southern side setback, which results in bulk/scale and overshadowing impacts on the adjacent dwelling situated at 27 Marine Parade. Due to the elevated nature of the first floor, combined with the non-compliant side setback, 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 south. Further, the proposal will result in a large extent of shadow cast upon the north facing courtyard. This notwithstanding, as identified throughout this report, the main entertaining area of 27 Marine Parade is considered to comprise the land adjacent Marine Parade due to the substantial coastal views. As such, the likely visual and overshadowing impacts upon this property are considered to hold less weighting. The proposal is finely balanced in this regard; however, the anticipated visual and amenity impacts, are not considered to be fatal to the overall merits.

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 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: 100/2017/1681 for the construction of a two storey dwelling and associated garage at 26 Marine Parade, Marino 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. 100/2017/1681, 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. 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

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

**REPORT REFERENCE: CAP040718 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 JULY 2018**



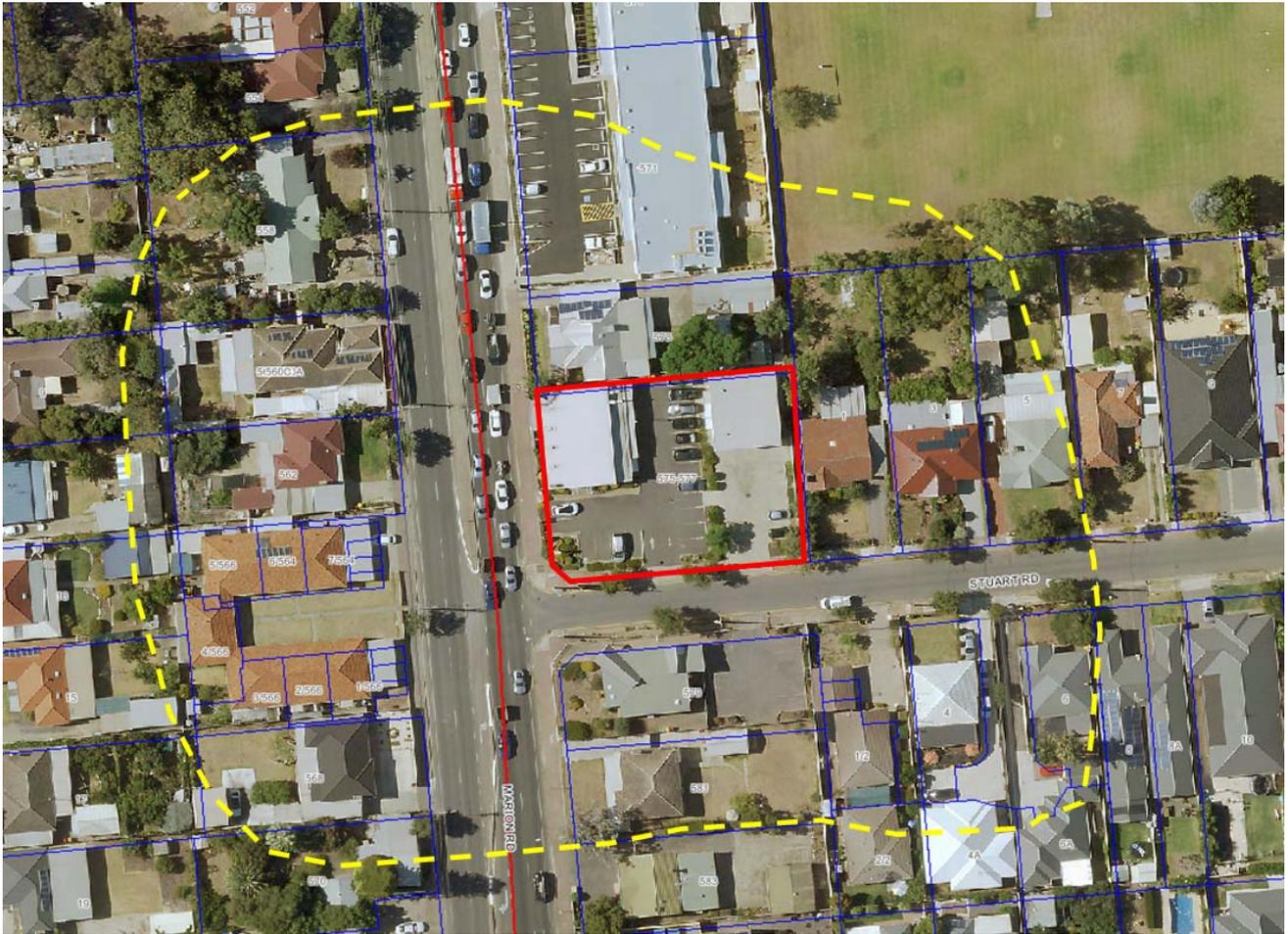
Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Black Rabbit Architecture and Interiors
Development Description:	Ground floor and first floor additions and alterations to existing consulting rooms and car parking
Site Location:	575 - 577 Marion Road, South Plympton
Zone:	Commercial Zone
Policy Area:	Marion Road Policy Area 1
Precinct:	n/a
Application Type:	Category 3 / Non-Complying
Lodgement Date:	24/10/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	Department of Planning, Transport & Infrastructure (DPTI)
Application No:	100/2017/2003
Recommendation:	That Development Plan Consent be GRANTED subject to seeking concurrence from the State Commission Assessment Panel (SCAP) and conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 / non-complying form of development by virtue of the Procedural Matters section of the Commercial Zone, where consulting rooms of 250 square metres or more located within Marion Road Policy Area 1 are listed as a non-complying form of development.

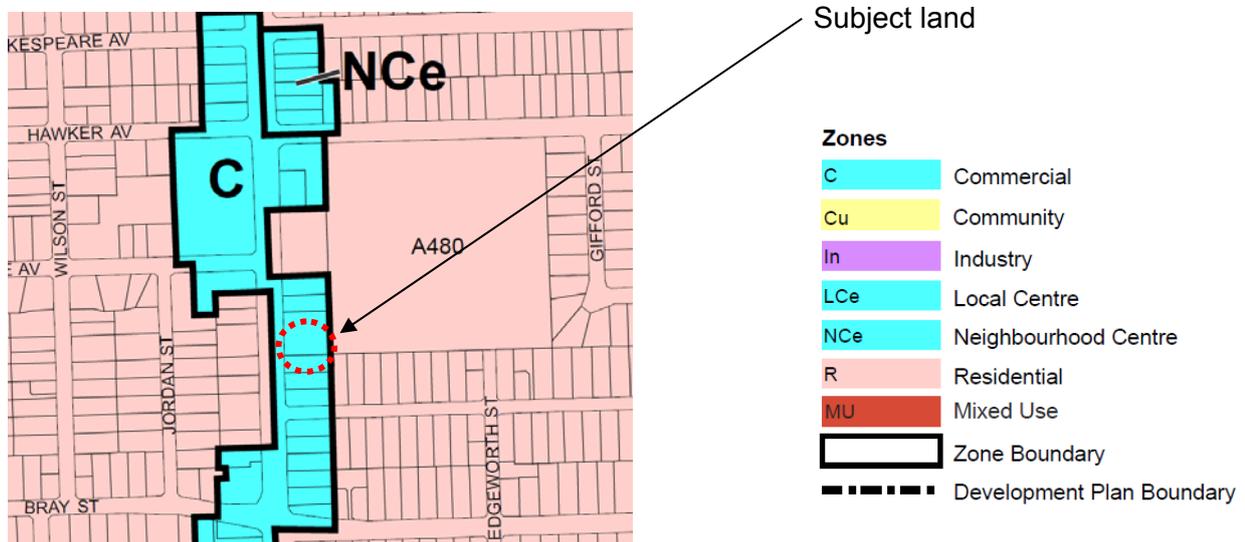
Council has delegated the authority to assess and determine non-complying applications to the Development Assessment Panel.

SUBJECT LAND & LOCALITY



The subject land occupies the allotment at 575-577 Marion Road, South Plympton at the corner of Stuart Road. The allotment is approximately rectangular in shape incorporating a 3 metre by 3 metre corner cut-off at the Marion Road/Stuart Road Junction, a maximum width of 43.59 metres, a maximum depth of 32.62 metres and a total area of 1417 square metres.

The subject land is located in the Commercial Zone – Marion Road Policy Area 1 and abuts the Residential Zone to the east and west (on the opposite side of Marion Road).



The subject land is relatively flat and comprises two buildings. Lucas Dental (consulting rooms) occupies the north western corner of the allotment fronting Marion Road. The building is approximately 16.6 metres wide by 15.2 metres deep with a total area of approximately 252 square metres. The building is setback 2.75 metres from the eastern (front) boundary adjacent Marion Road, 1.0 metres from the northern (side) boundary and 15.3 metres from the southern (side) boundary with Stuart Road. A records store building associated with Lucas Dental is located in the north eastern corner of the allotment. This building measures approximately 12.2 metres by 10.0 metres with a total area of approximately 122 square metres. The records store building is setback 0.9 metres from the northern (side) boundary, 2.8 metres from the eastern (rear) boundary and 19.5 metres from the southern (side) boundary with Stuart Road.

Whilst pedestrian access is provided from Marion Road, vehicular access to the site is gained from Stuart Road via two crossover access points with a width of 5.7 metres and 7.0 metres, separated by 7.3 metres. 23 off-street car parking spaces are currently provided for the use of staff and clients. The car park is comprised of two separate areas with an internal link. Whilst there are no significant trees on the subject land, the remaining part of the site not occupied by buildings or car parking comprises substantial landscaping that offers a wide variety of species that is well maintained.

It is also noted there is a large tree noted on the proposal plans on adjoining land north of the subject land that may be impacted by the proposed development. Further investigation by the applicant is required to determine whether the tree is regulated and the likely impacts (if any) of the proposed development in close proximity to the tree.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed development comprises additions and alterations to the existing consulting rooms occupied by Lucas Dental as well as changes to the existing car parking arrangement to accommodate the proposed changes. The proposal comprises the following components;

- A two-storey addition linked to the existing consulting room at ground floor level providing;
 - o Four new treatment rooms, an office/store and two enclosed gardens at ground floor level
 - o The deletion of one treatment room to accommodate the ground floor link
 - o A staff training room, kitchenette and balcony accessed from the training room at first floor level.
- Relocation of existing bin enclosure from the northern boundary to the eastern boundary adjacent the records store building
- Two shade sails forward of the proposed two-storey addition either side of the proposed balcony.
- Changes to the car parking layout resulting in 27 parking spaces overall (albeit 5 being in tandem).
- A reduction in overall landscaping to accommodate the new car parking layout.
- A reduction in the width of the westernmost vehicular access (closest Marion Road) from Stuart Road from 5.7 metres to 3.0 metres with the access changing from ingress/egress to egress only.

It is noted that no changes to existing operating hours are proposed and that the Lucas Dental will continue to operate during the hours of 9:00am to 7:00pm Monday, Tuesday and Thursday, 9:00am to 5:00pm Wednesday and Friday, 9:00am to 3:00pm on Saturday (the business is closed on Sundays).

The proposed development will allow for an increase in treatment activity from two dentists and two hygienists providing treatment at any one time to three dentists and three hygienists providing treatment at any one time.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	27 properties were notified during the Category 3 public notification process.
Representations:	1 representation against the application was received by Council. <i>Refer Attachment IV</i>
Persons wishing to be heard:	The sole representor has not expressed a desire to be heard.
Applicant's response:	Refer attachment V.

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	Refer attachment VI
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Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

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

Commercial Zone		
<i>Objective 1</i>	<i>A zone accommodating a range of commercial and business land uses.</i>	Satisfies
<i>Objective 2</i>	<i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i>	Satisfies Despite abutting the Residential Zone, the proposed development is considered to be of a scale and intensity that is likely to cause limited impacts on the amenity of the locality.

PDC 1	<p>The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ consulting room ▪ motor vehicle related business other than wrecking yard ▪ office ▪ petrol filling station ▪ service trade premises ▪ shop with a gross leasable area of 250 square metres or less ▪ store ▪ warehouse. 	<p>Satisfies</p> <p>Continues existing use as consulting rooms.</p>														
Marion Road Policy Area 1																
<p>Objectives</p> <ol style="list-style-type: none"> 1 Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road. 2 Development that enhances the visual qualities and streetscape of the Marion Road corridor. 3 A policy area where development provides an appropriate transition and visual and acoustic buffers between non-residential and residential use in adjoining zones. 		<p>Satisfies</p>														
<p>Desired Character</p> <p>The non-residential development in the policy area fulfils a significant local servicing role to the Marion council area and particularly to local residents. The policy area is to be further developed and upgraded by relatively small-scale, low-intensity uses with high design qualities and management measures to enhance the streetscape and to protect residential amenity in adjacent residential zones. The intensity, floor size, scale and height of development therefore needs to provide for an appropriate transition to residential uses. High impact uses, such as the petrol filling station at 646 Marion Road and the fitness centre at Plympton, are not to be expanded but, rather, further development seek to reduce such impacts and improve residential amenity.</p> <p>The architectural style and finishes of building development are to be imaginative and creative, but are expected to exhibit an overall domestic scale and character.</p> <p>Off-street car parking areas will be located at grade and be designed and landscaped to present an attractive view from public roads, particularly Marion Road, with servicing and loading areas screened from general public view.</p>		<p>Satisfies</p>														
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ bulky goods outlet ▪ community uses ▪ consulting rooms ▪ indoor entertainment facilities ▪ motor vehicle related activities ▪ office ▪ recreation facilities ▪ service trade premises. 	<p>Satisfies</p> <p>Continues existing use as consulting rooms.</p>														
PDC 2	<p>The gross leasable floor area of the following forms of development should be limited to that shown in the table below:</p> <table border="1" data-bbox="387 1760 991 2018"> <thead> <tr> <th>Form of development</th> <th>Maximum gross leasable floor area</th> </tr> </thead> <tbody> <tr> <td>Bulky goods outlet</td> <td>300 m²</td> </tr> <tr> <td>Community uses</td> <td>250 m²</td> </tr> <tr> <td>Consulting room</td> <td>250 m²</td> </tr> <tr> <td>Office</td> <td>250 m²</td> </tr> <tr> <td>Service trade premises</td> <td>300 m²</td> </tr> <tr> <td>Shop (excluding bulky goods outlet)</td> <td>150 m²</td> </tr> </tbody> </table>	Form of development	Maximum gross leasable floor area	Bulky goods outlet	300 m ²	Community uses	250 m ²	Consulting room	250 m²	Office	250 m ²	Service trade premises	300 m ²	Shop (excluding bulky goods outlet)	150 m ²	<p>Does Not Satisfy</p> <p>The total gross leasable floor (existing and proposed) area is 373 square metres. The development proposed is therefore a non-complying development in the Commercial Zone - Marion Road Policy Area 1.</p>
Form of development	Maximum gross leasable floor area															
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Community uses	250 m ²															
Consulting room	250 m²															
Office	250 m ²															
Service trade premises	300 m ²															
Shop (excluding bulky goods outlet)	150 m ²															

PDC 5	<i>Buildings should not exceed 2 storeys or 8 metres in height above natural ground surface level.</i>	<p>Satisfies</p> <p>The proposed two-storey addition has a total maximum height of 6.6m from natural ground level.</p>
PDC 6	<p><i>Development adjacent residential zones should incorporate all of the following:</i></p> <ul style="list-style-type: none"> <i>(a) a minimum 6 metre setback for buildings from the zone boundary</i> <i>(b) visual and acoustic buffer features</i> <i>(c) landscaped areas having a minimum width of 2 metres</i> <i>(d) 2 metre high fencing</i> <i>(e) screened or obscured building openings.</i> 	<p>Satisfies</p> <p>The proposed alterations and additions are located between the existing consulting rooms and records store building. Existing landscaping and fencing adjacent the eastern boundary of the allotment provides a buffer to the Residential Zone adjacent.</p>
PDC 7	<i>Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.</i>	<p>Satisfies</p> <p>The proposed development provides two additional enclosed gardens but no additional external landscaping visible from public areas. Approximately 11% of the total site area is retained as landscaping.</p>

Assessment

Whilst consulting rooms are a land use envisaged in the Commercial Zone – Marion Road Policy Area 1, gross leasable floor area should be limited to 250 square metres. The proposed alterations and two-storey additions to the existing consulting rooms result in an increase in total gross leasable floor area from 221 square metres to 373 square metres. Consulting rooms with a gross leasable floor area exceeding 250 square metres are a non-complying form of development in Marion Road Policy Area 1. Despite having a gross leasable floor area 123 square metres (or 49%) greater than that envisaged for consulting rooms in the policy area, and therefore qualifying the proposal as a non-complying form of development, the increase in area does not facilitate a significant increase in activity on the site as it is anticipated that one additional hygienist and one additional dentist will be consulting at any one time. The proposed alterations and additions are anticipated to primarily serve existing staff and clients with additional facilities. Furthermore, the proposed development continues an existing long established use of the site, anticipates a relatively minor increase in activity on the site (including a slight increase in car parking demand), does not propose any changes to existing operating hours and is therefore considered to be of a scale and intensity that is unlikely to have negative impacts on the locality and provides an appropriate transition between zones. Potential impacts on the locality are further minimised by the substantial setbacks of the

proposed two-storey addition from the boundary adjacent Stuart Road and the adjacent Residential Zone.

The resulting development will comprise buildings occupying approximately 31.6% of the total allotment area with approximately 11% of the total allotment remaining as landscaping.

Giving consideration to the above, the proposed development is considered to sufficiently satisfy the relevant Objectives and Principles of Development Control for the Commercial Zone.

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 (PDC):

Assessment:

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>Satisfies</p> <p>The proposed alterations and additions comprises a two-storey element with a skillion room, balcony with timber screen, shade sails and extensive glazing facing the Stuart Road streetscape.</p> <p>The proposed additions are to be finished with materials, textures and colours to match the existing consulting rooms building.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <ul style="list-style-type: none"> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <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><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Partially Satisfies</p> <p>The proposed two-storey addition comprises a wall on the northern boundary measuring 12.7 metres in length and 3.0 metres in height. The first floor portion of the addition is setback 1.25 metres from the northern boundary.</p> <p>The proposed two-storey addition is setback 23 metres from the boundary with Stuart Road, 8 metres behind the existing consulting room building and 3.5 metres behind the existing records store. The balcony component is setback 19 metres from the boundary with Stuart Road.</p> <p>See table discussion below.</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 additions and alterations are clad and finished in materials, textures and colours to match the existing structures and are unlikely to result in excessive glare.</p>
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Partially Satisfies</p> <p>Air conditioning units are proposed to be installed on the roof of the proposed two-storey addition close to the northern boundary of the allotment. Whilst the units will be screened from view by the first floor component when viewed from Stuart Road, the units are likely to be visible from the adjoining property at 573 Marion Road, South Plympton.</p> <p>It is however noted that the allotment at 573 Marion Road is also in the Commercial Zone – Marion Road Policy Area 1 and its current use is of a commercial nature.</p>
<p>Overshadowing</p> <p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><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> <p><i>General Section: Design & Appearance: PDC 9</i></p>	<p>Satisfies</p> <p>The proposed two-storey addition is south of adjoining land at 573 Marion Road and with therefore not cause excessive overshadowing.</p> <p>The majority of shadow cast by the two-storey component of the addition will be over the existing car parking area of the subject land.</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> <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> <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> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Satisfies</p>
<p>Visual Privacy</p> <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>Satisfies</p> <p>The proposed two-storey addition proposes a balcony overlooking the car parking area and streetscape beyond.</p>

<p>(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</p> <p>(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</p> <p>(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.</p> <p>General Section: Design & Appearance: PDC 11</p> <p>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</p> <p>General Section: Design & Appearance: PDC 12</p>	<p>The balcony is setback 19 metres from the allotment boundary adjacent Stuart Road and features a timber batten balustrade to a height of 1.2 metres above the finished floor level of the deck on all three sides.</p>
<p>Relationship to the Street and Public Realm</p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p>General Section: Design & Appearance: PDC 13</p>	<p>Satisfies</p> <p>The existing consulting room building continues to front Marion Road.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design & Appearance: PDC 14</p>	<p>Satisfies</p>
<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p>General Section: Design & Appearance: PDC 15</p>	<p>Satisfies</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p>General Section: Design & Appearance: PDC 16</p>	<p>Satisfies</p>
<p>Outdoor Storage and Service Areas</p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <p>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</p> <p>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</p> <p>(c) sited away from sensitive land uses.</p> <p>General Section: Design & Appearance: PDC 21</p>	<p>Partially Satisfies</p> <p>A timber batten screen (to match garden enclosures) is proposed to enclose the bin storage area which has been relocated to be adjacent the eastern boundary of the allotment and the existing records store.</p> <p>Despite being located adjacent the Residential Zone, given the nature of the proposed development and the continuation of the existing land use, excessive waste generation is not anticipated and the location of the bin storage area is unlikely to significantly impact the amenity of adjoining land.</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><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Satisfies</p> <p>The proposed two-storey addition is setback 23 metres from the boundary with Stuart Road, 8 metres behind the existing consulting rooms building and 3.5 metres behind the existing records store. The balcony component is setback 19 metres from the boundary with Stuart Road and overlooks the car parking area.</p> <p>See table discussion below.</p>
<p><i>Except where otherwise specified by another provision in this Development Plan or where specified in a particular zone, policy area or precinct buildings and structures should be set back at least 8 metres from road boundaries.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Satisfies</p> <p>The proposed addition is setback 23 metres from the boundary with Stuart Road (secondary street boundary) and the existing consulting rooms maintain a 2.75 metre setback from Marion Road (primary street boundary) with a masonry fence on the boundary with a length of 8.5 metres and height of approximately 1.6 metres on the boundary.</p>
<p>Interface Between Land Uses</p>	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Satisfies</p> <p>The proposed development continues the existing use of the site as consulting rooms with no changes to existing operating hours. As such, it is unlikely to cause unreasonable interference through emissions, noise, vibrations, electrical interference, light spill, glare or traffic impacts.</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Satisfies</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Satisfies</p> <p>Refer overshadowing and visual privacy sections.</p>
<p><i>Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 4</i></p>	<p>Satisfies</p>

<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Satisfies</p>
<p>Transportation and Access</p>	
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Satisfies</p> <p>The traffic and car parking report provided by the applicant has concluded the proposed development to be appropriate.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p>Satisfies</p> <p>All access to and from the site is maintained from Stuart Road.</p> <p>Whilst the proposed development does not propose any additional vehicular access points, the width of the westernmost access point on Stuart Road has been reduced from 5.7 metres to 3.0 metres (ingress only) is proposed. 8.6 metres between access points is maintained.</p>
<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p><i>General Section: Transportation and Access: PDC 12</i></p>	<p>Partially Satisfies</p> <p>All vehicular access to the site is to be retained from Stuart Road which continues the existing arrangement for deliveries to the site and the removal of waste from the site. Given the site is located at the corner of Stuart Road and Marion Road, impacts on the residential street network and adjoining Residential Zone are likely to remain minimal.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Satisfies</p>
<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 19</i></p>	<p>Partially Satisfies</p> <p>A staff change room is provided within the existing consulting rooms building. It is not clear whether shower facilities are provided.</p>

<p><i>On-site secure bicycle parking facilities should be:</i></p> <ul style="list-style-type: none"> <i>(a) located in a prominent place</i> <i>(b) located at ground floor level</i> <i>(c) located undercover</i> <i>(d) located where surveillance is possible</i> <i>(e) well lit and well signed</i> <i>(f) close to well used entrances</i> <i>(g) accessible by cycling along a safe, well lit route.</i> <p><i>General Section: Transportation and Access: PDC 20</i></p>	<p>Partially Satisfies</p> <p>One bicycle rack that can accommodate two bicycles remains available. Whilst the bicycle rack is located close to the front entrance, it is not located undercover.</p>
<p>Access</p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p> <p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i> <i>(b) provides appropriate separation distances from existing roads or level crossings</i> <i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i> <i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i> <p><i>General Section: Transportation and Access: PDC 23</i></p> <p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <ul style="list-style-type: none"> <i>(a) limited to local roads (including rear lane access)</i> <i>(b) shared between developments.</i> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p>Satisfies</p> <p>All access to and from the site is maintained from Stuart Road which continues existing access arrangements to the site.</p> <p>Whilst the proposed development does not propose any additional vehicular access points, the width of the westernmost access point on Stuart Road has been reduced from 5.7 metres to 3.0 metres (ingress only) is proposed. 8.6 metres between access points is maintained.</p> <p>The traffic and car parking report provided by the applicant has concluded the proposed development to be appropriate.</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Satisfies</p> <p>There are two existing vehicle access point onto Stuart Road separated by 8.6 metres.</p>
<p>Access for People with Disabilities</p> <p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p>Satisfies</p> <p>To be verified during assessment for Building Rules Consent</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Does Not Satisfy</p> <p>Table Mar/2 – Off-street Vehicle Parking requirements requires 10 car parking spaces per 100 square metres for consulting rooms.</p> <p>With a gross leasable floor area of 373 square metres, 37 car parking spaces are required to comply with this requirement.</p>

	<p>The proposed development provides 27 car parking spaces in total, although 5 of these are in tandem leaving 22 spaces available at any one time without the need for coordinating the arrival/departure of vehicles from the tandem spaces.</p> <p>See table discussion below.</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p>Satisfies</p> <p>To be verified during assessment for Building Rules Consent.</p>
<p><i>Vehicle parking areas should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i> <i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Satisfies</p> <p>The proposed changes to the car parking layout are designed to improve the efficiency of the existing car parking arrangements and to accommodate the loss of overall area for car parking due to the construction of the two-storey building component of the proposed alterations and additions.</p> <p>The car parking area meets the relevant Australian Standard and the traffic and car parking report provided by the applicant has concluded the proposed development to be appropriate.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p>Satisfies</p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Satisfies</p> <p>Approximately 11% of the total allotment area will be maintained as landscaping.</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Satisfies</p>
Waste	
<p><i>The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.</i></p> <p><i>General Section: Waste: PDC 2</i></p>	<p>Satisfies</p>

<p><i>Development should avoid as far as practical, the discharge or deposit of waste (including wastewater) onto land or into any waters (including processes such as seepage, infiltration or carriage by wind, rain, sea spray, stormwater or by the rising of the water table).</i></p> <p><i>General Section: Waste: PDC 3</i></p>	<p>Satisfies</p>
<p><i>Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.</i></p> <p><i>General Section: Waste: PDC 6</i></p>	<p>Satisfies</p>
<p><i>Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:</i></p> <p><i>(a) screened and separated from adjoining areas</i> <i>(b) located to avoid impacting on adjoining sensitive environments or land uses</i> <i>(c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system</i> <i>(d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water</i> <i>(e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours</i> <i>(f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.</i></p> <p><i>General Section: Waste: PDC 7</i></p>	<p>Satisfies</p> <p>A timber batten screen (to match garden enclosures) is proposed to enclose the bin storage area which has been relocated to be adjacent the eastern boundary of the allotment and the existing records store.</p>
<p>Crime Prevention</p>	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Satisfies</p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p>Satisfies</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Satisfies</p>
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>General Section: Crime Prevention: PDC 10</i></p>	<p>Satisfies</p>

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

Landscaping should not:

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

General Section: Landscaping, Fences & Walls: PDC 4

Satisfies

A slight reduction in landscaped area is proposed to accommodate the new car parking layout.

Approximately 11% of the total site area is maintained as landscaping around the buildings and throughout the car parking area. In addition, enclosed gardens are provided for the enjoyment of staff and clients.

TABLE DISCUSSION

Whilst an assessment of the proposed development against the relevant Principles of Development Control above has demonstrated that the majority of principles have been satisfied, principles relating to boundary setbacks and car parking provision have not been satisfied in full and are discussed further below.

Boundary setbacks

Whilst the proposed two-storey addition is set well back from street boundaries and the boundary interface with the Residential Zone east of the subject land, the ground floor component comprises a wall of 12.7 metres in length and 3.0 metres in height on the northern boundary with the property at 573 Marion Road. Furthermore, the first floor component is setback 1.25 metres from the northern boundary. Whilst some impact regarding the bulk and scale of the proposed addition is likely when viewed from the land north the subject land, the proposed wall on the boundary occupies a relatively short portion of the boundary (approximately 29% of the length of the boundary). Furthermore, although the first floor portion is setback 1.25 metres from the northern boundary, the boundary does not form an interface with the Residential Zone and is adjoining an allotment within the Commercial Zone – Marion Road Policy Area 1, the current use of which is commercial in nature. Furthermore, there is an existing wall and enclosed veranda on the southern

boundary of the adjacent land at 573 Marion Road which is likely to reduce the overall impact of the proposed wall on the boundary, part of which will be obscured by the existing wall and enclosed veranda on the boundary. In conclusion, the proposed wall on the northern boundary and the limited setback of the first floor component is therefore not considered fatal to the application.

It is also noted there is a large tree noted on the proposal plans on adjoining land north of the subject land that may be impacted by the proposed development. Further investigation by the applicant is required to determine whether the tree is regulated and the likely impacts (if any) of the proposed development in close proximity to the tree.

Car parking

Table Mar/2 – Off Street Vehicle Parking Requirements of the Marion Council Development Plan states that a minimum of 10 car parking spaces should be provided per 100 square metres for consulting rooms. With a total gross leasable floor area of 373 square metres, 37 car parking spaces should be provided. For the purposes of calculating total floor area, the existing records store has been omitted as it is unlikely to generate car parking demand in addition to the consulting rooms building. Furthermore, the first floor of the proposed two-storey addition is to be used for training purposes ancillary to the consulting rooms outside of the regular operating hours of the consulting rooms and is therefore also unlikely to generate additional demand for car parking. If the training room is omitted from the total gross leasable area (approximately 64 square metres), a total of 30 car parking spaces is required. In addition, the proposed development will allow for an increase in treatment activity from two dentists and two hygienists providing treatment at any one time to three dentists and three hygienists providing treatment, slightly increasing car parking demand during operating hours. It is also acknowledged that the consulting rooms operate by appointment only resulting in car parking spaces being vacated as clients leave the site following their appointment and being occupied by clients as they arrive for their impending appointment.

The proposed development results in a car parking layout that provides 27 car parking spaces, 5 of which are in tandem. Excluding the spaces in tandem, 22 car parking spaces are available to staff and clients without the need for vehicles to vacate the tandem spaces. Therefore, excluding the tandem spaces (which should be considered additional to any car parking requirement) one less car parking space is provided from the 23 spaces currently available. Given only a slight increase in car parking is anticipated, and that the existing car parking provision has been sufficient to serve the needs of the existing use of the site, the number of car parking spaces provided is considered sufficient to accommodate the proposed changes.

A detailed analysis of the likely change in demand for car parking spaces during standard operating hours resulting for the proposed development has been provided by the applicant's Traffic and Transport Engineer, Mr Tomas Wilson of CIRQA. This report has concluded that the provision of on-site car parking to be satisfactory.

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to off street car parking has been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns over the storage of a charter fishing boat being stored in the existing records store. While this concern is noted, the matter is being investigated by Council staff as a separate issue outside of the scope of the subject application and its assessment.

ANALYSIS/CONCLUSION

The proposal satisfies the majority of the applicable principles of development control contained within the Marion Council Development Plan. However, the fundamental non-compliance relates to the fact that consulting rooms of 250 square metres or more located within Marion Road Policy Area 1 in the Commercial Zone are listed as non-complying.

The proposed alterations and additions to the existing consulting rooms result in an increase in total gross leasable floor area from 221 square metres to 373 square metres (of which approximately 64 square metres comprises the training room and kitchenette occupying the first floor addition). The resulting development will comprise buildings occupying approximately 31.6% of the total allotment area with approximately 11% of the total allotment being retained as landscaping.

Despite having a gross leasable floor area 123 square metres (or 49%) greater than that envisaged for consulting rooms in the policy area, the increase in area does not facilitate a significant increase in activity on the site. The proposed alterations and additions are anticipated to primarily serve existing staff and clients with additional facilities. Furthermore, the proposed development continues an existing long established use of the site, does not propose any changes to existing operating hours and is considered to be of a scale and intensity that is unlikely to have significant impacts on the amenity of the locality and continues to provide an appropriate transition between the Commercial and Residential Zones. Potential impacts on the locality are further minimised by the substantial setbacks of the proposed two-storey addition from the boundary adjacent Stuart Road and the adjacent Residential Zone.

In summary, on balance the proposed alterations and additions to existing consulting rooms are considered appropriate in the locality, given;

- a) the two-storey component of the proposal is situated between the existing consulting rooms building and records store, adjacent the northern boundary of the subject land which abuts an allotment that is also in the Commercial Zone – Marion Road Policy Area 1, the current use of which is commercial in nature;
- b) the proposed development continues an established existing use on the site;
- c) a relatively minor increase in activity on the site is anticipated;
- d) the proposed development is of a form and scale that is consistent with the desired character of the locality;
- e) no changes to existing operating hours are proposed (including deliveries to the site and waste collection from the site);
- f) the proposed amendments to on-site car parking are considered appropriate.

The proposed alterations and additions are likely to provide the existing business with improved facilities for staff and clients and a more efficient car parking layout with limited impacts on the amenity of the locality.

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

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: 100/2003/2017 for ground floor and first floor additions and alterations to existing consulting rooms and car parking at 575-577 Marion Road, South Plympton be GRANTED subject to seeking concurrence from the State Commission Assessment Panel (SCAP) and the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2003/2017, being drawing numbers 01 (Revision D), & 02 (Revision -) prepared by Black Rabbit Architecture + Interiors except when varied by the following conditions of consent.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
4. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
5. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
6. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
7. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
8. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.

9. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
10. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
11. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
12. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
13. The hours of operation of the premises shall be restricted to the following times;
Monday, Tuesday & Thursday: 9:00am until 7:00pm
Wednesday & Friday: 9:00am until 5:00pm
Saturday: 9:00am until 3:00pm
14. All deliveries to and from the site (including waste collection) shall be restricted to the following times: Monday to Friday 9:00am until 5:00pm.
15. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.

NOTES

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

6. **Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**

Attachments

- Attachment I: Certificate of Title*
- Attachment II: Aerial Photograph & Site Locality Plan*
- Attachment III: Proposal Plans and supporting documentation*
- Attachment IV: Statement of Representation*
- Attachment V: Applicant's Response to Representation*
- Attachment VI: External Agency Referral Comments*

**REPORT REFERENCE: CAP040718 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 JULY 2018**



Originating Officer:	Nicholas Timotheou Acting Team Leader - Planning
Applicant:	Jeffrey Fudge & Associates
Development Description:	Land Division Residential Torrens Title - 1 into 2 allotments and the construction of a carport associated with the existing dwelling
Site Location:	7 Railway Terrace, Edwardstown
Zone:	Residential
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	25/08/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	State Commission Assessment Panel & SA Water
Delegations Policy:	nil
Application No:	100/2017/1584
SCAP Reference No:	100/D186/17
Recommendation:	Development Plan Consent and Land Division Consent (GRANTED)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a land division that creates no more than 4 allotments as a Category 1 form of development.

The subject application is required to be determined by the Development Assessment Panel given that the proposed allotments fail to satisfy the minimum site area required for row dwellings in the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

The proposed land division relates to the associated land use application, Development Application 100/2017/2173, which proposes the construction of a carport associated with the existing dwelling and a single storey dwelling on the subject land, which is to be considered by the Panel at the same meeting.

SUBJECT LAND & LOCALITY

The subject land comprises 7 Railway Terrace, Edwardstown. The allotment is generally rectangular in shape incorporating a corner cut-off to the north-eastern corner and an angled front boundary. As such, the allotment achieves a frontage width of 11.74metres, average depth of 48.36 metres and a total site area of 700 square metres. The site currently accommodates a detached dwelling in good condition. Vehicular access is currently available from Railway Terrace, through the corner cut-off. The contour of the land is relatively flat and there are no Regulated Trees on the allotment.

The locality primarily comprises single storey detached dwellings on large allotments, with the presence of some group/residential flat dwellings in the form of hammerhead allotments. The subject land is bordered by a Residential Zone from the east to west (in a clockwise direction). A Commercial Zone is situated directly north of the site and includes a variety of warehousing, offices, showrooms and other commercial uses.

The Edwardstown Railway station is situated approximately 400m south of the subject land, whereas the Emerson Railway station is approximately 550m north-east of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to divide the subject land to create 1 Torrens Title residential allotments.

A greater level of detail regarding how the land will be developed is detailed in Development Application 100/2017/2173, which is to be considered by the Panel at the same time as the subject application.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Refer Attachment VI for standard State Commission Assessment Panel (SCAP) and SA Water referral responses.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<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		
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
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	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	<p>Satisfies The proposed allotments will cater for a density and built form which are consistent with the desired character for the Policy Area.</p>
PDC 3	<i>Minimum Site Area: 375sqm</i>	<p>Satisfies Lot 41: 400sqm</p> <p>Does Not Satisfy Lot 40: 300sqm</p>
	<i>Minimum Frontage: 12m</i>	<p>Satisfies Lot 40: 20.5m</p> <p>Does Not Satisfy Lot 41: 11.74m + corner cut-off</p>
	<i>Minimum Depth: 20m</i>	<p>Satisfies Lot 41: 26m at shortest point</p> <p>Does Not Satisfy Lot 40: 14.63m</p>

Assessment

The application seeks to create an additional allotment for residential purposes, and to this end, the nature of the division is consistent with the zoning of the land. It proposes to increase the density of the subject land by one. As a whole, the proposal incorporates a notable shortfall in site area for the proposed allotment, equating to 300sqm 20% less than that sought (375 square metres).

The depth of the allotment associated with the Lot 40 fails to meet the minimum 20 metres sought for detached dwellings in the Northern Policy Area 13. Despite the limited depth of Lot 40, the frontage width exceeds the minimum sought for detached dwellings, such that the non-compliant depth is somewhat compensated for, through the wider frontage width achieved. As such, it is considered that the undersized nature of the allotment will not be apparent when viewed from the street.

The subject land is somewhat nestled in by the train line to the west, commercial properties to the north and Lindfield Avenue cul-de-sac. As such, it is my opinion that the undersized nature of the proposed allotment will be of no significant consequence upon the locality or integrity of the Northern Policy Area 13.

The site as a whole achieves an area of 700sqm. It is befitting to acknowledge that clause 2B of Schedule 4 (Complying Development) permits the construction of detached dwellings "as of right" on allotments which achieve a minimum frontage width of 9.0 metres and site areas of 320sqm. As such, arguably when considered as a whole, the proposed density is not necessarily inconsistent with that sought in the Northern Policy Area 13.

The Desired Character of the Policy Area seeks for low to medium density dwellings, at a higher density to that typical of the original dwelling stock in the area.

The Residential Zone encourages an increase in densities adjacent to public transport and within close proximity to public open space and centre zones. The subject land is located within walking distance to public transport options to the north and south. A Neighbourhood Centre Zone is situated a short distance north-west of the subject land along Cross Road; however, it is acknowledged public open spaces are limited within the locality.

Whether the shortfall in site area is 'fatal' to the application is subject to consideration upon whether the density and form of the proposed development reasonably satisfies that sought in the relevant Policy Area and Zone, and whether the proposed site areas contribute to irreconcilable failures or shortfalls when assessed against the Development Plan. This is outlined in the 'Table Discussion' section of the report. This relates largely to the built form attributes, and as such is discussed in more detail within the assessment of development application 100/2017/2173 which is to be considered by the Panel at this meeting.

LAND DIVISION ASSESSMENT

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

Land Division	
<p>Objectives</p> <p>1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.</p>	<p>Satisfies</p>
<p>2 Land division that creates allotments appropriate for the intended use.</p>	<p>Satisfies</p> <p>The proposed site area is considered appropriate for the dwelling as proposed in Development Application 100/2017/2173.</p>
<p>3 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.</p>	<p>Satisfies</p> <p>The land division will integrate with adjacent residential land uses.</p> <p>Train routes are located within walking distance of the subject land.</p> <p>The land is supported by the necessary infrastructure.</p>
<p>Principles of Development Control</p> <p>1 When land is divided:</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>Satisfies</p> <p>The proposed development is likely to result in stormwater being drained safely from the land. Water and sewer supply is available.</p>

<p>2 Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <ul style="list-style-type: none"> (i) an existing road (ii) a proposed public road (iii) access to a public road via an internal roadway in a plan of community division <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p>	<p>Satisfies</p>
<p>Design and Layout</p> <p>3 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.</p>	<p>Satisfies</p>
<p>7 The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p>	<p>Satisfies</p>
<p>10 Allotments should have an orientation, size and configuration to encourage development that:</p> <p>(a) minimises the need for earthworks and retaining walls</p> <p>(b) maintains natural drainage systems</p> <p>(c) faces abutting streets and open spaces</p> <p>(d) does not require the removal of existing native vegetation to facilitate that development</p> <p>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</p>	<p>Satisfies</p>
<p>11 The layout of a land division should provide for efficient solar access.</p>	<p>Partially Satisfies</p> <p>Lot 41 maintains a north-facing area of private open space.</p> <p>The associated land use application (100/2017/2173) has considered issues surrounding solar efficiency and are discussed further.</p>

<p>Roads and Access</p> <p>21 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</p> <p>(a) the size of proposed allotments and sites and opportunities for on-site parking</p> <p>(b) the availability and frequency of public and community transport</p> <p>(c) on-street parking demand likely to be generated by nearby uses.</p>	<p>Satisfies</p>
<p>22 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>Satisfies</p> <p>7 on-street car parking spaces will remain available directly adjacent to the subject site, which is in excess of that required by Table Mar/2, and is sufficient in consideration of the provisions listed here.</p>
<p>23 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.</p>	<p>Satisfies</p>

ANALYSIS/CONCLUSION

The subject proposal seeks land division for residential purposes. Given the site is situated within the Residential Zone, has access to sewer and potable water and will not result in substantial earthworks, the proposal is considered an acceptable form of development.

Despite the notable shortfall in site area for Lot 40, the proposal is considered to demonstrate an appropriate low to medium density which will contribute to that sought by the Policy Area's objectives. The built form, as assessed in 100/2017/2173, is considered to satisfy the majority of relevant principles, and is consistent with the desired character which seeks redevelopment at a 'higher density' to that of existing housing stock. The built form has been shown to demonstrate 'good residential design principles' that will contribute positively to the locality.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2017/2173 for a Land Division Residential Torrens Title - 1 into 2 allotments and the construction of a carport associated with the existing dwelling at 7 Railway Terrace Edwardstown be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/2173, except when varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services.

The alteration of internal drains to the satisfaction of SA Water is required.

An investigation will be carried out to determine if the connection/s to your development will be costed as standard or non standard.

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

2. Payment of \$6830 into the Planning and Development Fund (1 allotment @ \$6830/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the State Planning Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.

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

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: CAP040718 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 4 JULY 2018**



Originating Officer: Nicholas Timotheou
Acting Team Leader - Planning

Applicant: Mr Chris Carter

Development Description: Single storey dwelling and carport associated with the existing dwelling

Site Location: 7 Railway Terrace, Edwardstown

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 15/11/2017

Development Plan: Consolidated – 28 April 2016

Referrals: nil

Delegations Policy: nil

Application No: 100/2017/2173

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) & (d)) of the Development Regulations 2008, which assigns the construction of single storey dwellings and carports as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwelling supporting an allotment area less than the minimum of 375 square metres required for detached dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

BACKGROUND

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

Amendments Requested	Amendments Made
The front setback should be increased to more closely align with development on adjoining land.	Front setback increased from 3m to 4.2m and 5m.
The carport should be setback a minimum 5.5m	Front setback of carport increased from 2.2m to 6.5m.
Information Requested	Information Provided
Further detail in relation to the existing dwelling's layout, and any proposed alterations and additions required in order to function appropriately.	Floor plan of the existing dwelling provided and carport included as part of the application in order to provide a covered parking area.
Schedule of proposed colours, materials & finishes.	Provided.
A fully engineered siteworks and drainage plan.	Not provided.

It should also be acknowledged the proposed dwelling was initially two storeys in nature. The initial assessment identified after several non-compliances with the two storey design and subsequently, the plans were amended to a single storey dwelling as proposed in Attachment III.

SUBJECT LAND & LOCALITY

The subject land comprises 7 Railway Terrace, Edwardstown. The allotment is generally rectangular in shape incorporating a corner cut-off to the north-eastern corner and an angled front boundary. As such, the allotment achieves a frontage width of 11.74metres, average depth of 48.36 metres and a total site area of 700 square metres. The site currently accommodates a detached dwelling in good condition. Vehicular access is currently available from Railway Terrace, through the corner cut-off. The contour of the land is relatively flat and there are no Regulated Trees on the allotment.

The locality primarily comprises single storey detached dwellings on large allotments, with the presence of some group/residential flat dwellings in the form of hammerhead allotments. The subject land is bordered by a Residential Zone from the east to west (in a clockwise direction). A Commercial Zone is situated directly north of the site and includes a variety of warehousing, offices, showrooms and other commercial uses.

The Edwardstown Railway station is situated approximately 400m south of the subject land, whereas the Emerson Railway station is approximately 550m north-east of the subject land.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application proposes the construction of a single storey dwelling and carport associated with the existing dwelling.

The proposed dwelling incorporates three bedrooms, associated wet areas and open plan kitchen/meals/living with direct access to the area of private open space. The dwelling presents to Lindfield and seeks to gain access via a new crossover adjacent the western side boundary.

A carport is proposed adjacent the northern side of the existing dwelling which will utilise the existing access point.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

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	<i>The following forms of development are envisaged in the policy area:</i> <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	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Satisfies
PDC 3	<i>Minimum Site Area: 375sqm</i>	Satisfies Existing dwelling: 400sqm Does Not Satisfy Proposed dwelling: 300sqm
	<i>Minimum Frontage: 12m</i>	Satisfies Proposed dwelling: 20.5m Does Not Satisfy Existing dwelling: 11.74m + corner cut-off
	<i>Minimum Depth: 20m</i>	Satisfies Existing dwelling: 26m at shortest point Does Not Satisfy Proposed dwelling: 14.63m

Assessment

The application proposes the retention of the existing dwelling on the subject land and the construction of a single storey detached, thereby, increasing the density on the land by one. The proposal is considered to appropriately satisfy the Objectives of the Northern Policy Area 13 by providing low to medium density housing, being designed to minimise adverse impacts from nearby non-residential uses, minimise the impact of garaging and development that reflects good design principles.

It is acknowledged the Residential Zone encourages an increase in densities adjacent to public transport and within close proximity to public open space and centre zones. The subject land is located within walking distance to public transport options to the north and south. A Neighbourhood Centre Zone is situated a short distance north-west of the subject land along Cross Road; however, it is acknowledged public open spaces are limited within the locality.

The depth of the allotment associated with the proposed dwelling fails to meet the minimum 20 metres sought and the site area falls 75 square metres short of the minimum 375 square metres for detached dwellings in the Northern Policy Area 13. Despite the site area and allotment dimensions failing to meet the minimum sought, it is acknowledged these non-compliance will not come at the expense of the dwelling's ability to function appropriately. It has been demonstrated that dwelling can function on the undersized allotment in terms of (but not limited to) site coverage, setbacks to boundaries, POS, access arrangements and design and appearance. Further, despite the limited depth of the proposed dwelling, the frontage width exceeds the minimum sought for detached dwellings, such that the non-compliant depth is somewhat compensated for, through the wider

frontage width achieved. As such, it is considered that the undersized nature of the allotment will not be apparent when viewed from the street.

It is acknowledged there are limited examples of infill development within the locality and the original housing stock is generally in place. This notwithstanding, the proposal has demonstrated a reasonably sized dwelling can be accommodated to the rear of the existing dwelling, while maintaining an appropriate level of compliance with the applicable Development Plan guidelines (discussed throughout this report). Further, subject land is somewhat nestled in by the train line to the west, commercial properties to the north and Lindfield Avenue cul-de-sac. As such, it is my opinion that the undersized nature of the proposed allotment will be of no significant consequence upon the locality or integrity of the Northern Policy Area 13.

Lastly, it is acknowledged the site as a whole achieves an area of 700sqm. It is befitting to acknowledge that clause 2B of Schedule 4 (Complying Development) permits the construction of detached dwellings “as of right” on allotments which achieve a minimum frontage width of 9.0 metres and site areas of 320sqm. As such, arguably when considered as a whole, the proposed density is not necessarily inconsistent with that sought in the Northern Policy Area 13.

The dwelling maintains a coherent streetscape as a result of an appropriate street setback and dwelling design, which will be modern in terms of providing a mixture of colours and materials, achieving positive contribution to the streetscape. The proposal is considered to complement the relevant Objectives, Desired Character statement and Principles of Development Control 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 Existing dwelling: 150.8sqm (37.7%)</p> <p>Does Not Satisfy Proposed dwelling: 130sqm (43.3%) Exclude alfresco/porch: 117.5sqm (39.1%)</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 proposal generally 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. (b) The proposal is considered to partially Satisfy with PDC 14 (General Section: Residential Development) given that adequate space is provided for domestic storage, outdoor clothes drying, rainwater tanks, private open space, and convenient storage of household waste and recycling receptacles. (c) When the alfresco and porch area are excluded from the site area calculation, the floor area of the proposed dwelling equates to less than the maximum guideline. Further, it is acknowledged the alfresco area functions as an area of private open space. 	

(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. 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).

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

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.

The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

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

Satisfies

The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.

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

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
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

Satisfies

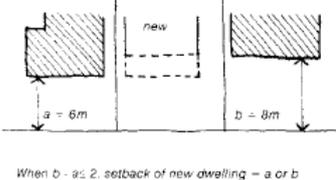
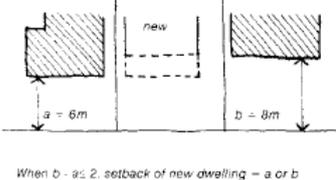
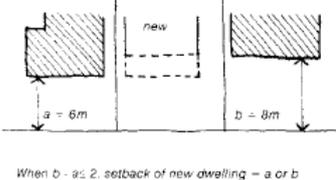
Proposed dwelling: 75sqm (25%)
 5 x 5 metre area achieved

Does Not Satisfy

Existing dwelling: 90sqm (22.5%)
 4 x 12.5m area achieved

Although the existing dwelling is not provided with a 5 x 5 metre area of private open space, it is acknowledged the main activity area is north facing for comfortable year round use and the total area exceeds the minimum 20% guideline. As such, it is considered that the available area is appropriate to meet the likely needs of occupants.

<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <ul style="list-style-type: none"> <i>(a) to be accessed directly from the internal living rooms of the dwelling</i> <i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i> <i>(c) to be located to the side or rear of a dwelling and screened for privacy</i> <i>(d) to take advantage of, but not adversely affect, natural features of the site</i> <i>(e) to minimise overlooking from adjacent buildings</i> <i>(f) to achieve separation from bedroom windows on adjacent sites</i> <i>(g) to have a northerly aspect to provide for comfortable year round use</i> <i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i> <i>(i) to be partly shaded in summer</i> <i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i> <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><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <ul style="list-style-type: none"> <i>(a) any area covered by a dwelling, carport, garage or outbuildings</i> <i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i> <i>(c) common areas such as parking areas and communal open spaces</i> <i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i> <i>(e) any area at ground level with a dimension less than 2.5 metres</i> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>Satisfies</p> <ul style="list-style-type: none"> 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 dwelling/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 area of the existing dwelling maintains 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>Does Not Satisfy</p> <ul style="list-style-type: none"> 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. g) The POS area for the proposed dwelling maintains a southerly aspect as a result of the orientation of the dwelling; however, is considered to be of an appropriate area and dimensions to meet the likely needs of occupants.
<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>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> <ul style="list-style-type: none"> <i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i> <i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i> <p><i>General Section: Design and Appearance: PDC 21</i></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 4.2m and 5m 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="127 309 868 660"> <thead> <tr> <th data-bbox="127 309 443 376">Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th data-bbox="443 309 868 376">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="127 376 443 622">Up to 2 metres</td> <td data-bbox="443 376 868 622">The same setback as one of the adjoining buildings, as illustrated below: </td> </tr> <tr> <td data-bbox="127 622 443 660">Greater than 2 metres</td> <td data-bbox="443 622 868 660">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: 	Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Partially Satisfies Proposed Dwelling: 4.2m and 5m (Dwelling on adjoining land set back approximately 4.5m and 7m)</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. This notwithstanding, the varying front setbacks and stepping to the carport is considered to provide appropriate transition to the building on adjoining land. Further, the level of articulation provided to the proposed dwelling and landscaping within the front yard is considered to 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: 						
Greater than 2 metres	At least the average setback of the adjoining buildings						
<p>Minimum setback from secondary road frontage: 2 metres Residential Zone: PDC 6</p>	<p>Satisfies</p>						
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement. General Section: Residential Development: PDC 37</p>	<p>Satisfies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
<p>Side Setbacks</p>							
<p>Minimum setback from side boundaries: Where the wall height is not greater than 3 metres: 0.9 metres Residential Zone: PDC 6</p>	<p>Satisfies</p>						
<p>Buildings should be sited with respect to side and rear property boundaries to: (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping. General Section: Design and Appearance: PDC 2</p>	<p>Satisfies The setbacks are 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>						
<p>Rear Setbacks</p>							
<p>Minimum setback from rear boundary: (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres Residential Zone: PDC 6</p>	<p>Partially Satisfies Proposed dwelling: 3m (40.3%) and 5m</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 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> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Satisfies</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><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" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Parameter</th> <th style="text-align: left;">Value</th> </tr> </thead> <tbody> <tr> <td data-bbox="132 1411 446 1467"><i>Maximum floor area</i></td> <td data-bbox="446 1411 884 1467"><i>60 square metres</i></td> </tr> <tr> <td data-bbox="132 1467 446 1523"><i>Maximum wall or post height</i></td> <td data-bbox="446 1467 884 1523"><i>3 metres</i></td> </tr> <tr> <td data-bbox="132 1523 446 1579"><i>Maximum building height</i></td> <td data-bbox="446 1523 884 1579"><i>5 metres</i></td> </tr> <tr> <td data-bbox="132 1579 446 1635"><i>Maximum height of finished floor level</i></td> <td data-bbox="446 1579 884 1635"><i>0.3 metres</i></td> </tr> <tr> <td data-bbox="132 1635 446 1937"><i>Minimum setback from a primary road frontage</i></td> <td data-bbox="446 1635 884 1937"><i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i></td> </tr> <tr> <td data-bbox="132 1937 446 2031"><i>Minimum setback from a secondary road frontage</i></td> <td data-bbox="446 1937 884 2031"><i>0.9 metres or in-line with the associated dwelling (whichever is the lesser)</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 primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	<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>	<p>Satisfies</p>
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Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Satisfies
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
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></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><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p>General Section: Transportation & Access: PDC 34</p>		<p>Satisfies</p> <p>2 parking spaces are achieved per dwelling.</p>
<p>Detached Semi-detached Row</p>	<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><i>On-site visitor parking spaces should be sited and designed to:</i></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><i>On-site vehicle parking should be provided having regard to:</i></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>		<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) Centre facilities and public transport are located in close proximity to the subject land</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 7 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>General Section: Land Division: PDC 22</p>		Satisfies

Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p style="margin-left: 20px;">(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</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 style="margin-left: 20px;">(a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design & 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 dwelling reflects the desired character of the locality, as it incorporates an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick and render on the front façade • Variety in front setbacks and landscaping • Protruding portico • Eave overhang and pitched roof form at 22 degree slope • Fenestration <p>The dwellings incorporate a 22 degree Colorbond roof in Shale Grey, with rendered facades. 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> <p style="margin-left: 20px;">(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants (b) individual entries for ground floor accommodation (c) opportunities to overlook adjacent public space.</p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Satisfies</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>
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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 exposed brick, fenestration 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) 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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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>Satisfies</p> <p>The existing dwelling is oriented so that the open space and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</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> <p>Does Not Satisfy</p> <p>The main activity area of the proposed dwelling is oriented south, which is nonetheless of an appropriate dimension and area to meet the needs of occupants.</p>
<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 dwelling incorporates a hipped roof form set at a 22 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <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>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>

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 in close proximity to public transport routes at low to medium densities.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. However, it is acknowledged that the proposal maintains a number of numerical failings including site coverage, front and rear setbacks and dimensions of private open space for the existing dwelling. 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 on unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

The most significant numerical shortfall maintained by the proposal involves the site area of the proposed dwelling. Considerations within this report have demonstrated that the shortfall in site area is substantial, but that the proposed density is not necessarily inconsistent with that envisaged for the Policy Area. I am of the opinion that the design of the dwellings has demonstrated that the site is able to accommodate an additional dwelling in the form proposed and has appropriately addressed Council's Development Plan guidelines.

The allotment also fails to achieve the depth sought for detached dwellings within the Northern Policy Area 13. This non-compliance is somewhat compensated for in the allotment width and is evident in the proposed design. The reduced depth of the allotment has not come at the expense of the proposal's ability to provide adequate setbacks from boundaries, a cohesive streetscape elevation and landscaping opportunities.

Although this report has identified a number non-compliances; it is my view that these various shortfalls could each be deemed acceptable in isolation. Accordingly, these non-compliances must be considered as a whole in conjunction with the proposal's areas of compliance.

Ultimately, I am of the view that the discrepancies with Development Plan criteria are outweighed by the level of compliance with other criteria, and therefore are not considered to warrant refusal of the application.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to 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: 100/2173/2017 for Single storey dwelling and carport associated with the existing dwelling at 7 Railway Terrace, Edwardstown 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 fully engineered site works 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 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. 100/2017/2173, except when varied by the following conditions of consent.
2. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

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