

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 04 August 2021

Commencing at 6.30 p.m.

Council Chamber

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.

Alex Wright

ASSESSMENT MANAGER

28 July 2021

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CITY OF MARION COUNCIL ASSESSMENT PANEL AGENDA FOR MEETING TO BE HELD ON WEDNESDAY 04 AUGUST 2021 COMMENCING AT 6.30PM

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<u> </u>	••••	
1.	MEE	ETING PROCEDURES
	1.1	OPEN MEETING
	1.2	PRESENT
	1.3	APOLOGIES
	1.4	IN ATTENDANCE
2.	GEN	IERAL OPERATIONS
	No	items listed for discussions
3.	PDI	ACT APPLICATIONS
	3.1	DEVELOPMENT NO - 21007749 284-286 STURT ROAD, MARION To vary Development Act Development Application 100/2020/342 comprising the reconfiguration of the internal driveway and car parking arrangements, together with a change in land use of 22 Tweed Avenue from a detached dwelling to car part associated with the Sunrise Christian School with associated storage outbuilding and masonry fencing Report Reference: CAP040821 - 3.1
4.	DEV	ELOPMENT ACT 1993 APPLICATIONS
	4.1	DEVELOPMENT NO 100/2018/1991 25 MARINER AVENUE SEACLIFF PARK To construct a two storey detached dwelling incorporating a garage wall exceeding 3.0 metres in height along the northern side boundary with associated earthwork and retaining walls Report Reference: CAP040821 - 4.1
	4.2	DEVEL ORMENT NO 400/2020/0452

	4.3	DEVELOPMENT NO 100/2021/0038 66 WHEATON STREET, SOUTH PLYMPTON Two single storey dwellings
		Report Reference: CAP040821 - 4.3
	4.4	DEVELOPMENT NO 100/2020/2362 – CONFIDENTIAL ITEM 411 MORPHETT ROAD, OAKLANDS PARK Two (2) three storey residential flat buildings: each comprising five dwellings, with associated landscaping Report Reference: CAP040821 - 4.4
5.	APP	EALS UPDATE
	5.1	APPEALS AGAINST PANEL DECISIONS
		- Verbal Update to be Provided
	5.2	APPEALS AGAINST DELEGTED APPLICAITONS
6.	POL	ICY OBSERVATIONS
-	· Ve	rbal Update to be Provided
7 .	ОТН	ER BUSINESS

CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING

HELD ON WEDNESDAY 04 AUGUST 2021

8.

9. MEETING CLOSURE

2. GENERAL OPERATING PROCEDURES CITY OF MARION COUNCIL ASSESSMENT PANEL AGENDA FOR MEETING TO BE HELD ON WEDNESDAY 04 AUGUST 2021



No Updates

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REPORT REFERENCE: CAP040821 - 3.1

CITY OF MARION

COUNCIL ASSESSMENT PANEL AGENDA

FOR MEETING TO BE HELD ON WEDNESDAY 4 AUGUST 2021



Originating Officer: Nicholas Timotheou

Senior Development Officer – Planning

Applicant: Sunrise Christian School

Development Description: To vary Development Act Development Application

100/2020/342 comprising the re-configuration of the internal driveway and car parking arrangements, together with a change in land use of 22 Tweed Avenue from a detached dwelling to car park associated with the Sunrise Christian School with associated storage outbuilding and masonry

fencing

Site Location: 284-286 Sturt Road, Marion

288 Sturt Road, Marion 292-296 Sturt Road, Marion 876 Marion Road, Marion 24 Tweed Avenue, Marion 22 Tweed Avenue, Marion

Zone & Policy Area: Employment Zone, General Neighbourhood Zone &

Urban Renewal Neighbourhood Zone

Lodgement Date: 13/05/2021

Planning and Design Code: 22 April 2021 Version 2021.5

Referrals: Internal - Development Engineer

Application Type: Performance Assessed

Delegations Policy: Instrument of Delegation – CAP, Clause 5.1.1.1

The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:

Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed

development and has expressed their desire to be heard by the Panel.

Public Notification Public Notification required

An application which involves a change in land use is not listed in Table 5 of the

General Neighbourhood Zone to exclude it from Public Notification.

Application No: 21007749

Recommendation: That Planning Consent be GRANTED subject to Conditions

Appendices

Appendix 1: Planning and Design Code guidelines

Attachments

Attachment I: Certificate of Title

Attachment II: Proposal Plan and supporting documentation

Attachment III: Statement of Representations

Attachment IV: Applicant's Response to Representations

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BACKGROUND

Historical Applications

Members of the Panel may recall an application for the subject land being presented at the CAP meeting held 5 August 2020, where the Panel resolved that Development Plan Consent be Granted.

SUBJECT LAND

The subject land comprises the following properties:

284-286 Sturt Road, Marion 288 Sturt Road, Marion 292-296 Sturt Road, Marion 876 Marion Road, Marion 24 Tweed Avenue, Marion 22 Tweed Avenue, Marion (shown in red below)

The variation application introduces 22 Tweed Avenue, Marion to the subject land, which accommodates a detached dwelling in good condition. The dwelling is single storey in nature and gains access via a single width crossover from Tweed Avenue. The land is generally flat and devoid of and Regulated Trees. A public laneway links Tweed Avenue with Marion Road is located directly north of the land. Tweed Avenue is a no through road and access to the Sunrise Christian School is not available from the this street.



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LOCALITY

The locality features a mixture of commercial and residential properties, including the Old Council Chambers (listed as a Local Heritage Place).

The site is bound by residential properties from the north to south (in a counter-clockwise direction) and comprise single-storey detached dwellings at low densities which are representative of the original dwelling stock. Limited infill development has occurred with only a minor presence of recently built detached dwellings. A group of SA Housing Trust units are situated directly to the east of the subject land presenting to both Sturt Road and Pitcairn Avenue

The western side of Marion Road includes a variety of commercial uses and the Warriparinga Wetlands / Sturt River (south-east of the subject land).

The subject site and locality can be viewed via this google maps link.



PROPOSED DEVELOPMENT

The proposal seeks to vary Development Act Development Application 100/2020/342 comprising the re-configuration of the internal driveway and car parking arrangements, together with a change in land use of 22 Tweed Avenue from a detached dwelling to car park associated with the Sunrise Christian School with associated storage outbuilding and masonry fencing.

A comparison in driveway configuration is depicted in Figure 1 below. The revised configuration results in an additional 15 car parking spaces (previously approved with 85 spaces), resulting in 100 spaces in total. This arrangement in part results in a change in land use of 22 Tweed Avenue from a detached dwelling to car park.

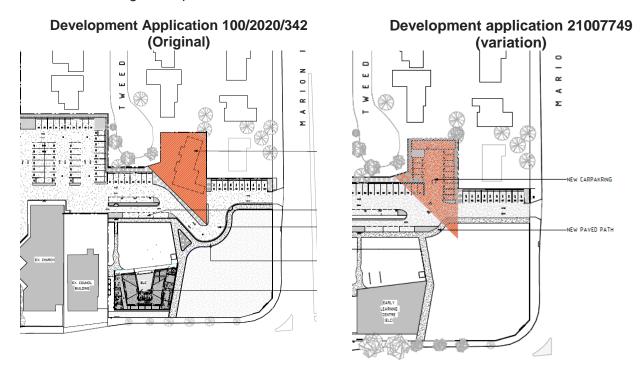


Figure 1: comparison in driveway configuration

In addition to the above, the proposal involves the construction of an outbuilding for storage purposes and masonry fencing along the Tweed Avenue boundary. The outbuilding measures 18.6m in length and 3.8m deep, resulting in a total floor area of 70sqm. The building is finished in Colorbond materials in "Basalt". The building includes a skillion roof design, resulting in a wall height of 2.8m adjacent to the northern boundary and increasing to 3.3m in height (facing inwards to the subject land). The outbuilding and car parking space is to be bordered by Cottonwood Hibiscus plants (evergreen) or Manchurian Pears (deciduous) or a combination of both.

Fencing adjacent the Tweed Avenue boundary measures 1.8m in height and is finished in Austral "Laneway" brick in "Saloon" colour (example shown below).



Austral Brick in Laneway "saloon"

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PROCEDURAL MATTERS

Classification

The subject application is Performance Assessed by virtue of the proposed development not being listed within an Accepted, Deemed to Satisfy or Restricted classification under the Planning and Design Code.

Categorisation

A 'change in land use' is not a form of Development excluded from Public Notification in Table 5 of the applicable zone.

Having regard to the size of the site of the development and the location of the development within that site, and the manner in which the development relates to the locality Council administration were of the view that the proposal was not of a minor nature.

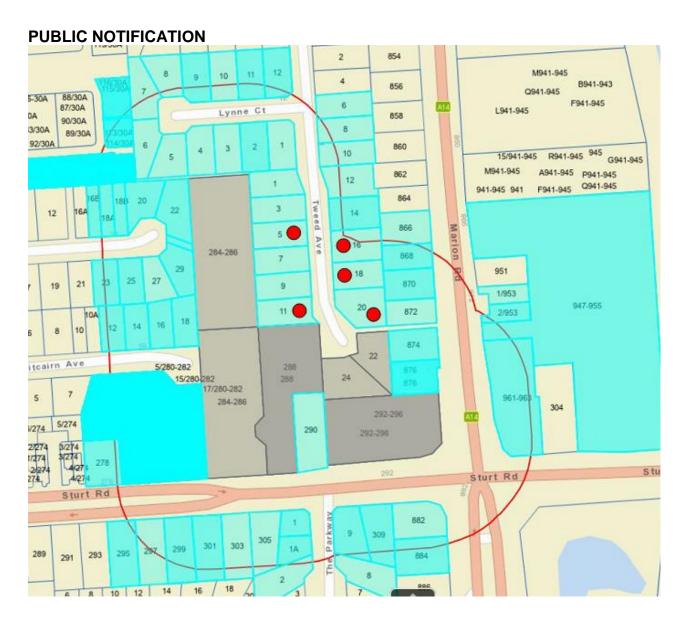
As such, the development was processed in accordance with the Act.

Referrals

Development Engineer

Council's Development Engineer has reviewed the application plans and advised they are satisfied the with the proposed car parking dimensions and associated manoeuvring areas together with the stormwater disposal arrangements.

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Properties Notified 101

Representations

6 received (One property submitted two representations)

4 support the development with some concerns

2 oppose the development

Representations received

	Wish to be heard
 Colin Denton of 5 Tweed Avenue 	\checkmark
2. Man Yin of 18 Tweed Avenue	Χ
3. Carl and Margaret Kittel of 11 Tweed Avenue	Χ
4. Brenton & Samantha Foster of 15 Tweed Avenue	✓
5. John William Rutherford of 20 Tweed Avenue	√
6. John William Rutherford (superseded representation)	n/a
7. Nicholas Timotheou (testing by Council)	n/a

Applicant Response

A response by the applicant is included within the Report attachments.

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ASSESSMENT

ZONE CONSIDERATIONS

General Neighbourhood Zone: DO1, PO 1.1, PO 1.2, PO 1.3, PO 1.4 & PO 1.5

General Development Policies:

Interface Between Land Uses: DO 1, PO 1.2

The proposed variations relate only to 22 and 24 Tweed Avenue (located within a General Neighbourhood Zone) and link with 876 Marion Road (Employment Zone). As such, in this instance, I consider the policies contained within the General Neighbourhood Zone as being most relevant for the purposes of the assessment. This notwithstanding, it is also acknowledged the "change in land use" element of the proposal is assessed against all applicable provisions of the Planning and Design Code and are considered in the below assessment discussion.

Change in land use and expansion of an educational establishment into the General Neighbourhood Zone

The variation involves a change in land use of 22 Tweed Avenue from a detached dwelling to a new car park area and vehicle manoeuvring space. The allotment is located within a General Neighbourhood Zone, which aims to accommodate "employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity".

The zone contemplates non-residential land uses that support an active, convenient, and walkable neighbourhood. The zone identifies educational establishments as an envisaged land use, provided they are sited and designed to complement the residential character and amenity of the neighbourhood. It is also worthy to acknowledge under the Planning and Design Code and General Neighbourhood Zone, reference to "small scale" educational establishments are not referenced in PO 1.2. I consider this important to the overall merits of the subject application in that the original application had regard to PDC 1 of the Residential Zone (Development Plan), which sought small scale non-residential uses that serve the local community, for example... child care facilities and primary and secondary schools. It is suggested therefore, given the change in policy language the General Neighbourhood Zone contemplates educational establishments of a scale to that proposed in the subject application. As such, I consider the change in land use of 22 Tweed Avenue an element of the proposal which represents a reasonable expansion and is of sufficient merit. It is also acknowledged it is not uncommon for educational establishments to be located within a residential type zone.

Minimal amenity impacts upon the immediate locality are anticipated and are discussed in greater detail throughout this report. The extent of separation afforded between nearby residential properties sited in the cul-de-sac of Tweed Avenue is considered adequate to minimise amenity impacts experienced by occupants of those properties. It is acknowledged a 1.8 metre high masonry fence is proposed along the Tweed Avenue boundary to complement the approved fencing adjacent 24 Tweed Avenue. The northern and eastern boundary of 22 Tweed Avenue incorporates 1.8m high Colorbond fencing, which should assist in minimising noise extending beyond the site while providing an attractive outcome when viewed from the private and public realm.

Despite the subject land being sited adjacent residential properties, it is acknowledged the northern boundary is separated by a laneway linking Marion Road with Tweed Avenue, whereas the eastern adjoining land comprises a non-residential land use. Given the site does not directly abut a residential property, it is my opinion that the development will not unreasonably impact on the amenity of nearby residents.

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The proposal is considered to represent a reasonable expansion of an existing, long standing, nonresidential use. The subject school will continue to serve the needs of the local community as a wellestablished land use in the locality.

Traffic and Parking

Traffic Generating Development Overlay: DO1, DO2, PO 1.1

General Development Policies:

Design: DO1, PO 7.1, PO 7.2, PO 7.3, PO 7.4, PO 7.5, PO 7.6, PO 7.7 Design in Urban Areas: DO1, PO 7.2, PO 7.3, PO 7.4, PO 7.5, PO 7.6, PO 7.7

Transport, Access and Parking: DO1, PO 1.1, PO 1.2, PO 1.3, PO 1.4, PO 2.2, PO 3.6, PO 3.8, PO 3.9, PO 4.1,

PO 5.1, PO 6.1, PO 6.2, PO 6.5, PO 6.7

The introduction of the allotment will result in the reconfiguration of the internal driveway and increase the availability of on-site car parking.

It is acknowledged the proposal does not seek alterations to the number of staff or student numbers. nor is there a change to existing/approved access/egress points along Marion and Sturt Road. The amendments are contained within the land and aim to improve the flow of traffic within the site. As such, the majority of the initial assessment relating to traffic and parking remains applicable.

The revised configuration results in an additional 15 car parking spaces (previously approved with 85 spaces), resulting in 100 spaces in total. It is also acknowledged the revised layout does not impact on the previously approved pedestrian paths, zebra crossings, speed limit restriction signs and speed humps. This will ensure traffic management and pedestrian safety is maintained at an appropriate and acceptable standard.

Car parking dimensions and aisle width have been designed to ensure the new and existing spaces can be accessed without impacting on the desired traffic circulation and flow. The use of public roads are not relied upon, acknowledging that all access and egress from the site shall utilise the existing points along Sturt and Marion Road.

The revised carpark dimensions and overall layout of 22 Tweed Avenue meet the relevant Australian Standards. Council's Development Engineer has reviewed the proposal and advised the proposal is satisfactory from a traffic safety perspective.

While the site has some interface with residential properties along Tweed Avenue, it is my opinion that the new car parking area is unlikely to result in unreasonable amenity impacts upon nearby residents. The level of separation from nearby residential properties is considered appropriate to minimise amenity impacts attributed to vehicle noise.

The proposal will see an increase in vehicle movements over 22 Tweed Avenue and adjacent the two properties situated at 20 Tweed Avenue and 874 Marion Road; however, noise generated from the location of the parking area should not cause unreasonable impacts upon these properties. Vehicle movements and traffic generated from the site can be catered for by the surrounding road network and any noise generated by vehicles will unlikely exceed that currently experienced by the arterial road or existing use of the land. The property at 20 Tweed Avenue is separated from the car parking area by existing and proposed fencing, a laneway and the proposed outbuilding which should provide some level of acoustic absorption.

To this end, I am reasonably satisfied the additional car parking and revised driveway arrangements remain appropriate to meet the likely demand generated from the facility and shall not result in unsafe traffic movements or compromise the flow of traffic upon the adjacent arterial and local roads. **HOME**

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Outbuilding

General Neighbourhood Zone: DO1, PO 3.1

Airport Building Heights (Regulated) Overlay: DO1, PO 1.1

General Development Policies:

Clearance from Overhead Powerlines: DO 1, PO 1.1

Design in Urban Areas: DO1

A storage outbuilding measuring (18.6m in length x 3.8m in width) is proposed adjacent to the northern boundary of 22 Tweed Avenue. The building achieves a floor area of 70sqm and incorporates a skillion roof, resulting in a wall height of 2.8m increasing to 3.3m.

The outbuilding is an ancillary structure to the educational establishment and is nonetheless considered appropriate for the General Neighbourhood Zone. The location of the outbuilding is such that any visual or overshadowing impacts are generally concealed from public view and screened by the associated fencing proposed as part of the subject application.

Any shadow cast form the building is generally contained within the subject land. Although some shadow will cast upon adjoining land to the east, it is acknowledged this will only occur during afternoon hours and is upon non-residential land.

The driveway adjacent to the outbuilding is bordered by a variety of landscaping species which should soften the appearance of hard surfaces. This outcome is discussed in detail within the Landscaping section of this report.

The outbuilding is not considered to offend the Desired Outcomes and Performance Outcomes of the Airport Building Heights (Regulated) Overlay and General Development Policies - Clearance from Overhead Powerlines and Infrastructure and Renewable Energy Facilities.

The location of the outbuilding is sited adjacent to a public laneway to the north, non-residential property to the east and Tweed Avenue to the west. The masonry fencing and landscaping surrounding the building should assist in minimising its appearance when viewed from adjoining land and provide an attractive outlook when viewed from the streetscape. Given the level of separation achieved from residential properties, the design and appearance of the outbuilding is considered an appropriate outcome for the land and locality and is not considered inconsistent with the residential character of the locality.

Fencing

General Neighbourhood Zone: DO1

Airport Building Heights (Regulated) Overlay: DO1, PO 1.1

General Development Policies:

Clearance from Overhead Powerlines: DO 1, PO 1.1

Design in Urban Areas: DO1, PO 9.1

It is acknowledged the streetscape appearance of Tweed Avenue will change as a result of the proposed development, namely, 22 Tweed Avenue which currently presents a detached dwelling to the cul-de-sac and will be replaced by fencing. The proposal involves the construction of 1.8m high masonry fencing along the Tweed Avenue boundary. Colorbond fencing along the northern and eastern boundary does not require approval from Council.

The inclusion of a 1.8m high masonry fence is considered appropriate for the Tweed Avenue streetscape and provides an extension to the previously approved fencing adjacent to 24 tweed Avenue. The fencing is not considered to result in amenity impacts upon adjoining land and provides a durable material paired with landscaping within the site to provide an attractive streetscape outcome.

HOME

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This element of the proposal is considered to assist in improving the appearance of the Tweed Avenue cul-de-sac as well as the external outlook adjacent properties.

Landscaping

General Neighbourhood Zone: DO1 Urban Tree Canopy Overlay: DO1, PO 1.1

General Development Policies:

Design: DO1, PO 1.5, PO 3.1, PO 3.1, PO 3.2

Design in Urban Areas: DO1, PO 3.1, PO 7.2, PO 7.4, PO 7.5, PO 7.6, PO 7.7

The change in land use of 22 Tweed Avenue has had regard to the applicable landscaping outcomes sought under the Planning and Design Code, providing an outcome where this area is bordered by garden beds accommodating Cottonwood Hibiscus plants (evergreen) or Manchurian Pears (deciduous) or a combination of both. These trees achieve growth heights between 6 and 8 metres.

The use of medium to high growing species is considered to assist in softening the appearance of the car park area and appearance of the outbuilding when viewed from the public and private realm. Landscaping is interspersed between the proposed masonry fencing and outbuilding which will assist in providing an attractive streetscape outcome and assist in partially screening the outbuilding when viewed from adjoining land. The landscaping schedule includes numerous tree plantings which should assist in achieving an attractively landscaped environment and contribute to an overall urban tree canopy.

Stormwater management

General Neighbourhood Zone: DO1

Stormwater Management Overlay: DO1, PO 1.1

General Development Policies: Design: DO1, PO 5.1

Design in Urban Areas: DO 1, PO 5.1,

Infrastructure and Renewable Energy Facilities: DO1, PO 1.1

The proposal does not include an amendment to the stormwater capture and reuse arrangements as originally proposed. For members benefit, the approved arrangement included a report prepared by Combe Pearson Reynolds Consulting Engineers has identified 2 catchment areas and their design elements include:

Catchment 1

6 grated inlet pits to the central carpark will provide ponding to a maximum depth of 100mm over an area of minimum 50 square metres each. Each pit and ponding area will provide 2,000L of detention capacity, totalling 12,000L detention.

Catchment 2

The roof stormwater downpipes will discharge directly to a 3,000L above ground detention tank. The tank will be fitted with an orifice to restrict flows to 8L/s.

The proposal does not seek an alteration to this arrangement, while stormwater collected from the outbuilding will be plumbed into the site's stormwater system which collects water and directs it toward Marion Road where it is treated through a gross pollutant trap before being discharged into an existing side entry pit on Marion Road.

When regard is had to the applicable provisions of the Planning and Design Code, the proposal is considered to result in an appropriate outcome with regard to stormwater management and reuse.

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CONCLUSION

The proposal seeks a change in the use of land of 22 Tweed Avenue from residential to a carpark associated with the existing Sunrise Christian School and associated internal driveway and carparking arrangements, together with associated outbuilding and masonry fencing.

The main considerations attributed to the variation relate to the expansion of the educational establishment into the General Neighbourhood Zone and amenity impacts attributed to the car parking area and ancillary building/fencing. The proposal satisfies a number of the Desired Outcomes and Performance Outcomes of the Planning and Design Code.

The proposal includes an expansion of the Sunrise Christian School into the General Neighbourhood Zone, which contemplates non-residential land uses at no specified scale, provided they complement the residential character and amenity of the neighbourhood. The expansion of the educational establishment to 22 Tweed Avenue aims to minimise amenity impacts upon nearby residential land uses, while maintaining an attractive streetscape outcome. This is achieved through an appropriate level of separation being maintained, together with attractive masonry fencing along the Tweed Avenue boundary, supplemented with landscaping within the site.

The variation achieves an increase in 15 on-site car parking spaces (100 in total) and aims to improve the flow of traffic within the land. The straightening of the internal driveway and revised parking layout maintains Australian standards together with safe and convenient vehicle manoeuvring areas. No changes are sought to the access/egress arrangements of the site, while the dedicated kiss and drop zones and zebra crossings are preserved in order to maintain pedestrian safety throughout the site.

The proposed outbuilding is of a scale and size consistent with the neighbourhood setting and is nonetheless separated from nearby residential properties and the street. The location of the outbuilding is partially screened by landscaping internal to the site and the proposed masonry fencing along Tweed Avenue. A public laneway and non-residential property border the outbuilding to the north and east and are relevant characteristics of the locality in considering the overall merits of this element of the proposal. For these reasons, minimal visual amenity impacts are contemplated.

Masonry fencing is proposed along the western boundary of 22 Tweed Avenue which will be of the same design as fencing approved under the original application (fencing along 24 Tweed Avenue). This outcome provides a coordinated streetscape elevation to the Tweed Avenue cul-de-sac and landscaping internal to the land should assist in softening the appearance of the fencing while promoting an attractive landscaped environment.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016.

It is considered that the development exhibits sufficient merit when assessed on balance against the relevant Desired Outcomes and Performance Outcomes to warrant Planning Consent subject to the conditions and notes listed below.

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RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 21007749 To vary Development Act Development Application 100/2020/342 comprising the re-configuration of the internal driveway and car parking arrangements, together with a change in land use of 22 Tweed Avenue from a detached dwelling to car park associated with the Sunrise Christian School with associated storage outbuilding and masonry fencing at 284-286 Sturt Road, Marion, 288 Sturt Road, Marion, 292-296 Sturt Road, Marion, 876 Marion Road, Marion, 24 and 22 Tweed Avenue, Marion be GRANTED subject to the following Conditions.

CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

NOTES

1. All previous stamped plans and documentation, including conditions previously granted Planning Consent for Development Application 100/2020/342 are still applicable except where varied by this application.

Appendix 1 – Planning and Design Code guidelines

General	Neighbourhood Zone				
DO1:	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within ea reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.				
PO 1.1	Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.	DPF 1.1	Development comprises one or more of the following: a) Ancillary accommodation b) Community facility c) Consulting room d) Dwelling e) Educational establishment f) Office g) Place of Worship h) Pre-school i) Recreation area j) Residential flat building k) Retirement facility l) Shop m) Student accommodation n) Supported accommodation		
PO 1.2	Non-residential development located and designed to improve community accessibility to services, primarily in the form of: a) small scale commercial uses such as offices, shops and consulting rooms b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities d) open space and recreation facilities.	DPF 1.2	None are applicable.		
PO 1.3	Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.	DPF 1.3	None are applicable.		
PO 1.4	Commercial activities improve community access to services are of a scale and type to maintain residential amenity.	DPF 1.4	A shop, consulting room or office (or any combination thereof) satisfies any one of the following: a) it is located on the same allotment and in conjunction with a dwelling where all the following are satisfied: i) does not exceed 50m2 gross leasable floor area ii) does not involve the display of goods in a window or about the dwelling or its curtilage b) it reinstates a former shop, consulting room or office in an existing building (or portion of a building) and satisfies one of the following: i) the building is a State or Local		

			Heritage Place ii) is in conjunction with a dwelling and there is no increase in the gross leasable floor area previously used for non-residential purposes c) is located more than 500m from an Activity Centre and satisfies one of the following: i) does not exceed 100m2 gross leasable floor area (individually or combined, in a single building) where the site does not have a frontage to a State Maintained Road ii) does not exceed 200m2 gross leasable floor area (individually or combined, in a single building) where the site has a frontage to a State Maintained Road d) the development site abuts an Activity Centre and all the following are satisfied: i) it does not exceed 200m2 gross leasable floor area (individually or combined, in a single building) ii) the proposed development will not result in a combined gross leasable floor area (existing and proposed) of all shops, consulting rooms and offices that abut the Activity Centre in this zone exceeding the lesser of the following: A) 50% of the existing gross leasable floor area within the Activity Centre
PO 1.5	Expansion of existing community services such as educational establishments, community facilities and pre-schools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood. Building footprints allow sufficient space	DPF 1.5	B) 1000m2. Alteration of or addition to existing educational establishments, community facilities or pre-schools where all the following are satisfied: a) set back at least 3m from any boundary shared with a residential land use b) building height not exceeding 1 building level c) the total floor area of the building not exceeding 150% of the total floor area prior to the addition/alteration d) off-street vehicular parking exists or will be provided in accordance with the rate(s) specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas to the nearest whole number.
PO 3.1	around buildings to limit visual impact,	DPF 3.1	The development does not result in site HOME

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provide an attractive outlook and access to light and ventilation.		coverage exceeding 60%.		
Building Heights (Regulated) Overlay				
Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landin sites.				
Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DPF 1.1	Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value		
		applies to the site, the lowest value relevant to the site of the proposed development is applicable.		
ater Management Overlay				
Development incorporates water sensitive urba	in design techniques to	capture and re-use stormwater.		
Residential development is designed to capture and re-use stormwater to: a) maximise conservation of water resources b) manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded c) manage stormwater runoff quality.	DPF 1.1	Residential development comprising detached, semi-detached or row dwellings, or less than 5 group dwellings or dwellings within a residential flat building: a) includes rainwater tank storage: i) connected to at least: A) in relation to a detached dwelling (not in a battle-axe arrangement), semi-detached dwelling or row dwelling, 60% of the roof area B) in all other cases, 80% of the roof area ii) connected to either a toilet, laundry cold water outlets or hot water service for sites less than 200m2 iii) connected to one toilet and either the laundry cold water outlets or hot water service for sites of 200m2 or greater iv) with a minimum total capacity in accordance with Table 1 v) where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank b) incorporates dwelling roof area comprising at least 80% of the site's impervious area		
	In the properties of the prope	In the properties of the prope		

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			Site size (m ²)	Minimum retention volume (Litres)	Minimum detention volume (Litres)	
			<200	1000	1000	
			200- 400	2000	Site perviousness <30%:1000 Site perviousness ≥30%: N/A	
			>401	4000	Site perviousness <35%: 1000 Site perviousness ≥35%: N/A	
Traffic G	enerating Development Overlay					
DO1: Safe and efficient operation of Urban Transport Routes and Maj			oan Transport Routes for all road users.			
DO2:	Provision of safe and efficient access to and fro	m urban transport route	es and maj	jor urban trai	nsport routes.	
PO 1.1	Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.	DPF 1.1	a) land addir b) come gros more c) retai area d) a wa a gros 8,00 e) indus 20,0 f) educ	ed Road whee ving types of division crea- tional allotmo- mercial deve- s floor area of e I developme of 2,000m2 arehouse or to oss leasable 0m2 or more stry with a groom2 or more	of 10,000m2 or nt with a gross floor or more ransport depot with floor area of er coss floor area of re ties with a capacity	
Urban Tr	ee Canopy Overlay					
DO1:	Residential development preserves and enhance retention of existing mature trees where practic		hrough the	e planting of	new trees and	

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			Tree planti	ng is provided	in accordance	with the following:
			Site size (m ²)	per dwelling	Tree size* a	nd number required
			<450		1 small tree	
			450-800)	1 medium tree or 2 small trees	
			>800		1 large tree 4 small tree	or 2 medium trees or
			*refer Tabl	e 1 Tree Size	<u> </u>	
			Table 1 Tr	ee Size		
			Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)
			Small	4 m	2m	10m ² and min. dimension of 1.5m
			Medium	6 m	4 m	30m ² and min. dimension of 2m
			Large	12 m	8m	60m ² and min. dimension of 4m
PO 1.1	Trees are planted or retained to contribute to	DPF 1.1	The discount in Column D of Table 2 discounts the number of trees required to be planted in DTS/DPF 1.1 where existing tree(s) are retained on the subject land that meet the criteria in Columns A, B and C of Table 2, and are not a species identified in Regulation 3F(4)(b) of the Planning Development and Infrastructure (General) Regulations 2017.			
	an urban tree canopy.		Table 2 Ti	ree Discounts		
			Retained tree height (Column A)	Retained tree spread (Column B	Acres and Addition	nd applied n (Column D)
			4-6m	2-4m	10m ² and min. dimension 1.5m	(or 1 medium
			6-12m	4-8m	30m ² and min. dimension 3m	(or 4 small
			>12m	>8m	60m ² and min. dimension 6m	(or 4 medium
			Note: In order to satisfy DTS/DPF 1.1, payment may be made in accordance with a relevant off-set scheme established by the Minister under section 197 of the Planning, Development and Infrastructure Act 2016, provided the provisions and requirements of that scheme are satisfied. For the purposes of section 102(4) of the Planning, Development and Infrastructure Act 2016, an applicant may elect for any of the matters in DTS/DPF 1.1 to be reserved.			
Clearand	e from Overhead Powerlines					
DO1:	Protection of human health and safety when up powerlines.	ndertaking developmen	t in the vi	cinity of c	overhead	transmission
PO 1.1	Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	DPF 1.1	a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 19 b) there are no aboveground powerlines adjoining the site that a the subject of the proposed development.			ded by or on at to the effect ald not be attions rposes of ctricity Act 1996 ound the site that are
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Design			
	Development is:		
	a) contextual - by considering, recognising at environment and positively contributes to the second contributes.	the character of the imm	
	b) durable - fit for purpose, adaptable and lor	-	
DO1:	c) inclusive - by integrating landscape design access, and promoting the provision of qu access and recreation and help optimise s occupants and visitors d) sustainable - by integrating sustainable tea	ality spaces integrated vecurity and safety both	internally and within the public realm, for
	landscaping to improve community health, biodiversity and local amenity and to minir	, urban heat, water man	agement, environmental performance,
PO 1.5	The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone.	DPF 1.5	None are applicable.
	Soft landscaping and tree planting is		
PO 3.1	 incorporated to: a) minimise heat absorption and reflection b) maximise shade and shelter c) maximise stormwater infiltration d) enhance the appearance of land and 	DPF 3.1	None are applicable.
	streetscapes		
	e) contribute to biodiversity. Soft landscaping and tree planting		
PO 3.2	maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species.	DPF 3.2	None are applicable.
	Development is sited and designed to maintain natural hydrological systems without negatively impacting:		
PO 5.1	a) the quantity and quality of surface water and groundwater	DPF 5.1	None are applicable.
	b) the depth and directional flow of surface water and groundwater		
	c) the quality and function of natural springs.		
	Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on the streetscapes through techniques such as:		
PO 7.1	a) limiting protrusion above finished ground level	DPF 7.1	None are applicable.
	b) screening through appropriate planting, fencing and mounding		
	c) limiting the width of openings and integrating them into the building structure.		
PO 7.2	Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive	DPF 7.2	None are applicable.
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	receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.					
PO 7.3	Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.	DPF 7.3	None are applicable.			
PO 7.4	Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection.	DPF 7.4	None are applicable.			
PO 7.5	Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DPF 7.5	None are applicable.			
PO 7.6	Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	DPF 7.6	None are applicable.			
PO 7.7	Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	DPF 7.7	None are applicable.			
Design in	urban Areas					
DO1:	a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality b) durable - fit for purpose, adaptable and long lasting c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for					
	 access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption. 					
PO 3.1	Soft landscaping and tree planting are incorporated to: a) minimise heat absorption and reflection b) maximise shade and shelter c) maximise stormwater infiltration d) enhance the appearance of land and streetscapes.	DPF 3.1	None are applicable.			
PO 5.1	Development is sited and designed to maintain natural hydrological systems without negatively impacting: a) the quantity and quality of surface water and groundwater b) the depth and directional flow of surface water and groundwater c) the quality and function of natural springs.	DPF 5.1	None are applicable.			
PO 7.2	Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.	DPF 7.2	None are applicable.			
PO 7.3	Safe, legible, direct and accessible pedestrian connections are provided	DPF 7.3	None are applicable.			
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	between parking areas and the development.		
PO 7.4	Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.	DPF 7.4	Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.
PO 7.5	Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DPF 7.5	Vehicle parking areas comprising 10 or more car parking spaces include soft landscaping with a minimum dimension of: a) 1m along all public road frontages and allotment boundaries b) 1m between double rows of car parking spaces.
PO 7.6	Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	DPF 7.6	None are applicable.
PO 7.7	Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	DPF 7.7	None are applicable.
PO 9.1	Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.	DPF 9.1	None are applicable.
Interface	between Land Uses		
DO1:	Development is located and designed to mitigatuses.	te adverse effects on o	r from neighbouring and proximate land
PO 1.2	Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.	DPF 1.2	None are applicable.
Transpor	rt, Access, and Parking		
DO1:	A comprehensive, integrated and connected tra accessible to all users.	ansport system that is s	safe, sustainable, efficient, convenient and
PO 1.1	Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.	DPF 1.1	None are applicable.
PO 1.2	Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.	DPF 1.2	None are applicable.
PO 1.3	Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.	DPF 1.3	None are applicable.
	Development is sited and designed so that loading, unloading and turning of all traffic	DPF 1.4	All vehicle managery ring appure angite
PO 1.4	avoids interrupting the operation of and queuing on public roads and pedestrian paths.	UPF 1.4	All vehicle manoeuvring occurs onsite.

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PO 2.2	Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.	DPF 2.2	None are applicable.
PO 3.6	Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).	DPF 3.6	a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided b) for sites with a frontage to a public road greater than 20m: c) a single access point no greater than 6m in width is provided or d) not more than two access points with a width of 3.5m each are provided.
PO 3.8	Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.	DPF 3.8	None are applicable.
PO 3.9	Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.	DPF 3.9	None are applicable.
PO 4.1	Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DPF 4.1	None are applicable.
PO 5.1	Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: a) availability of on-street car parking b) shared use of other parking areas c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared d) the adaptive reuse of a State or Local Heritage Place.	DPF 5.1	Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant: a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
PO 6.1	Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.	DPF 6.1	Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2	Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	DPF 6.2	None are applicable.
PO 6.5	Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.	DPF 6.5	None are applicable.

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PO 6.7	On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.	DPF 6.7	None are applicable.
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General Neighbourhood Zone	
DO1:	Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.
PO 1.1	Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.
PO 1.2	Non-residential development located and designed to improve community accessibility to services, primarily in the form of: a) small scale commercial uses such as offices, shops and consulting rooms b) community services such as educational establishments, community centres, places of worship, preschools, and other health and welfare services c) services and facilities ancillary to the function or operation of supported accommodation or retirement facilities d) open space and recreation facilities.
PO 1.3	Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.
PO 1.4	Commercial activities improve community access to services are of a scale and type to maintain residential amenity.
PO 1.5	Expansion of existing community services such as educational establishments, community facilities and preschools in a manner which complements the scale of development envisaged by the desired outcome for the neighbourhood.
PO 3.1	Building footprints allow sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.
PO 11.2	Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision, car parking requirements or result in over-development of the site.
Airport Building	Heights (Regulated) Overlay
DO1:	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.
PO 1.1	Building height does not pose a hazard to the operation of a certified or registered aerodrome.
Stormwater Man	agement Overlay
DO1:	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.
PO 1.1	Residential development is designed to capture and re-use stormwater to: maximise conservation of water resources manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded manage stormwater runoff quality.
	ng Development Overlay
DO1:	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO2:	Provision of safe and efficient access to and from urban transport routes and major urban transport routes. Development designed to minimise its potential impact on the safety, efficiency and functional performance of
PO 1.1	the State Maintained Road network.
Urban Tree Cand	
DO1:	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.
PO 1.1	Trees are planted or retained to contribute to an urban tree canopy.
Clearance from	Overhead Powerlines
DO1:	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.
PO 1.1	Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.
Design	

Dot: Dot: Dot:		Development in
access, and promoting the provision of quality spaces integrated with the public realm, for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors substantiable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amentity and to minimise energy consumption. Po 1.5 Po 1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone. Soft landscaping and tree planting is incorporated to: a) minimise heat absorption and reflection b) maximise shade and shelter b) maximises shade and shelter c) contribute to biodiversity. Po 3.2 Soft landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species. Development is sited and designed to maintain natural hydrological systems without negatively impacting: a) the quantity and quality of surface water and groundwater b) the depth and directional flow of surface water and groundwater b) the depth and directional flow of surface water and groundwater b) the depth and directional flow of surface water and groundwater b) the depth and directional flow of surface water and groundwater b) the depth and directional flow of surface water and groundwater b) the depth and directional flow of surface water and groundwater c) the quality and function of natural springs. Po 7.1 Po 7.2 Vehicle parking areas are appropriately located, designed and constructed to minimise imp	D04:	environment and positively contributes to the character of the immediate area b) durable - fit for purpose, adaptable and long lasting
P0 1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form) taking into account the form of development contemplated in the relevant zone. 8 of landscaping and tree planting is incorporated to: a) minimise heat absorption and reflection b) maximise stormwater infilitration d) enhance the appearance of land and streetscapes e) contribute to biodiversity. 8 of landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species. P0 5.1 a) the quantity and quality of surface water and groundwater b) the depth and directional flow of surface water and groundwater c) the quality and function of natural springs. Pevelopment facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on the streetscapes through techniques such as: a) limiting protrusion above finished ground level b) screening through appropriate planting, fencing and mounding c) limiting protrusion above finished ground level b) screening through appropriate planting, fencing and mounding c) limiting the width of openings and integrating them into the building structure. P0 7.2 P0 7.2 Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development. Street level whice parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection. P0 7.5 Street level whice parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places. P0 7.6 Vehicle parking areas and associated driveways are landscaped to provide shade and reduce solar heat absorption and reflection. Street level parking areas and ascess ways incorporate tree planting to provid	DO1:	 access, and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance,
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e) contribute to biodiversity. Soft landscaping and tree planting maximises the use of locally indigenous plant species, incorporates plant species best suited to current and future climate conditions and avoids pest plant and weed species. Development is sited and designed to maintain natural hydrological systems without negatively impacting: a) the quantity and quality of surface water and groundwater b) the depth and directional flow of surface water and groundwater c) the quality and function of natural springs. Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on the streetscapes through techniques such as: a) limiting protrusion above finished ground level b) screening through appropriate planting, fencing and mounding c) limiting the width of openings and integrating them into the building structure. Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like. Po 7.3 Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development. Po 7.4 Street level vehicle parking areas incorporate tree planting to provide shade and reduce solar heat absorption and reflection. Po 7.5 Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places. Po 7.6 Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity. Po 7.7 Landscaping incorporated on the low side of retaining walls is visible from public roads and public open space to minimise visual impacts. Po 19.2 Uncovered parking spaces are of a size and dimensions to be functional, accessible and convenient. Po 19.3 Driveways are located and designed to facilitate safe access and egress while maximising land available for street		c) maximise stormwater infiltration
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PO 24.1	Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.
PO 24.2	The number of vehicular access points onto public roads is minimised to reduce interruption of the footpath and
Design in Urban	positively contribute to public safety and walkability.
Design in Orban	Development is:
DO1:	 a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality b) durable - fit for purpose, adaptable and long lasting c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.
PO 1.5	The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.
PO 3.1	Soft landscaping and tree planting are incorporated to: a) minimise heat absorption and reflection b) maximise shade and shelter c) maximise stormwater infiltration d) enhance the appearance of land and streetscapes.
PO 5.1	Development is sited and designed to maintain natural hydrological systems without negatively impacting: a) the quantity and quality of surface water and groundwater b) the depth and directional flow of surface water and groundwater c) the quality and function of natural springs.
PO 7.2	Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.
PO 7.3	Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.
PO 7.4	Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.
PO 7.5	Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.
PO 7.6	Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.
PO 7.7	Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.
PO 8.2	Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.
PO 8.3	Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8): a) do not contribute to the instability of embankments and cuttings b) provide level transition areas for the safe movement of people and goods to and from the development c) are designed to integrate with the natural topography of the land.
PO 9.1	Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.
PO 9.2	Landscaping is incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.
PO 13.1	Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.
PO 13.3	Deep soil zones with access to natural light are provided to assist in maintaining vegetation health.

PO 13.4	Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low-rise residential development incorporate a deep soil zone along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more building levels in height.	
PO 22.1	Soft landscaping is incorporated into development to: a) minimise heat absorption and reflection b) contribute shade and shelter c) provide for stormwater infiltration and biodiversity d) enhance the appearance of land and streetscapes.	
PO 23.3	Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.	
PO 23.4	Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.	
PO 23.5	Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.	
PO 33.1	Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.	
PO 33.2	The number of vehicular access points onto public roads is minimised to reduce interruption of the footpath and positively contribute to public safety and walkability.	
PO 36.1	Residential development creating a common driveway / access includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.	
PO 36.2	Residential development creating a common driveway / access includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.	
PO 42.1	Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.	
PO 42.3	Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.	
Infrastructure an	nd Renewable Energy Facilities	
DO1:	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.	
PO 12.2	Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: a) it is wholly located and contained within the allotment of the development it will service b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from onsite disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.	
Interface between Land Uses		
DO1:	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.	
PO 1.2	Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.	
Transport, Access, and Parking		
DO1:	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.	
PO 1.1	Development is integrated with the existing transport system and designed to minimise its potential impact on the functional performance of the transport system.	
PO 1.2	Development is designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive receivers.	

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PO 1.3	Industrial, commercial and service vehicle movements, loading areas and designated parking spaces are separated from passenger vehicle car parking areas to ensure efficient and safe movement and minimise potential conflict.	
PO 1.4	Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	
PO 2.2	Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.	
PO 3.6	Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).	
PO 3.8	Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.	
PO 3.9	Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.	
PO 4.1	Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	
PO 5.1	Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as: a) availability of on-street car parking b) shared use of other parking areas c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared d) the adaptive reuse of a State or Local Heritage Place.	
PO 6.1	Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.	
PO 6.2	Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	
PO 6.5	Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.	
PO 6.7	On-site visitor parking spaces are sited and designed to be accessible to all visitors at all times.	



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Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5108/650) 09/04/2019 11:04AM 18ADL-0404 20190409003685

Attachment I



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5108 Folio 650

Parent Title(s) CT 3414/32

Creating Dealing(s) RTD 7311819

Title Issued 18/02/1993 **Edition** 6 **Edition Issued** 06/09/2017

Estate Type

FEE SIMPLE

Registered Proprietor

SUNRISE CHRISTIAN SCHOOL INC. OF SE 6 2-4 HENLEY BEACH ROAD MILE END SA 5031

Description of Land

ALLOTMENT 312 DEPOSITED PLAN 34680 IN THE AREA NAMED MARION HUNDRED OF NOARLUNGA

Easements

NIL

Schedule of Dealings

Dealing Number Description

12891511 MORTGAGE TO SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Notations

Dealings Affecting Title

Priority Notices

NIL

Notations on Plan

NIL

Registrar-General's Notes

NIL

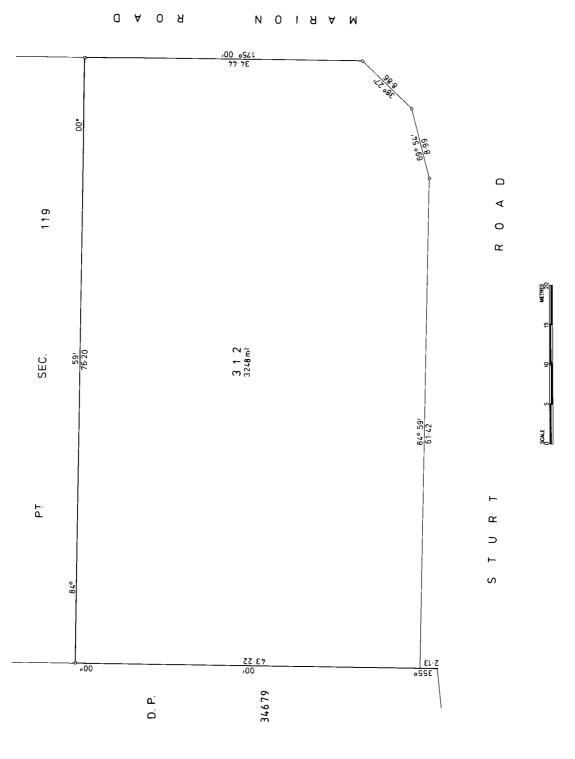
NIL

Administrative Interests

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Page 31

Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5472/375) 09/04/2019 11:10AM 18ADL-0404 20190409003840



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5472 Folio 375

Parent Title(s) CT 3502/155

Creating Dealing(s) CONVERTED TITLE

Title Issued 19/11/1997 Edition 8 Edition Issued 03/05/2017

Estate Type

FEE SIMPLE

Registered Proprietor

SUNRISE CHRISTIAN SCHOOL INC. OF SE 6 2-4 HENLEY BEACH ROAD MILE END SA 5031

Description of Land

ALLOTMENT 14 FILED PLAN 147248 IN THE AREA NAMED MARION HUNDRED OF NOARLUNGA

Easements

NIL

Schedule of Dealings

Dealing Number Description

12891511 MORTGAGE TO SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Notations

Dealings Affecting Title

Priority Notices

NIL

Notations on Plan

Registrar-General's Notes

Administrative Interests

NIL

HOME

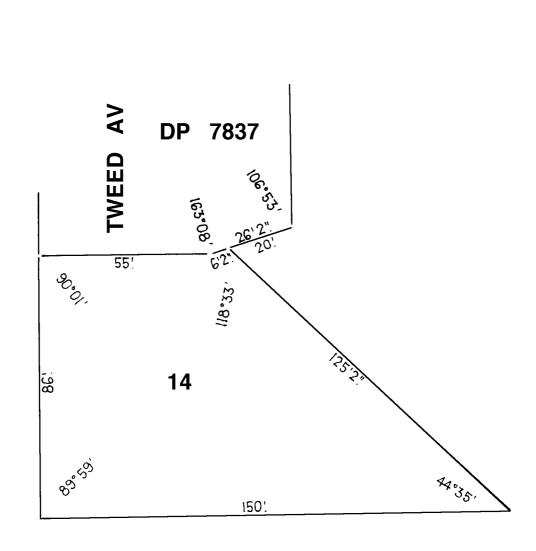
Land Services SA Page 1 of 2

Product
Date/Time
Customer Reference
Order ID

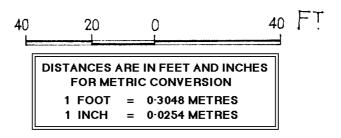
Register Search (CT 5472/375) 09/04/2019 11:10AM 18ADL-0404 20190409003840



LAND SERVICES SA



PT SEC 119



NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



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Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5547/491) 09/04/2019 11:11AM 18ADL-0404 20190409003882



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5547 Folio 491

Parent Title(s) CT 3502/153

Creating Dealing(s) CONVERTED TITLE

Title Issued 23/06/1998 Edition 4 Edition Issued 06/09/2017

Estate Type

FEE SIMPLE

Registered Proprietor

SUNRISE CHRISTIAN SCHOOL INC. OF SE 6 2-4 HENLEY BEACH ROAD MILE END SA 5031

Description of Land

ALLOTMENT 18 FILED PLAN 147252 IN THE AREA NAMED MARION HUNDRED OF NOARLUNGA

Easements

NIL

Schedule of Dealings

Dealing Number Description

12891511 MORTGAGE TO SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Notations

Dealings Affecting Title

Priority Notices

NIL

Notations on Plan

Registrar-General's Notes

Administrative Interests

NIL

HOME

Land Services SA Page 1 of 2

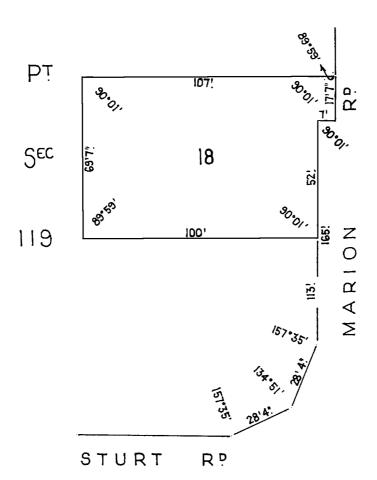


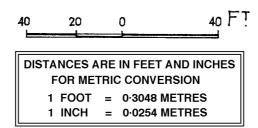
Register Search (CT 5547/491) 09/04/2019 11:11AM 18ADL-0404 20190409003882

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3502/153



LAND SERVICES SA





NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5849/6) 09/04/2019 11:07AM 18adl-0404 20190409003775



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5849 Folio 6

Parent Title(s) CT 5331/147, CT 5843/681

Creating Dealing(s) ACT 9099283

Title Issued 13/06/2001 **Edition** 4 **Edition Issued** 08/03/2013

Estate Type

FEE SIMPLE

Registered Proprietor

SUNRISE CHRISTIAN SCHOOL INC. OF SE 6 2-4 HENLEY BEACH ROAD MILE END SA 5031

Description of Land

ALLOTMENT 13 FILED PLAN 147247 IN THE AREA NAMED MARION HUNDRED OF NOARLUNGA

Easements

TOGETHER WITH EASEMENT(S) OVER THE LAND MARKED B FOR DRAINAGE PURPOSES (ACT 9099283)

Schedule of Dealings

Dealing Number Description

11890119 MORTGAGE TO WESTPAC BANKING CORPORATION

12891511 MORTGAGE TO SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Notations

Dealings Affecting Title NIL
Priority Notices NIL

Notations on Plan NIL

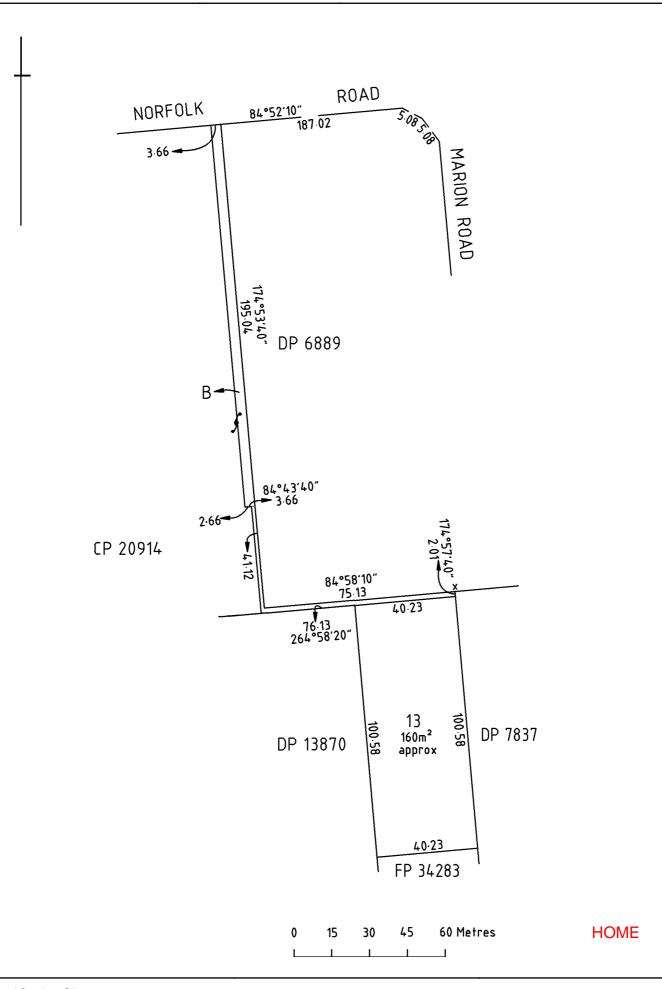
Registrar-General's Notes NIL

Administrative Interests NIL

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Product Date/Time **Customer Reference** Order ID

Register Search (CT 6190/346) 09/04/2019 11:02AM 18ADL-0404 20190409003637



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6190 Folio 346

CT 5182/5, CT 5223/663 Parent Title(s)

Creating Dealing(s) RTC 12703281

Title Issued 01/05/2017 Edition 2 **Edition Issued** 01/05/2017

Estate Type

FEE SIMPLE

Registered Proprietor

MARANATHA CHRISTIAN ASSEMBLY INC. OF 284-288 STURT ROAD MARION SA 5043

Description of Land

ALLOTMENT 21 DEPOSITED PLAN 113089 IN THE AREA NAMED MARION HUNDRED OF NOARLUNGA

Easements

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED B ON D113089 (RTC 12703281)

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D ON D113089 (RTC 12703281)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED C ON D113089 (RTC 12703281)

Schedule of Dealings

Dealing Number	Description
7381141	MORTGAGE TO CHRISTIAN BRETHREN BUILDING ASSISTANCE ASSOCIATION INC.
8026672	EXTENSION OF MORTGAGE 7381141 EXPIRING ON 30/9/1999
9502838	EXTENSION OF MORTGAGE 7381141 EXPIRING ON 30/9/2010

Notations

Dealings Affecting Title

Lodgement Date	Dealing Numbe	r Description	Status
02/04/2019	13090165	DISCHARGE OF MORTGAGE	UNREGISTERED
02/04/2019	13090166	TRANSFER	UNREGISTERED
Priority Notices	N	IL	
Notations on Plan	ı N	IL	HOME

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Product
Date/Time
Customer Reference
Order ID

Register Search (CT 6190/346) 09/04/2019 11:02AM 18ADL-0404 20190409003637

Registrar-General's Notes

PLAN FOR LEASE PURPOSES VIDE G447/2002 APPROVED FX253396

Administrative Interests NIL



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 6207/542) 09/04/2019 11:00AM 18ADL-0404 20190409003596



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 6207 Folio 542

Parent Title(s) CT 5106/706, CT 6190/345

Creating Dealing(s) TG 12907544

Title Issued 16/05/2018 **Edition** 1 **Edition Issued** 16/05/2018

Estate Type

FEE SIMPLE

Registered Proprietor

SUNRISE CHRISTIAN SCHOOL INC. OF SE 6 2-4 HENLEY BEACH ROAD MILE END SA 5031

Description of Land

ALLOTMENT 20 DEPOSITED PLAN 113089 IN THE AREA NAMED MARION HUNDRED OF NOARLUNGA

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED A ON D113089 TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (TG 7607531)

SUBJECT TO FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED C ON D113089 (RTC 12703281)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED B ON D113089 (RTC 12703281)

TOGETHER WITH FREE AND UNRESTRICTED RIGHT(S) OF WAY OVER THE LAND MARKED D ON D113089 (RTC 12703281)

TOGETHER WITH RIGHT(S) OF WAY OVER THE LAND MARKED E ON F253396 (TG 12907544)

Schedule of Dealings

Dealing Number Description

11890119 MORTGAGE TO WESTPAC BANKING CORPORATION

12891511 MORTGAGE TO SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes NIL

Administrative Interests NIL HOME

Land Services SA Page 1 of 1

30 April 2021

Nicholas Timotheou Senior Development Officer City of Marion

By email: devadmin@marion.sa.gov.au



Adelaide

12/154 Fullarton Rd Rose Park, SA 5067

08 8333 7999

Melbourne

29-31 Rathdowne St Carlton, VIC 3053

03 8593 9650

urps.com.au

Dear Nicholas

Proposed Development at Sunrise Christian School Marion

Introduction

URPS has been engaged by Sunrise Christian School to lodge this development to:

- Change the use of the land at 22 Tweed Avenue to an educational establishment such that it forms part of the school site, and
- Vary development application 100/2020/342.

Proposal plans prepared by Thomson Rossi Architects are enclosed.

Subject Land

The subject land comprises the same land that formed the site with development application 100/242/342 with the addition of the land at 22 Tweed Avenue, Marion.

The subject land is illustrated on the following page. A Zone map is also illustrated on the following page.

With the introduction of the Planning and Design Code, the subject land is located in new Zones. Notwithstanding the Zones are new, the policy intent behind those zones is generally the same. The zoning of the site has changed as follows:

- Land in the Residential Zone (Marion Plains Policy Area 8) is now in the General Neighbourhood Zone
- Land in the Suburban Activity Node Zone is now in the Urban Neighbourhood Zone, and





• Land in the Commercial Zone (Sturt/Marion Road Corner Policy Area 3) is now located in the Employment Zone.

Figure 1 The Subject Land (22 Tweed Avenue is outlined in red)



Figure 2 Zoning under the Planning and Design Code







Proposed Development

In detail, the proposed development comprises:

- The change the use of the land at 22 Tweed Avenue to an educational establishment such that it forms part of the school site, and:
 - The demolition of the existing dwelling and outbuildings on the land (note that this does not require Planning Consent or Building Consent).
 - The construction of a new masonry fence to the street frontage to match the fence approved as part of 100/2020/342
 - The construction of a new maintenance shed at the northern edge of the site (18.59 metres by 3.8 metres – 69m²), and
 - The construction of additional car parking.
- The variation of development application 100/2020/342 to incorporate the site at 22
 Tweed Avenue for use by the school and the subsequent changes to the internal
 driveway and car parking within the site.

Procedural Considerations

Since the initial application was granted Development Plan Consent, the Marion Council Development Plan has been replaced with the Planning and Design Code under the Planning, Development and Infrastructure Act 2016.

As identified earlier, the School site is located in 3 Zones:

- General Neighbourhood Zone
- Urban Neighbourhood Zone
- Employment Zone

Educational establishments and advertising are assessed as Performance Assessed development in each of these zones.

I understand that the proposed development requires public notification as it involves the change in use of land to an educational establishment in the General Neighbourhood Zone.

Assessment Considerations

The assessment considerations in this case are relatively constrained. They relate, in my view, to the use of the land as car parking associated with an educational establishment and the construction of the fencing and the new storage shed.



3



There are no planning impacts resulting from the reconfiguration of the internal driveway as a result of the introduction of the land at 22 Tweed Avenue. Similarly the provision of additional car parking without changes to student or staff numbers means that the proposed development will continue to comply with the relevant car parking guidelines.

Land Use

The land at 22 Tweed Avenue is located in the General Neighbourhood Zone where educational establishments are an envisaged land use and therefore considered appropriate.

In this case, the school is located across several zones and the inclusion of the land at 22 Tweed Avenue represents an orderly expansion of the site being contiguous with existing school properties. The extension of the school footprint in this direction is effectively inhibited by a public laneway/walkway extending from Tweed Avenue to Marion Road.

The land at 22 Tweed Avenue will be used principally for access and parking. While there is no change to student numbers through this variation application, and although the most recent approval at the school had sufficient parking to meet demand, the additional on-site parking will better serve the school at peak periods (i.e. set-down and pick-up).

Storage Shed

The proposed storage shed is located at the northern edge of the site where it is 1.6 metres from the Tweed Avenue frontage and 470mm from the side boundary of the site. The shed is long and narrow but maintains a domestic scale with wall height of 2.8 metres on the northern side (adjacent he side boundary) and a wall height of 3.33 metes internally within the site. The shed has a floor area of 69m² and will be clad in Colorbond in Basalt colour.

The Code does not specify setbacks for storage sheds associated with educational establishments. Notwithstanding it is considered that the setback from Tweed Avenue is appropriate on the basis that:

- the site is at the end of a cul-de-sac where street setbacks vary; for instance, the nearest dwelling at 20 Tweed Avenue to the north has a comparable setback at its smallest point due to the curvature of the street
- the site will be fenced with a 1.8 metre masonry fence with landscaping between the fence and shed building
- the shed is a narrow and low scale structure at the street frontage such that it will not detract from the streetscape, and





The shed's location at the northern edge of the site allows for an efficient car parking layout within the site.

Fencing

The proposed new fencing at the Tweed Avenue street frontage is 1.8 metre high masonry fencing consistent with the fencing on the adjacent parcel of land (24 Tweed Avenue) approved with the initial application.

The masonry fence requires approval having a height greater than 1 metre. In this case, there is effectively only one relevant Performance Outcome (noting that the Airport Building Heights (Regulated) Overlay provisions are easily satisfied. The relevant provision is Design in Urban Areas Performance Outcome 9.1 which states:

Fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places.

In my view, the fence will not unreasonably impact visual amenity given its consistent height and finish as the approved fence at 24 Tweed Avenue. Similarly, it will not impact adjoining land's access to sunlight.

Additionally, side fencing to the northern and eastern boundaries of 22 Tweed Avenue will comprise 1.8 metre high Colorbond fencing consistent with the recommendations of Sonus in the initial application to minimise noise impacts from the car park.

The nature of fencing will preclude site access between Tweed Avenue and the subject land and this is also consistent with the initial approval.

Conclusion

The proposed development comprises a variation to DA 100/2020/342 to provide for improved access and parking within the site together with the provision of a storage shed. The proposed works are considered to sufficiently comply with the provisions of the Planning and Design Code to warrant Planning Consent.

Please call me if you have any questions on 8333 7999.

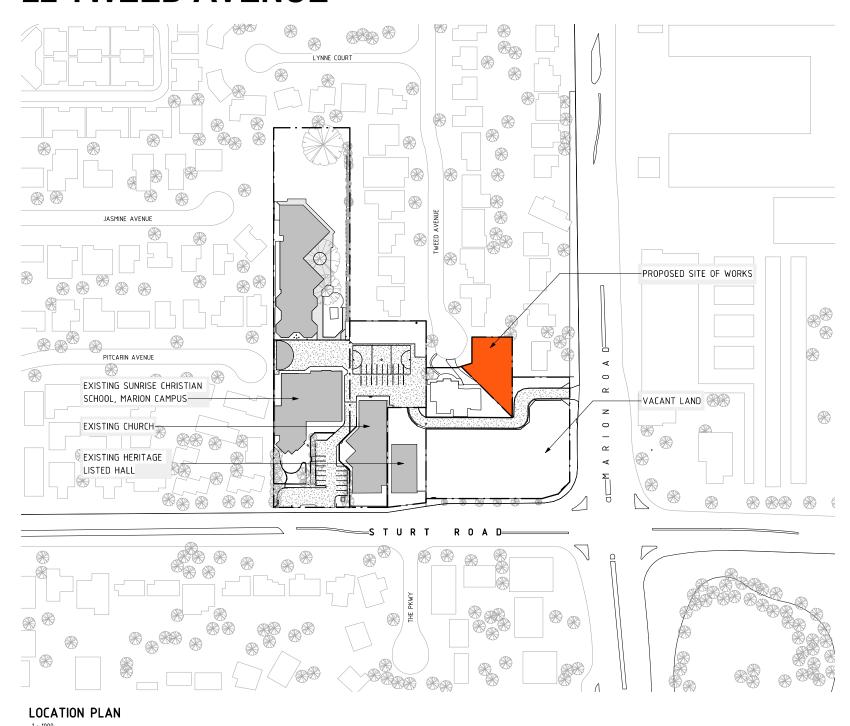
Yours sincerely

Simon ChannonPrincipal Consultant





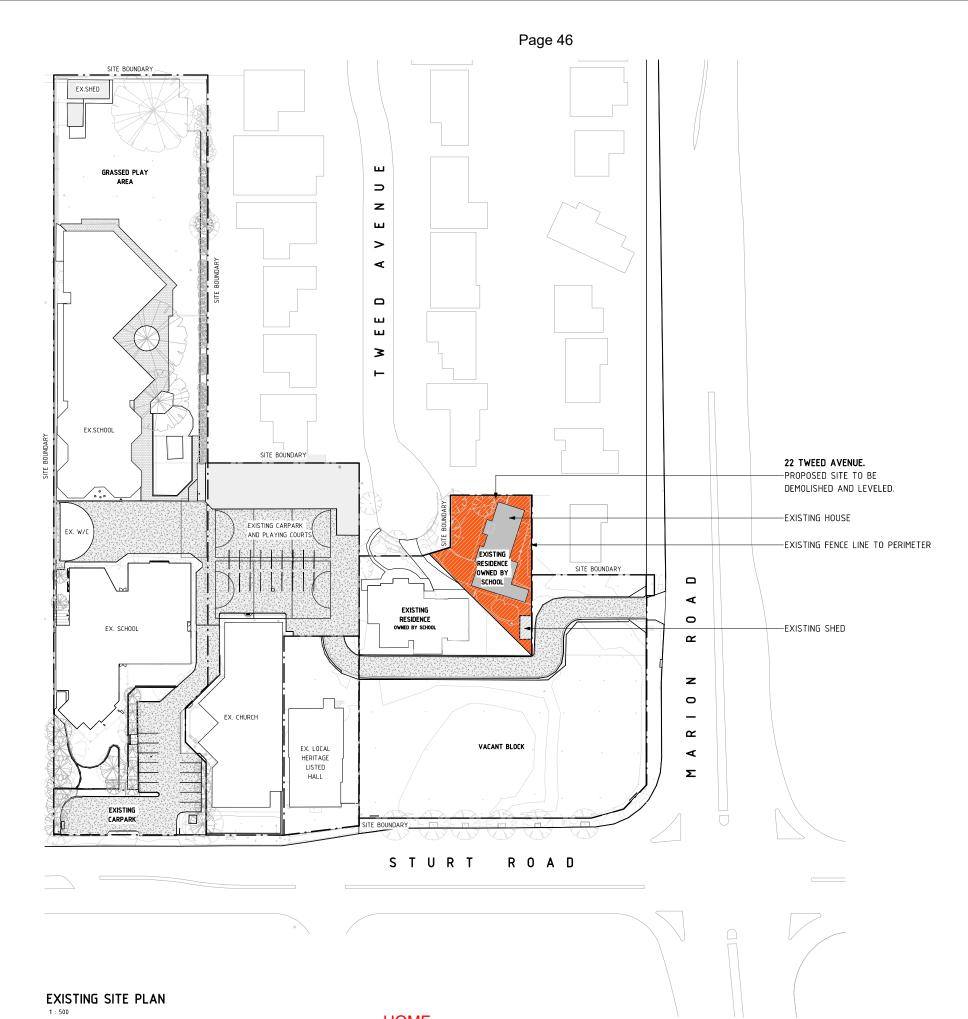
SUNRISE CHRISTIAN SCHOOL 22 TWEED AVENUE

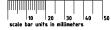


Drawing Schedule - Future Carpark				
Sheet				
Number	Sheet Name	Current Revision	Current Revision Date	
DA01	LOCATION PLAN			
DA02	EXISTING SITE PLAN			
DA03	DEMOLITION PLAN			
DA04	APPROVED SITE PLAN			
DA05	PROPOSED SITE PLAN			
DA06	PROPOSED PLAN			
DA07	ELEVATIONS			
DA08	SECTIONS			
DA09	AXONOMETRIC			
DA10	RENDERS			

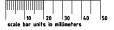


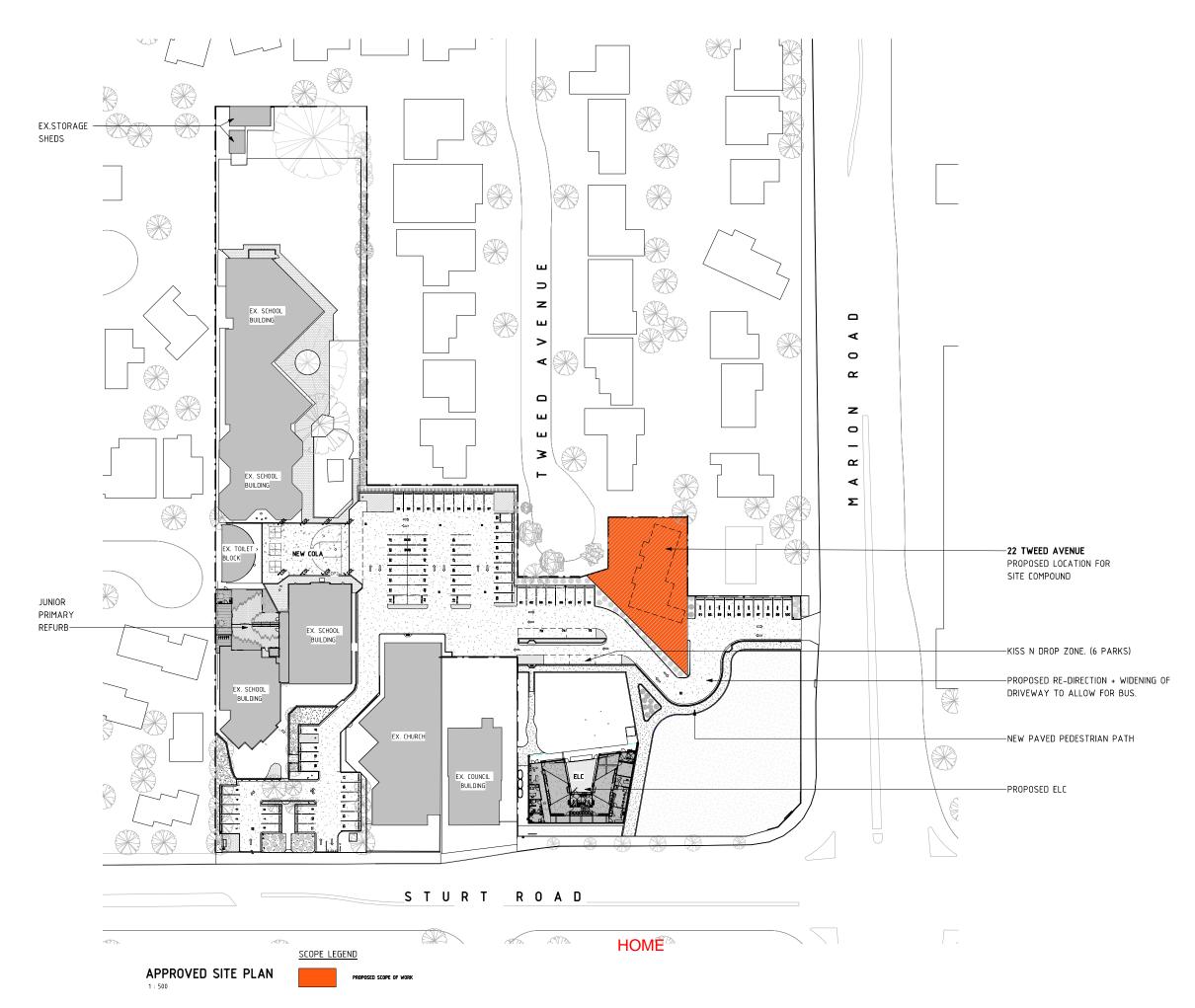
10 20 30 40 50





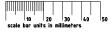


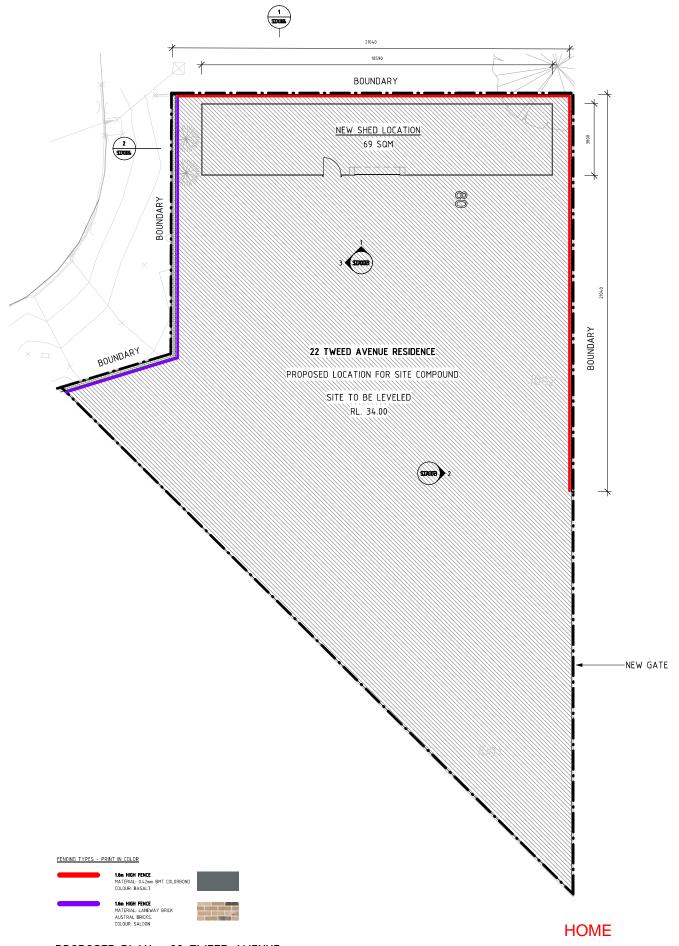




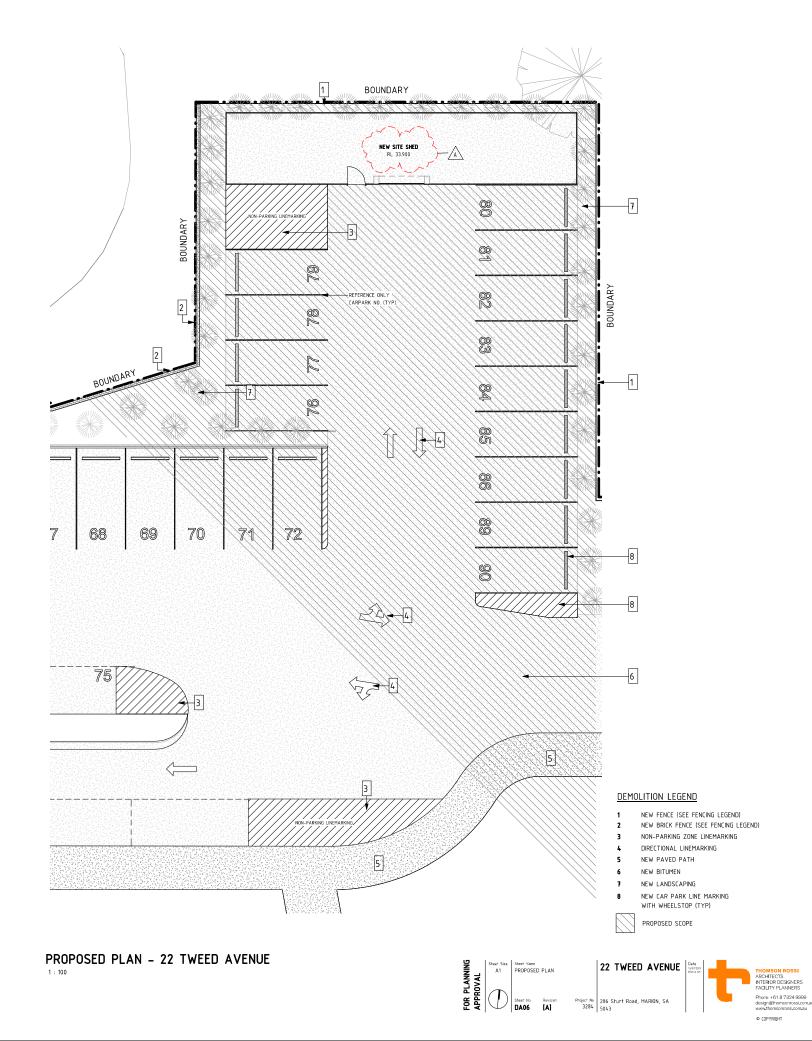




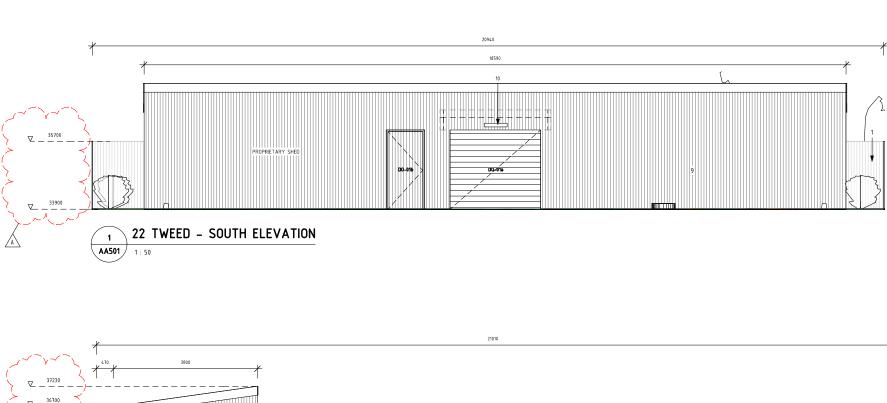


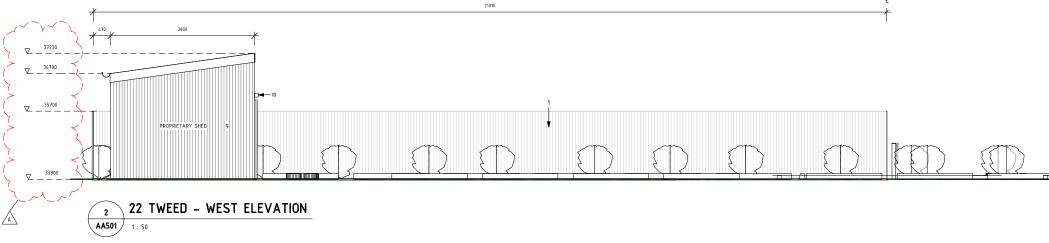


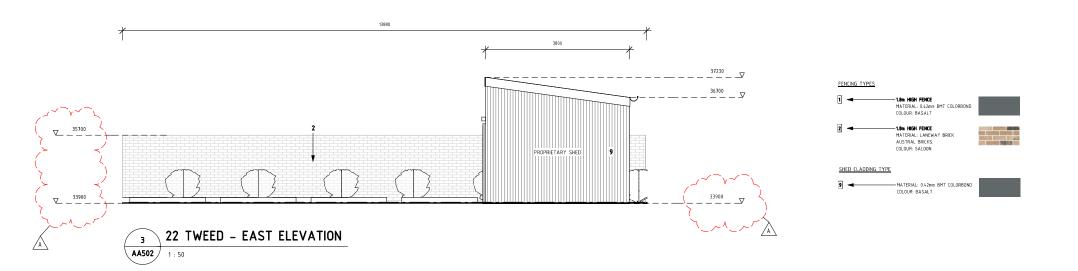
PROPOSED PLAN - 22 TWEED AVENUE
1: 100



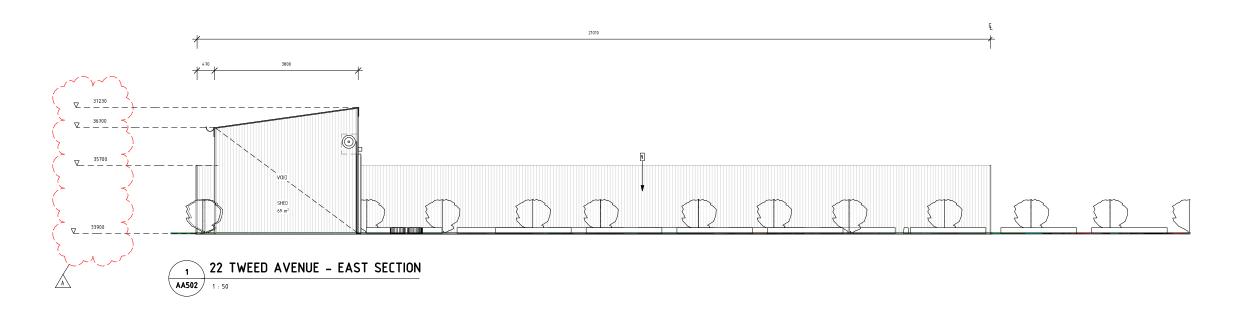


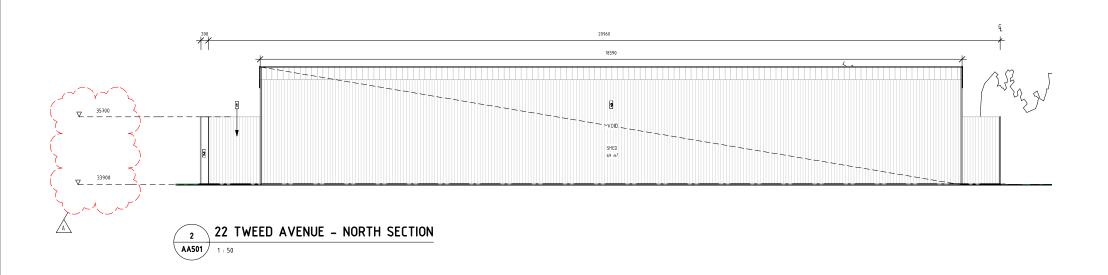


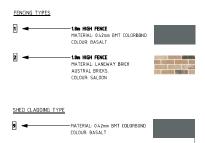




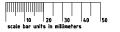


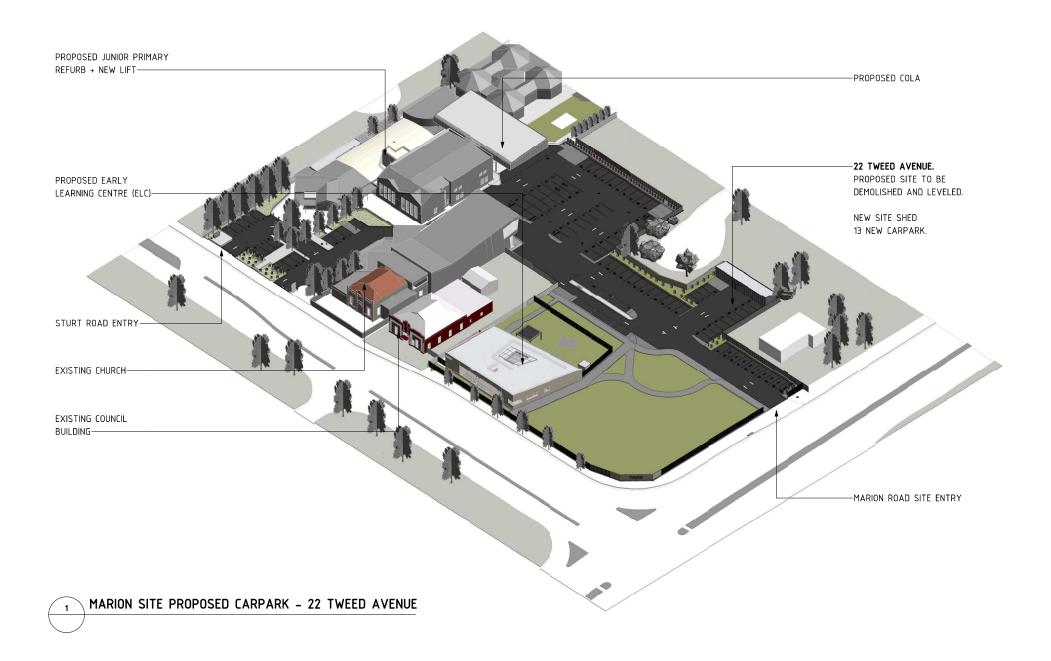












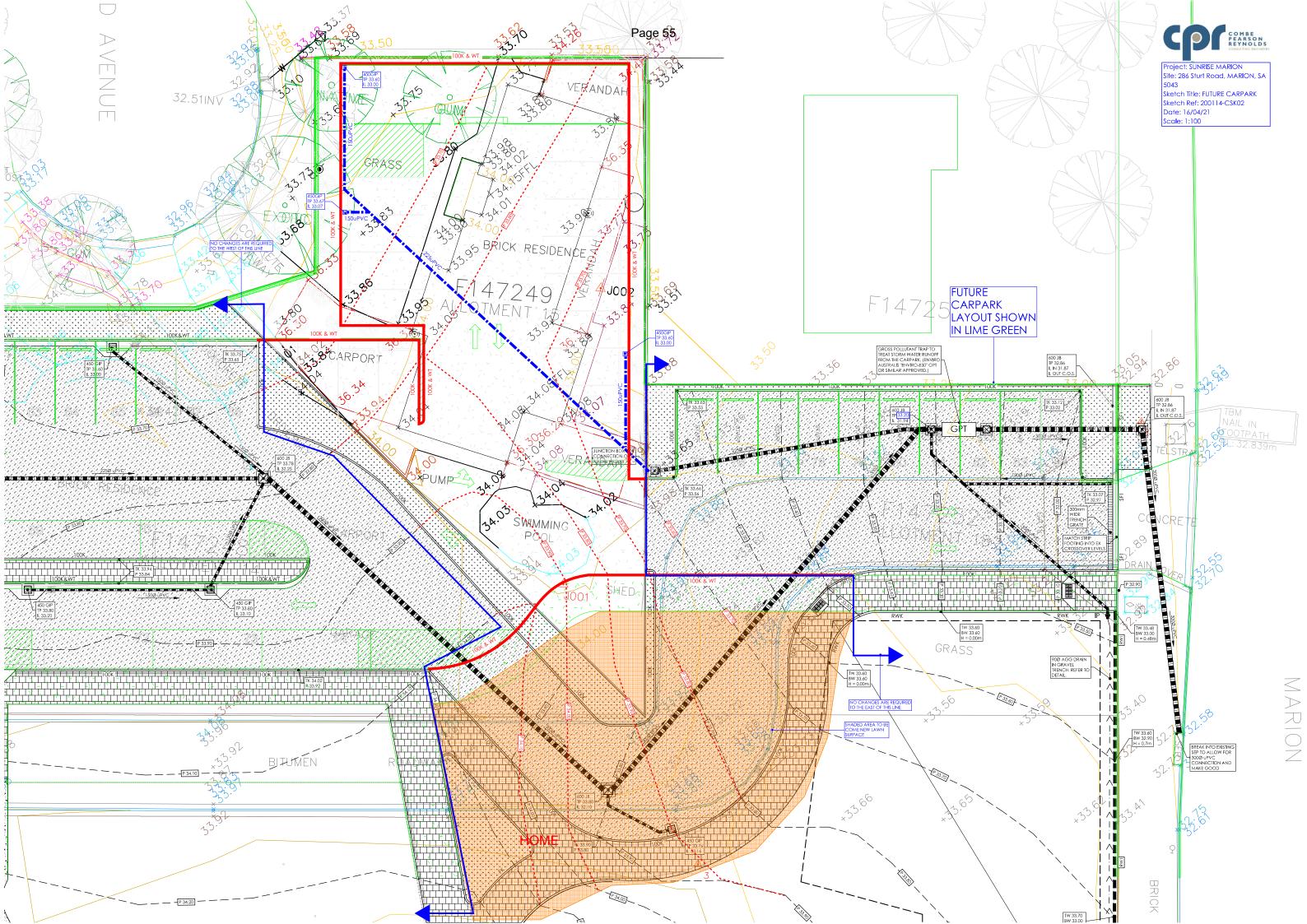


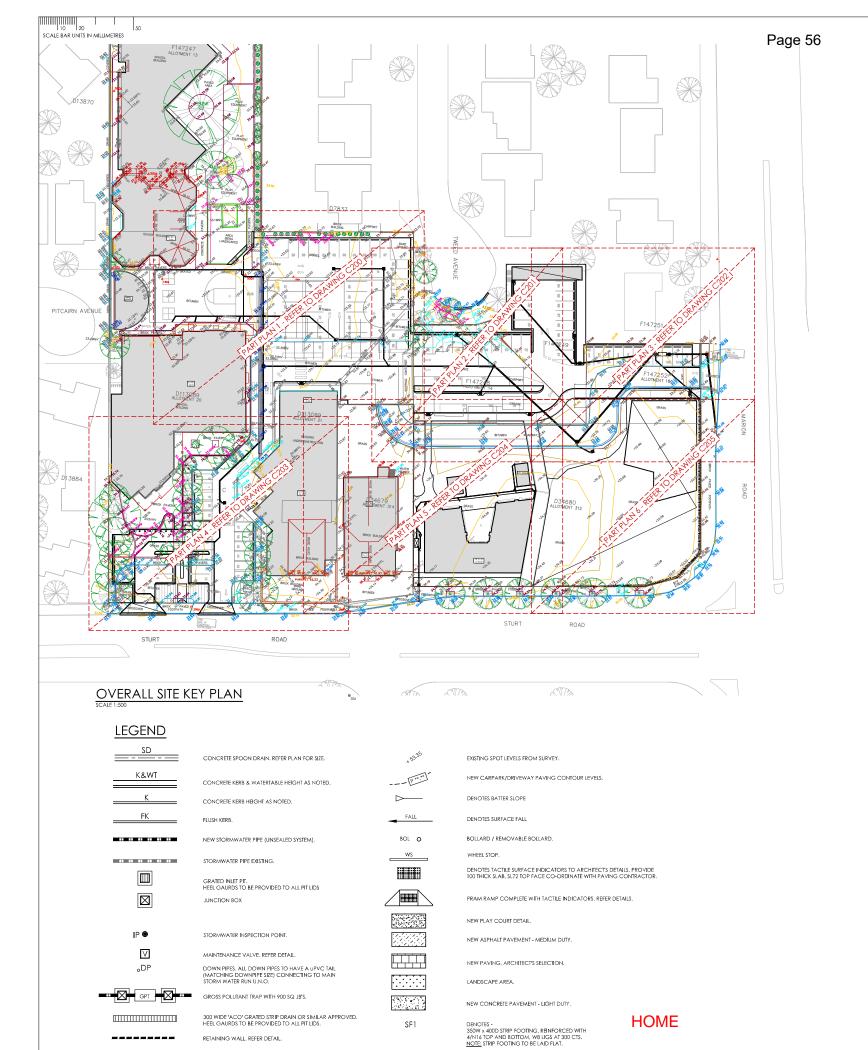


PROPOSED CARPARK & SHED - PERSPECTIVE



PROPOSED CARPARK & SHED - PERSPECTIVE





<u>CIVIL NOTES</u>

- BUILDER SHALL VERIFY ALL LEVELS, DIMENSIONS AND LOCATIONS OF EXISTING SERVICES ON SITE PRIOR TO COMMENCEMENT OF ANY WORKS OR SHOP
- DRAWINGS.

 ANY DISCREPANCIES IN SITE CONDITIONS AND OR DOCUMENTATION TO BE REPORTED TO THE ARCHITECT IN CHARGE PRIOR TO COMMENCEMENT OF ANY

- REPORTED TO THE ARCHITECT IN CHARGE PRIOR TO COMMENCEMENT OF PANY WORK.

 NEWS.

 THIS STRONG TO BE READ IN CONJUNCTION WITH ANY CIVIL. STRUCTURAL. AND SERVICES DEARWINGS FOR COORDINATION AND CONSTRUCTION, REFER ALSO TO SA POWER ENTWORKS TECHNICAL STANDARD.

 15-808 TERNICHING AND SERVICES DEARWINGS FOR COORDINATION AND DISTRIBUTION CASIL NETWORKS. LAST EDITION.

 ALL PIPE SIZE SCHEN ARE FOR MINIMUM RIPPRIAL DIAMETER.

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 ANY DISCREPANCIES TO DESIGN INTERT.

 SEFER TO ARCHITECT FOR DEMOLITION. AND SETOUT DETAILS, THE USE OF THESE DRAWINGS FOR SETOUT SEAT THE CONTRACTOR RISK. THESE DRAWINGS SHALL NOT BE USED FOR GPS CO-OPIONATES.

 WHERE NECESSARY GRADE BATTERS AT 1V; 4H TO MATCH PROME EXISTING LEVELS TO DESIGN INTERTS. UNLESS NOTED DIFFERENCE FILE SHEETS SHALL BE CONSTRUCTED OF SUB-GRADE BATTERS AT 1V; 4H TO MATCH PROME EXISTING LEVELS TO DESIGN INTERTS. UNLESS NOTED DIFFERENCE FILE BATTERS SHALL BE CONSTRUCTED OF SUB-GRADE BATTERS AT 1V; 4H TO MATCH PROME EXISTING LEVELS TO DESIGN INTERTS. UNLESS NOTED DIFFERENCE FILE BATTERS SHALL BE CONSTRUCTED OF SUB-GRADE BATTERS AT 1V; 4H TO MATCH PROME EXISTING LEVELS TO DESIGN INTERTS. UNLESS NOTED DIFFERENCE FILE BATTERS SHALL BE CONSTRUCTED OF SUB-GRADE BATTERS SHALL BE CONSTRUCTED.

 PET TO SUB-GRADE BATTERS SHALL BE CONSTRUCTED OF SUB-GRADE BATTERS SHALL BE CONSTRUCTED O
- EXISTING BITUMEN SHALL BE SAWCUT IF NECESSARY AND AS SHOWN ON THE DRAWINGS TO PROVIDE A CLEAN EDGE WHERE PROPOSED NEW PAYING

- DRAWINGS TO PROVIDE A CLEAN EDGE WHERE PROPOSED NEW PAYING ABUTIS.

 10. THE BUILDER SHALL BACKRILL TO TOP OF KERBS/PATHS IN ALL LANDSCAPING AREAS WITH APPROVED SITE TOPSOIL TO ARCHITECTS LANDSCAPE PLAN.

 11. ALL CARPARK ISLANDS NOT SHOWN PAYED ARE TO BE LANDSCAPE PLAN.

 12. CONTRACTOR TO ALLOW BUILDERS KUBBE PRORT TO BACKFILLING WITH TOPSOIL TO ARCHITECTS LANDSCAPE PLAN.

 13. THE CONTRACTOR TO ALLOW FOR AND ADJUST HEIGHTS OF COVERS TO EXSTING TO ARCHITECTS LANDSCAPE PLAN.

 14. LISTORIWATER JUNCTION BOXES BEEN DISTURBED.

 15. ALL STORMWATER JUNCTION BOXES. GRATED INLET PITS. GRATED STRIP DRAINS ETC. TO HAVE HEAVY DUTY GRATES. COVERS AND FRANSE SUMESS NOTED OTHERWISE. (CLASS TO MINIMUM WITH LOCKED DOWN FIXINGS). HOT DIP GALVANDER LANDSCAPE AND FRANSE SUMESS NOTED CALL STORMWATER JUNCTION BOXES. GRATED INLET PITS. GRATED STRIP DRAINS ETC. TO HAVE HEAVY DUTY GRATES. COVERS AND FRANSE SUMESS NOTED GALVANDED.

 15. ALL LINEWARKING AND SIGNAGE SHALL BE INSTALLED IN ACCORDANCE WITH AUSTRALLAN STANDARD AS. 1742.

 16. EXISTING REDUNDANT STORMWATER PIPES REMOVED SHALL BE DISPOSED OF OFF SITE.

 17. CONSTRUT ALL STORMWATER PIPES REMOVED SHALL BE DISPOSED OF OFF SITE.

- CONSTRUCT ALL STORAWATER DRAINAGE IN ACCORDANCE WITH A 27HO 2500 JUNO. 1000 JPVC STORAWATER PIES SHALL BE CLASS SN6 U.N.O. 1500 AND 2250 JPVC STORAWATER PIES SHALL BE CLASS SN4 U.N.O. REINFORCED CONCRETE PIES SHALL BE RUBBER RING JOINTED AND CLASS 3 U.N.O. HOPE PIES SHALL BE CLASS SOFT! PINA (FEROID) TO AS 2033 AND AS 4130. JPVC TO HOPE CONNECTIONS TO BE MADE USING TRANSITION COUPLING DEVICES SUCH AS ADJUANNE PROPRIETARY SYSTEM, YPPCAL.

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- STANDARD. BEEPS SIE PREPARATION FOR SUPERVISION AND TESTING REQUIREMENTS.

 25. CONTRACTOR IS TO PROVIDE AS CONSTRUCTED STORMMATER AND CIVIL STEWORKS DRAWINGS AT TIME OF PRACTICAL COMPLETION. THIS IS TO INCLUDE PIPE SIZES, INVERT AND TOP OF PIT LEVELS. THE AS BUILT DRAWING SHOULD ALSO VERIFY SUPERACE LEVELS COMPLY WITH DOCUMENTATION, WHERE AS BUILT SUPERACE LEVELS COMPLY WITH DOCUMENTATION, WHERE AS BUILT SUPERACE LEVELS COMPLY WITH DOCUMENTATION, WHERE AS BUILT SUPERACE LEVELS VARY THE CIVIL CONTRACTOR MOST ENCAGE THE CONSULTING ENGINEER OF SERVEY AND CONFIRM ACCEPTANCE AT OWN COSTS. THE INFORMATION IS TO BE ESSUED IN AUTO CAD FORMAT AND POP AND BEAR THE CIVIL CONTRACTORS DETAILS.

 26. CONTRACTOR TO UNDERTAKE CICTY INSPECTION. AND REPORT OF ALL COMPLETED STORMMATER INFRASTRUCTIES.

- 28. NO SURFACE INLETS (SUMPS OR GRATED INLET PITS) PERMITTED INTO SEALED

SITE PREPARATION (BENEATH BUILDING)

- SITE PREPARATION (BENEATH BUILDING)

 1. EXISTING TOPSOIL, TREE AND ROOT MATERIAL, ASPHALT, KERB BRICKWORK, NON-ENGINEERED FILL, MISCELLANEOUS STRUCTURAL ITEMS AND MATERIAL TO BE STRIPPED FROM CONSTRUCTION AREA. TO STOPOLIT OB BESTOCKPILED ON SITE FOR FUTURE LANDSCAPING AREAS, ALL OTHER MATERIAL TO BE EITHER RECYCLED OR LEGALLY DEPOSED FOR CHARLES FOR FERRING RECYCLED OR LEGALLY DEPOSED ON THE FOR THE PROPERTY OF RETHER GEOFFICH PROPERTY OF RUTHER GEOFFICHMICAL INFORMATION.

 2. SUB-CONTRACTOR SHALL SUBMIT ESTING SCHEDULE AND METHODOLOGY FOR REVIEW PROFINE OF COMMENCING ON SITE. SUPERVISION AND TESTING SHALL BE CONTINUED TO COMMENCING ON SITE. SUPERVISION AND TESTING SHALL BE CONDITIONED TO WITHIN \$30, OF THE OPINIUM MOST CHAILS SUSPECTED ON THE PROPERTY OF THE PROPERTY OF

SITE PREPARATION (BENEATH PAVEMENTS)

- 1. STIP ALL TOPSOIL LANDSCAPING AND ANY OTHER NON ENGINEERED FILLING. TOPSOIL TO BE STOCKPIED ON SITE FOR FUTURE LANDSCAPING AREAS. ALL OTHER MATERIAL TO BE EITHER RECYCLED OR LECALLY DISPOSED OF, REFER TO GEOTECH REPORT FOR FUTURE CEDITION CAN INFORMATION.

 2. IN EXISTING PAYING AREAS REMOVE EXISTING ASPHALT SURFACE AND REMOVE DESIGNED TO THE STREET OF THE MASE AND SUB-BASE THICKNESS BENEATH NEW PAVEMENTS ARE ACHEVED (AS MINIMUM).

 3. PROOF ROLL TO DESIGNEY ANY SOFT SPOTS, SUCH MATERIAL SHALL BE COMPACTED AND / OR REMOVED, MINIMUM COMPACTED AND / OR REMOVED, MINIMUM COMPACTED AND SUB-STALL SHALL BE COMPACTED. AND SUB-STALL SHALL BE COMPACTED. LAYERS NOT EXCEEDING 200mm. IN THICKNESS TO ACHIEVE 95% MODIFIED COMPACTION. NOTE THAT THE LEG OF RECYCLED MATERIALS IS NOT PERMITTED ON TO SEE OF RECYCLED MATERIALS IS NOT PERMITTED ON TO SEE ON THE PAVEMENTS.

0	22-06-21	ISSUED FOR CONSTRUCTION	CM\TAC
D	23-04-21	ISSUED FOR TENDER ADDENDA	CM\TAC
С	25-03-21	ISSUED FOR TENDER	CM\TAC
В	22-03-21	ISSUED FOR 100% REVIEW	CM\TAC
Α	05-03-21	ISSUED FOR COORDINATION	CM\HR
Issue	Date	Details	Eng\Dft

FOR CONSTRUCTION





174 Fullarton Road Dulwich SA 5065 PO Box 2832 Kent Town SA 5071 Phone: 08 8332 1344 e-mail: plans@cprengineers.com.au Ceme Parason Revolate Pty, Ltd. or livues for the CPR Inct Act 1273 1388 - Aext 21 1273 1388

ACS MARION - STAGE 1A 286 STURT ROAD, MARION

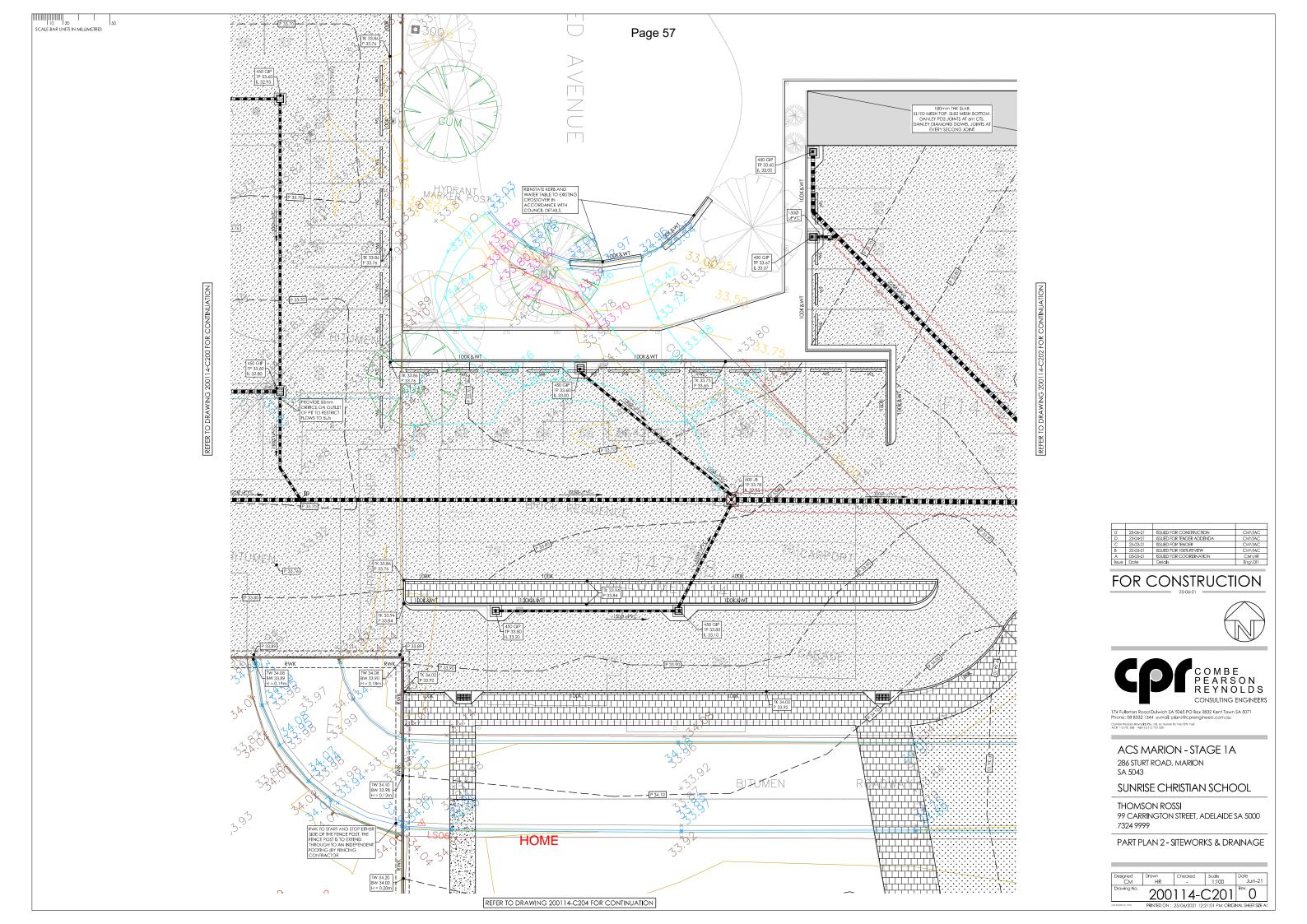
SUNRISE CHRISTIAN SCHOOL

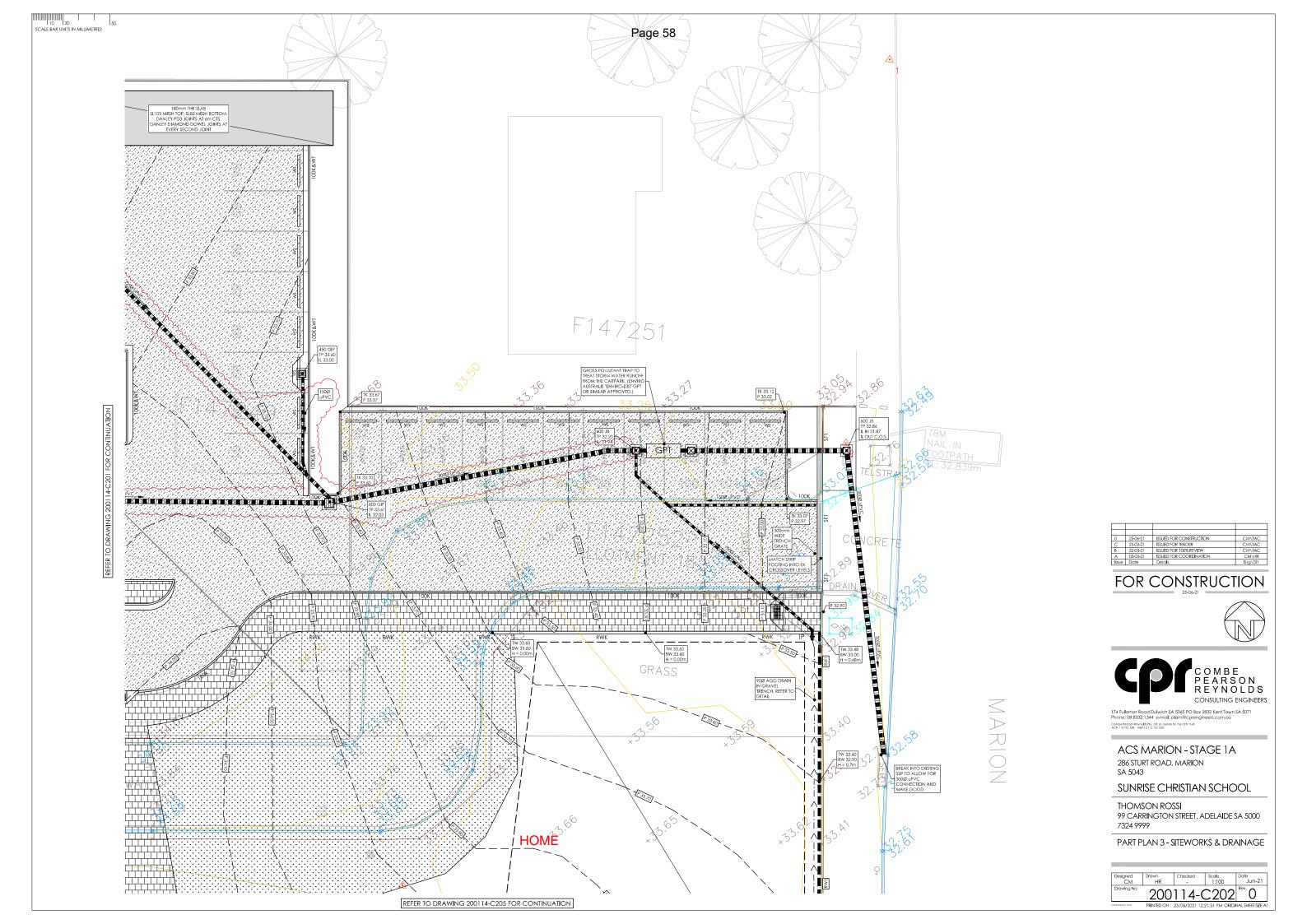
SA 5043

THOMSON ROSSI 99 CARRINGTON STREET, ADELAIDE SA 5000 7324 9999

OVERALL SITE KEY PLAN & NOTES

Designed	Drawn	Checked	Scale	Date
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Drawing No.	\sim	111/	$\sim 1 \wedge \wedge$	Rev.





Category Name: 1-Representor feedback

Overview of Category:

Total number of submitters: 7

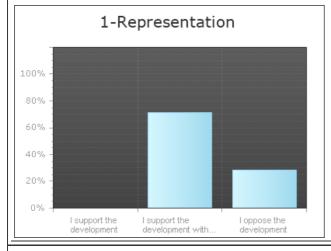
Total number of points: 7

Response field Number and Name:
1-Representation

Question:
My position is:

Total number of responses:7

Decision Sought	Number of submitters who selected this option	%
I support the development	0	0.00%
I support the development with some concerns (detail below)	5	71.43%
I oppose the development	2	28.57%



Submitters for this question

Submitters for this question

I support the development with some concerns (detail below)

1 - John William Rutherford: Have submitted my reasons via email on 9th June instant

I support the development with some concerns (detail below)

2 - Colin Denton:

I have forwarded a 2 page "ATTACHMENT TO STATEMENT OF REPRESENTATION" to Nicholas Timotheou via separate email----Nicholas.Timotheou@marion.sa.gov.au.

All of our concerns are documented in that document.

I oppose the development

3 - Man Yin:

Of major concern is the position of the proposed large commercial shed which in our opinion will dominate the end of the cul-de-sac.

We believe this will be detrimental to this location and believe, should it proceed it will impact greatly on the value of the neighbouring properties.

To overcome this problem we Tweed Ave. residents agree that the only option is for the Sunrise Christian School to plant tall evergreen trees behind all the fences that face our street.

We think these trees will enhance the end of the street & also aid in reducing pollution from the school's car parks.

I am aware of the correspondence forwarded by my neighbours & support them.

I support the development with some concerns (detail below)

4 - Carl and Margaret Kittel:

we are concerned that the height of the proposed shed is inconsistent with the visual appeal of the streetscape. The shed proposed for west and northern boundary of no 22 Tweed is a significant structure readily visible from the road, which detracts from the residential ambience of Tweed Avenue. Its imposing commercial sized dimensions creates a closed-in atmosphere. The front fence boundary of 22 Tweed is already a meter above roadway, the continued slope of the land to where shed is proposed means that from our front yard and Tweed Ave, the shed roof will be 3+meters above the already elevated land

HOME

The visual impact of the shed is exacerbated by the fact that it is located on the site in a position which is up to a meter higher than the street level. This means that the building at the western boundary will extend about 2.5 meters above the top of the fence. I understand that the school is prepared to plant advanced screening trees in the gap between the fence and the shed.

Our concern is to maintain the residential aesthetic appeal of Tweed Avenue. Advanced screening trees would soften the harshness of metalclad buildings. The proposed plans show a 1.8 masonry wall for the west boundary of 22 Tweed. 22Tweed forms half the arc of the cul-de-sac of Tweed Ave, we ask that screening and fencing for the northern boundary of 24

Tweed which is the other half of the arc of the cul de sac be complementary to any proposed changes to 22 Tweed so that the street appeal and residential ambience for Tweed Avenue is maintained

Page 60

I support the development with some concerns (detail below)

5 - Nicholas Timotheou: test

I oppose the development

6 - Brenton & Samantha Foster:

We, residents of 16 Tweed Ave, Marion reject to the proposal as outlined in this submission for the following reasons:

Our rejection is primarily concerned with the degradation of our home value due to an ever-encroaching industrial aesthetic at the end of our street. The school purchased 22 and 24 Tweed Ave in full knowledge that they were part of the Residential zone (or General Neighbourhood Zone as has been redesignated) and engaged in expansion via stealth at the expense of the neighbouring residents. We purchased our home in good faith that measures would not be undertaken by council to dramatically reduce its value. The already approved aspects of this submission threaten to do this and this subsequent application risks damaging the value even further.

- 1. 1. To our knowledge, 22 Tweed Avenue, is still part of the residential zone. We have received no advice that this is to change; however, this submission seems to take for granted that its rezoning is inevitable. Should this be the case, we are completely unsatisfied with the end of our pretty, quiet, residential cul-de-sac to be confronted with a large fence and an imposing large Colourbond shed. It is unlikely that a Colourbond shed of that size would be approved to be located that closely to a boundary fence in any residential front yard. The setback for this construction does not seem adequate given the setback of other properties within the street. The report references 20 Tweed Avenue specifically; however, fails to reference that the majority of that property's frontage contains manicured gardens and is not an imposing structure. The location for the shed should be reconsidered for elsewhere within the school's expansive premises.
- 2. According to the City of Marion, Minor Domestic Structures Information Brochure, Section 4, page 7:

Minor Domestic Structures brochure page 7:

"Garages, carports, verandahs and outbuildings located in the Residential Zone, whether freestanding or not, **should not dominate the streetscape** and be designed within the following parameters"

SCS proposed submission:

Maximum wall or post height 3.3 metres According to the diagram on page Garages and carports: 5.5 metres and at least 0.5 metres. 12 from the Planning Submission in behind the main face of the dwelling, or in line with the auestion. main face of the dwelling if the dwelling incorporates Minimum setback from a primary minor elements such as projecting windows, verandas, road frontage porticos, etc. which provide articulation to the building as From the fence of the northern it presents to the street. Outbuildings should not protrude boundary to the rear of the shed is forward of any part of the associated dwelling. 470mm Minimum setback from a 0.9 metres or in-line with the associated dwelling (whichever is the lesser) secondary road frontage Minimum setback from side or 0.6 metres for an open structure, or rear boundaries (when not 0.9 metres located on the boundary)

- 3. 2. The trees on the northern border and around the entirety of the cul-de-sac are important for the streetscape to be maintained. These trees must be tall enough to block the fence and shed outlook ideally 4-6 metres. They must be evergreen to provide coverage throughout the year. There is also significant light pollution that enters the street from the church. We expect that the carpark will also contribute some additional light pollution. Further, the removal of the houses that effectively shield a lot of this current light pollution will significantly add to this problem. This further reinforces the need for tall tree planting.
- 4. According to the submission, the school is allowing a mere 470mm for the trees to grow between the masonry fence (which will require cement foundations) and the shed. It seems unlikely that trees to provide adequate height and density for coverage will be able to survive given the limited space and lack of sufficient light. Should the trees fail to thrive we would expect Sunrise Christian School to be replacing them regularly and ensuring they are providing adequate cover. Additionally, page 1 of the City of Marion, Minor Domestic Structures Information Brochure states: "Council does recommend that these structures are setback a minimum of 600mm from a boundary or another structure so that an area where leaf litter, vermin (mice and rats) and the like do not collect and create insanitary conditions."

We assert that Sunrise Christian School should be responsible for the regular upkeep of the landscaping and maintenance at the end of Tweed Ave. In the 12 months since both properties have been acquired the front yards of both 22 and 24 Tweed Ave have degraded terribly. Further, should there be graffiti on any fencing, we request that council or the school should clean this as a matter of urgency. Should pest infestations occur as a result of the insufficient setback of the shed, we assert that the school should be held liable for the costs incurred in rectifying the problem.

- 3. The submission references both a "maintenance shed" and "storage shed". We would argue the implication of each term varies significantly. "Maintenance" implies that work will be conducted inside the shed which is reasonably expected to make noise. Given the close proximity to the northern boundary it is unsuitable to the residents of Tweed Ave to have noise coming at them from all angles should this be the case. Furthermore, the building to the east of the storage shed is a hearing clinic and I would expect excess noise in their direction is also completely unsuitable. We seek clarification and confirmation on the purpose of this shed structure. If it should be used for maintenance of any kind, we feel it is necessary for the school to include significant sound reduction measure in its construction.
- 5. 4. It is essential that no foot or car or refuse truck or bus traffic is to be generated in Tweed Ave due to the commercial nature of the school's operations AT ANY TIME. At the council meeting for 100/2020/342 the school's representative on the evening specifically stated that no heavy vehicle access to Tweed Ave would be required or sought in order to demolish the existing property (at that time just 24 Tweed Ave) or in order to construct the new development. With a young daughter whose safety is our primary concern, we request that this be formalised and that all activities relating to the demolition and construction should be conducted within the school's boundary (i.e. not via Tweed Ave). We have concerns that due to the stealth used by the school so far (deliberately purchasing residential properties and then seeking rezoning to suit their particular use with no consideration for existing residents who will be forced to bear more noise and changed amenity at the end of the cul-de-sac) that there will be an attempt to have access gates installed at a later date.

Further, there is a high likelihood that the homes at 22 and 24 Tweed Avenue will contain asbestos. While we expect that this will be removed safely, we would like to be notified in writing when its removal will be occurring. With a young child with breathing difficulties, and many elderly neighbours, this is essential to plan our weeks safely.

We also would like to highlight the constantly shifting nature of the school's development strategy. It is highly inconsiderate to the neighbouring residents to have to undertake significant consultation about these matters each year. We have lived at our address for 3 years and this is the third development application that we have responded to in addition to attending council meetings. We certainly hope that this trend does not continue each year.

For these reasons we object to the proposal in its current form. We are not against the school's intent to expand; however, it should not be continual expense and disregard to the neighbouring residents.

We look forward to hearing from you further and would appreciate the chance to speak in person at council meetings in the future.

Yours sincerely,

Brenton and Samantha Foster

note: due to irregular formatting in this text box, this text has also been supplied as PDF document which displays information more clearly.

Page 61

I support the development with some concerns (detail below)

7 - John William Rutherford:

Sir, I draw your attention to the Application ID: 21007749. The applicant being the Sunrise Christian School.

I am a 52 years resident at 20 Tweed Ave, Marion & have been fortunate to have had neighbours residing at 22 & 24 who took pride in the maintenance & presentation of their properties.

Sadly, those days are about to end with the said properties earmarked as car park space.

The existing car parks are used 6 days a week. On Sundays the City Reach Church makes good use, so not much respite!

What does that create? Quite simple – more noise, dust & carbon monoxide pollution for us, given the majority of time the prevailing winds are from the south/south east in our direction.

Other issues are the lights from the school especially when all the buildings coupled with the City Reach building & those from Harcourts Packham are on.

Once houses 22 & 24 are demolished that is going to open the entire future car parks & exacerbate the problem of excessive illumination not normally expected in a residential area.

Are the proposed car parks illuminated?

Last year I had a most cordial meeting with representatives from the school to discuss the fencing & lighting issues.

GM, Mr Mark Nokes indicated he was keen to see the Tweed Ave boundaries as masonry & was happy to address my concern with the planting of tall evergreen trees adjacent to the wall. In fact Mark suggested he'd like to see the wall curved, to which I replied, that would be an expensive exercise.

Scott Matheson from the school proposed they plant cottonwood hibiscus, stating "our horticulture guy believes they would be a perfect screening tree for there".

Credit to the school they have planted those trees along their eastern boundary.

Of concern also is the large storage shed proposed along the walkway's southern boundary.

I note with great interest that Mr Simon Channon, Principal Consultant representing URPS, has inadvertently referred to the proposed shed on what is currently no. 22 Tweed Ave., as a storage shed, yet in another paragraph it's referred to as a maintenance shed.

I would suggest there is a huge difference between what a storage & maintenance shed is!

My research indicates that a maintenance shed is a WORKSHOP.

I would suggest the reference to a storage shed is a "softer approach", masking what the real purpose is!

No longer will I see those manicured gardens from no. 22, but a colourbond wall some 3.33 metres tall – consisting of a 1.80m fence, the shed back wall 2.80m (with guttering) & the peak of the shed 3.33m!

My neighbour & I paced out the position planned for this shed.

We envisage the floor level would be close to the existing, if the concrete slab is higher it exacerbates our issue.

The shed at it's peak is 3.33 metres high & the difference from existing level to the top of kerb is approx. 800mm plus across the footpath.

When standing on the cul-de-sac kerb the shed will actually be some 4.13 metres approx. above that spot.

To say it may stand out would be an understatement!

I am quite perplexed that a structure that is 3.80 metres wide would necessitate a crossfall of some 530mm!

This exceeds the minimum for a skillion roof profile!

During a heavy storm the shed gutter 470mm from the southern walkway fence may not have the capacity to accommodate the volume of stormwater.

It is interesting that a mere 470mm has been allocated as the distance from the walkway boundary to the shed back wall for landscaping with small shrubs proposed.

I doubt those plants will last a season wedged between 1.80 & 2.80 metre walls with little sunlight & no room to water.

The application states that the shed is "a narrow and low scale structure at the street frontage such that it will not detract from the streetscape".......

Would URPS, Principal Consultant Simon Channon make that claim if he resided at the end of the said cul -de sac? So it's acceptable to replace a residence with a colourbond SHED!!!!!!

I propose that the width between the storage shed & the walkway boundary be increased from 470mm to 1.60 metres or more which would mean the loss of car park #90 only.

The school then has the capacity to plant cottonwood hibiscus trees around all the fences that border the school from Tweed Avenue as I previously discussed with them last year.

It is imperative that if the shed by chance is approved, that it is NOT visible to the residents of Tweed Ave & an instruction from the Council Planning Committee to Sunrise Christian School that approval is only granted on the condition that 4-6 metre evergreen trees are planted behind ALL school boundaries to our street.

Austral Bricks claim that their Laneway wall is in fact bricks & mortar, which will necessitate a concrete footing. HOME Obviously, the wall will need to be engineered as it exceeds the 1 metre height & the verge at it's greatest is some 800 metres approx. above kerb.

You state the footpath area from face of kerb for a distance of 1500mm is subject to a 2.5% crossfall, is that 37.5mm? If that is correct how is the remaining 700mm plus to be retained?

I request that the residents are considered when the Structural/Consulting Engineers have submitted their design for the walls & verge & that we may have input on a structure which will have an insurmountable impact on our investment!

That being our homes!

THE PREFERRED OPTION FOR MAINTENANCE SHED

I have paced the area adjacent to the school's northern boundary which borders the business on Marion Road, that being Hearing Matters.

It is roughly 24 metres x 5.5 metres & is planned for car parking.

This area can easily accommodate the shed dimensions, allow some 1.20 plus metres from the fence & still have room for cars there & increase the numbers on what is currently 22 Tweed Ave.

The existing kerbing is replaced with a spoon drain for easy access & could include grating sumps with the proposed stormwater realigned under the spoon drain.

In fact there would be less underground pvc drainage in my view.

I make this suggestion having spent considerable time at an SA local council as a draftsman & design in civil works.

From there to a family earthmoving business where we installed many kilometres of large scale stormwater drainage around the state.

Whilst the shed in this position faces the Marion Road entrance, the volume of school traffic peaks for probably 2 hours, 8-9am & 3-4pm & as the shed is only for storage it wouldn't be impacted, nor the traffic.

Whilst the school may object to this, I'm sure it would be the preferred option to appease we Tweed Avenue residents.

ATTACHMENT TO STATEMENT OF REPRESENTATION

PROPOSED DEVELOPMENT APPLICATION ID:21007749

My wife and I live at 5 Tweed Ave, Marion and I am also directly representing the views of Mrs Mary Welk who lives at 7 Tweed Ave, Marion.

The three of us have lived at our respective properties for the last 52 years.

I have made previous representations regarding proposed developments by the Sunrise Christian School as have numerous of our neighbours.

Collectively we are concerned that no one has received any correspondence from the Council or the School regarding our concerns especially as the Development Panel Chairman directed that some things needed attention by the school.

Typical examples of the things that we are concerned about and have received NO feedback include;

- 1 The noise emanating to our houses from the industrial grade dust extraction blower used to extract dust from the woodwork class activities.
- 2 Excessive use of the schools loudspeaker system.
- 3 Early morning emptying of industrial size rubbish bins and associated noise.

Surely there needs to be a mechanism implemented by the Marion Council to ensure that Assessment Panel decisions/recommendations are in fact implemented and maintained.

Relative to the current Application ID:21007749 we are concerned about the large shed proposed to be constructed on 22 Tweed Ave.

The back wall is 2.8 m high with the peak being at 3.3m and is proposed to be built 470mm from the proposed 1.8m high colour bond fence.

Plants are proposed to be planted along the fence line between the shed and the fence (470mm) and it will be difficult for plants to grow in this narrow gap with structures 1.8m and 2.8meither side.

Tall evergreen trees need to be planted along the fence line including between the fence/shed and to do this effectively the shed needs to be constructed approx. 2m from the fence to allow the plants to receive adequate water and sunlight which they need to grow.

The use of tall evergreen trees around the fence line will reduce the noise pollutants and remove the eyesore that the shed will present.

Consideration also needs to be given as to where the stormwater will be discharged as large volumes will be caught on the roof space during heavy rain events.

The demolition of both 22 and 24 must be conducted from within the school property as Tweed Ave does not have the capacity to accommodate the weight and size of heavy demolition equipment and associated road traffic.

HOME

We request that the residents be informed of the asbestos content of both 22 and 24 and the safe method of removal, transportation and disposal.

I have prepared and submitted to PlanSA the required documented form 21007749—"To vary Development Act Development Application 10..." and have received a response that it has been received.

Colin Denton

0419830803



13 July 2021

Mr Nicholas Timotheou Senior Development Officer - Planning City of Marion

Uploaded to PlanSA Portal

Dear Nicholas

DA 21012599 – Response to Representations

Introduction

Thanks for forwarding the representations received during the public notification period.

Representations were received from:

- John Rutherford of 20 Tweed Avenue, Marion
- Colin Denton of 5 Tweed Avenue, Marion
- Man Yin of 18 Tweed Avenue, Marion
- Carl and Margaret Kittle of 11 Tweed Avenue, Marion, and
- Brenton and Samantha Foster of 16 Tweed Avenue, Marion.

The issues raised in the representations relate generally to:

- The use of the proposed shed
- The change to the appearance of the site from Tweed Avenue/size of the shed
- Stormwater management, and
- Access from Tweed/Construction within School site

Adelaide 12/154 Fullarton Rd Rose Park, SA 5067

08 8333 7999

Melbourne 29-31 Rathdowne St Carlton, VIC 3053

03 8593 9650

urps.com.au





Issues Raised and Response

Use of the proposed shed

Some of the representors have identified that the proposed shed has been referred to as a maintenance shed.

For clarity, the proposed shed is a storage shed only. It was referred to as a maintenance shed only because it is to be occupied by the School's maintenance team.

The change to the appearance of the site from Tweed Avenue and size of the shed

The representors are concerned with the size and appearance of the shed to Tweed Avenue.

The proposed development incorporates a new front fence to Tweed Avenue which will be of the same design as the fence approved at 20 Tweed Avenue. It comprises a 1.8 metre high masonry fence finished in Austral "Laneway" brick in "Saloon" colour. The fence uses durable materials so that it requires little maintenance and will remain of a high standard of appearance given its location at the end of a cul-de-sac. Similarly, its design ensures that access is not available between the School and Tweed Avenue as sought by the representors.

The representors have identified that the shed will have a finished floor level up to 1 metre above the street level. The site levels will be adjusted to allow for appropriate stormwater drainage per the enclosed civil plan. At the same time, the civil design allows the shed to be sited approximately 200mm lower than initially drawn. This is lower than the floor level of the dwelling on the land. The lowering of the building by a further 200mm will also reduce the apparent height of the building within the site behind the solid front fence.

While the storage shed is long and narrow, dimensions not typically seen in a Neighbourhood Zone, it is of a size and design that is considered appropriate in this instance. This is because:

- It features a low height skillion roof and an overall height of only 3.3 metres.

 Domestic outbuildings can be constructed up to 5 metres in height as a Deemed to Satisfy kind of development (and can even be constructed to that height without requiring Planning Consent).
- Similarly, the floor area of 69m² is only marginally greater than the 60m² of floor area that can be approved as a Deemed to Satisfy kind of development.
- It is further noted that the shed is sited adjacent a public walkway which provides further separation from the land at 20 Tweed Avenue north of the site.

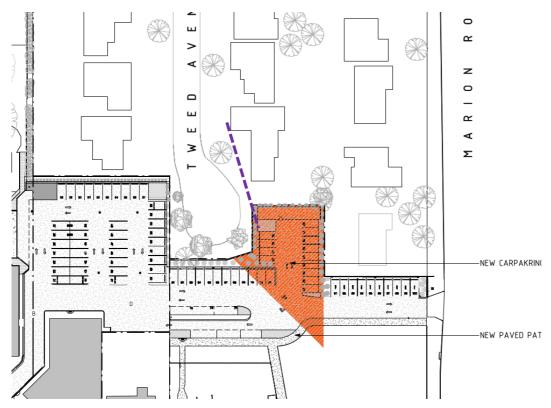




The shed's location close to Tweed Avenue is considered acceptable and appropriate in a manner that complements the streetscape. This is because:

- The site of 22 Tweed Avenue is located at the end of a cul-de-sac where the shed does not disrupt a regular setback alignment (refer figure 1 below)
- The building is set behind an attractive and durable masonry fence, and
- Additional landscaping can be accommodated between the street setback (as shown on the site plans) and will comprise Cottonwood Hibiscus plants (evergreen) or Manchurian Pears (deciduous) or a combination of both. These trees are able to grow up to 6-8 metres

Figure 1 Setback of proposed shed in the streetscape



Stormwater management

One representor is concerned with the management of stormwater from the shed and car park.

The completed site works and civil plan for the land at 22 Tweed is enclosed. Stormwater collected from the shed will be plumbed into the site's stormwater system which collects water and directs it toward Marion Road where it is treated through a





gross pollutant trap before being discharged into an existing side entry pit on Marion Road.

Access from Tweed/Construction within School site

Representors are concerned with the potential for School and construction traffic to be directed through Tweed Avenue.

The proposed masonry fence will prohibit access to the site through Tweed Avenue. School and construction traffic will only access the site from Sturt and Marion Roads.

Conclusion

Thanks for the opportunity to respond to the concerns of the representors.

The proposed development has been designed to provide the School with additional car parking and storage that is convenient within the site while also having regard to the interface with Tweed Avenue and nearby residents. The siting of the proposed building allows for the most efficient car parking layout while the shed, fencing and landscaping will all contribute to an attractive streetscape appearance at the cul-desac end of Tweed Avenue.

For the reasons outlined herein and as earlier addressed, the proposed development sufficiently meets the relevant provisions of the Planning and Design Code to warrant Planning Consent.

Can you please confirm the date and time that this matter will be presented to the Council Assessment Panel? We will be available to address the concerns of the representors.

Please call me on 8333 7999 if you have any questions.

Yours sincerely

Simon ChannonPrincipal Consultant



Page 69 CAP040821

REPORT REFERENCE: CAP040821 - 4.1

CITY OF MARION

COUNCIL ASSESSMENT PANEL AGENDA

FOR MEETING TO BE HELD ON WEDNESDAY 04 AUGUST 2021



Originating Officer: Nicholas Timotheou

Senior Development Officer - Planning

Applicant: Mr Jake Scali

Development Description: To construct a two storey detached dwelling

incorporating a garage wall exceeding 3.0 metres in height along the northern side boundary with

associated earthworks and retaining walls

Site Location: 25 Mariner Avenue, Seacliff Park

Zone: Residential Zone

Policy Area: Cement Hill Policy Area 10

Lodgement Date: 23/10/2018

Development Plan: Consolidated – 20 February 2018

Referrals: Nil

Delegations Policy: Development Delegations Policy 4.1.9

Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.

Categorisation: Category 2

Residential Zone, Public Notification section prescribes:

Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings,

row dwellings or residential flat buildings).

Application No: 100/2018/1991

Recommendation: That Development Plan Consent be REFUSED

Attachments

Attachment I: Certificate of Title

Attachment II: Proposal Plan and supporting documentation

Attachment III: Statement of Representations

BACKGROUND

A previous land use application (DA 100/2012/1088) for the subject land was previously presented to the Development Assessment Panel (DAP (now CAP)), which proposed the construction a two-storey split-level detached dwelling. This application was presented at the DAP meeting held on 7 November 2012, where Development Plan Consent was refused for a variety of reasons.

This decision was appealed to the Environment, Resources and Development Court and after a failure to reach compromise with Council, was considered by way of hearing. The outcome of the hearing was the decision of Council being affirmed and subsequently the appeal being dismissed (See MENSITIERI v THE CORPORATION OF THE CITY OF MARION [2013] SAERDC 23 (21 May 2013) via the following link).

SUBJECT LAND

The subject land is situated at 25 Mariner Drive, Seacliff Park, which is rectangular in shape achieving a site area of 450 square metres, derived from a frontage width of 15 metres and site depth of 30 metres.

The land is devoid of any buildings or Regulated Trees and maintains a substantial gradient of approximately 14% or 1-in-7, due to a fall of approximately 4.7m from the eastern corner at the front boundary, to the western rear corner of the property. Access to the site is unimpeded as a result of a rollover kerb which runs the width of the property.

An easement for Sewerage and Drainage purposes runs along the rear boundary for a width of 4.0 metres. An encumbrance to AVJennings Ltd. is registered on the subject land, as is the case with all properties within the Oceana Estate. However, this encumbrance maintains a Sunset Clause which stipulates that the rights and obligations of the Encumbrancee ceased upon 31 December 2009. The land forms part of a development known as the "Oceana Estate" and is one of the last two allotments in this estate to remain undeveloped.



LOCALITY

The locality is characterised by detached dwellings at low densities on allotments of a similar size to the subject land. A majority of dwellings in the locality are two-storey, and are sited and designed to obtain views of the Adelaide plains and coast. A number of dwellings feature split-level designs, most properties also incorporate considerably high retaining walls along side and rear boundaries.

Most dwellings in the Oceana Estate were constructed between 2005 and 2008, and therefore the subject land represents one of the last few remaining vacant allotments.

A single story dwelling is located on the adjacent southern allotment (23 Mariner Avenue). The dwelling incorporates a garage wall on the shared boundary and is setback between 1m to 2.5 metres.

A retaining wall, ranging in height from 400mm to 1.4m, is sited on the boundary and extends from the garage wall to approximately 4.5m from the rear boundary. A fence, to a height of 1.m, is sited atop the retaining wall. A timber slat privacy screen, to an approximate height of 1.4m, is attached to the rear portion of the fence.

A deck, achieving an approximate width of 5m and incorporating an above ground swimming pool, is located to the rear of the dwelling.





Images from the subject land looking south (23 Mariner Avenue pictured on adjoining land)



Image taken from rear deck area of 23 Mariner Avenue

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A two -storey split-level dwelling is located to the north of the subject land (27 Mariner Avenue) and achieves an approximate setback of 2m.

The dwelling incorporates a number of hipped sections to the roof from which assists in reducing the buildings height to the rear of the allotment.





Images from the subject land looking north (27 Mariner Avenue pictured on adjoining land)



27 Mariner Avenue pictured in the forefront and view of Mariner Avenue to the north beyond.

Due to the sloping topography of the locality, split-level designs are a common feature. A variety of housing styles are evident, noting a combination of hipped, gable and parapet roof designs in Colorbond or tiled. The majority of dwellings in the street feature rendered facades while front facing balconies and double width garages are also common.

Dwellings on the eastern side of Mariner Avenue are typically constructed on filled sites; however, are each generally stepped down from one another, following the gradient of land as it relates to the streetscape. Dwellings located on the western side of the road, feature some differences in levels resulting from changes to the slope of the land. Dwellings to the south (numbers 15 to 23) are built on somewhat flatter sites with smaller crossfalls, reducing the amount of change required to the natural ground level to create building platforms. Allotments in the mid-section of the street, however, from the subject land down to number 33 Mariner Avenue, have steeper slopes from south

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to north and these, together with crossfalls, meant that dwellings on these allotments generally required more use of fill and retaining walls, with larger walls on the northern allotment boundaries. Dwellings also stepped down the street following the slope, with most appearing to be lower than the adjoining dwelling to the south and higher than the dwelling to the north.

The subject land and wider locality can be further viewed via this link to Google Maps.



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THE PROPOSAL

The application proposes to construct a two-storey detached dwelling, incorporating a garage wall abutting the northern side boundary. The ground floor of the dwelling features a double-width garage, two rooms, bathroom, laundry, pantry and open-plan kitchen/dine/family area, providing direct access to the area of private open space. The POS comprises a flat platform beneath the under-main-roof alfresco with steps down to the remaining area above the easement, which incorporates an approximate 1m slope towards the rear boundary. The upper floor incorporates three bedrooms (main with ensuite), bathroom, rumpus room and family area, in addition to two balconies, located to the front and to the rear of the dwelling.

The dwelling contains four different levels on the ground floor, including a split of 300 millimetres between the first room and mid-section/garage, and a split of 1050 millimetres between the mid-section and the rear of the dwelling.

Earthworks are proposed to be undertaken throughout the site, including cut and associated retaining walls to maximum height of 1.65m along the south-eastern boundary, and retaining walls retaining fill up to approximately 1.4m in height along the northern boundary (combined height of 3.2m when considering the existing retaining wall on neighbouring land in cut).

Procedural Matters

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

Categorisation

The proposal includes a wall which exceeds a height of 3 metres when measured from natural ground level and as such, comprises a Category 2 form of development as stipulated by the Public Notification Section of the Residential Zone.

Public notification

Members are advised this application was notified on two separate occasions. The application was initially notified, finishing on 24 April 2019. Following notification, the applicant had various discussions with Council's regarding requests for amendments and additional information. Given more than 2 years had passed since the date on which notice of the application was given, pursuant to Regulation 22(5) of the Development Regulations 2008 the application required re-notification. Subsequently, pursuant to Regulation 22(5) Category 2 notification was undertaken a second time and concluded 8 July 2021. The below table provides details on each public notification period:

Properties Notified: 11
Persons wishing to be heard: Nil

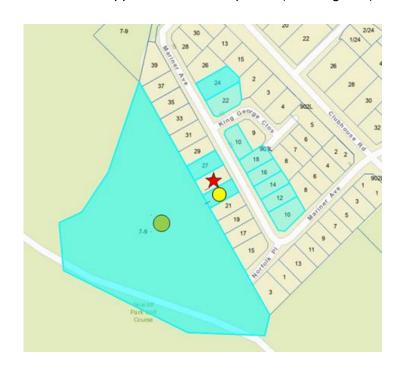
Applicants response: No response received.

Initial public notification (24 April 2019)

1 representation received by Council opposing the development which was subsequently withdrawn (circled yellow).

Second public notification (8 July 2021)

1 representation received in support of the development (circled green).



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Referrals

Development Engineer (Internal):

Referred to the Development Engineer who has advised they are satisfied with the proposed driveway gradients, finished floor levels/external paving levels to mitigate risk of a 1-in-100 year flood event.

ASSESSMENT

Zone and Policy Area Considerations

Residential Zone

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.

Proposal consider to adequately satisfy the intent of applicable Objectives.

Cement Hill Policy Area 10

Objectives

1 A policy area primarily comprising detached dwellings at low densities on individual allotments.

Partially Satisfies (refer below assessment)

Principles of Development Control

- 1 The following forms of development are envisaged in the policy area:
- detached dwelling

Assessment

The proposed development comprises a detached dwelling on an existing allotment, and therefore the essential nature of the proposal remains complementary to the Objective and PDC 1 of the Cement Hill Policy Area 10.

However, Objective 1 also specifies that dwellings should be constructed at low densities. The concept of density relates not only to site areas, but also to other aspects of a development, such as proximity of buildings to boundaries, the height, bulk and scale of buildings and site coverage. Given that the proposed built form proposes a significant size and visual bulk/scale, it cannot be asserted that the proposal comprises an entirely "low density" development. This matter will be discussed throughout this report and in particular, within the Design and Appearance and Sloping Land sections.

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Quantitative Snapshot

Criteria		Proposed dwelling	
Site coverage	40% Policy Area PDC 3	245.93sqm (54.65%)	Does Not Satisfy
Front setback	Average of adjacent (5.1 and 5.5 metre setbacks on adjoining properties) Design and Appearance PDC 22	4.3m (upper level Bedroom 1) and 4.75m (ground floor room)	Does Not Satisfy
Carport/garage setback	5.5m and behind or in-line with main face Residential Development PDC 12	5.5m	Satisfies
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width Residential Zone PDC 6	8.7m	Satisfies
Rear setback (upper)	8m Residential Zone PDC 6	7.15m and 8.7m	Does Not Satisfy
Side setbacks (ground)	0.9m Residential Zone PDC 6	North – 2.55m South – 0.97 – 1.14m (wall height varies between 2.5m and 4.53m from existing ground level)	Satisfies Does Not Satisfy
Side setbacks (upper)	Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances. Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres. Residential Zone PDC 6	North 2.1m (wall height varies between approximately 6.3m and 7.14m from existing ground level); and 2.55m (wall height varies between approximately 7.14m and 7.81m from existing ground level) South 1.35m (Bed 1 wall height varies between 5.17m and 5.7m); and 2.45m (wall height varies between approximately 5.75m and 7.1m)	Does Not Satisfy
	8m length Residential Zone PDC 6	7.35m in length	Satisfies
Boundary walls	3m height Residential Zone PDC 6	3.38m and up to 4.78m	Does Not Satisfy
Building height	2 storeys; 9m Residential Zone PDC 6	8.67m + filling of the land (1.25m) = 9.92m	Does Not Satisfy
Private open space	20% Residential Zone PDC 7	154sqm at ground level (34%) 15.2qsm at rear balcony (3.37%)	Satisfies
Private open space dimension	5x5m Residential Zone PDC 7	8.7m x 15m	Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser) Residential Development PDC 12	4.8m (35%)	Satisfies
Crossover width	5m (double) Residential Development PDC 39	5.7m / rollover kerb	Minor departure
Off-street parking	3 (1 covered) Table Mar/2	4 spaces	Satisfies

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Assessment

The following matters are considered pertinent in reaching a recommendation for the proposal;

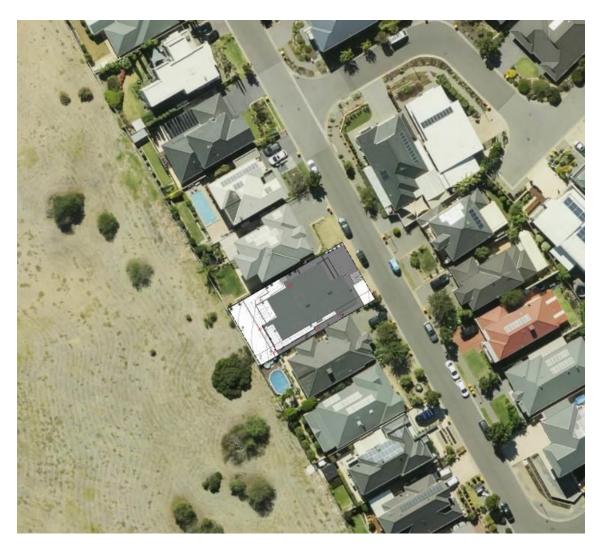
- Front Setback
- Rear Setback
- Side setbacks
- Boundary wall height
- Building height
- Design and Appearance / Sloping land
- Overshadowing
- · Earthworks and retaining walls
- Visual Privacy
- Site Coverage

Front Setback

A front setback of 4.3m is measured to the upper level of the dwelling, which steps back to 5.5m and 7.23m. At ground level, the building is setback 4.75m at the closest point. It is acknowledged dwellings on adjoining land achieve front setbacks of 5m and 5.5m.

As a result of the distinct and consistent setbacks of buildings along Mariner Avenue, together with the proposed two storey nature of the dwelling, the proposal is considered to result in impacts upon the streetscape which break the consistent pattern of development. A portion of the first floor is setback 4.3m and will project forward of dwellings within the street and therefore, is not considered to promote a cohesive outcome. Although this portion of the dwelling will generally be located in-line with the front porch of 23 Mariner Avenue, the two storey built form is considered to present as a more prominent outcome.

The below image provides the approximate location of the proposed dwelling and its siting compared to others in the street. It is acknowledged other two storey dwellings in the locality incorporate similar arrangements; however, are generally in the form of protruding balconies or lightweight structures, with the building line remaining consistent with adjoining land. To this end, the proposal is considered inconsistent with the prevailing front setbacks and fails to achieve the intent of PDC 22, General Section, Design and Appearance.



Rear Setback

The upper storey achieves a setback to the dwelling wall of 7.1m, and steps further back to 8.7m. The rear balcony achieves a setback of 5.8m. Principle 6 of the Residential Zone prescribes that two-storey components of dwellings should be set back 8m from the rear boundary.

The rear portion of the dwelling maintains a wall height of 7.1m, which exceeds the desired maximum of 6 metres for two-storey dwellings. Whilst the wall height is substantial, and would generally require a greater setback, given the rear boundary abuts open space, the shortfall is considered to have a negligible impact. This notwithstanding, when viewed in context of the immediate locality, it is identified a majority of dwellings incorporate rear setbacks in the order of 9m (with balconies setback closer at 6m). As such, it must be recognised that the proposed rear setback remains at variance with the established pattern of setbacks in the locality.

Despite the proposal resulting in negligible amenity impacts upon the adjacent Golf Course, it is important to acknowledge that the visual impact arising from the shortfall in rear setback will be apparent when the building is viewed from neighbouring properties to the north and south. The excess in wall height, combined with the upper level footprint and its reduced separation from the rear boundary, is considered to emphasise the overall bulk/scale of the dwelling, particularly when viewed from the rear yards of 23 and 27 Mariner Avenue. The visual impact and extent of shadow induced by the shortfall in rear setback is discussed in further detail in the Overshadowing and Design and Appearance & Sloping Land sections of this report.

Side Setbacks

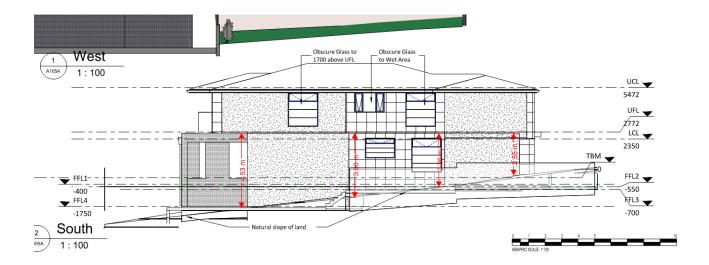
Ground floor (southern side setback)

Given the sloping nature of the allotment it is important to note that the required setbacks increase to reflect the changing topography. The rear portion of the dwelling achieves a wall height of 4.53m and reduces to 2.55m at the front of the building, as depicted in the below image. The Development Plan seeks a 3m setback, where the proposed 1m - 1.44m setback falls short of criteria by 1.56m - 2m.

This notwithstanding, it is acknowledged the finished floor level of neighbouring property (23 Mariner Parade) is sited approximately 1.6m above the finished floor level of the proposed dwelling (rear of site). Consequently, the effective wall height of the ground floor as viewed from adjoining land equals approximately 2.93, which would require a setback of 1m. Similarly, at the front of the site, the wall height relative to adjacent land measures between 2m and 2.7m.

It is also acknowledged the side boundary maintains a south-eastern orientation (rather than a true southern angle), and therefore a setback somewhere between 2m and 3m could be considered appropriate.

As a result of these considerations, the proposed ground floor side setback of 1m is not considered to be unreasonable.



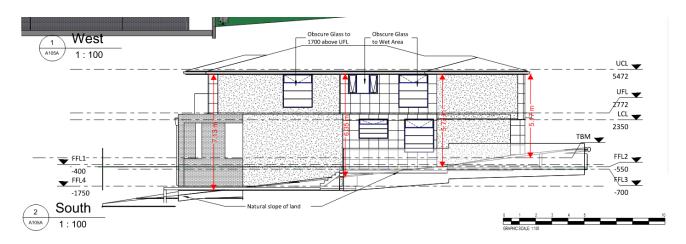
First floor (southern side setback)

The proposed dwelling maintains wall heights along the south-eastern elevation ranging between 5.17m and 5.7m at the front of the building and 5.7m to 7.1m for the remaining portion. This upper storey wall is set back from the side boundary by 1.35m and 2.45m, where a setback of 3m to 4.1m is sought, relative to the wall height. This represents a deficiency ranging between 1.45m to 1.65m. When considering this shortfall, the following points should also be noted:

• The setback requirement quoted above relates to a boundary with a wholly southern orientation, however the subject boundary maintains a south-eastern orientation. If the boundary were considered wholly eastern, a setback between 2 and 3.1m would be required.

• The finished floor level of the south-eastern neighbouring property is sited 1.6m above the finished floor level of the proposed dwelling. Consequently, the effective wall height of the upper storey as viewed from adjoining land ranges between 3.57m and 5.5m.

Whilst the shortfall in upper storey side setback remains substantial in nature, the above points demonstrate that the impact on adjoining land may not be as severe as a shortfall of this nature would generally induce. Whether the shortfall in setbacks, when considered in isolation, will result in unreasonable impacts to the extent that refusal is warranted is finely balanced. The impact of shortfalls in side and rear setbacks upon the impact on the amenity of adjacent land must be considered in conjunction with assessment against the Design and Appearance, Sloping Land and Overshadowing sections of this report.



First floor (Northern side setback)

The upper storey is set back from the north-western side boundary by 2.1m and 2.55m. This notwithstanding, it is acknowledged as a result of earthworks adjacent to the northern side of the site, wall heights are exacerbated, whereby, greater setbacks may be sought.

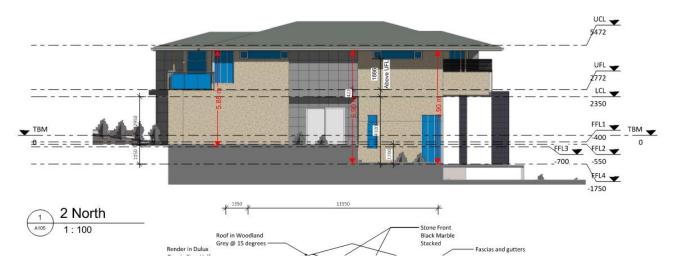
The Rumpus room achieves a wall height between 6.3m and 7.15m whereas the Family area displays wall heights in the order of 7.15m and 7.82m. These measurements have been extrapolated and calculated from the existing ground level (i.e. wall height as measured beneath the area of proposed earthworks).

The wall heights along the length of the northern upper level exceeds 6m and are shown in the below table:

Portion of first floor	Wall height (FFL – Top of wall)	Earthworks (fill)	Total wall height	Development Plan setback	Proposed	Departure
Rumpus	5.85m – 6.9m	0.45m - 0.25m	6.15m – 7.15m	2.15m –	2.1m	0.05m –
room				3.15m		1.05m
Family	6.9m	0.25m - 0.91m	7.15m – 7.81m	3.15m –	2.55m	0.6m –
room				3.81m		1.26m

The departure in northern side setbacks are substantial. Although the adjacent dwelling does not incorporate any habitable room windows/doors on its southern façade and any overshadowing caused by the subject dwelling's siting adjacent the north-western side boundary should be negligible, the overall bulk and scale of the building is likely to be apparent. These impacts are further in the Design and Appearance section of this report.

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Boundary wall height

The garage of the proposed dwelling is sited abutting the north-western side boundary, maintaining a length of 7.35m, where the Development Plan seeks a maximum length of 8m. The wall height ranges between 3.38m and 4.78m (from existing ground level), where a maximum of 3m is sought. As such, the excess in wall height remains the only notable departure with respect to the boundary wall.

The impact of the 0.4 to 1.8m excess in wall height upon adjacent land should be relatively minor in nature, given that the adjoining land features a solid wall/side path (containing only an obscured ensuite window) in proximity to the boundary wall.

As a result of these considerations, the siting and dimensions of the proposed boundary wall is considered appropriate and will not result in significant amenity concerns on adjoining land.



Design and Appearance and Sloping Land

In the absence of a Desired Character statement for the Cement Hill Policy Area 10, the design and appearance of the dwelling is primarily based on the General Section of the Development Plan. Broadly speaking, the Principles seek development of a high design standard that responds to and reinforces positive aspects of the local environment and promotes built form which has regard to building height, mass and proportion, bulk and scale with the aim to minimise amenity impacts on adjoining land and the surrounding locality.

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The main face of the dwelling presents an articulated façade to the streetscape, including a combination of parapet and hipped roof design, rendered façade in a beige finish together with blade type walls in stacked black marble stone. The garage features a panel lift door with high level windows while a front facing balcony sits atop this portion of the dwelling featuring a glass balustrade.

The main entrance door, portico, balcony and a number of habitable windows present to the street frontage in order to provide surveillance and reinforce the residential presence of the building within the streetscape.

The side elevations of the building incorporate a number of windows, mixture of render and stacked black marble stone, stepping of the façade and eave overhang. The rear balcony is fitted with privacy treatments on each side, including a 1m high solid balustrade with 800mm high horizontal slats atop. The rear balcony is setback 5.8m form the rear boundary.

Despite the abovementioned design elements, the building maintains substantial bulk due to its considerable wall height and failure to accord with the desired setbacks from boundaries. This outcome is contrary to General Section PDC 1(a) and 2(b) of Design and Appearance and PDC 2 of the Sloping Land sections of the Development Plan. As a result of the increased wall height towards the rear of the dwelling, paired with wall heights up to 7.8m from existing ground level, the proposal represents excessive bulk and scale which will not go unnoticed from adjoining land. The rear balcony is considered to present as a continuation of the upper level dwelling walls and, while screening materials aim to protect the privacy of adjoining land, this arrangement results in an outcome which reinforces the bulky nature and scale of the built form.

The Development Plan seeks development on sloping land to integrate and compliment the natural topography and minimise the need for earthworks. A design reflective of these outcomes would anticipate a greater split level in the dwelling, together with variations in roof line and wall heights which follow the natural slope of the land. The proposal fails to complement the natural form of the land and has opted for an elevated design. Although this is not uncommon for the locality, when in conjunction with the substantial wall heights and failure to accord with side and rear setbacks, the overall presentation is considered to result in substantial visual amenity impacts.

The design of the dwelling has not had due regard to the applicable provisions of the Development Plan which aim to minimise visual amenity impacts upon adjoining land and call for development which is sympathetic to the local surrounds.

Building Height

When measured from the lowest point of existing ground level, the dwelling achieves a height of 9.92m where the Development Plan guidelines identify a desired maximum of 9m. This represents an excess of 0.92m. Although the excess in building height will unlikely result in any significant view loss from adjacent land, the dwelling as viewed from 23 and 27 Mariner Avenue is considered to present as a visually dominant building, representing substantial bulk and scale impacts. This outcome has been discussed in the Design and Appearance and Sloping Land section of this report and the overall building height is a failing of the proposal which contributes to these impacts.

Overshadowing

The south-eastern neighbouring dwelling, located at 23 Mariner Avenue, features three substantial windows on the north-western side façade, belonging to the family and lounge area, and glass French doors accessing the family area. As demonstrated in the Shadow Diagrams submitted to Council, these windows will remain in shadow for a majority of the day.

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Whilst this extent of sun exposure does not accord with Principle 10, it is important to note that a 1.8m height fence would cast shadow for a length of approximately 2m at 12 noon, extending to 4.9 meters at 3pm. Given that the doors/windows are set back from the subject boundary by 1 and 3m, it is apparent that shadow cast from the existing boundary fencing and screening at 12 noon currently affects the dinning window, with all windows/doors are shaded by 3pm in winter solstice. The additional shadow cast by the proposal will be on the existing french doors and lounge windows from approximately 12pm. Whilst this is not ideal, it is important to note that increasing the rear setback and side setbacks of the proposed dwelling in a manner which complies with setback criteria would be unlikely to enable the provision of winter sun to these northern windows. Given the above, it is not considered that a reasonable and anticipated form of development can be accommodated which appropriately satisfies Principles 9 and 10.

The ground-level open space of 23 Mariner Avenue comprises 112 square metres, and therefore 35 square metres represents the applicable smaller measurement in respect to Principle 11. At 9am minimal shadow will be cast upon adjoining land. By 12 noon, approximately 43 square metres in the southern corner of the rear yard will still receive direct sunlight. By 3pm, the shadow will have moved such that the portion of land adjacent the rear boundary comprising approximately 84.4 square metres along the rear boundary will receive direct sunlight. Accordingly, the projected extent of overshadowing of the southern neighbour's open space remains compliant with Principle 11.

As a result of these considerations, the extent of shadow cast onto adjoining land by the proposed development is not considered to be unreasonable in nature.

Earthworks and retaining walls

To appropriately relate to the contours of the land and minimise the extent of cut/fill required, the dwelling incorporates four different ground floor levels. Nevertheless, sloping nature of the subject land, a considerable extent of earthworks and associated retaining are required.

The proposed finished floor levels necessitate up to 1.65m of cut adjacent the south-eastern boundary, and 1.45m of fill adjacent the north-western boundary.

Although a large extent of earthworks is proposed, a relative median between cut and fill of the site is still achieved. Further, the finished floor levels presenting to the streetscape are sited approximately 600mm below the south-eastern neighbour, and 550mm above the north-western neighbour, and therefore are appropriately transitioned to reflect the gradient of land as it relates to the streetscape.

While the proposed retaining walls exceed 1m in height, it is important to acknowledge that retaining walls constructed on adjacent land and elsewhere in the locality generally exceed 1m due to the steep sloping nature of the locality and limited allotment dimensions, which makes terracing along side boundaries difficult to achieve.

It is noted that the north-western adjoining property (27 Mariner Avenue) presently incorporates a retaining wall along the shared boundary, varying in height from 1.8 to 2.2m. Given that the subject application proposes additional fill and retaining along this boundary to a maximum height of 1.45m, the total height of retaining will equal 3.2m at the highest point. Whilst this combined height is excessive, the true extent of fill proposed in the subject application is typical of other dwellings in the locality, and therefore a reduction in the height of retaining is not considered to be justified simply due to the extent of cut that has been undertaken on neighbouring land.

Additional retaining is proposed along the south-eastern boundary to accommodate up to 1.65m of cut. Given that the retaining wall is holding cut only, the structure should be of minimal consequence to the amenity of the adjoining property.

HOME

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On balance, the proposed earthworks and retaining achieves an adequate outcome upon a site which is restricted in site dimensions. That proposed is not significantly out of character with the extent of earthworks that have occurred on adjoining land and throughout the locality.

Visual Privacy

The upper storey windows on the front elevation of the dwelling remain unobscured, however their orientation permits direct views of the streetscape only, and therefore should not result in privacy issues. The front balcony does not incorporate any screening and a side facing window associated with the first floor Rumpus room is unobscured. Given, the property at 27 Mariner Avenue does not incorporate any habitable room windows on the affected side façade, views obtained from the front balcony/Rumpus room window will not affect any usable areas of private open space or habitable room windows of the adjoining property.

With the exception of the side facing full length Rumpus room window (mentioned above), all upper storey windows on the side elevations of the dwelling incorporate either a sill height 1.8m above the internal floor level, or obscure glass to a point 1.7m above the floor level. These measures should provide appropriate privacy to adjoining proprieties by minimising downward view.

The glass sliding doors to the family area and window of the rear facing Bed room located on the rear elevation remain unobscured. These windows are oriented toward the golf course immediately to the rear of the subject land, and therefore direct views obtained from these areas should be primarily limited to the golf course. It is noted that other dwellings on the south-western side of Mariner Avenue are designed to obtain views of the golf course and ocean to the north-west, and therefore typically do not incorporate screening elements on the rear windows or balconies.

The rear balcony incorporates a solid 1.1m high balustrade, combined with horizontal slats atop the balustrade, 800mm in height. This balustrade and screening is provided on its south-eastern and north-western side, and therefore side views into the private open space of adjoining properties should be appropriately limited. It is also acknowledged the dwelling at 27 Mariner Avenue incorporates a rear facing balcony designed in a similar manner.

The development is considered to maintain an adequate level of visual privacy to adjoining properties in accordance with Principle 11 of the General Section, Design and Appearance.

Site Coverage

A site coverage of 54.65% is proposed whereby the policy area prescribes a maximum of 40%. While the building footprint exceeds the numerical provision, it is evident dwellings within the immediate locality maintain site coverage exceeding 40%. Subsequently, the proposed site coverage is considered to appropriately reflect the established character of the locality. It is also of value to note the proposal provides more private open space than the minimum 20% required (37.4% achieved). Accordingly, the excess in building footprint should not detract from the functionality of the proposed development, nor will it be incompatible with the established character of the locality.

This notwithstanding, it is acknowledged the excess in site coverage contributes to the majority of other departures identified and discussed throughout this report, namely, setbacks from boundaries and bulk/scale. It is acknowledged that in the event a smaller dwelling footprint were achieved (at ground and the first floor), the proposal would likely achieve greater compliance with building setbacks from boundaries and see a reduction in the overall bulk and scale presenting to adjoining land.

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Conclusion

The preceding assessment has demonstrated that, on balance, the proposal does warrant consent.

The main façade features a variety of complementary colours and materials and design elements, stepping and glazing. The presentation to the street is articulated and is considered to provide visual interest, while minimising garage dominance. The use of render, stacked black marble stone and a panel lift garage door is complementary to dwellings in the locality.

The excess in boundary wall height is considered acceptable given it abuts the adjacent dwelling's side path, with only a minor portion of wall visible to the adjacent allotment and wider locality. The excess in wall height will not result in adverse amenity impacts on adjoining properties with respect to overshadowing or bulk or scale.

Notwithstanding the above, the proposal fails to accord with the majority of Council's Development Plan guidelines, namely front, rear and side setbacks, site coverage, building height and boundary wall height. Although some of these departures could be considered acceptable in isolation (i.e. justified setbacks from boundaries), their combined impacts upon adjoining land and the streetscape are considered fundamental to the overall merits of the proposal.

The front setback of the dwelling results in an outcome where the two storey element achieves limited separation from the street. Other dwellings achieve similar setbacks; however, are generally in the form of light weight structures or front facing balconies. The separation of 4.3m at the closest point is considered inconsistent with the prevailing character of front setbacks in the street.

Site coverage exceeds the Development Plan guidelines by 14.6% and although comparable to other developments in the locality, it magnifies other shortfalls and contributes to the overall bulk and scale of the dwelling and inability to satisfy minimum side/rear setbacks.

The proposal is elevated above the existing ground level, resulting in substantial wall heights which have not had due regard to the desired side setbacks. When paired with departures in rear setbacks, the overall built form is considered to demonstrate substantial bulk and scale, particularly when viewed from the properties located at 23 and 27 Mariner Avenue. The built form fails to complement the natural contours of the land and as a result the combined quantitative failings, together with the design and appearance of the dwelling, the proposal is considered to result in unacceptable amenity impacts upon adjoining land are substantial.

The dwelling's excess in site coverage, departures in front, rear and side setbacks requirements and the failure to set back side walls sufficiently as wall heights increase are considered to represent a development of excessive bulk and scale. Collectively, these failings result in a development which fails to minimise visual impacts on adjoining properties and to this end, the proposal warrants refusal.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993.

The proposed development does not sufficiently accord with the relevant provisions of the Marion Council Development Plan, and as such, refusal of the application is warranted.

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Recommendation

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation:
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2018/1991 for the construction of a two storey detached dwelling incorporating a garage wall exceeding 3.0 metres in height along the northern side boundary with associated earthworks and retaining walls at 25 Mariner Avenue, Seacliff Park be REFUSED for the following reasons:

REASONS FOR REFUSAL

- 1) The dwelling fails to maintain a low density character due to its bulk and scale, design and appearance, wall heights and setbacks, and is therefore at variance to Objective 1 of the Cement Hill Policy Area 10.
- 2) The site coverage of the land is at odds with Residential Zone, Principle of Development Control 6 and contributes to the overall bulk and scale of the dwelling and failure to satisfy front, rear and side setback principles.
- 3) The dwelling's setback from the south-eastern and north-western side boundary and rear boundary are at odds with Residential Zone, Principle of Development Control 6, and results in unreasonable visual bulk and scale upon adjoining land.
- 4) The dwelling's building height as measured from natural ground level contributes to the overall bulk and scale of the building as viewed from adjoining land. The proposal is therefore at odds with Residential Zone, Principle of Development Control 6 and Design and Appearance, Principle of Development Control 1(a) and 2.
- 5) The dwelling's front setback is inconsistent with the prevailing character of the locality and is at odds with Design and Appearance, Principle of Development Control 21 and 22.
- 6) The dwelling's setbacks from side and rear boundaries have not had regard to the proposed wall heights, which results in substantial visual impact as viewed from adjoining properties. Consequently, the proposal is at odds with Design and Appearance, Principle of Development Control 2(a) and (b).
- 7) The development is not sited and designed in a manner that minimises its visual impact and reduces the bulk of the buildings and structures, and therefore does not satisfy Sloping Land, Objective 1 and Principle of Development Control 2.
- 8) The building is not designed to minimise its visual impact in the landscape, due to the mass of the building, lack of variations in the wall and roof lines, and failure of the floor plan to complement the contours of the land, and as such fails to accord with Siting and Visibility, Principle of Development Control 4.

HOME

Page 88 CAP040821

9) The design and appearance of the dwelling results in unreasonable visual bulk, and therefore is at variance with Design and Appearance, Principle of Development Control 1.



Page 89

Product Date/Time

Customer Reference Order ID Register Search (CT 5927/510) 26/10/2018 02:29PM

2018_1991 20181026007190

Cost \$28.75

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5927 Folio 510

Attachment I

Parent Title(s) CT 5925/172

Creating Dealing(s) RTU 10063646

Title Issued 19/10/2004 Edition 2 Edition Issued 17/11/2005

Estate Type

FEE SIMPLE

Registered Proprietor

SERGIO VINCENT MENSITIERI PAULA MENSITIERI OF UNIT 2 579 BRIGHTON ROAD SEACLIFF SA 5049 AS JOINT TENANTS

Description of Land

ALLOTMENT 39 DEPOSITED PLAN 65885 IN THE AREA NAMED SEACLIFF PARK HUNDRED OF NOARLUNGA

Easements

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED C FOR SEWERAGE PURPOSES TO SOUTH AUSTRALIAN WATER CORPORATION (223LG RPA)

SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED C FOR DRAINAGE PURPOSES TO THE COUNCIL FOR THE AREA (223LG RPA)

Schedule of Dealings

Dealing Number	Description
----------------	-------------

10334091 ENCUMBRANCE TO AVJENNINGS LTD. (SINGLE COPY ONLY)

10334092 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD. (SINGLE COPY ONLY)

Notations

Dealings Affecting Title NIL
Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes NIL

Administrative Interests NIL

HOME

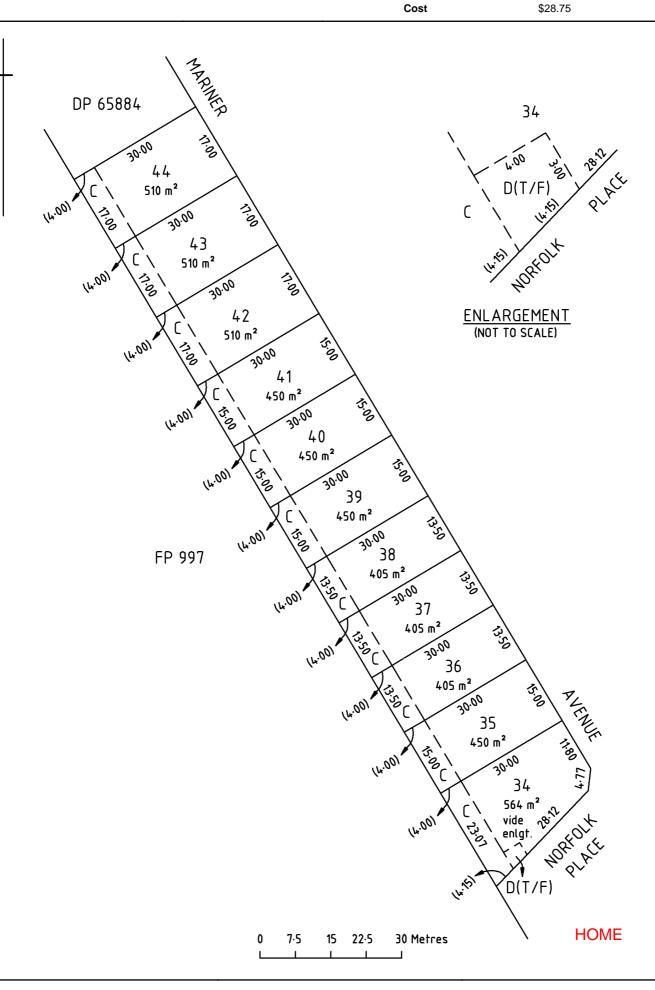
Land Services Page 1 of 2

Product Date/Time **Customer Reference** Order ID

26/10/2018 02:29PM 2018_1991 20181026007190 \$28.75

Register Search (CT 5927/510)







Proposed New Development Lucia Homes 25 Mariner Ave Seacliff Park 5049

PLANNING NOTES:

SUBJECT SITE HAS CONNECTION TO SEWER, POTABLE WATER SUPPLY AND ELECTRICITY VEHICLE ACCESS TO BE PROVIDED VIA NEW INVERT AND CROSSOVERS TO COUNCIL SPECIFICATION IN ACCORDANCE WITH SECTION 221 OF LOCAL GOV'T ACT 1999. EXISTING REDUNDANT CROSSOVER TO BE REINSTATED AS STANDARD COUNCIL 150 UPSTAND KERB AND GUTTER.

NO REGULATED OR SIGNIFICANT TREES EXIST ON THE SUBJECT SITE OR ADJOINING LAND THAT MAY BE AFFECTED BY PROPOSED DEVELOPMENT.

THERE ARE NO EASEMENTS, ENCUMBRANCES, CAVEATS OR LAND MANAGEMENT AGREEMENTS AFFECTING THE SUBJECT LAND.

FINAL LEVELS AND DRAINAGE IS TO BE IN STRICT ACCORDANCE WITH ENGINEER'S STORMWATER MANAGEMENT PLAN.



HOME

HOME

Proposed New Development

Sheet Name:

Page

New Site Plan

of

interior design

mobile: 0414 170 739

e: alex@yourspaceinteriordesign.com.au

w: www.yourspaceinteriordesign.com.au

Project Address:

5049

25 Mariner Ave Seacliff Park

Checked By:

Project

Status:

Project Number:

08/07/19 A102 New Plans with new Engineering 30.05.21 9/06/21 17/07/21 20.07.21 As indicated

Sheet Number:

Date

16/06/19

3D Shadow diag

FFL Neighbour

Remove Pool

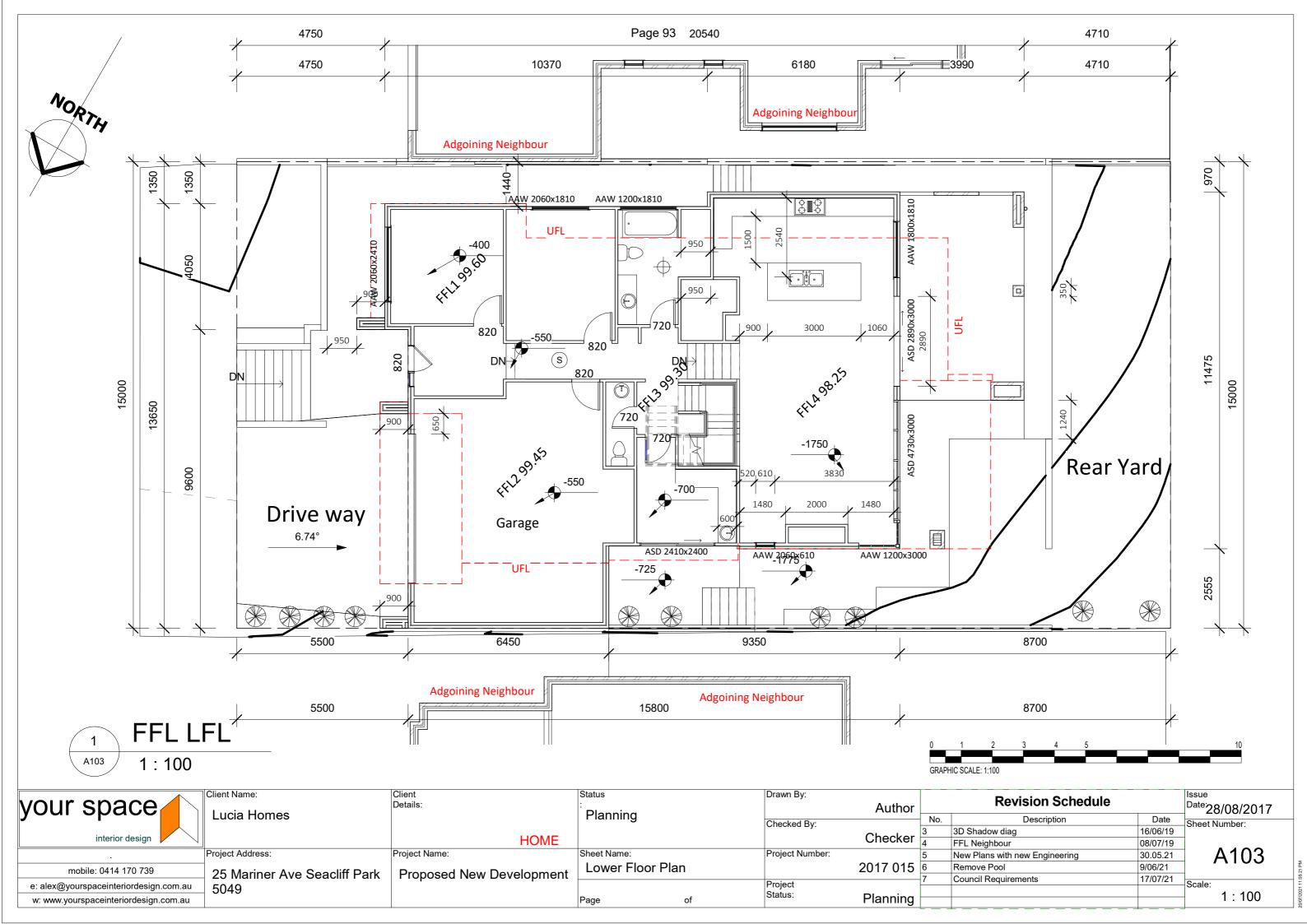
Council Requirements

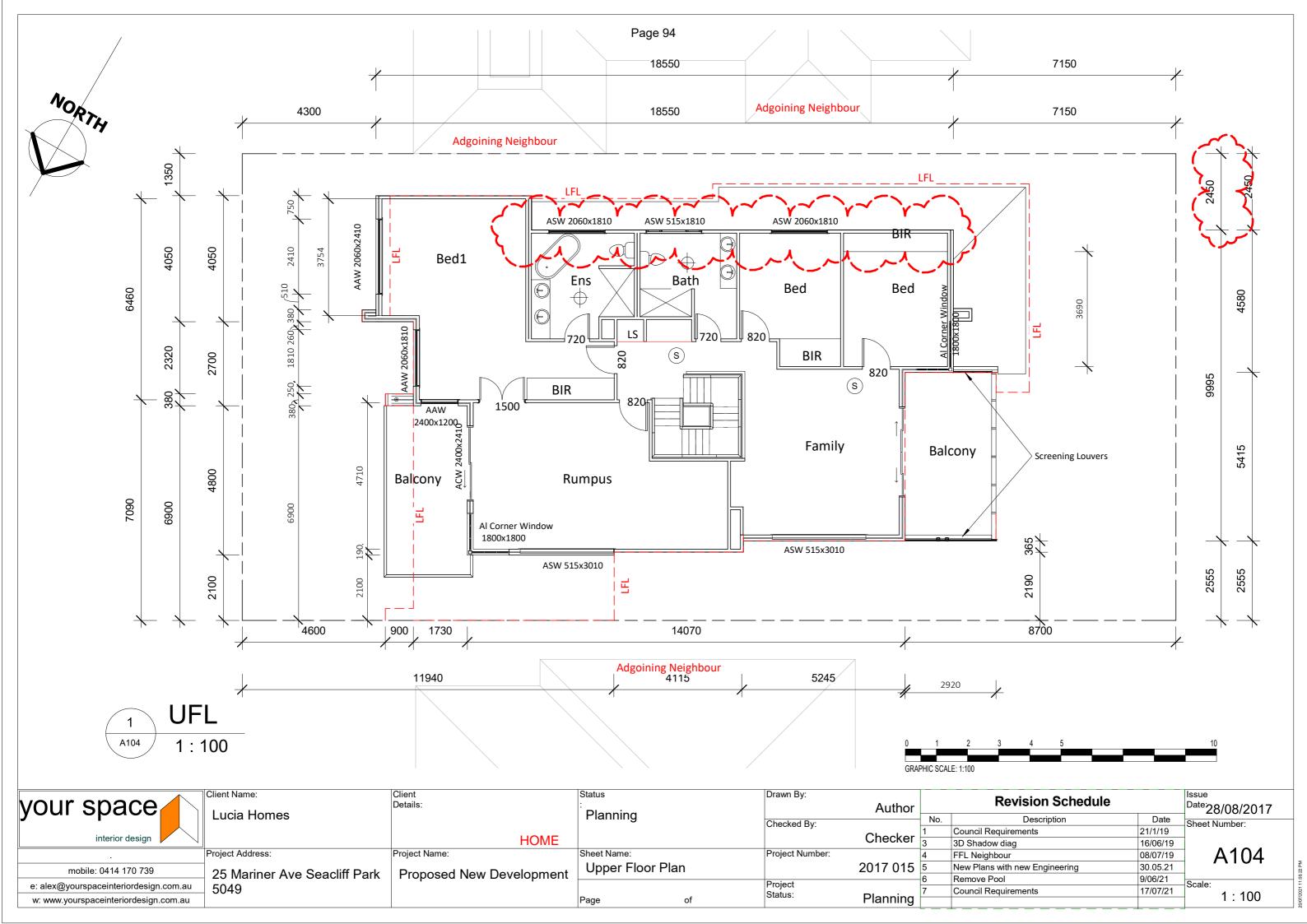
Addded Screening

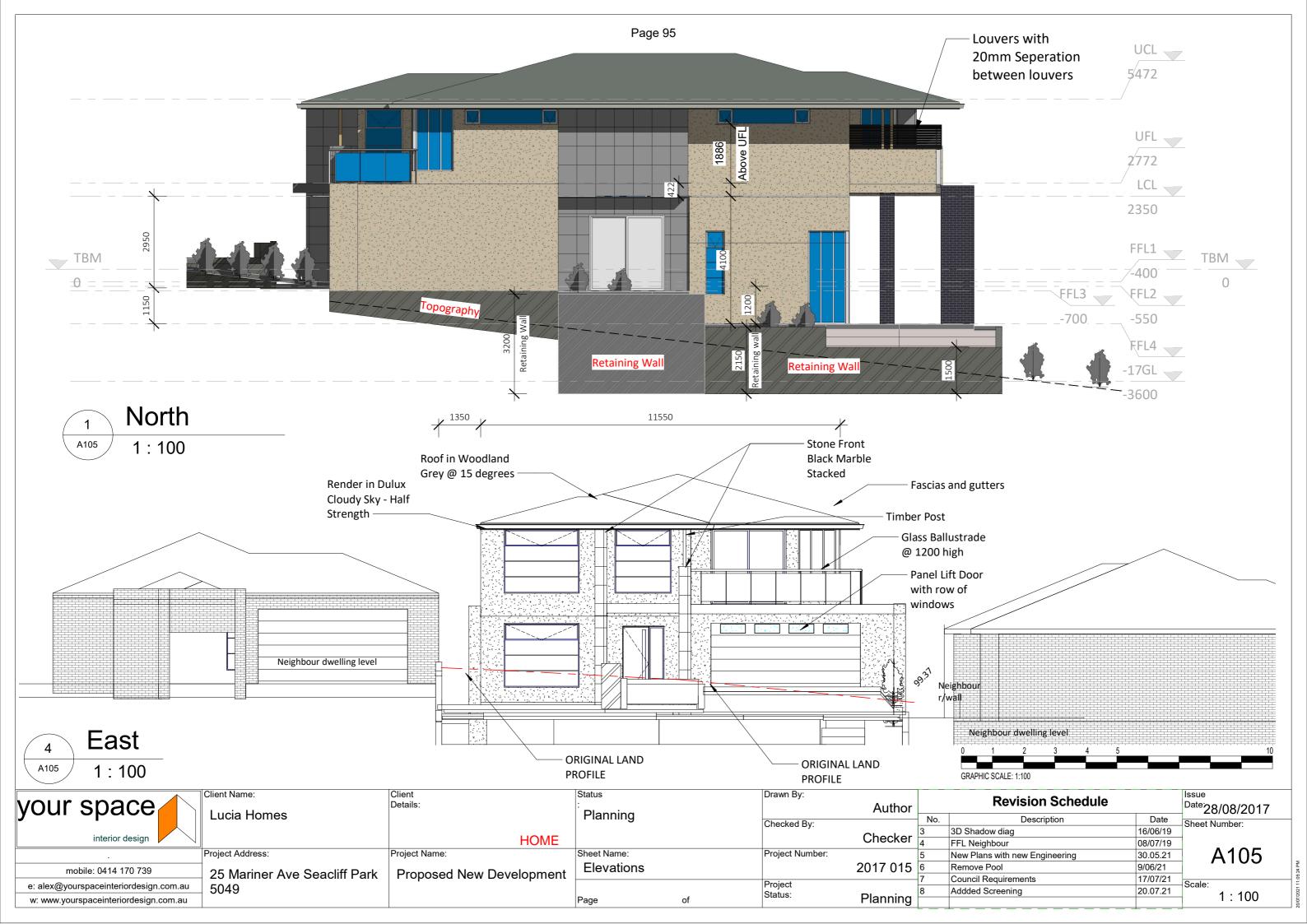
Checker

2017 015

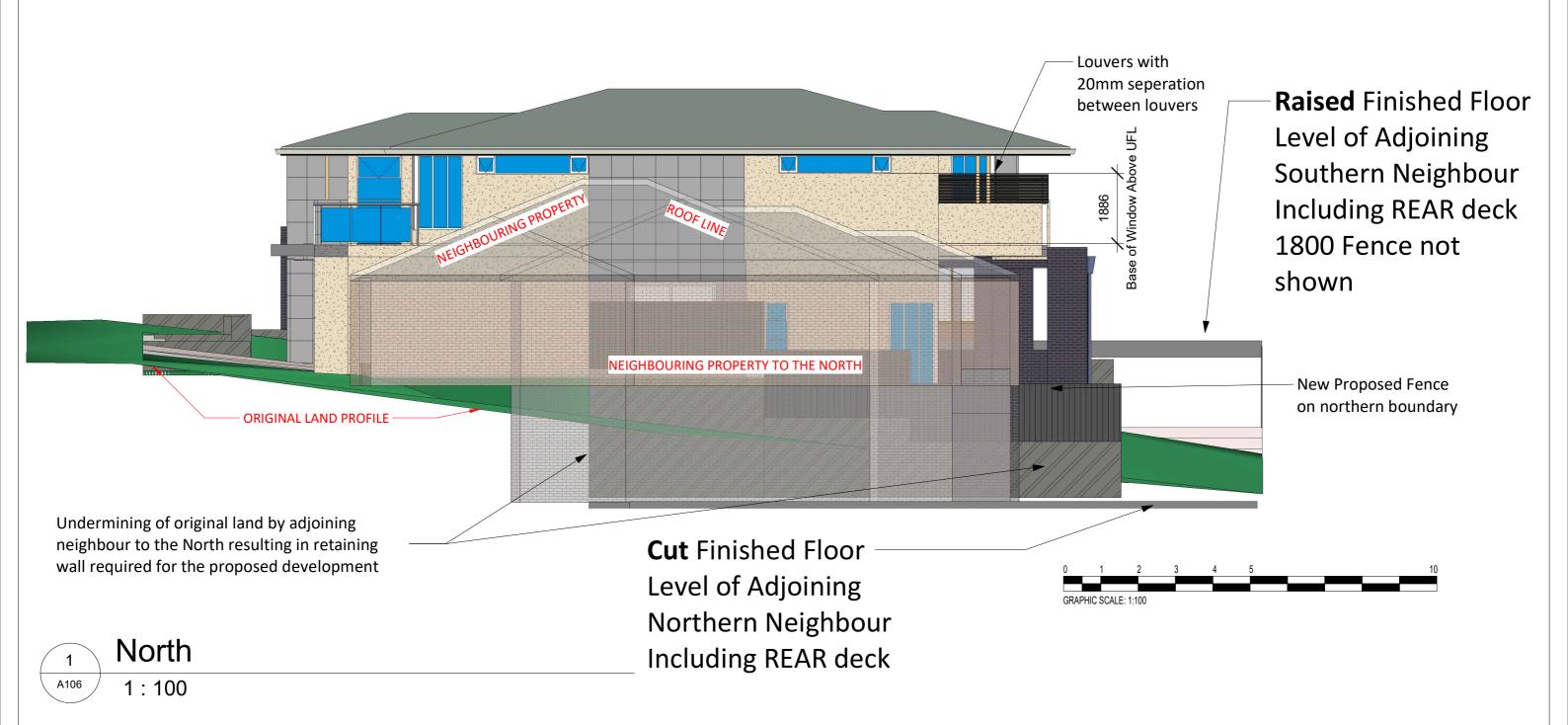
Planning



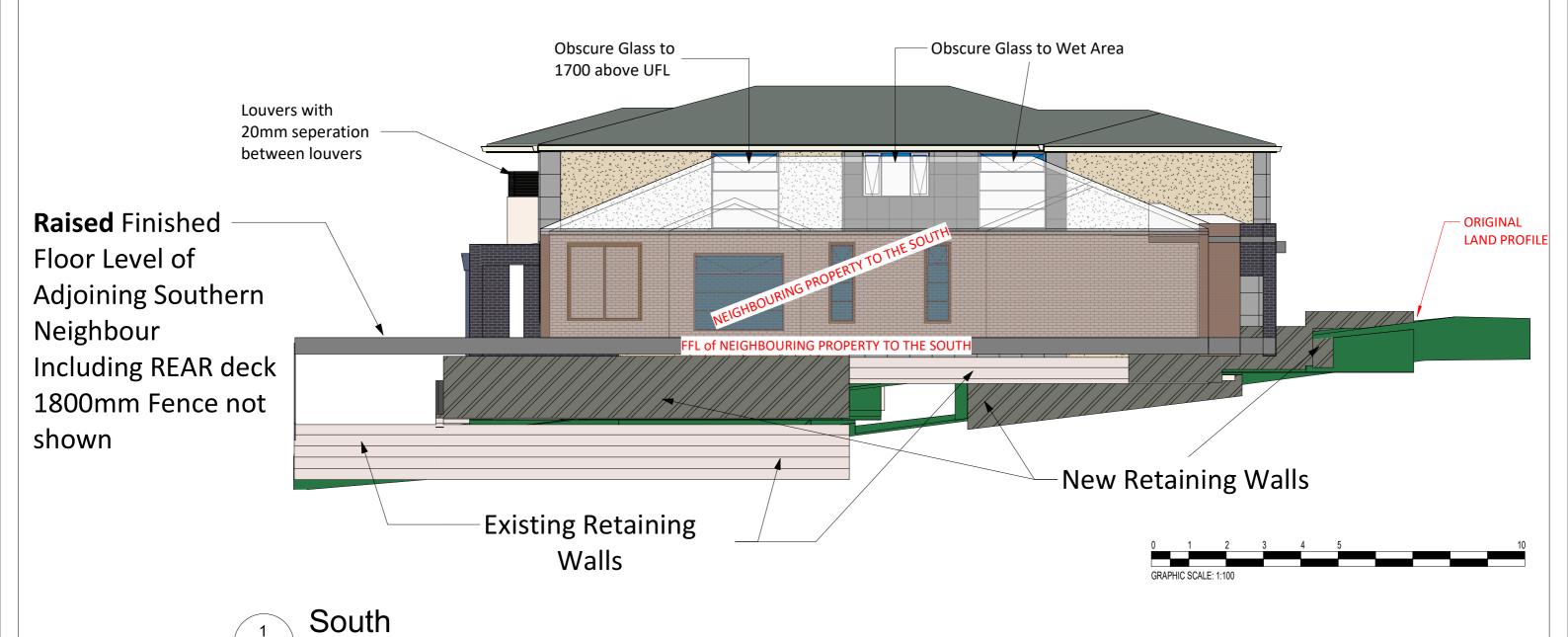








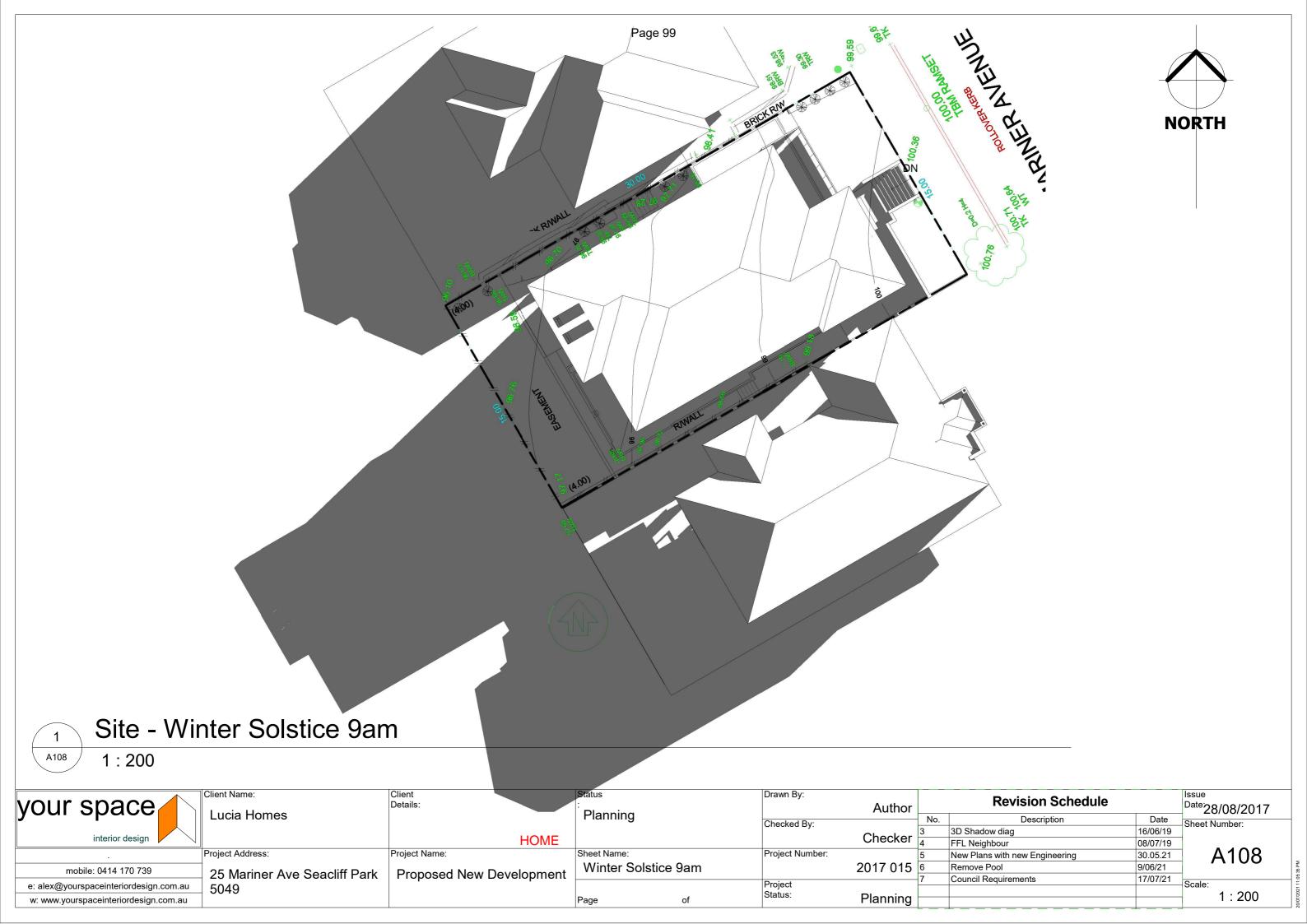
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interior design		LIOME		0	Checker 3	3	3D Shadow diag	16/06/19	
• , ,		HOME			CHECKEI 4	4	FFL Neighbour	08/07/19	
	Project Address:	Project Name:	Sheet Name:	Project Number:	5	5	New Plans with new Engineering	30.05.21	A106
mobile: 0414 170 739	25 Mariner Ave Seacliff Park	Proposed New Development	North Elev with Neighbours		2017 015	3	Remove Pool	9/06/21	7 (100
e: alex@yourspaceinteriordesign.com.au		Proposed New Development		Project		7	Council Requirements	17/07/21	Scale:
e. alex@yourspaceInterlordesign.com.au	5049			Project Status:					
w: www.yourspaceinteriordesign.com.au			Page of	Giaius.	Planning				1 : 100



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	Lucia Homes		Planning		Checked By:		No.	Description	Date	Sheet Number:
interior design		LIONE			Chicolica By.	Checker	3		16/06/19	
		HOME				Checker	4	FFL Neighbour	08/07/19	
	Project Address:	Project Name:	Sheet Name:		Project Number:			New Plans with new Engineering	30.05.21	A107
mobile: 0414 170 739	25 Mariner Ave Seacliff Park	Proposed New Development	South Elev with No	eighbours		2017 015	6		9/06/21	
e: alex@yourspaceinteriordesign.com.au		Froposed New Development			Project		7	Council Requirements	17/07/21	Scale:
<u> </u>	5049				Status:	Diametra e	8	Addded Screening	20.07.21	1:100
w: www.yourspaceinteriordesign.com.au			Page of		Ciaiao.	Planning				1.100

1:100

A107







your space interior design

mobile: 0414 170 739

e: alex@yourspaceinteriordesign.com.au

w: www.yourspaceinteriordesign.com.au

1:200

Client Name: Lucia Homes

5049

Project Address:

25 Mariner Ave Seacliff Park

HOME Proposed New Development

Author Planning Checked By: Checker Project Number: 2017 015 6 Winter Solstice 12 Noon Project Status:

Planning

Revision Schedule Description Date 16/06/19 3D Shadow diag FFL Neighbour 08/07/19 New Plans with new Engineering 30.05.21 9/06/21 Remove Pool Council Requirements 17/07/21

Issue Date 28/08/2017 Sheet Number:

A109

1:200



Issue Date: 28/08/2017 Sheet Number:

Date

16/06/19

08/07/19

30.05.21

9/06/21

New Plans with new Engineering

Remove Pool

Council Requirements

NORTH

A110 17/07/21

1:200

interior design mobile: 0414 170 739 e: alex@yourspaceinteriordesign.com.au w: www.yourspaceinteriordesign.com.au

5049

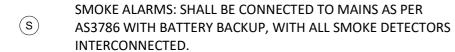
HOME Project Address: 25 Mariner Ave Seacliff Park

Project Number: Winter Solstice 3pm 2017 015 6 Project Status: Planning

Proposed New Development

GENERAL NOTES:

TO BE BUILT IN STRICT ACCORDANCE WITH THE NCC(BCA)





SPACE BETWEEN THE CLOSET PAN & THE NEAREST PART
OF THE DOORWAY IN A SANITARY COMP IS LESS THAN 1200
MUST OPENOUTWARDS, SLIDE, OR MUST HAVE REMOVABLE HINGES.



ALL ENERGY EFFICENCY IN ACCORDANCE WITH ASSESSORS REPORT.

ALL GLAZING TO COMPLY WITH AUSTRALIAN STANDARD AS1288 and AS 2208.

CONTROL JOINTS TO ENGINEER'S DETAILS.

TIMBER FRAMING TO AS1684.2-2010.

ALL DRAWINGS TO BE READ IN CONJUNCTION WITH THE

SPECIFICATIONS, ENGINEER'S DRAWINGS AND REPORTS.

WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE.

CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE AND REPORT ANY

DISCREPANCIES TO DESIGNER PRIOR TO COMMENCING.

NO GUARANTEES ARE GIVEN WITH THIS DOCUMENTATION AS TO BEING

ACCEPTED BY COUNCIL, RELEVANT AUTHORITIES OR OTHER APPROVAL SOURCES.

ADDITIONAL PROJECT NOTES:

DESIGN WINDSPEED N3 (41m/s). CLIMATE ZONE 5.

STORMWATER:

GUTTER TYPE - 125mm D GUTTER WITH A MINIMUM CROSS SECTIONAL AREA OF 6,300 mm²

ALL NEW 75MM PVC DOWNPIPES TO RUN TO RWT AND STORMWATER SYSTEM AS PER ENGINEERS DESIGN.

STORMWATER SUPPLY MUST BE PLUMBED TO A TOILET, TO A WATER HEATER OR TO ALL COLD WATER OUTLETS IN THE LAUNDRY.

RWT OVERFLOWS TO COUNCIL STORM WATER.

RETAINING WALLS REQUIRED AS SHOWN.

BALUSTRADE:

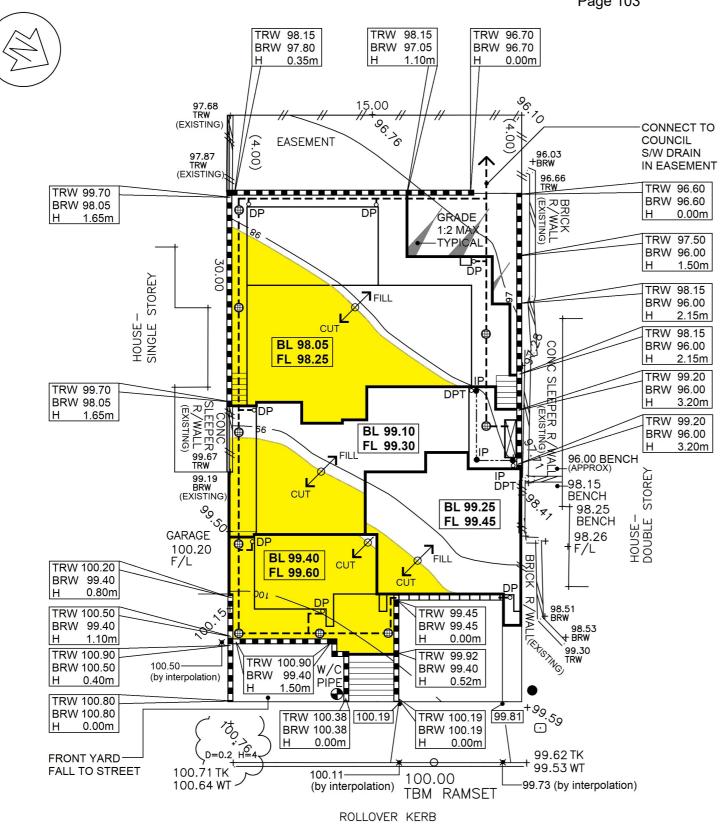
ALL BALUSTRADES ARE REQUIRED TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA (BCA) PARTS 3.9.1 AND 3.9.2, VOLUME 2 AND AS 1170.1.

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TIMBER NOTES

- ALL TIMBER WORK SHALL BE IN ACCORDANCE WITH AS1720 "TIMBER ENGINEERING CODE", AS 1684.2 AND ANY OTHER RELATED CODES.
- 2. ALL TIMBER SHALL BE MGP10 (U.N.O)
- ALL CONNECTIONS SHALL BE JOINT GROUP JD4
- 4. ALL ROOF TRUSSES SHALL BE DESIGNED AND CONSTRUCTED BY APPROVED TRUSS MANUFACTURER.
- 5. ALL TIMBER SHALL BE DESIGNED FOR WIND CLASSIFICATION "N3".
- 6. PROVIDE TIE DOWN CONNECTIONS TO TABLE IN THE FOOTING REPORT/OR DRAWINGS.
- 7. PACK UP THE REMINDER OF WALL WHERE HARDBOARD BRACING IS PROVIDED TO INTERNAL WALLS OR EXTERNAL WALLS WITHOUT CAVITY.
- ALL EXTERNAL TIMBER SHALL BE TREATED TO LOSP H3 AND PRIMED.
 - ALL TIMBER IN CONTACT WITH THE GROUND SHALL BE TREATED TO LOSP H5 AND PRIMED.

your space	Client Name:	Client Details:	Status :		Drawn By:	Author		Revision Schedule	ľ	Issue Date:28/08/2017
your space	Lucia Homes		Planning		Checked By:	Autiloi	No.	Description	Date	Sheet Number:
interior design		HOME			,	Checker	8	Addded Screening	20.07.21	
	Project Address:	Project Name:	Sheet Name:		Project Number:					A111
mobile: 0414 170 739	25 Mariner Ave Seacliff Park	Proposed New Development	Notes			2017 015				d q
e: alex@yourspaceinteriordesign.com.au	5049	reposed from Botolopilloin			Project			-		Scale:
w: www.yourspaceinteriordesign.com.au			Page	of	Status:	Planning				1:50



MARINER AVENUE

			PROJECT	DRAWING TITLE
			25 MARINER AVENUE	SITEWORKS / STORMWATER
Α	FOR PLANNING APPROVAL	19/04/21	SEACLIFF PARK	DRAINAGE PLAN
NO.	AMENDMENTS / ISSUE	DATE		

	MINIMUM FALL, UNLESS NOTED OTHERWISE.
	STORMWATER PIPE 90mm DIAMETER UPVC. SEALED SYSTEM.
●IP	INSPECTION POINT BROUGHT TO PAVED SURFAC LEVEL, OR SCREW CAP CLEANING EYE TO BASE OF DOWNPIPE.
⊕	GRATED INLET PIT / PAVING SUMP 150mm DIAMETER
	GRATED STRIP DRAIN. HEAVY DUTY.
	PROPOSED RETAINING WALL
TRW 98.15	PROPOSED RETAINING WALL DESIGN LEVELS
BRW 96.00 H 2.15m	TRW: TOP OF RETAINING WALL BRW: BOTTOM OF RETAINING WALL
	H: RETAINING WALL HEIGHT
NOTES	
1.	REQUIREMENT: WHERE RETAINING WALLS ARE NECESSARY, THE SHALL RETAIN THE TOTAL DIFFERENCE IN HEIGH LEVELS BETWEEN ADJACENT PROPERTIES. EXISTING RETAINING WALLS MAY NEED TO BE DEMOLISHED TO ACHIEVE THIS REQUIREMENT. ADJACENT OWNERS TO NEGOTIATE. EXTENT AND HEIGHT OF PROPOSED RETAINING WALLS ARE SHOWN INDICATIVE ONLY. OWNER AND JOR BUILDER TO CONFIRM ON SITE THE EXTENT AND HEIGHT OF PROPOSED RETAINING
2.	WALLS. GRADE BENCHES AWAY FROM DWELLINGS: 1 IN 12 FOR GRASSED AREAS, 1 IN 20 FOR PAVED AREAS.
3.	MAXIMUM LEVEL OF PATH AT FLOOD GULLY TO B 165mm BELOW FINISHED FLOOR LEVEL.
4.	EXISTING LEVELS SHOWN ARE PROVIDED BY OTHERS AND ARE TO AN ASSUMED DATUM AS INDICATED. SITE DIMENSIONS ARE ASSUMED ACCORDING TO INFORMATION AVAILABLE, AND T BE CONFIRMED BY OWNER AND/OR BUILDER.
5.	COVER PROTECTION TO STORMWATER PIPES SHALL COMPLY WITH AS 3500.
6.	CONTRACTORS SHALL ENSURE THAT ADJACENT STRUCTURES ARE NOT UNDERMINED OR SURCHARGED. REFER TO THIS OFFICE FOR FURTHER ADVICE IF REQUIRED.
_	CONTRACTORS SHALL LOCATE ALL EXISTING
7.	UNDERGROUND SERVICES BEFORE COMMENCEMENT OF EXCAVATIONS.
8.	
	COMMENCEMENT OF EXCAVATIONS. WHERE NECESSARY, EXISTING GAS METERS, WATER METERS, TREES, CROSSOVERS, ETC, SHALL BE REMOVED / RELOCATED TO SUIT, AND TO COMPLY WITH STATUTORY AUTHORITY

1000 LITRE RAINWATER TANK TO BE PLUMBED

INTO WC AND/ OR LAUNDRY. DOWNPIPES
LABELLED DPT TO DISCHARGE INTO TANK. 90mm
DIAMETER OVERFLOW AT TOP OF TANK TO
DISCHARGE INTO STORMWATER LINE TO

EASEMENT. SEALED SYSTEM FROM DPT TO TANK. PROVIDE INSPECTION POINTS IN STORMWATER

MINIMUM 50m² OF ROOF AREA TO DRAIN INTO

STORMWATER PIPE 90mm DIAMETER UPVC, 1.0%

LINES UPSTREAM OF TANK.

DESIGN SURFACE LEVEL.

LEGEND

100.19

	DATE	19/04/21
John Birbas BE.MIEAust. 34 SARNIA AVE., CLEARVIEW. S A. 5085	A3SCALE	1:200
34 SARNIA AVE., CLEARVIEW. S A. 5005	DRAWN	JB
Mobile: 0419 039 426 Email: birbasj@internode.on.net	JOB NO	1632
	DWG NO	C01/A

J & S SURVEYORS Pty. Ltd. PREPARED FOR: JOHN BIRBAS JOB #: ABN 27 639 279 913 SCALE 1:200 AT: 25 MARINER AVENUE PH: (08) 8373 4338 REF: 155 SURVEYED ON: 13/8/20 SEACLIFF PARK www.jssurveyors.com.au 18 AUG 2020 ● ETSA ⊕ WATER CONNECTION ■ STORMWATER IP + LIGHT POLE

97.68 TRW 1,5,00 100.70 (4.00) 97.17 (4.00)96.03 +BRW EASEMENT 97.87 TRW 98.69 TRW 99.69 TRW 96.59 96.66 TRW 9.% 8 +0> RBOND 96.88 TRW 97.37 FRW 96.99 TRW +% OCCUPIED-SINGLE STOREY 30 91.91 HOUSE OCCUPIED-DOUBLE STOREY .00 66 . <u>4</u>7 HOUSE 98.15 BENCH 98.42 TRW 98.25 BENCH 98.56 TRW GARAGE 98.26 F/L 99.28 TRW 100.20 99.2> 00 L 100.75 99.28 TRW HOME 99.30 TRW ₩/C PIPE **⊕**^W/∼ 15.00 +/₀ 750,70 \odot D=0.2 H=4 99.62 99.53 100.71 TK 100.64 100.00 TBM RAMSET WT ROLLOVER KERB MARINER AVENUE

■ STOBIE POLE

Tina Fereday

From: Development Services Administration <devadmin@marion.sa.gov.au>

Sent: Monday, 21 June 2021 10:06 AM

To: Dev Service

Subject: 2018_1991 Stat of Rep Heather Carthew on behalf of COM

Development Services | City of Marion

T: 08 8375 6685 | F: 08 8375 6899

E: devadmin@marion.sa.gov.au | W: www.marion.sa.gov.au

PO Box 21 Oaklands Park SA 5046 245 Sturt Road Sturt SA 5047

From: City of Marion Website < website@marion.sa.gov.au>

Sent: Friday, 18 June 2021 3:59 PM

To: Development Services Administration <devadmin@marion.sa.gov.au>

Subject: New submission from website form: Public notifications - Online statement of representation form



Public notifications - Online statement of representation form has received a new submission.

Development application number

100/2018/1991

Site Address Of The

Proposed Development

25 Mariner Avenue Seacliff Park

Title Ms

First name Heather

Page 106

Last name Carthew

Postal address 5043

Email address <u>heather.carthew@marion.sa.gov.au</u>

Phone number 0401686240

Your representation Support the Development

The specific comments I wish to make

The adjoining land at the rear of the property is owned by Council and is occupied by Belair Turf Management as part of the Marion Golf Course. Therefore, the developer is not granted access to the reserve for construction purposes. There is to be

no off site spoil during construction.

Do you wish to be

heard?

I do not wish to be heard

Name of person representing you

Heather Carthew

Email submitted

data?

heather.carthew@marion.sa.gov.au

Contact Us

T (08) 8375 6600 F (08) 8375 6699

E council@marion.sa.gov.au

PO Box 21, Oaklands Park SA 5046

REPORT REFERENCE: CAP04082021 - 4.2

CITY OF MARION

COUNCIL ASSESSMENT PANEL AGENDA

FOR MEETING TO BE HELD ON WEDNESDAY 04 AUGUST 2021



Originating Officer: Matthew Falconer

Development Officer - Consultant Planner

Applicant: J P Punke

Development Description: To construct a two storey detached dwelling with

double garage, swimming pool and deck with

associated earthworks and retaining walls

Site Location: 2 George Court, Marino

Zone & Policy Area: Residential Zone, Hills Policy Area 11

Lodgement Date: 04/02/2020

Development Plan: Consolidated – 15 August 2019

Referrals: nil

Delegations Policy: 1.4.1.2

Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their

desire to be heard by the Panel.

Categorisation Category 2

Residential Zone, Public Notification section prescribes:

Retaining walls and/or earthworks which are not of a minor nature.

Application No: 100/2020/153

Recommendation: That Development Plan Consent be GRANTED

subject to conditions

Attachments

Attachment I: Certificate of Title

Attachment II: Proposal Plan and supporting documentation

Attachment III: Statement of Representations

Attachment IV: Applicant's Response to Representations

Attachment V: Photographs

SUBJECT LAND

The subject land comprises 2 George Court, Marino. The allotment is irregular in shape with a frontage to both George Court and Marine Parade. The allotment has a handle that maintains a 4 metre frontage to George Court. This portion of the land has a relatively gentle slope, before rising steeply toward the south western corner of the property. There is a section of land that extends through the centre of the site where the levels appear to have been altered and is not part of the original land form. The site has a 16.1 metre frontage to Marine Parade however given the topography access is far easier to be gained from George Court.

The total area of the subject land measures approximately 617 square metres and is currently vacant whilst also being devoid of any structures including retaining and fencing. Low growing shrubs typical of a seaside environment are evident on the site. When reviewing the historical arial imagery, it is evident that the subject land has been vacant for the past twenty years. There are no regulated or significant trees on the land.



LOCALITY

The site is bordered by residential properties in an easterly and southern direction. Directly to the north of the site is the Marino Rocks Café with its car park adjoining the 'handle' of the allotment and the two storey café/function room building sited adjacent the north western portion of the site. Beyond the café and Marine Parade are more residential properties.

The dwellings to the east of the subject land feature more modern dwellings as a result of the land division created in 1999.

Directly to the south is a row of dwellings with frontage to Marine Parade all of which are elevated above street level. The more modern dwellings are two storey in nature and feature west facing balconies tanking advantage of the sea and coastal views.

The surrounding residential properties and the Marino Rocks Cafe are located within the Hills Policy Area 11 of the Residential Zone. Land to the west is located within the Costal Conservation Zone and features the Marino to Hallett Cove walking trail.

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.



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PROPOSED DEVELOPMENT

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

The dwelling has been designed with its access and front door to George Court even though it does not have a typical street presence. As a result, the dwelling is designed with its rear facing Marine Parade. It is acknowledged that the dwelling could be orientated in either direction, and a west fronting dwelling would not be out of character with the dwellings to the south. The front setback assessment is discussed further in the body of the report.

The majority of earthworks and retaining walls proposed are associated with the southern portion of the site which is the highest and steepest part of the land. The southern portion of the ground level features a suspended slab with the walls forming a retaining wall that contained within the subject land and is cut 3.2 metres into the land. Access to the garage is gained via George Court in the sites north eastern corner with a deck extending adjacent the northern elevation of the garage leading to the front entrance.

The ground floor incorporates the double garage, entry/lift lobby, bathroom and pool room.

The first floor incorporates two bedrooms, both with associated WIR and ensuite, W/C, laundry, open plan kitchen, meals and living area that has direct access to the area of private open space as well as the deck/pool area at the front of the dwelling. The meals area and associated deck as well as portion of the kitchen are cantilevered out toward the northern property boundary forming a veranda canopy over the lower level. The floor level of the second bedroom has been set 1.8 metres below the main living area and bed 1 so as to follow the slope of the land. A deck extends from the front of the dwelling and wraps around the southern side of the dwelling to provide access to the laundry and create a service yard.

Due to the design incorporating a suspended slab with retaining and decking, the extent of retaining on the property boundaries is minimised. The dwelling features a lift which can be accessed from each level of the dwelling. Landscaping is proposed adjacent the northern property boundary and in front of the dwelling adjacent Marine Parade. Earthworks and retaining walls are proposed throughout the subject land, with a majority taking place adjacent the southern and western property boundaries. The dwellings external cladding shall be foam, which will be rendered for a clean modern appearance. Overall, a variety of colours and materials including timber cladding, steel, render and glass balustrade have been incorporated into the design an are considered appropriate in the Hills Policy Area.

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PROCEDURAL MATTRERS

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

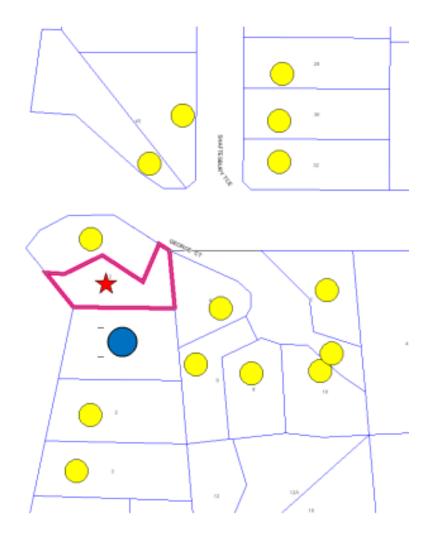
Categorisation

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that involves retaining walls and/or earthworks which are not of a minor nature, as Category 2 development.

Referrals

Nil

PUBLIC NOTIFICATION



Properties Notified

Representations

Persons wishing to be heard

Applicants Response

15

1 received opposing the development (circled blue)

Jane Whittaker of Elders on behalf of Zhe Xie (circled blue)

A response by the applicant is included within the Report Attachments.

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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.

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PDC 1	The following forms of development are envisaged in the policy area: detached dwelling	Satisfies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Satisfies
PDC 3	Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.	Partially Satisfies (see comments)
PDC 4	Wherever possible, existing vegetation should be used to screen buildings and excavation or filling from view.	Partially Satisfies (see comments)
PDC 5	Development that would be prominently visible from the Adelaide Plains should: (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.	Satisfies
PDC 6	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: (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.	Partially Satisfies (see comments)

Assessment

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

The proposed dwelling is constructed over two levels and has been designed to run east-west. The eastern end of the dwelling is designed with a garage and bedroom sited directly above. The garage is set down greater than the remainder of the lower level with steps up to a ground level featuring a pool room and bathroom. The dwelling then elevates to a second level containing the main living areas and main bedroom. The second bedroom/study is situated directly above the garage and achieves a lower floor level than the remaining floor.

Whilst the design of the dwelling has attempted to follow the contours of the land by incorporating a stepped floor level and an appropriate level of articulation and privacy there is an element of bulk and scale which will the adjoining property to the south. Due to the terrain it is difficult to determine the exact height of the building when measured to the highest point from natural ground level. When the overall height is taken from the highest part of the roof to the natural ground level as HOME

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detailed on the 'Left' elevation, the overall building height is measured at 10.1 metres. Whilst this may seem to be high, when taking into consideration the terrain and the context of the locality it, the height is not considered to have a detrimental impact on adjoining properties and is not out of character with other dwellings within George Court and the wider locality.

The land to the south (1A Marine Parade) will experience the most impact from the proposed building. Due to the combination of topography, the two storey nature of the proposal and the fact the neighbours views are gained at ground level contribute to a loss of view. An assessment of the loss of views is undertaken in greater detail in the body of this report.

As mentioned the ground floor levels of the proposal have been designed with varying levels to accommodate the steep terrain. In addition, a suspended slab is proposed with the external walls to act as retaining walls which will limit the extent of retaining required on the southern property boundary. This will further assist in minimising the overall bulk and scale of the building.

The proposal displays departures with regard to side and rear setbacks. The northern side setback varies between 1.05 metres and 2.1 metres whilst the majority of the dwelling is setback greater than 3 metres. The setback variances are largely due to the irregular boundary configuration. The upper level setback varies between 1.03 and 3.7 metres. The shortfall in setbacks adjacent the northern property boundary are not considered to have any impact of the adjoining properties given it is occupied by a café and associated car park.

The side setback adjacent the southern property boundary is measured to be 1.52 metres. When considering the topography of the land, the finished floor level of the section of dwelling in question and the neighbouring dwellings (1A Marine Parade) setback to its northern property boundary, the visual impact is not considered unreasonable. The neighbouring dwelling is setback approximately 7.8 metres from its northern property boundary (5.5 metres to the verandah) which provides sufficient space between the buildings and reinforces the pattern of space around buildings typical of the hills policy area.

The proposed dwelling is set at 250mm above the natural ground level in the south western most corner of the site. The ground then falls away to the east and more of the dwelling is exposed above ground level. A 2 metre high fence that sits on an elevated deck extends along the southern property boundary. The exposed side of the decking shall be clad and rendered leaving an exposed solid wall and fence measuring a maximum height of 4.3metres. Further east, the garage is proposed to be cut into the site. The combined wall and fence height starts at a height of 2.6 metres at the rear of the garage and increases to 3.2 metres at the A/C unit and further reduces in height toward the entrance to the garage.

It is noted that the neighbouring dwelling to the south is sited higher up the hillside and has its finished floor level set 1.48 metres higher than the proposed dwelling. When taking this into consideration the proposed wall will not cast unreasonable shadow onto adjoining land (discussed in Overshadowing section of this report), the non-compliant side setback does not result in an unacceptable outcome and is not considered to result in adverse amenity impacts upon the adjacent property to the south.

It is acknowledged that the rear setback is non-compliant. As discussed in the front setback section of this report, the rear setback could have easily been considered the front setback and the front setback the rear setback. In this regard, the assessment has considered the front setback to be from George Court as the dwelling is orientated to face and gain access from George Court.

Whilst the proposed dwelling has its rear facing Marine Parade, it is considered to adequately present to the street. The rear facade includes a balcony and large windows accessible from habitable rooms, in addition to a pool. The rear is appropriately articulated and is considered to appropriately contribute to the streetscape.

HOME

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Whilst the rear setback does not achieve the desired minimum, when considering existing built form outcomes within the locality, the setback is not considered to be out of character or out of alignment with the pattern of development. It should be noted that the building located at 1 Marine Parade is constructed to both the front (northern) and side (western) property boundaries. The rear setback is sited in line with the setbacks of dwellings sited south of the subject site.

Whilst the proposed setbacks are noted departures from the quantitative minimums, it must be acknowledged that the subject land is one which has its challenges. The Hills Policy Area 11 seeks "low-density detached dwellings", and consideration has been afforded to the existing development on adjoining land and within the locality to determine the appropriateness of the relevant shortfalls.

The Desired Character statement also identifies that "Buildings and associated earthworks will be designed to minimise alteration of the natural or existing land form...and reduce the need to cut and fill sloping sites". Whilst the development does propose cut, it is not considered unreasonable especially when considering the topography of the land and the impacts on the adjoining properties.

The proposed development maintains the existing low-density character of the Hills Policy Area 11 by proposing a single dwelling on the allotment. 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 costal 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. The use of colours and materials are considered to complement existing development within the locality; it should be noted that whilst the use of white render is somewhat at odds desire for duller colours the use of deep dark grey for the roof will assist the proposal in blending into the surrounding landscape. The proposal incorporates appropriate landscaping throughout the site and will assist in reducing the bulk and scale of the building and associated earthworks, whilst complementing the surrounding environment.

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

The overall allotment incorporates a cross-fall grade across the Marine Parade frontage of approximately 1:3.2 when taken at the highest point of the site (south western corner). The grade then lessens when measured from the same point in a north easterly direction to the point of the site just north of the proposed garage. The grade here measures 1:4 whilst the grade along the length of the southern boundary measures approximately 1.8. As mentioned previously, there appears to be some modification to the existing levels over time. A large battered section extends through the centre of the site in south easterly to north westerly direction.

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

Views Assessment

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

In my opinion, the loss of views as a result of the proposed development is limited to the neighbouring dwelling sited directly to the south (1A Marine Parade). The dwellings to the east of the subject land are sited lower than the subject land and due to the topography are unlikely to be able to obtain any view of the ocean through the subject land.

It should be noted the owner of the subject land has the right to develop their property for a residential dwelling. Typically, dwellings located directly adjacent the ocean maintain views directly out, rather than positioned on the side of the dwelling and relying on a view across adjacent property. In this instance the owner at 1A Marino Parade enjoys a view in a northerly direction across the subject land. Unfortunately, it is inevitable that any reasonably sized dwelling on this land will have an impact upon the views currently available to adjacent properties. This is particularly true in this case as the view being enjoyed is at ground level.

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

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

- The first step in the assessment is to assess the views to be affected, i.e. water, land, coast etc. In this regard, iconic views are valued more highly than views without icons and whole views are valued more highly than partial views.
- The second step is to consider from which part of the property the views were being obtained

 taking into account that views across side boundaries are harder to protect than those over
 the front or rear boundaries, and sitting views are harder to protect than standing views.
 Whether a view is considered to be "hard" to protect will be relevant to whether the loss of the
 view is acceptable or not.
- The third step is to assess the extent of impact of the loss of views.
- The fourth step to assess the reasonableness of the development proposal, which will cause the impact on the views from existing developments.

The following assessment considers the potential loss of view experienced for the property at 1A Marine Parade, Marino.

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

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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. 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.

The dwelling at 1A Marine Parade, Marino is located to the south of the subject land. Views currently available from this land and dwelling span from the south west to the north east (in a clockwise direction). In taking the approach of Justice Debelle, it is considered that view of the coast, which includes "icons" such as Glenelg, are valued higher than other views.

Views gained from the subject property comprise the ocean and portion of the coastline which are obstructed by trees and land forms gained from a ground level living and meals area as well as outdoor verandah and rear deck. It is noted that much of the view is gained over the adjoining land to the north.

Justice Debelle notes that it is harder to protect views across side boundaries as opposed to front or rear boundaries. Whilst the proposed dwelling may have an impact on the views gained from 1A Marine Parade, I form the opinion that the proposed dwelling should not have to be designed to protect a view being gained at a ground floor. Typically, throughout the coastal localities, views are gained on second storey living areas and balconies. Due to the topography of the land, the neighbouring dwelling at 1A Marine Parade would gain views from an elevated position, i.e a second storey, to take advantage of the views. The attached photos demonstrate the level of views gained from various positions on the subject land, both internally and externally.

The third step is to assess the impact of the view loss. It is acknowledged that the proposed development will have an impact on the views that are currently experienced from the neighbouring site. The view they gain to the north, from the side verandah, rear deck and internal living areas and kitchen will be significantly reduced.

Although the proposed dwelling will see a reduction in views in a northerly direction, the westerly views will still be enjoyed from the site. Some northerly view will be experienced from the front of the site. Whilst the views will be significantly reduced, I am of the opinion that the proposed development is reasonable. Due to the topography of the land it's likely that any dwelling placed on the subject land will have an impact on the views enjoyed form 1A Marine Parade. This is discussed further below.

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.

As previously mentioned, the views the owners of 1A Marine Parade are seeking to protect are the views that are gained by looking directly across the side property boundary of the subject site. Furthermore, as indicated above, these views are gained at ground level. Whilst two strorey dwellings are anticipated in the Residential Zone Hills Policy Area 11, minimising view loss through a side boundary of neighbouring sites is almost impossible.

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

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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

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.

Hills Policy Area 11: PDC 7

Site coverage:

Does not Satisfy 51.2%

Floor area ratio:

Does Not Satisfy 0.49

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

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

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

Does Not Satisfy

Whilst it is acknowledged the site coverage for the subject land is higher than that sought in the zone, it is acknowledged that the subject land has its challenges with respect to the slope of the land and the configuration of the allotment. It is considered that the proposal maintains appropriate setbacks to boundaries and allows for adequate POS (discussed throughout this report). As such, the excess in site coverage is unlikely to adversely affect the amenity of adjoining properties. These points will be discussed further throughout this report.

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

Satisfies

Approx. 426sqm (25%)

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.

Does Not Satisfy

Approx. 105sqm (18.5%)

The dwelling does not provide an area of POS with dimensions 5 x 5 metre directly accessible from an internal living room.

The proposal does achieve the 10 square metres on the balcony with a minimum dimension of 2 metres.

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Partially Satisfies

- a) The balcony area is directly accessible from the internal living room of the dwelling.
- b) Main POS is located at first level
- c) The main area of POS is located on the front balcony.
- d) The subject land does not maintain natural features which warrant preservation.
- f) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- g) the POS has a northerly aspect ensuring the area can be used all year round.
- 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.

Satisfies

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

Satisfies

General Section: Residential Development: PDC 22

Building Setbacks from Road Boundaries

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.

Residential Zone: PDC 6

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

(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality

(b) contribute positively to the function, appearance and/or desired character of the locality. 34

General Section: Design and Appearance: PDC 21

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

Satisfies

14.7 m from George Court.

Satisfies

The proposed front setback of 14.7 metres is greater than the surrounding properties within George Court largely due to the irregular shape of the allotment.

Satisfies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

Where the wall height is not greater than 3 metres: 2 metres

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

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

Where the wall height is greater than 6 metres:

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

Residential Zone: PDC 6

Does Not Satisfy

North side: The lower level setback varies between 1.05 metres and 2.10 metres at the closest points with a majority of the ground level achieving a setback of 3 metres.

The upper level varies between 1.03 metres and 3.7 metres.

The northern side of the dwelling is stagged resulting in varied setbacks. This side of the dwelling adjoins the back of the cafe and carpark located at 1 Marine Parade and therefore there is no impact on the adjoining property.

South Side: The setback varies between 0 metres where the garage is sited on the southern property boundary and 1.52 metres to the upper level.

The merits of the proposed setbacks and potential impacts are discussed within the Residential Zone/Hills Policy Area 11 assessment section of this report.

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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

Satisfies

Although the side setbacks do not comply with quantitative criteria, the way the design largely follows the contours of the site and separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. 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 when all things are considered. 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.

Rear Setbacks

Minimum setback from rear boundary:

- (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

Residential Zone: PDC 6

Does Not Satisfy 1.64 metres

1.04 11161163

The rear setback of the proposed dwelling is much closer to the Marine parade property boundary than the adjoining properties to the south however when the setback is reviewed in the context of the locality, I form the opinion that the setback is reasonable. When determining the appropriate rear setback, the alignment of the property boundary in relation to Marine Parade and the siting of the Marino Rocks café and should be taken into consideration. The property boundary does not follow the alignment of the street and the building to the north has been constructed to the boundary on both street frontages. Whilst the rear setback is considered to contribute positively to the function, appearance and desired character of the locality it is discussed in more detail in the body of this report.

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

Satisfies

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

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Building Height

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

10.1 metres (from natural ground level) **Does Not Satisfies**

Residential Zone: PDC 6

The proposed two storey dwelling has a maximum building height of 10.1 metres metres at its highest point, measured from the highest part of the roof to the natural ground level below. It is acknowledged that the measurement of building height is as per the definition outlined under Schedule 1 of the Development Regulations 2008. PDC 6 states that buildings in the Hills Policy Area 11, within the Residential Zone should have a maximum building height of not more than 9 metres, when measured from natural ground level (my underlining).

It is important to acknowledge the topography of the land in the assessment of the proposed development. The land has a considerable fall form the south west corner of the site. It is also acknowledged the "natural ground level" has likely been altered over time and as such, a true measurement from that point can be difficult to extrapolate. Nonetheless, if I am incorrect in regard to the above measurement, I am nonetheless satisfied that the proposed building height is not considered unreasonable, as the dwelling does not result in unreasonable view loss of from allotments located to the south of the subject land, nor create unreasonable overshadowing impacts.

The dwelling design incorporates stepping in the design with the garage and entrance foyer set at a level of 101.30. The first set of stairs rise up to the ground level living area (pool room and bathroom) which is set at a level of 103.00. The second level is then split on two levels. The main living areas and bed 1 have finished floor level of 106.245 whilst the bedroom 2/study which sits above the garage has a finished floor level of 104.55.

As mentioned previously, the elevations show the building height when measured from natural ground level as 10.1 metres. Due to the terrain and the fact that a large portion of the building is cut into the site, I am of the opinion the that the actual overall building height when measured from the highest point of the ridge to the natural ground level below that point, may be less. In any case, as mentioned previously, the building is not out of character with the locality. Both dwellings facing Marine Parade and those in George Court have been designed on sites with similar characteristics such as sloping sites. As such many of the dwellings have similar bulk and scale to the proposed dwelling.

Furthermore, the proposed dwelling will not have a detrimental impact on adjoining properties. The dwelling is sited away from the properties in George Court and is largely in cut and therefore minimising the impact on the dwelling to the south. The greatest visual impact would be on the neighbour directly to the north however the impact is significantly lessened as this portion of the dwelling faces directly to the rear of the Marino Rocks Café. The impact of the resultant bulk and scale is considered acceptable.

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. Satisfies

General Section: Residential Development: PDC 10

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

Maximum floor area 60 square metres

Maximum wall or post 3

height

3 metres

Satisfies 48sqm

Does Not Satisfy

3.245m

Given the garage wall is cut into the subject land, the non-compliance in wall height is not considered to result in visual impacts upon the adjacent property to the east.

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Maximum height of finished floor level Minimum setback from a primary road frontage 0.3 metres

Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling

Satisfies

Satisfies

14.7m and level with the main façade

Despite the garage being situated level with the main façade, the upper level features a cantilevered balcony which provides visual interest, assisting in reducing the visual dominance of the garaging. When considering this element and the setback of the dwelling in the context of the locality it is reasonable.

Minimum setback from side or rear boundaries (when not located on the boundary) 0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall

Satisfies

(when not located on the boundary) 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**

The garage opening in this instance does not present directly to the street.

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

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

General Section: Residential Development: PDC 13

Satisfies

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Detached 3 per dwelling containing 4 or Semi-detached more bedrooms one of which is

Row to be covered.

Satisfies

5 on-site parking spaces provided, 2 of which are covered.

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

On-site vehicle parking should be provided having regard to:

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

General Section: Transportation & Access: PDC 43

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

General Section: Land Division: PDC 22

Satisfies

- a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 34.
- b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities.
- c) The likely occupants are anticipated to have standard mobility and transport requirements.
 d) e) on-street car parking spaces shall remain
- ayailable adjacent the subject land.

Satisfies

Whilst no on street parking is available in front of the George Court frontage. A minimum of 1 on-street car parking spaces can be accommodated on the Marine Parade frontage, which satisfies PDC 22.

Access

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

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

General Section: Residential Development: PDC 39

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

General Section: Residential Development: PDC 40

Satisfies

4m (maximum width of property)

Satisfies

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

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

Satisfies

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.

The dwellings features a hipped roof design that is complimentary to other dwellings in the locality. The roof pitch is not excessive and does not result in an unreasonable overall building height.

The contrast in colours and materials vary, providing a variety in finishes, including timber, render in grey and dark grey steel roof. Surrounding dwellings generally incorporate light and dark exposed brick and light and/or neutral colours/materials. When considered in context of the locality and desired character, the use of the above-mentioned colours and materials is considered complementary to both the original housing stock and newer dwellings 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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Satisfies

The proposed balcony is integrated into the overall dwelling design, with clear balustrading that enables line of sight to the street. The balcony is located forward of the main face and is partially shielded by the obscure glass along the western elevation and the first floor beyond, which offers protection from the southerly and south-westerly winds

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Generally Satisfies

The entrance features a deck and portice that leads to the front door for easy identification.

Whilst the front door does not present directly to the street, given the irregular nature of the allotment, the front entrance is considered reasonable.

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Satisfies

Whilst the dwelling has a George Court address, The dwelling has been designed so that also presents to Marine Parade which has a greater street presentation.

The Marine Parade frontage presents habitable room windows and a balcony to the street.

The elevations of the dwelling feature a mixture of timber cladding, render and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

Satisfies

The North-facing windows to habitable rooms of the adjoining dwelling to the south 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.

The neighbouring dwelling at 1A Marine Parade maintains a generous separation from the northern property boundary and is generally situated on higher land, such that any shadow cast from the proposed dwelling will not have a detrimental impact in relation to overshadowing. Furthermore, the solar collectors on the property are raised up on the roof of the second level and shall not be impacted on by the proposed development.

For the same reasons outlined above, the proposed dwelling will not restrict the amount of sunlight available to the ground level private open space areas of the dwelling to the south.

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Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

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

The proposed development does not propose any fixed obscure windows. Whilst dwellings of a two-storey nature generally require obscure windows on upper levels to minimise the extent of overlooking it is considered in this instance due to the context of the locality they are not required in this instance. Further discussion in relation to the impacts of overlooking are provided below.

Satisfies

No screening is required for the reasons outlined below.

The north elevation presents directly into the rear of the adjoining café and carpark and as such there are no privacy concerns in a northerly direction.

The views to the east from the second bedroom and associated balcony are restricted to the front elevation of the dwelling at 4 George Court. This dwelling has a front balcony and windows that are untreated. As such this situation is not dissimilar to a standard street setting where two opposite dwellings face one another with no privacy treatment on the front elevation.

The proposed dwelling has been designed in such a manner that a large portion of the southern elevation sits close to the existing ground level. It is detailed on the plans that a 2 metre high fence is proposed along the southern boundary. It should be noted that the floor level of the dwelling at 1A Marine Parade is higher than that of the second level of the proposed dwelling. That being said, the plans demonstrate that the 2 metres high fence shall ensure privacy is maintained.

The elevation to the west does not result in any overlooking impact with the views gained to the street and ocean.

The dwelling has therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings

(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Satisfies

The dwelling is oriented so that the main living areas face north..

The lower level games room, upper level meals and living, upper level balcony and pool/deck area face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

Although the pool/deck area cannot be classified as private open space (in accordance with Residential Development, PDC 17(d)), they are likely to comprise part of the main activity areas as they are vantage points which gain some of the main views. Further, entertaining areas on the western façade are not uncommon for the locality and are welcomed as they bring activity to the 'front' of the dwelling and enhance surveillance of the street.

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

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

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

General Section: Energy Efficiency: PDC 3

Satisfies

The proposed hip roof design of the dwelling facilitates 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 place on the eastern and western roof as there is limited available space on the northern elevation.

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
- (I) promote water and biodiversity conservation.

General Section: Landscaping, Fences & Walls: PDC 1

Satisfies

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

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

The proposal is considered to satisfy Principles 1 and 2.

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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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Partially Satisfies (See comments below)

The application proposes retaining walls varying in height to a maximum 2.9 metres. The proposed retaining walls are essentially required in three separate locations on the subject land.

A 900 mm high retaining wall is sited on the northern side of the garage (southern corner of the adjoining carpark). As the driveway slopes up from the street the retaining wall is required to ensure the garage achieves the desired finished floor level to accommodate the remainder of the dwelling.

The greatest extent of retaining extends along the southern property boundary with a maximum height of 2.9 metres proposed. As mentioned previously, the design of the dwelling incorporates a suspended slab for much of the upper level adjacent the southern boundary thus avoiding the need for excessive retaining on the property boundary. Given the steep terrain it is not considered unreasonable for retaining of this height. The dwelling design has had regard to the topography of the land and is set down below the neighbouring property to the south. Furthermore, the second bedroom has been set on a 'middle level' to assist in reducing the extent of retaining and overall bulk and scale of the building.

The retaining proposed on the western elevation occurs up to a maximum height of 1.5 metres. The north western corner of the site is filled with a retaining wall height of 700 mm. The retaining wall increases a further south to a 1.5 metre cut.

With the exception of the balconies and fence along the southern property boundary, no other fencing is proposed.

It is my opinion that any additional fencing atop the proposed retaining walls will not result in visual impacts upon the adjacent properties and shall not result in an unreasonable visual bulk and scale.

Suitable vegetation is proposed on the northern and western side of the dwelling that will assist in reducing the visual impact of the retaining walls.

Sloping Land

Retaining walls should:

- (a) not exceed 1.5 metres in height
- (b) be stepped in a series of low walls if more than 1.5 metres is to be retained in total
- (c) be constructed to a high standard from high amenity materials
- (d) be landscaped to enhance their appearance.

Partially Satisfies

(See comments below)

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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

The cutting and/or filling of land should:

(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

(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

(c) only be undertaken if the resultant slope can be stabilised to prevent erosion

(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.

General Section: Sloping Land: PDC 7

Partially Satisfies

(See comments below)

Does Not Satisfy (See comments below)

As mentioned throughout this report the application proposes substantial earthworks and retaining. The visual bulk of the dwelling, and more so the combined boundary fencing/retaining walls are considerable. Setbacks to boundaries and the setting of the dwelling into the site assists in reducing the bulk of the building. Although the proposal does not to comply with Principle 7 and 8, the appropriateness of the proposed bulk/scale and associated visual impacts has been discussed earlier within this report, and concluded to be acceptable

The height of the proposed retaining walls exceeds 1.5 metres in a number of locations throughout the subject site. The internal retaining that forms the support for the suspended slab measures approximately 3.2 metres, however this is entirely in cut and concealed within the site and therefore no exposed walls are visible. The garage is also cut into the site. The garage results is a maximum cut of 2.9 metres whilst portion of the wall is exposed to a maximum height of 2 metres.

Whilst the retaining walls mentioned above exceed 1.5 metres, they are not considered unreasonable especially when taking into account the topography of the land and the impact on neighbouring properties.

There are a number of other smaller retaining walls (less than 1 metres in height) positioned on the northern and western property boundaries that will have no impact on adjoining properties.

Overall it is considered that that the development achieves general compliance with PDC 2, 7 and 8.

Siting and Visibility

Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:

- (a) the profile of buildings should be low and the rooflines should complement the natural form of the land
- (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
- (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

General Section: Siting and Visibility: PDC 4

Satisfies

(See comments below)

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

Satisfies

(See comments below)

General Section: Siting and Visibility: PDC 5

The proposed development has had due consideration for the slope of the land. When presenting to Marine Parade, the dwelling fits comfortably into the streetscape with houses stepping up the hill in a southerly direction. The dwelling incorporates stepping, features hipped roofs and eaves all of which help to reduce the overall bulk and scale of the building.

The building shall have a rendered finish with colorbond roof with the roof of darker colours which are non-reflective.

Overall it is considered that PDC 4 and 5 are satisfied.

Swimming Pools and Outdoor Spas

Swimming pools, outdoor spas and associated ancillary equipment and structures should be sited to protect the privacy and amenity of adjoining residential land.

General Section, Residential Development, PDC 34

Swimming pools, outdoor spas, and associated structures (other than fencing) should be setback from site boundaries by a minimum distance of 1 metre.

General Section, Residential Development, PDC 35

Pool or spa equipment should be contained within a sound reducing enclosure and located at least 5 metres from a dwelling on an adjoining property, or where not within a sound reducing enclosure, at least 12 metres from a dwelling on an adjoining property.

General Section, Residential Development, PDC 36

Satisfies

The pool pump equipment is located a minimum of 12 metres away from the nearest dwelling on adjoining land.

Does Not Satisfy

It is acknowledged the proposed pool is situated on the rear boundary of the proposed dwelling, adjacent the front property boundary of 1A Marine Parade and approximately 11m from the nearest habitable room. The location of the pool will likely bring additional activity to the western side of the dwelling and increase the likelihood of noise impacts upon habitable rooms on adjoining land. The proposed fencing is considered to protect the privacy of the adjacent allotment and will provide some acoustic treatment to adjacent occupants.

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CONCLUSION

The preceding assessment suggests 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 departs from Council's Development Plan in respect to the northern, southern and rear setback, in addition to building height. Each departure has been discussed in detail and the assessment indicates these departures are not fatal to the overall merits of the proposal.

The dwelling has been designed in a way which aims to complement the existing topography of the land. Whilst the earthworks and retaining walls proposed are significant, to a large extent they are well contained within the subject land, thereby minimising impacts on adjacent allotments.

The siting/placement of the dwelling, proposed ground levels of the site in relation to adjacent allotments, fencing atop existing retaining walls and the built form of the dwelling will result in bulk/scale impacts on adjacent dwellings on adjoining land (in particular 1A Marine Parade). Due to the steeply sloping nature of the allotment, the likely visual impacts caused by the height and design of the built form will change the outlook currently experienced by the occupants on the adjacent allotment to the south. On balance, the anticipated visual and amenity impacts, whilst significant, are not considered to be fatal to the overall merits of the application and can arguably be anticipated.

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

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

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject 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: 100/2020/153 for the construction of a two storey detached dwelling with double garage, swimming pool and deck with associated earthworks and retaining walls at 2 George Court, Marino be GRANTED subject to the following Conditions:

CONDITIONS

- 1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation except where varied by conditions below (if any).
- 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.
- 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.
- All ancillary swimming pool plant/equipment shall be located a minimum 5.0 metres from any adjoining neighbouring dwelling and contained within a appropriate sound reducing enclosure.



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Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5912/158) 10/06/2021 09:11AM 21ADL-0383 20210610001060

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5912 Folio 158

Attachment I

Parent Title(s) CT 5893/686

Creating Dealing(s) DDA 9788205

Title Issued 20/02/2004 **Edition** 13 **Edition Issued** 13/08/2018

Estate Type

FEE SIMPLE

Registered Proprietor

KATIE ELIZABETH WREN JOHN PAUL PUNKE OF 2 GEORGE COURT MARINO SA 5049 AS JOINT TENANTS

Description of Land

LOT 102 PRIMARY COMMUNITY PLAN 21558 IN THE AREA NAMED MARINO HUNDRED OF NOARLUNGA

THE WITHIN LAND EXISTS ABOVE A LEVEL OF 6.50 METRES A.H.D.

Easements

NIL

Schedule of Dealings

Dealing Number Description

12968827 MORTGAGE TO WESTPAC BANKING CORPORATION (ACN: 007 457 141)

Notations

Dealings Affecting Title NIL
Priority Notices NIL

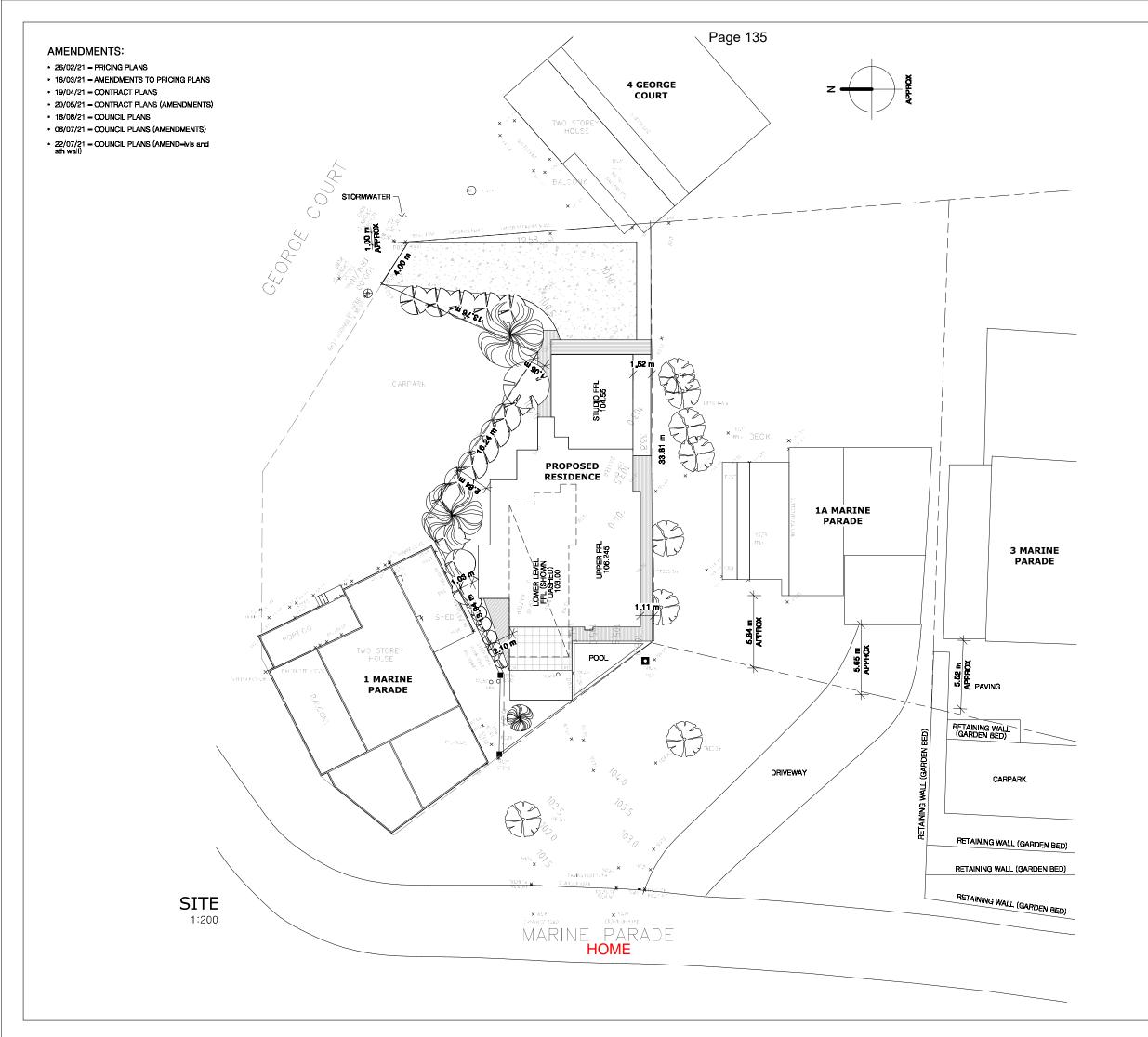
Notations on Plan

Lodgement DateDealing NumberDescriptionStatus08/11/20029461061BY-LAWSFILED16/04/20039571012SCHEME DESCRIPTIONFILED

Registrar-General's Notes NIL
Administrative Interests NIL

HOME

Land Services SA Page 1 of 1



Attachment II

finessebuilt

1/79=81 Brighton Rd Glenelg SA 5045 Ph: 08 83767038

Project WREN

Client K WREN & J PUNKE

Address

2 GEORGE COURT, MARINO

Plan Description COUNCIL

Job No. FB152

Eng. No. Eng Job No
Issue Date 01/02/21

Drewing SITE

Sheet C1 of 7
Scale As indicated A2
Drawn SG

Amendments
26/02/21
18/03/21
19/04/21
21/05/21
18/06/21
22-7-21

 Areas

 Living Lower
 89.98

 Living Upper
 219.43

 Garage
 53.56

 Portico
 13.22

 Verandah
 7.91

 Alfresco
 17.42

 Balcony
 23.08

 Total agm
 424,80

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These drawhas are subject to coordinit. Lead it will be taken against any infringement in whole curiese written authority is given by Fineses Built.

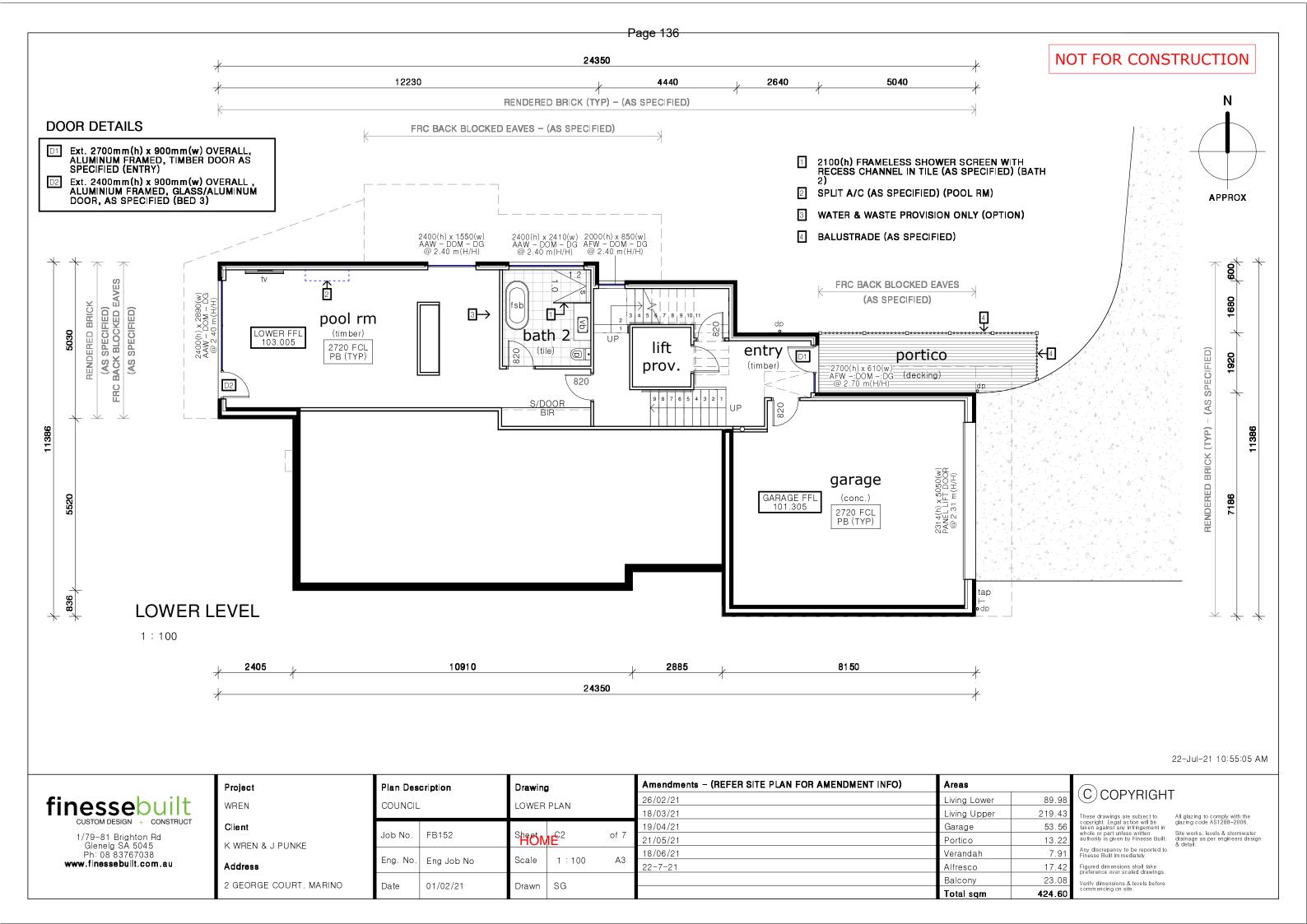
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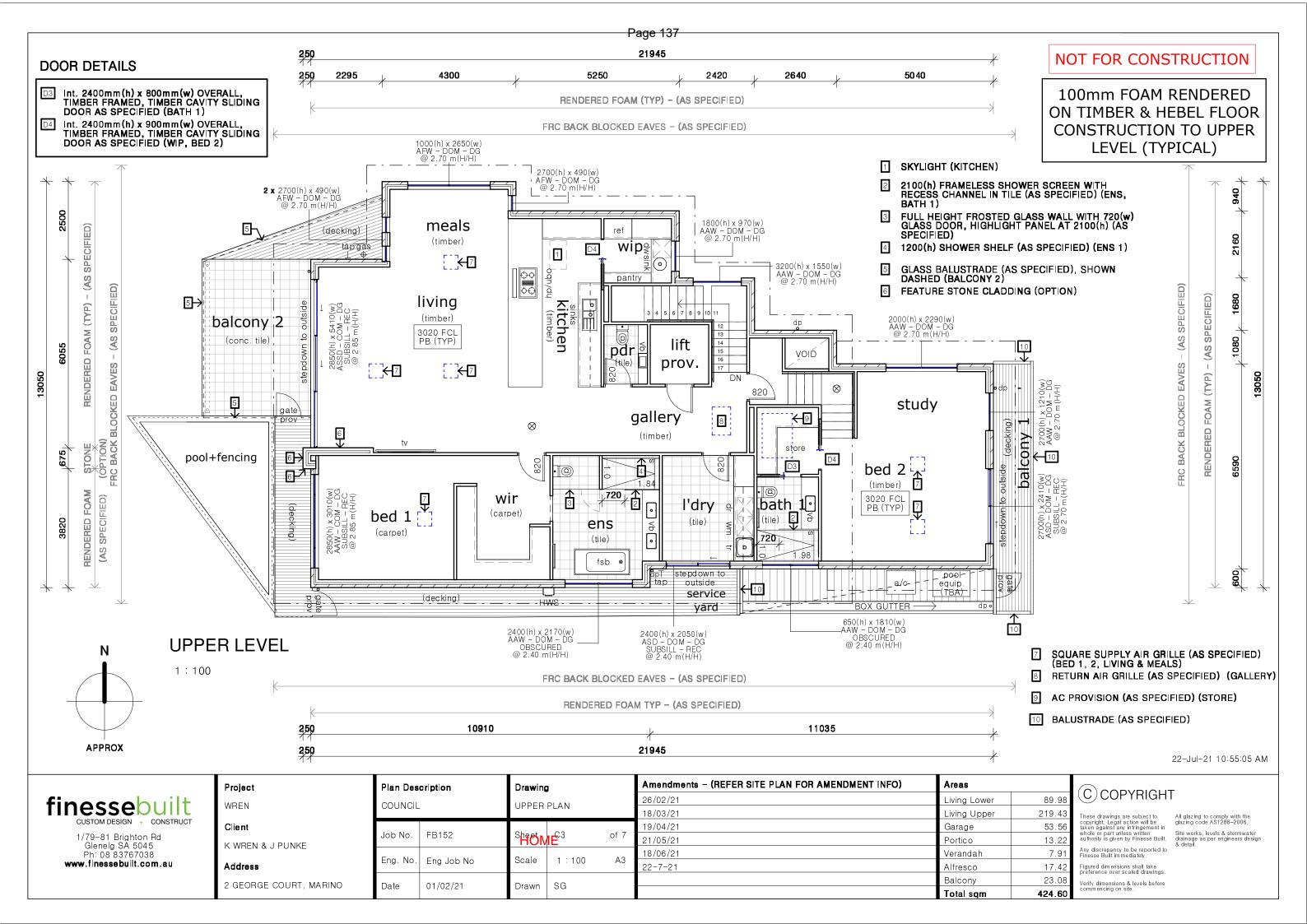
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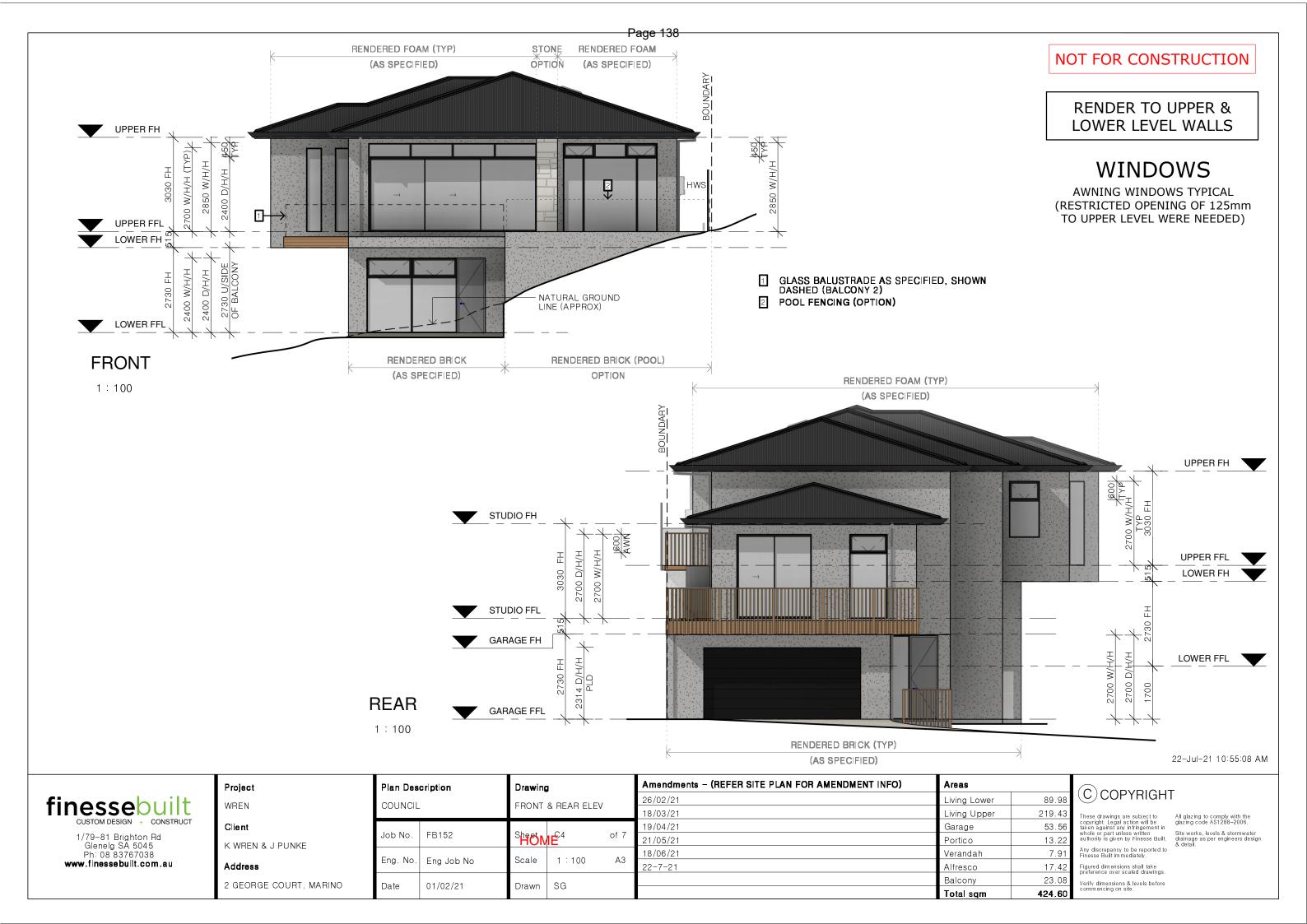
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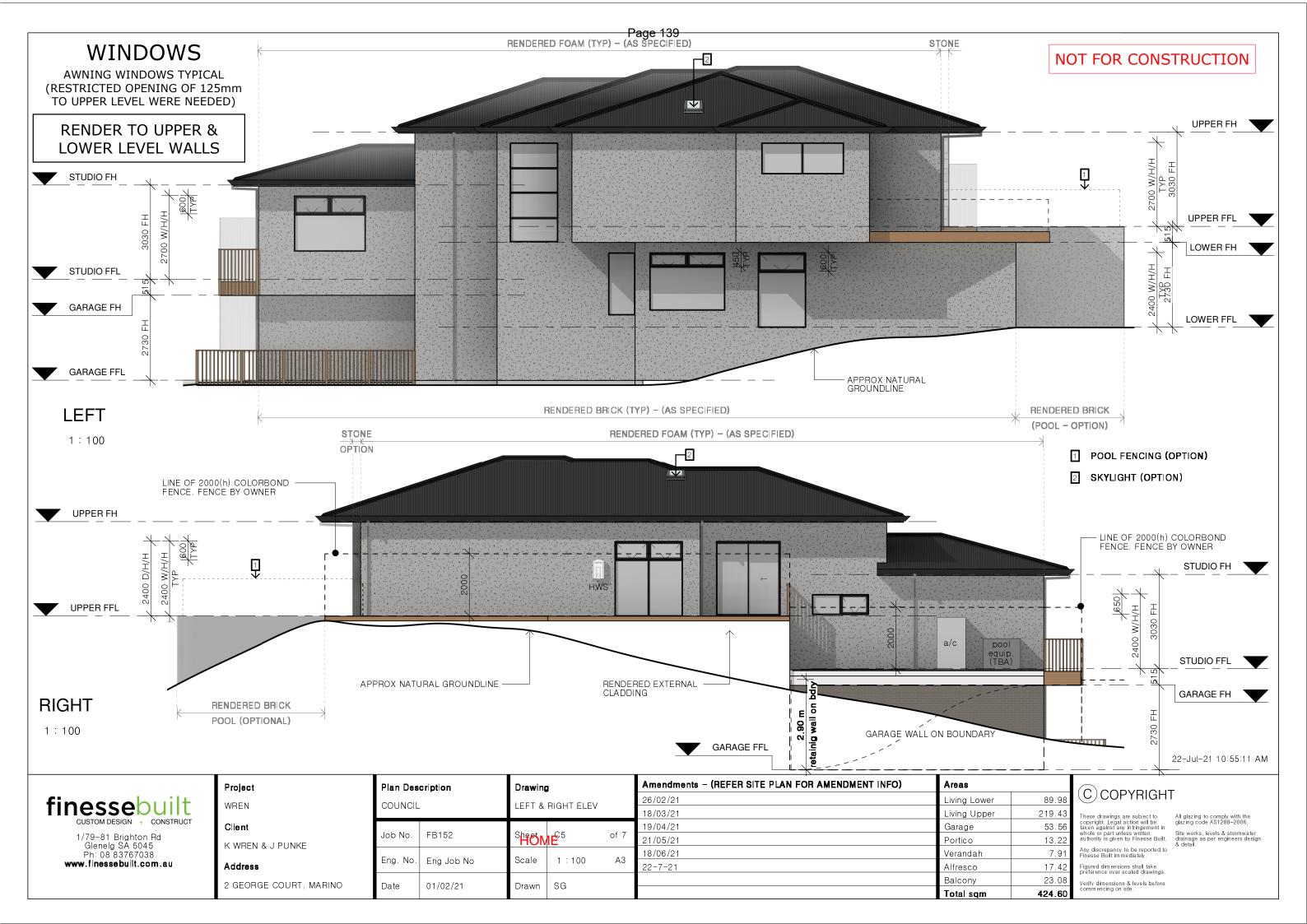
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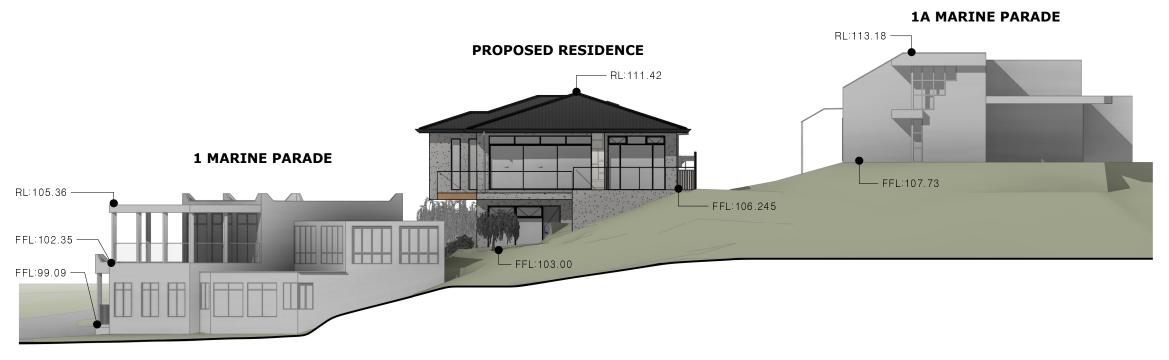
Site works, levels & stormwater drainage as per angineers design & detail.











STREETSCAPE (MARINE PARADE)

1:200



STREETSCAPE (3D)

22-Jul-21 10:55:33 AM

finessebuilt

1/79-81 Brighton Rd Glenelg SA 5045 Ph: 08 83767038 www.finessebuilt.com.au

Project
WREN
Client
K WREN & J PUNKE
Address
2 GEORGE COURT, MARINO

Plan Des	cription	Drawing			
COUNCIL		STREET PARADI	TSCAPE - MARINE DE		
Job No.	FB152	Shaction	1E ⁶ of 7		
Eng. No.	Eng Job No	Scale	1:200 A3		
Date	01/02/21	Drawn	SG		

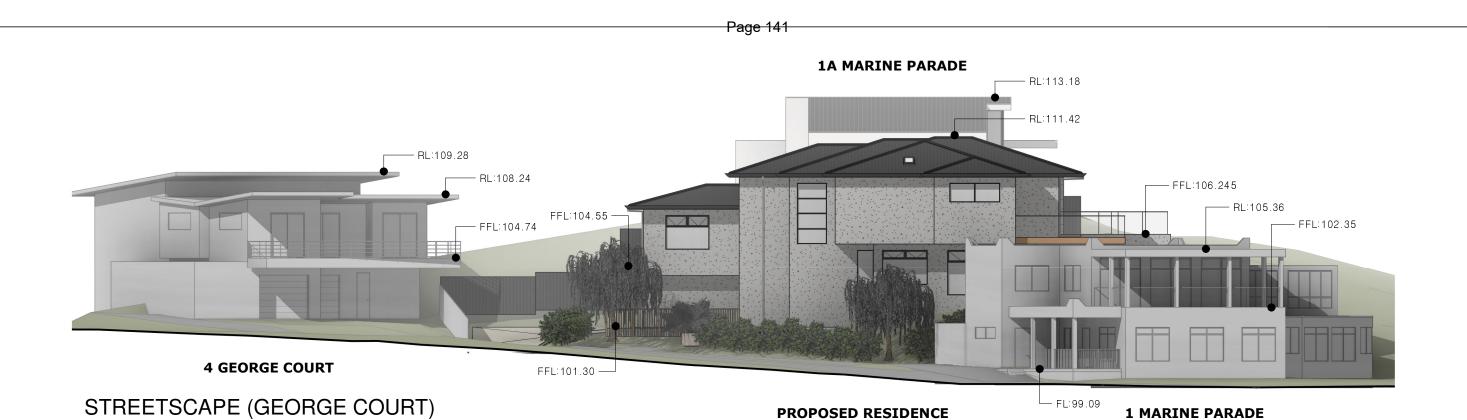
	Amendments - (REFER SITE PLAN FOR AMENDMENT INFO)	Areas		
	26/02/21	Living Lower	89.98	(
	18/03/21	Living Upper	219.43	Th
	19/04/21	Garage	53.56	c c ta wh
	21/05/21	Portico	13.22	au
	18/06/21	Verandah	7.91	Ar Fir
	22-7-21	Alfresco	17.42	Fig
1		Balcony	23.08	Ve
		Total sqm	424.60	CC

COPYRIGHT

These drawings are subject to copyright. Legal action will be taken against any infringement in whole or part unless written authority is given by Finesse Built.

Any discrepancy to be reported to Finesse Built immediately.

Figured dimensions shall take preference over scaled drawings Verify dimensions & levels before commencing on site.



PROPOSED RESIDENCE

STREETSCAPE (3D)

22-Jul-21 10:55:55 AM

finessebuilt

1:200

1/79-81 Brighton Rd Glenelg SA 5045 Ph: 08 83767038 www.finessebuilt.com.au

Project	
WREN	
Client	ľ
K WREN & J PUNKE	ŀ
Address	
2 GEORGE COURT, MARINO	

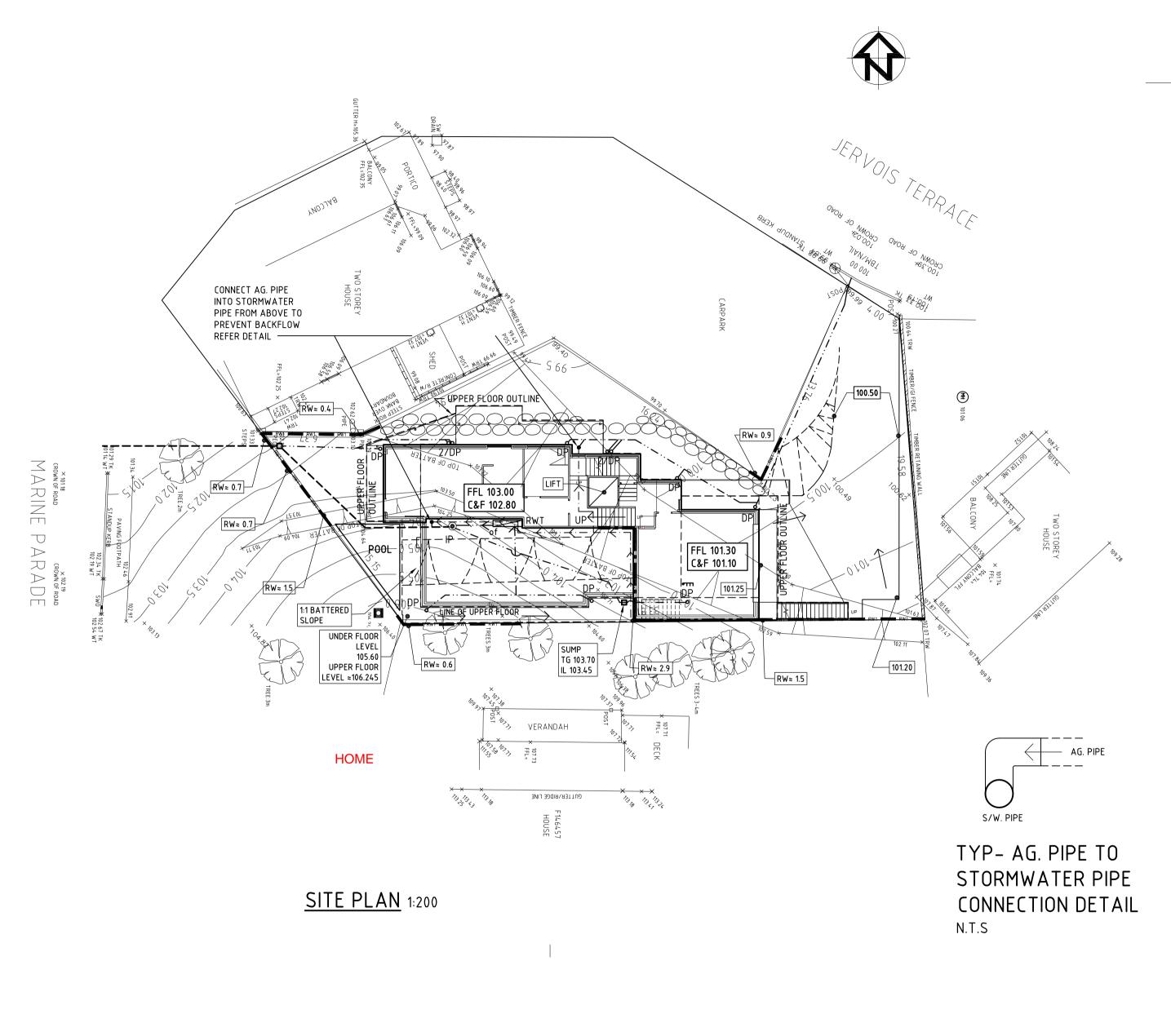
Plan Description		Drawing			
COUNCIL		STREETSCAPE - GEORGE COURT		=	
Job No.	FB152	Sheet	1É 7 of 7	7	
Eng. No.	Eng Job No	Scale	1:200 A3	3	
Date	01/02/21	Drawn	SG		

Amendments - (REFER SITE PLAN FOR AMENDMENT INFO)	Areas			
26/02/21	Living Lower	89.98	(C) COPYRIGHT	
18/03/21	Living Upper	219.43	These drawings are subject to	
19/04/21	Garage	53.56	copyright. Legal action will be taken against any infringement in whole or part unless written	
21/05/21	Portico	13.22	authority is given by Finesse Built.	
18/06/21	Verandah	7.91	Any discrepancy to be reported to Finesse Built immediately.	
22-7-21	Alfresco	17.42	Figured dimensions shall take preference over scaled drawings.	
	Balcony	23.08	Verify dimensions & levels before	
	Total sqm	424.60	commencing on site.	

COPYRIGHT

1 MARINE PARADE

Figured dimensions shall take preference over scaled drawings



GENERAL NOTES

- 1. THIS IS AN ENGINEERING SURVEY PLAN, AND SHOULD NOT BE TAKEN AS A CADASTRAL OR IDENTIFICATION SURVEY. BOUNDARY DATA SHOWN IS TO BE TAKEN AS A GUIDE ONLY.
- SURVEYED BY OTHERS.
- 3. ALL SITE LEVELS AND DETAILS MUST BE CHECKED AND APPROVED BY THE OWNER/BUILDER PRIOR TO COMMENCEMENT OF ANY WORK.
- 4. INSTALLATION OF STORMWATER SYSTEMS TO COMPLY WITH AS3500.5 'NATIONAL PLUMBING AND DRAINAGE CODE'.
- 5. REFER TO ARCHITECTURAL SITE PLAN FOR SET OUT DIMENSIONS.
- 6. THE FINISHED GROUND LEVEL ADJACENT TO EXTERNAL FOOTING SHALL BE SET DOWN TO SUIT REQUIRED PAVING LEVELS AND FALLS. REFER TO ENGINEERING REPORT FOR PAVING DETAILS.
- 7. COVER TO PIPES SHALL COMPLY WITH AS 3500.5. PIPES LESS THAN 200mm BELOW THE FINISHED SURFACE UNDER THE DRIVEWAYS SHALL BE ENCASED IN 100mm OF CONCRETE.
- 8. PROVIDE SUITABLE PROPRIETARY FIRST FLUSH SYSTEM TO RAINWATER TANK INLETS, INCLUDING LEAF SCREENS ETC.
- 9. THE STORMWATER DRAINAGE SYSTEM SHALL BE INSTALLED AS SHOWN. ALTERATIONS TO THE SYSTEM MUST BE APPROVED BY THIS OFFICE TO ENSURE THAT THE INTEGRITY OF THE DESIGN IS MAINTAINED.
- 10. SITE CLASSIFICATION TO AS2870-2011: CLASS P
- 11. TREE REMOVAL TO BE CONFIRMED WITH OWNER PRIOR TO COMMENCEMENT OF ANY WORK ON SITE ANY CHANGES TO THE EXTENT SHOWN ON THIS DRAWING MUST BE CONFIRMED WITH THIS
- 12. THE RETAINING WALL/PLINTH INFORMATION SHOWN IS SPECIFIC TO THE EXTEND OF CUT AND FILL CARRIED OUT ON THIS SITE ONLY. THE DESIGN OF ALL BOUNDARY RETAINING/PLINTH SHALL BE CARRIED OUT TO REFLECT THE INFLUENCE OF ALL EXISTING EARTHWORKS, RETAINING WALL AND STRUCTURES.

LEGEND

DN90 STORMWATER PIPE DN100 STORMWATER PIPE

DOWNPIPES

DOWNPIPE WITH SPREADER

(CLASS A GRATED COVER, U.N.O)

INSPECTION POINT

2000 LITRE RAINWATER TANK PLUMBED TO L'DRY OR WC

 $-^{\circ f} \cdot \leftarrow \cdot \cdot -$ overflow

100.000

FINISHED DESIGN LEVELS

RETAINING WALL HEIGHT

SURFACE FALL

RW 0.5H •

RETAINING WALL/CONCRETE PLINTH (1.0m MAX. HEIGHT) BY OWNER

FOR DETAIL

RETAINING WALL REFER 210166-S01

90mm DIA. AG. PIPE IN GEOTEXTILE SOCK SURROUNDED BY 20mm SCREENINGS. 1 IN 100 MINIMUM FALL - CONNECT INTO THE STORMWATER DRAINAGE SYSTEM (REFER

CONNECTION DETAIL)



DESIGN LEVEL: TG-TOP OF GRATE IL- INVERT LEVEL



MOSS ROCKS RETAINING OR SIMILAR.

21016						
:\2021\2101\210166\ACAD\CURRENT\2101	A	19/03/21	ISSUED FOR PLANNING APPROVAL	IB/ HT	XX	
70	REV	DATE	DESCRIPTION	DRN	APP'D	



a: Suite 3, No.83 Fullarton Rd, KENT TOWN, SA 5067

T: 08 7123 4050 admin@gamaconsulting.com.au

www.gamaconsulting.com.au

PROJECT WREN & PUNKE RESIDENCE 2 GEORGE COURT MARINO, SA

WREN & PUNKE **CLIENT**

STATUS	BUILDING APPROVAL	DRA IB/ H
COUNCIL	MARION	DRA GS
DESCRIPTIC	DN SITE PLAN	DRA
	SHE LET UT	SHE

DRAWN	DESIGN		
IB/ HT	GS		
DRAFT CHECK GS	DESIGN CHECK GS		
		_	
DRAWING No.	210166-C01		
SHEET SIZE A2	revision A		

SCHEDULE OF FINISHES

JOB NUMBER: FB152

CLIENT NAME: WREN RESIDENCE

SITE ADDRESS: 2 George Court, MARINO SA

DATE: 28.06.2021



ITEM	LOCATION	PRODUCT	SUPPLIER	COLOUR	REFERENCE IMAGE		
EXTERNAL FINISHES							
ROOF	AS PER PLANS	CORRUGATED ROOF SHEET	NEXTEEL	KALKAJAKA			
GUTTERS	AS PER PLAN		NEXTEEL	KALKAJAKA			
DOWNPIPES	AS PER PLAN	PAINTED TO MATCH ADJACENT SURFACE		HAYMES 'WHITEWASH 1'			
RENDER	AS PER PLAN	TEXTURE AS PER PLAN	UNITEX	HAYMES 'WHITEWASH 1'			
STONEWORK	AS PER PLAN	RANDOM ASHLAR WALLING	TUMBLED SURFACE SPECIALISTS	PENINSULA			

SCHEDULE OF FINISHES

JOB NUMBER: FB152

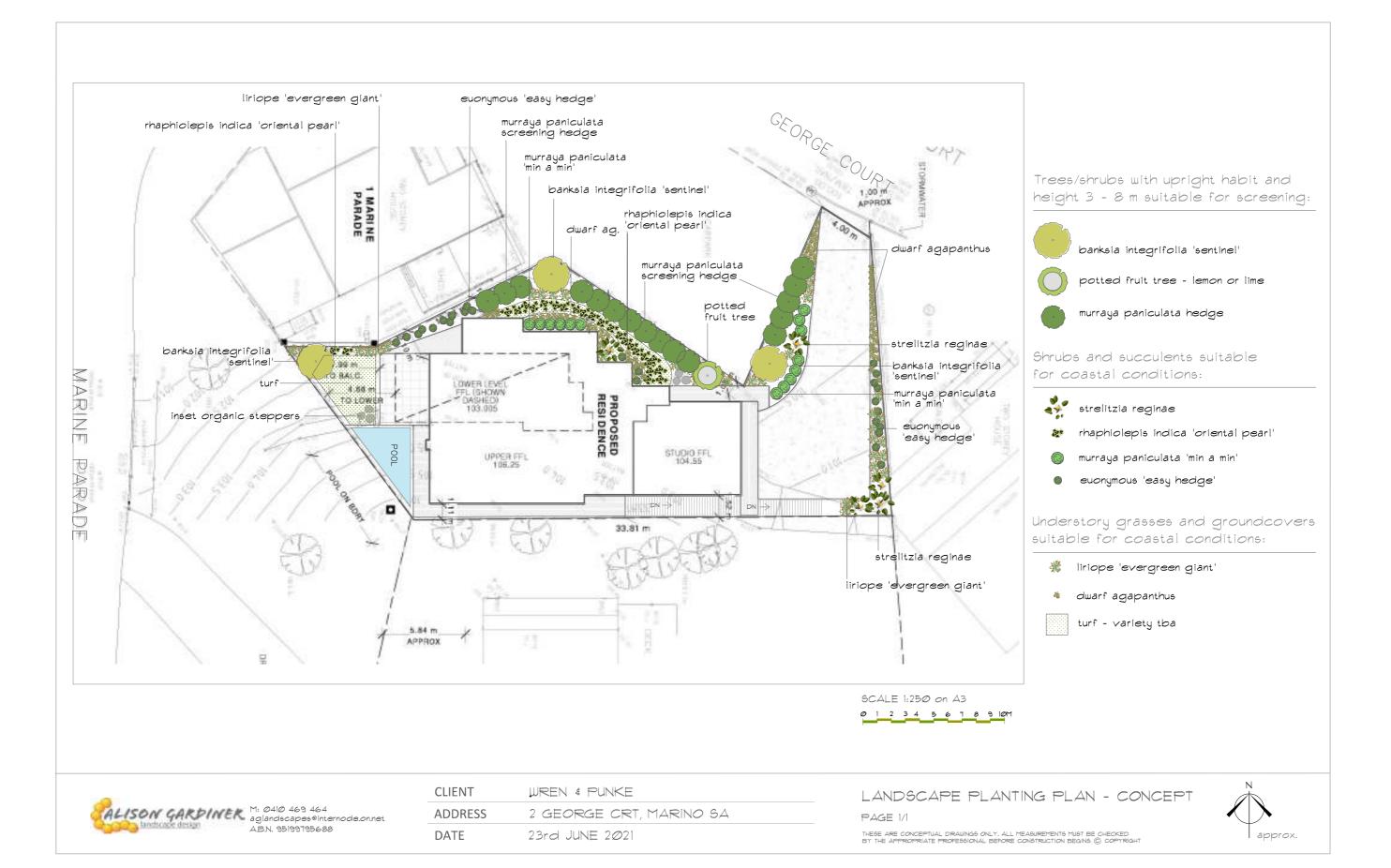
CLIENT NAME: WREN RESIDENCE

SITE ADDRESS: 2 George Court, MARINO SA

DATE: 28.06.2021



ITEM	LOCATION	PRODUCT	SUPPLIER	COLOUR	REFERENCE IMAGE
WINDOWS	AS PER PLAN	POWDERCOATED ALUMINIUM		MATT BLACK	
ENTRY DOOR	AS PER PLAN	CEDAR SHIPLAP DOOR		SEALED WITH CLEAR NON-YELLOWING OIL	
BALUSTRADE	BALCONY 2	12mm THICK GLASS 900mm HIGH BALUSTRADE FIXED INTO DECK MOUNTED ALUMINIUM CHANNEL		CLEAR GLASS	
	LOWER ENTRY PATH, BALCONY 1 & SERVICE YARD	IRON ASH BALUSTRADE 42mm x 42mm		SEALED WITH CLEAR NON-YELLOWING OIL	
GARAGE DOOR	AS PER PLAN	MADISON PANEL LIFT	GLIDEROL	SURFMIST	



Nicholas Timotheou

From: Development Services Administration <devadmin@marion.sa.gov.au>

Sent: Thursday, 23 July 2020 9:20 AM

To: SharePoint Development Applications Library
Cc: SP SharePoint Development Applications Library

Subject: 2020_0153 Stat Rep Z Xie

Duty Officer Development ServicesCity of Marion

P 08 8375 6685 | F 08 8375 6899

E devadmin@marion.sa.gov.au W www.marion.sa.gov.au

PO Box 21 Oaklands Park SA 5046 245 Sturt Road Sturt SA 5047

From: Xie Vivienne <viviennexie@outlook.com> Sent: Wednesday, 22 July 2020 12:28 PM

To: Marion Development Services <marionds@marion.sa.gov.au>; Development Services Administration

<devadmin@marion.sa.gov.au>
Subject: Statement of Representation

Dear Sir/ Madam,

This is Zhe Xie, the owner of 1A Marine Pde, Marino SA 5049. You can also call me Vivienne. I hope this letter finds you very well.

I'm trying to submit the statement of representation on your website, but after I fill in all the information and click the submit button, it always says "Internal system error". Is that alright if I send you my represention statement thourgh the email?

It's regarding the development plan of 2 George Court MARINO 5049. The application number is 100/2020/153.

A few days ago, I received your informing letter about the application of our neighbor's building plan. We also met one of your staff at home for a land measurement earlier this year.

First of all, thank you very much for all the works and help you've done. These days my family and I discussed more and studied the architectural drawing carefully.

When we bought the house, we were not be told that the land next to us has been sold and will be developed such soon. We are concerned by the size of the development and it's

interference with this property. The size of the property is too big to block the whole piece of the land, without any virescence and yard.

And also we would effetely be looking out our northern windows at a wall of a house, instead of the ocean. The front deck of the new build, would also encroach on our Western views. Last time we also showed your staff the location of our house's main view window, which from the current building plan would block most of our view. We were very concerned about the condition of this project because it related to the occlusion of the main view of our house. Obviously, this is a very undesirable result. We'd like to know what kind of rights can we get for this? Do we have the right to change the building plan? We look forward to your feedback and kindly help.

Our main problems at present are:

- 1. Would you pleases give us an image or visual reference? From our veranda and deck area, how much sea view (percentage%) would block? Will we still retain some view with the current design?
- 2. Is it possible for the height of the building to drop a little? The current height almost completely blocks out our main view sight. Or maybe reduce the foundation height a bit? It seems they will fill the dirt in and level up the land height to make the house higher, which we are worried about it.
- 3. About the privacy issue, will they have any window towards our house (south)? I'm afraid their second level window may look into our living room directly.
- 4. We have a white post in the yard, which we've been told before that's the land boundary of our land and neighbor's. Will their fence build exactly on the line of this post? And at the west side of the building, how far is the house from the boundary? Is it under the policy? As we know, the building should be 5 meters away from the west boundary.
- 5. How to monitor their building standard after the building plan is fully approved? Such as the height and does it cross the prescribed boundary? Will the council send someone to check to make sure that the works are exactly the same as the drawings?

That's all of our comments, and I'd like to represented heard by another, it's Jane Whittaker from Elders Brighton. Thank you so much for your kindly help. Looking forward to your early reply.

Best Regards, Vivienne Xie



Adelaide

12/154 Fullarton Rd Rose Park, SA 5067

08 8333 7999

Melbourne

29-31 Rathdowne St Carlton, VIC 3053

03 8593 9650

urps.com.au

7 July 2021

Mr Nicholas Timotheou
Senior Development Officer - Planning
City of Marion

By email: Nicholas.Timotheou@marion.sa.gov.au

Dear Nicholas

Response to Representations for DA 100/2020/153

I act for the applicant and Finesse Built this matter. I have been requested to review the proposed development and provide a response to representation received by the City of Marion.

One written representation was received from Zhe Xie who is owns 1A Marine Parade.

I have responded to the various concerns raised by the representor under common themes below. The proposal plans have also been amended to provide the level of information the Request For Information (RFI) from Council sought.

The development application was lodged on 4 March 2020. The Development Plan consolidated on 15 August 2019 is applicable to the assessment of this development application.

Summary of Amendments

The proposal plans have been amended in response to the representation, Councils RFI and after our meeting with you in the following ways:

- A re-design of the dwelling by Finesse Built.
- A streetscape 3D elevation of the site from Marine Pde and George Court to help provide an understanding of how the dwelling will complement the adjoining development.
- The site plan has been amended to include 1A Marine Pde and their neighbour to the south to clarify the front setbacks.
- Full colours and materials schedule for all elevations and roof.
- A full landscape plan has been provided.





- Fencing on the Southern elevation to mitigate overlooking and increase privacy for the adjoining dwellings.
- Increased variation in the northern façade with window type/location.
- The CT and scheme description have been reviewed and are not applicable to the proposed dwelling.

Response to Council RFI

Development on Sloping Land

You state in your RFI that:

"the dwelling should be appropriately designed to complement the natural slope of the land, including the roof form, minimise the extent of cut and fill and minimise the need for and height of retaining walls. Furthermore, the design of the dwellings should also ensure appropriate visual privacy of adjacent dwellings and reduce the potential loss of views and bulk/scale impacts on adjacent dwellings".

You have identified the guidelines in the Development Plan that support this position. I have quoted these provisions below and underlined the elements of them that I consider to be most relevant to the issues you have raised:

General Section - Sloping Land

PDC 1 <u>Development and associated driveways</u> and access tracks <u>should be sited</u> and designed to integrate with the natural topography of the land and <u>minimise the need for earthworks</u>.

Hills Policy Area 11 – Desired Character

...This desired character is derived from the existing prevailing character where it is based on low-density <u>detached dwellings of a variety of architectural styles on relatively large, sloping allotments</u>...

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

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

I also note PDC 7 of the Hills Policy Area 11 states:





- PDC 7 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:
 - (a) <u>incorporating stepping in the design in accordance with the slope of</u> the land
 - (b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey. (underlining added)

The proposed design has been amended since the original plans were submitted. The amendments include:

- Changes to the ground and upper-level floor plans and footprints.
- The introduction of a hipped roof.
- Reorientation of the double garage.
- The introduction of a pool on the western side of the dwelling.
- Changes to the amount and location of cut and fill.

The proposed dwelling has been designed to minimise earthworks as anticipated by PDC 1 quoted above. The cut and fill proposed on the southern side of the site has been balanced i.e. similar amount of cut to fill.

The dwelling is split-level as also anticipated in the Desired Character statement and PDCs 1 and 7 quoted above following the natural topography of the site. This sees the single storey portion of the dwelling located closest to the southern side boundary i.e. the high side of the site. The two storey elements of the dwelling are located on the lower parts of the site to the north.

The southern boundary of the site has varied existing ground levels, rising to a high point towards the western end and dropping away either side. This necessitates the inclusion of some retaining walls on the boundary where there will be a combination of excavation and fill. The retaining wall visible to the neighbour to the south will rise to a high-point of 3.0m before stepping down again to almost 0m. The inclusion of varied retaining wall heights is to be reasonably anticipated in a locality such as this where land slopes dramatically, even with the inclusion of a split-level dwellings.

Part of the dining room and kitchen is canter-levered given the geology of the site making excavation difficult and expensive.

All of the existing buildings in this locality are two storeys similar to the proposed dwelling. I have described above how this dwellings steps down the site. Therefore, the proposal clearly satisfies PDC 7 quoted above.



3



The design and orientation of the proposed dwelling takes advantage of the coastal outlook to the west and north. This reduces the potential for overlooking of adjacent residential properties. The single storey nature of the dwelling closest to the southern boundary, in combination with a 2m high boundary fence, ensure an appropriate level of privacy to the dwelling to the south.

The narrow balcony off bedroom 2/study looking east is setback approximately 9m from the eastern boundary of the site facing towards the balcony of the adjacent dwelling at 4 George Court. This separation distance and the secondary role of this proposed balcony means that the privacy of adjoining residents is appropriately maintained.

The impact of the proposed development on views from adjoining properties is discussed in detail later in this correspondence.

Southern Elevation

Your RFI indicates that the southern elevation of the originally proposed dwelling:

"impact(s) upon the adjacent property as a result of the setback and bulk and scale of the building. Areas of blank and/or upright walling should be minimised in order to provide visual interest and reduce the overall bulk and scale of the building presenting to adjoining land".

PDC 6 in the Residential Zone states that dwellings in the Hills Policy Area 11 should be setback 2m from side boundaries and 3m where the wall height is taller than 3m.

Not only does the subject site slope dramatically from a high point in the southern to a low point in the north, it also rises and falls from east to west.

Given this very undulating slope and awkward shape of the site, the amended dwelling has been located 0-1.5m off the southern side boundary.

The existing neighbouring dwelling to the south has a ground floor level of 107.73. It is also located approximately 6m from the common side boundary with the subject site.

The upper floor level of the proposed dwelling will be approximately 1.5m lower than the neighbouring dwelling at 106.25.

When viewed from the neighbouring dwelling, the proposed dwelling appears largely as a conventional style dwelling with some retaining walls below portions of the building. There is a staggering of the southern façade half-way along the dwelling, as well as some windows and sliding doors. In combination with the eaves overhang providing additional shade, it is contended that this façade has an appropriate level of visual interest and bulk when viewed from the south. It will also sit behind a 2m high Colorbond fence will screen much of this elevation from the neighbours.





Site Coverage and Floor Area Ratio

PDC 14 of the General Section – Residential Development states:

PDC 14 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.

PDC 8 of the Hills Policy Area 11 states:

PDC 8 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.

This provision lists quantitative maximums without explaining their purpose. It also does not define how to calculate site coverage and floor area ratio.

In the absence of such guidance, I have calculated site coverage as include the building footprint and excluding eaves balconies and verandas. I have calculated floor area ratio as the total floor area of the dwelling as a proportion of the site area.

The initial proposal had a site coverage of 43% (based on a building footprint of $243m^2$) and a floor area ratio of 0.74 (based on a building footprint of $424m^2$).

The amended plans have reduced the building footprint so that the site coverage has decreased to 40% (based on a building footprint of 232m²). The floor area ratio has also decreased to 0.66 (based on a total floor area of 374m²).

PDC 9 of the Residential Zone states:

- PDC 9 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.

Despite being 5% more than the quantitative guideline, it is contended that the proposed site coverage is acceptable because:

- The front boundary setback is context appropriate (see detailed discussion later in this report).
- The appearance of the development when viewed from the sides and the associated amenity impacts for neighbours are acceptable.
- There is only a negligible variation from the private open space guidelines that seek 20% of the site area (the proposal has approximately 100m² of private open space).
- The proposal incorporates all of the other design elements listed in PDC 14 as quoted above e.g. vehicle access and parking, storage, clothes drying.

Response to the Representation

Views Impact

The representors at 1A Marine Pde are concerned about impact on their coastal views.

The Desired Character of Policy Area 11 includes:

...<u>Many dwelling sites have good views of the Adelaide Plains or the coast...</u>.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. (underlining added)

The Desired Character regarding views is a statement of what exists rather than a development directive i.e. it does not guide new development as to how it should be designed in relation to views. In comparison, other Development Plans (e.g. Victor Harbor and Adelaide), are much more prescriptive about what views and to be protected from specific locations and how this should be achieved.

At the same time, it is acknowledged that views of the coast contribute positively to the amenity of the existing dwelling at 1A Marine Pde. These views are enjoyed in both westerly and northerly directions. The proposed dwelling will only impact on views from 1a Marine Pde in a northerly direction across the side boundary.

The proposed dwelling strikes an appropriate balance between reasonable development and view protection for these neighbours by having:

• An upper-level FFL that is 1.5m lower than the ground level FFL of the neighbouring dwelling i.e. it sits considerably lower.





- A moderate wall height of 2.8m for the upper level facing 1A Marine Pde (plus retaining walls in certain sections along this boundary), in a locality where two storey dwellings are contemplated by the Development Plan and already dominate the built-form character.
- A conservative pitch on the hipped roof.

Privacy

The proposed development appropriately addresses privacy of adjoining residents. The north and west elevation of the dwelling face the public road and the Marino Rocks café.

The southern elevation to 1A Marine Pde will maintain an appropriate level of privacy because for these neighbours:

- All windows are too wet areas and include frosted glass, except for the glass sliding doors from the laundry.
- The FFL of the dwelling and associated deck is 1.5m lower than 1A Marine Pde.
- 2m high fencing is proposed on the southern boundary.

Front Setback

The representor raised concern about the front setback of the proposed dwelling.

Given the angle of western site boundary fronting Marine Pde and the coast, the proposed dwelling is setback between 2.2-5.0m from this boundary. This setback is appropriate because:

- It is in alignment with the setbacks of the adjoining buildings either side at 1 and 1A Marine Pde.
- There is a very wide Council-owned verge between the property boundary and the roadway so that the proposed dwelling is setback more than 20m from Marine Pde.

Conclusion

The amended plans and the information provided in this letter responds to the issues raised in your RFI correspondence and in the representation. The amended design better responds to the relevant provisions of the Development Plan by:

- Stepping the dwelling in response to the slope of the site.
- Minimising cut and fill and striking a balance of this where it is necessary.
- Reducing the site coverage and floor area ratio.





- Ensuring appropriate boundary setbacks that complement existing development in the locality and mitigate off-site impacts such as overlooking and bulk and scale.
- Reasonably minimise impact on the views of the adjoining property to the south.

In this context, I look forward to your support of the application and the Council Assessment Panel (CAP) granting Development Plan Consent.

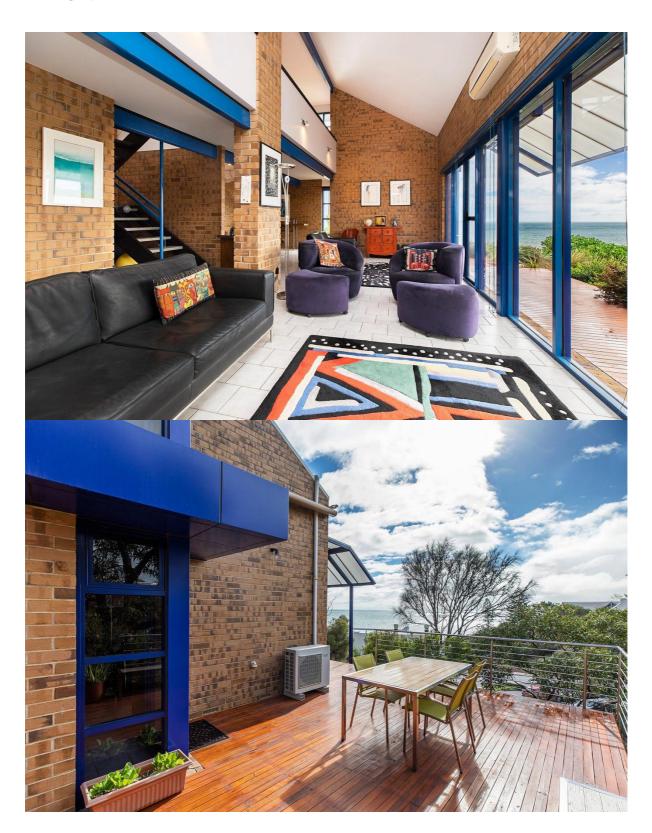
I wish to confirm that I will appear at the CAP meeting on behalf of the applicant.

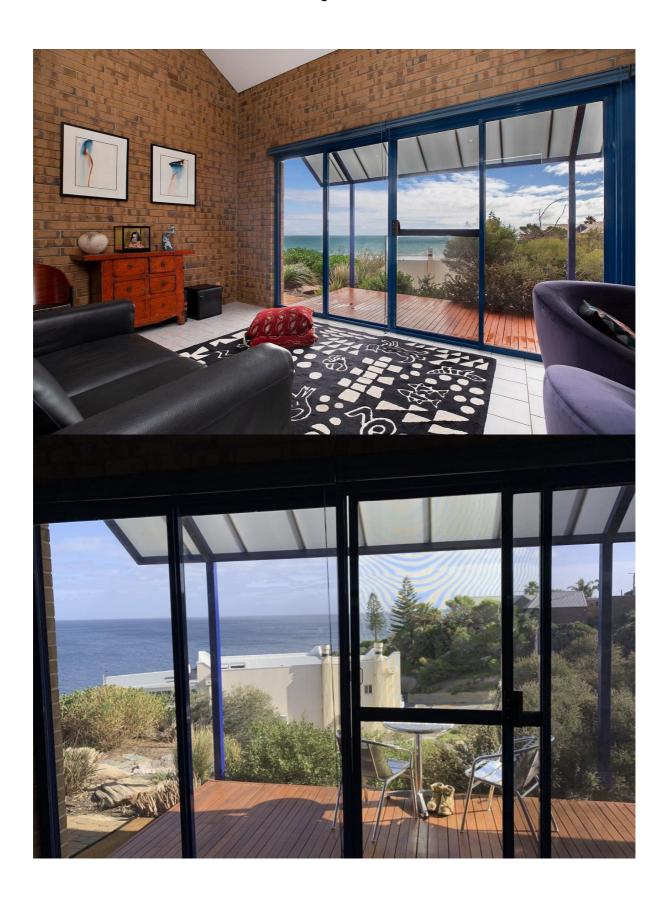
Please contact me on 8333 7999 if you have any questions.

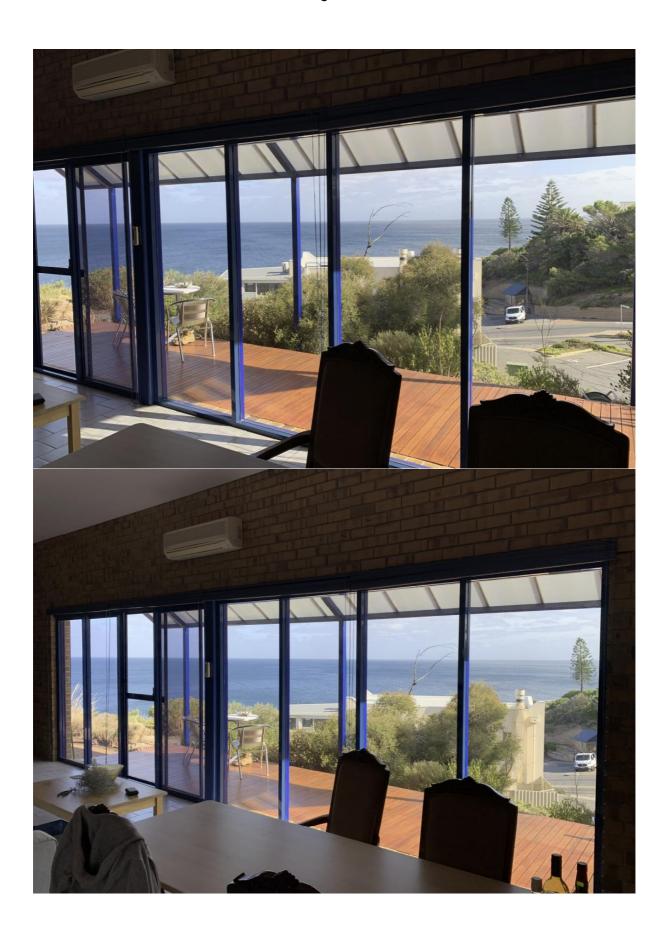
Yours sincerely

Brigitte Williams

Consultant











REPORT REFERENCE: CAP040821 - 4.3

CITY OF MARION

COUNCIL ASSESSMENT PANEL AGENDA

FOR MEETING TO BE HELD ON WEDNESDAY 04 AUGUST 2021



Originating Officer: Kai Wardle

Development Officer - Planning

Applicant: Dominion Homes

Development Description: Two single storey dwellings

Site Location: 66 Wheaton Street, South Plympton

Zone & Policy Area: Residential Zone / Marion Plains Policy Area 8

Lodgement Date: 02/02/2021

Development Plan: Consolidated – 14 January 2021

Referrals: Council Arborist; Development Engineer;

SA Water and Telstra (by applicant)

Delegations Policy: 4.1.2

Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire

to be heard by the Panel.

Categorisation 2

Development Plan, Residential Zone, Public Notification Table: Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or

residential flat buildings).

Application No: 100/2021/38

Recommendation: That Development Plan Consent be GRANTED subject to

conditions

Attachments

Attachment I: Certificate of Title
Attachment II: Proposal plans

Attachment III: Summary of representations

Attachment IV: Applicant's responses to representations

SUBJECT LAND

The subject land is the existing residential allotment of 66 Wheaton Street (Lot 217 DP 821 CT 5713/754), which has a site area of 809 square metres. The land's frontage width is 20.11 metres and site depth is 40.23 metres.







The land contains an original single storey dwelling, which is in a visually ageing condition. The dwelling is situated in the forward half of the land, with generally open grassed yards to the front and rear. Several outbuildings are located to the rear of the dwelling. The land is flat with a very minor slope down towards the rear. Access is presently obtained via a single crossover on the eastern side of the land.

A regulated Willow Myrtle street tree is located in the road verge approximately centrally to the frontage of the land. The tree has a trunk circumference of 2.12 metres and its retention is required by Council's Arborist. No other regulated or significant trees have been identified on the subject land or adjoining properties.

LOCALITY

The site is situated centrally within the suburb of South Plympton, approximately 600 metres east of Marion Road and 850 metres west of the Edwardstown Railway Station. The land is surrounded by low to medium density residential development, characterised by a mixture of original dwelling stock and more recent redevelopments. Original dwelling stock is typified by primarily single storey detached dwellings on generous allotments, with well landscaped front yards and typically single width driveways and garages. Newer housing stock comprises a greater range of dwelling types at higher densities and up to two storeys in height, with typically lesser front setbacks and single or double garage width.

The subject land and wider locality can be further viewed via this link to Google Maps.



Some examples of newer dwelling stock on Wheaton Street in close proximity to the subject land are pictured below, and are reflective of the locality's varied emerging residential character:







70 & 70A Wheaton Street



31 Wheaton Street

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PROPOSED DEVELOPMENT

The proposal seeks to construct two single storey dwellings, each on half of the existing allotment and facing the street. For the purposes of this assessment, the eastern dwelling is identified as Dwelling 1 and the western dwelling is identified as Dwelling 2. Each dwelling is proposed as a separate building, and so if this were proposed as part of a combined land division application, the dwellings would be described as detached dwellings. However in the absence of 'exclusive' sites as required by the detached dwelling definition, the dwellings are technically undefined.

Each dwelling contains three bedrooms and two bathrooms. The front façade of each dwelling presents towards the street with a double garage (split into two separate, stepped single openings), a lounge room window, and a forward-facing front entry door beneath a projecting portico, set behind a landscaped front yard with tapered driveways. An open plan kitchen, living and dining area is located at the rear of each dwelling, which open onto a rear alfresco and a landscaped rear yard.

The dwellings differ only in their front portion. The garage of Dwelling 1 achieves a setback from its external side boundary, whereas Dwelling 2 does not. This results in a narrower presentation to the street for Dwelling 1, apparent in the width of the front lounge room.

Dwelling 1 proposes to widen the existing crossover into a double width crossover, whereas Dwelling 2 is limited by existing street infrastructure and proposes a new single width crossover. The proposed crossovers are located on the outer edges of the existing allotment and so provide a wide central verge area which is sufficient for an on-street parking space, domestic waste collection, and the retention of the existing regulated street tree.

The proposed landscaping schedule indicates plantings of two trees within each dwelling's front and rear yards respectively, for a total of eight trees across the development. These are to be supported by smaller plantings to skirt boundaries and paved areas.

PROCEDURAL MATTERS

Classification

The application is listed neither as a complying nor non-complying form of development and has therefore been assessed as a 'merit' form of development.

Categorisation

The Public Notification Table of the Residential Zone assigns development which involves a boundary wall height exceeding 3 metres from natural ground level as a Category 2 form of development. The proposed boundary wall height of Dwelling 2's garage measures at 3.12 metres from natural ground level and so public notification was undertaken. A summary of the public notification process is contained on the next page.

Referrals

Coordinator Arboriculture (Internal):

September 2020: Identified the street tree as a regulated Willow Myrtle (*Agonis flexuosa*), with a trunk circumference of 2.12 metres measured 1 metre from natural ground level. Identified the tree to be in moderate to good health and worthy of protection and retention. Recommended that driveway crossovers be placed on the outer edges of the existing allotment.

May 2021: Re-inspected the tree and determined that the previous advice still applies.

Development Engineer (Internal):

Confirmed that both spaces of Dwelling 2's garage are accessible via the proposed driveway.

SA Water (informal, by applicant):

SA Water have advised the applicant that the existing fire plug marker post located adjacent to Dwelling 2's proposed crossover can be removed as it is now redundant, having been replaced by a blue retroreflective raised pavement marker (RRPM) which has been installed on the road at this location.

Telstra (informal, by applicant):

Telstra have provided the applicant with a quote for the relocation of the telecommunications pit which conflicts with Dwelling 2's proposed crossover. The pit can be relocated subject to the applicant's cost, and the requirement to do so is reinforced by a proposed condition.

PUBLIC NOTIFICATION



Properties Notified

17

Representations 3 received

1 opposing the development and 2 in support

Representations received

M Gould - support
 G Williams - support

3. I Buzila - opposed

Applicant Response

Responses by the applicant are included within the Report attachments.



ASSESSMENT

The assessment is split into three main sections:

- 1. Zone and Policy Area Consideration, which considers relevant qualitative Zone and Policy Area Objectives, Desired Character and Principles of Development Control;
- 2. Quantitative Snapshot, which details the proposal's performance against relevant quantitative Principles of Development Control;
- 3. Assessment Discussion, which involves detailed discussion of pertinent matters.

Zone and Policy Area Considerations

Residential Zone

Objectives Satisfies

- 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.

The proposal is considered to contribute towards an acceptably attractive residential zone. The designs include articulation and front yards are well landscaped with tapered driveways. These measures assist in mitigating garage dominance.

The land is not in particularly close proximity to centres, public transport or public open spaces. Nevertheless the proposed density is appropriate and exceeds the minimum desired by the Policy Area.

Relevant Principles of Development Control

Satisfies

- 1 The following forms of development are envisaged in the zone: [...]
 - dwelling including a residential flat building
- 3 Vacant or underutilised land should be developed in an efficient and coordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.

The proposal is an envisaged form of development.

It demonstrates a higher density than original dwelling stock but which is nevertheless compatible with adjoining residential development.

Marion Plains Policy Area 8

Objectives Partially Satisfies

- 1 A policy area primarily comprising low scale, low to medium density housing.
- 3 Development that minimises the impact of garaging of vehicles on the character of the locality.

Proposal is the low scale, low density housing sought.

The impact of garaging is not minimised, however is considered to be mitigated by other factors, including:

- Each garage being split into two single openings and stepped accordingly;
- Tapered driveways with landscaping on both sides;
- Garage setbacks being up to 2.5m

- 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.

- behind the building line of the eastern adjoining dwelling;
- The garages being setback behind the proposed building line and projecting porch.

The proposed density shall support the viability of community services and infrastructure.

The design is considered to reflect good residential design principles and contribute to the Desired Character – refer to the Assessment Discussion.

Desired Character Generally Satisfies

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 density dwellings, but at a higher density 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 by incorporating designs that are sympathetic to the existing streetscape character, including complementary design features such as pitched roofs, eaves, front verandahs/porches and building materials.

Buildings of up to two storeys are appropriate, provided that the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

Buildings that present plain box-like built forms and limited detailing are generally inappropriate.

Where a new building is built adjacent original dwelling stock, a lesser setback from the primary road frontage is anticipated, provided that the new building is designed to complement the existing streetscape character with regard to building design, articulation, roof form, materials and landscaping.

Development will be interspersed with landscaping, particularly between the main road frontage and the building line, to enhance the appearance of buildings from the street, provide an appropriate transition between the public and private realm and reduce heat loads in summer. Low and openstyle front fencing will contribute to a sense of space between buildings.

Amalgamation of properties is desirable where it will facilitate appropriately designed low-to-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.

The proposal is considered to satisfy the Desired Character.

The proposal achieves the desired density, and is considered to contribute to an acceptably attractive residential environment. The proposed form and design are generally compatible with the existing and emerging streetscape character, although it is noted that garage proportions are greater than typical of the surrounding character. An appropriate front setback and tapered driveways provide space for meaningful front landscaping to be established as is proposed.

No front fencing is proposed. The existing mature regulated street tree shall be retained.

Refer to the Assessment Discussion section of this report for further detail.

Relevant Principles of Development Control

Satisfies

- 1 The following forms of development are envisaged in the policy area:
 - affordable housing
 - dwelling
 - supported accommodation.
- 2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

The proposal is considered to generally satisfy all of the relevant Zone and Policy Area considerations listed above. Zone and Policy Area provisions that are more quantitative in nature have not been listed above, and are detailed within the following Quantitative Snapshot table. Pertinent matters, including the Desired Character, are discussed further within the Assessment Discussion thereafter.

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Quantitative Snapshot

Criteria		Dwelling 1	Dwelling 2	
Site area	*	406m ²	403m ²	*
Frontage width	*	10.1m	10.02m	*
Depth	*	40.23m	40.23m	*
Site area	350m ² Policy Area PDC 4	406m²	403m²	Satisfies
Frontage width	10m Policy Area PDC 4	10.1m	10.02m	Satisfies
Depth	20m Policy Area PDC 4	40.23m	40.23m	Satisfies
Site coverage	40% Policy Area PDC 5	53% (215m²)	53.8% (217m²)	Does Not Satisfy
Pervious area	20% Residential Development PDC 15	Total pervious area: 22.4%	(181m²)	Satisfies
Front setback	Average of adjacent (7.2m) 68 Wheaton = 5.4m 64 Wheaton = 9m Design and Appearance PDC 22	6.97m (portico to 6.26m)	6.97m (portico to 6.26m)	Minor Departure
Carport/garage setback	5.5m and behind or in-line with main face Residential Development PDC 12	7.59m and 7.94m; behind main face	7.59m and 7.94m; behind main face	Satisfies
Rear setback (ground)	6m, may be reduced to 3m for <50% rear width Residential Zone PDC 6	9.65m	9.65m	Satisfies
Side setbacks (ground)	0.9m Residential Zone PDC 6	0.96m	0.96m	Satisfies
	8m length Residential Zone PDC 6		6.39m length	Satisfies
	3m height Residential Zone PDC 6	Wall on non-existing internal boundary only.	3.12m height from NGL (2.65m from footings)	Minor Departure
Boundary walls	1 side boundary only Residential Development PDC 38	No wall is proposed on the existing external site boundary.	Walls are on both side boundaries of the dwelling site, however overall the development is only built to one external side boundary.	Does Not Satisfy
Building height	2 storeys; 9m Residential Zone PDC 6	1 storey; 5.28m	1 storey; 5.54m	Satisfies
Private open space	20% Residential Zone PDC 7	23.9% (97m²)	24.1% (97m²)	Satisfies
Private open space dimension	5x5m Residential Zone PDC 7	9.65m x 10.1m	9.65m x 10.02m	Satisfies
Garage width	6m or 50% of dwelling façade width (the lesser) Residential Development PDC 12	6.01m (66%)	6.01m (59%)	Does Not Satisfy
Crossover width	3m (single) 5m (double) Residential Development PDC 39	5m (double)	3m (single)	Satisfies
Off-street parking	2 (1 covered) Table Mar/2	4 (2 covered)	3 (2 covered)	Satisfies

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*Note regarding proposed site dimensions

It should be noted that in the absence of 'exclusive' sites as required by the detached dwelling definition, the dwellings are technically undefined. Therefore, the minimum site criteria specified by Policy Area Principle 4 do not technically apply, and so have not been included for reference in the above table.

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Assessment Discussion

Consideration and discussion of the following matters in particular are considered pertinent in reaching a recommendation for the proposal:

- Desired Character
- Site coverage
- Garage width
- Boundary-to-boundary (Dwelling 2)

Desired Character

Overall, the proposal is considered to generally satisfy the Desired Character statement of Marion Plains Policy Area 8. Due to the importance of the Desired Character in an assessment, it is considered worthy of particular attention in this assessment discussion, and so is discussed in detail below.

The proposed site areas and dimensions exceed the minimums sought by Policy Area Principle 4 for detached dwellings, however it should be noted that the Principle does not technically apply to these dwellings which are 'undefined'. It is noted that the proposed density is consistent with the density sought by the Desired Character, which is 'low' but 'at a higher density compared to that typical of original dwelling stock'. As such, proposing two dwellings on the subject land is considered to be fundamentally appropriate.

The proposed low scale, single storey nature of the proposed dwellings is consistent with the prevailing character of single storey dwellings and promotes a cohesive streetscape. Aspects of the proposed building designs are considered to be sympathetic to the original and emerging streetscape character, including pitched roofs, eaves, a front porch and building materials of face brick with render. Each dwelling's front façade has three steps at different setbacks and a projecting porch, and so incorporates sufficient detailing to avoid being regarded as 'plain' or 'box-like'.

One aspect of the proposal which is somewhat contrary to the prevailing character is proportion of garaging and habitable areas on the front façades, especially in the case of Dwelling 1. Although the Desired Character does not contain specific wording regarding garaging, it is noted that this aspect of the proposal is inconsistent with the predominantly single garage character of existing dwelling stock, and contrary to Policy Area Objective 3. This matter is discussed in further detail in the 'Garage width' section of this discussion, and is not considered to unreasonably undermine the design outcomes sought by the Desired Character.

The proposed front setbacks respond to the Desired Character's desire for new buildings to have a lesser front setback than original dwelling stock. As the proposed front setbacks are close to the average of the new and original adjoining dwellings on either side of the subject land, they remain compatible with both original and emerging dwelling stock and promote a cohesive streetscape. The front setback together with tapered driveways also provide space for meaningful front landscaping to be established as desired, including tree plantings that will assist in enhancing appearance, provide a landscaped transition, and reduce heat loads in summer.

No front fencing is proposed, and the existing mature regulated street tree shall be retained.

On balance the proposal is considered to satisfy the Objectives and Desired Character statement of Marion Plains Policy Area 8.

Site coverage

The proposed site coverage of 53% and 53.8% per dwelling exceed the maximum 40% sought by Policy Area Principle 5. This proportion of site coverage includes an under-main-roof alfresco area per dwelling. If each alfresco were to be excluded, the site coverage of the dwellings alone would measure at 49.3% and 50.1% respectively. Incorporation of an alfresco area as part of the subject application reduces the potential need for future owners/occupiers to construct a verandah in the future. The higher proportion of site coverage proposed is reasonably justified by the benefit derived from delivering a usable all-weather area of private open space in conjunction with the dwelling together with an ample area of private open space which remains uncovered.

Residential Zone Principle 9 states that site coverage should not exceed the relevant quantitative amount unless doing so would not be contrary to other relevant criteria of the Development Plan. The proposed dwellings achieve an appropriate front setback, satisfy minimum side and rear setback criteria, and are provided with a functional area of private open space which exceeds the minimum required. The proposed dwellings are low scale and the excess in site coverage shall not adversely affect the amenity of adjoining properties. Sufficient space is provided for the domestic requirements listed under Residential Development Principle 14, including domestic storage, outdoor clothes drying, rainwater tanks, and storage of waste bins. Sufficient pervious area is provided to satisfy Residential Development Principle 15, including good areas and dimensions of soft landscaping to the front and rear of the dwellings for meaningful vegetation to be established.

The only variances it could be argued that site coverage contributes towards are the garage width relative to the dwelling façades, and the boundary-to-boundary nature of Dwelling 2. These matters are each considered to be acceptable for the reasons detailed below.

Garage width

Residential Development Principle 12 specifies that a garage's frontage width should not exceed 6 metres or 50% of the associated dwelling façade (whichever is the lesser). Measured to the portico pier, the proposed garage frontage width is 6.01 metres per dwelling, which equates to 66% of the dwelling façade width for Dwelling 1 and 59% for Dwelling 2.

Despite this, the proposed garages are not considered to dominate the streetscape. While the proposed development does not 'minimise' the impact of garaging on the character of the locality as sought by Policy Area Objective 3, it demonstrates measures to mitigate associated visual impacts and is considered to demonstrate good residential design principles.

Factors which help to mitigate the impact of the garaging include:

- Each garage being split into two single openings and stepped accordingly;
- Garage setbacks being up to 2.5m behind the building line of the eastern adjoining dwelling;
- The garages being setback behind the proposed building line and projecting porch;
- Tapered driveways to reduce the extent of paved areas forward of the building line, with landscaping on both sides;
- The provision of landscaping forward of the building line including the planting of two *Magnolia grandiflora* trees per front yard which can reach significant growth heights.

Considered in more detail, the split in each garage breaks up the appearance of the garaging by separating the openings and stepping them at staggered setbacks. The roof form reflects this stepping and provides further articulation accordingly. Together with the garages being setback behind the building line of the associated dwelling and the eastern adjoining dwelling, these design techniques shall reduce the prominence of the garaging when viewed from the street.

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The driveways are also tapered, narrowing towards the front of the allotment. This reduces the extent of paved areas forward of the building line and provides opportunity for landscaping to be established directly between the central garage opening of each dwelling and the street, which may assist in softening or partially obscuring it from view. Landscaping is proposed on both sides of the proposed driveways, which shall skirt the paved areas and emphasise a landscaped character as desired by the Policy Area.

Despite the proposed garage width, each dwelling presents desirable design elements towards the primary street, including a habitable room window to facilitate passive surveillance, a forward-facing front entry door to provide a sense of address, and a projecting portico to provide shelter and additional articulation to the front elevation.

The habitable room window of Dwelling 2 is reasonably large, however it is noted that the habitable room window of Dwelling 1 is comparatively narrow. Notwithstanding this, the window is capable of facilitating passive surveillance as it presents from a room with dimensions capable of use as a small lounge room or study. The front room has an internal width of 1.7 metres excluding the hallway, or 2.96 metres including the hallway. The width excluding the hallway is sufficient to accommodate a two-seater lounge or a study desk. The room has an internal depth of 3.53 metres to the front window, or 2.91 metres to the front door, which provide some flexibility to support a variety of furniture arrangements. In terms of the streetscape, is also noted that the proposed window and the room it presents from are larger than the front window and room of the eastern adjoining dwelling at 68 Wheaton Street, as pictured in the photograph and elevation comparison below.



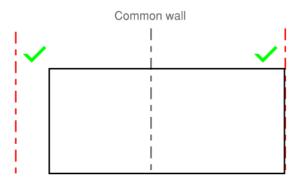
Overall, the proposed garage width is not considered fatal to the merits of the application. The proportion of Dwelling 1's garaging to the dwelling façade is considered to be at the maximum extent tolerable for a single storey design. The proposal's merits are assisted by design techniques, siting and landscaping which reduce the appearance of garage dominance and mitigate the impacts of garaging on the character of the locality.

Boundary-to-boundary (Dwelling 2)

Residential Development Principle 38 states, 'Dwellings and associated garages and/or carports should only abut one side boundary (excluding common walls associated with semi-detached, row or residential flat dwellings)'. It may be interpreted that Dwelling 2 does not satisfy this Principle by being constructed to both of its proposed side boundaries.

It should be noted that this Principle excludes common walls associated with semi-detached, row or residential flat dwellings. In practice, if such a dwelling type were proposed, this would enable the construction of the building to one external side boundary of the subject land, however not the other (as shown by the example below). This understanding of the criteria has resulted in numerous semi-detached or row dwelling developments across the Council area being constructed in this way. This is evidenced by several row dwelling developments in the locality, including the one immediately east of the land at 68 Wheaton Street (as pictured below).

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Interpretation of Residential Development PDC 38 as it applies to semi-detached, row or residential flat dwellings.

The Principle in practice, showing 68 – 68B Wheaton Street (the eastern adjoining development) overall abutting one external side boundary but not the other.

Visually and functionally, the subject application proposes the same outcome. The only difference being that the central wall is not a 'common' or 'party' wall, but is two separate abutting boundary walls. If the proposal were amended to be joined by a party wall, it would satisfy this Principle. In my view, requiring the proposal to be amended in such a way would serve no material benefit and serve no functional purpose: put frankly, it would 'achieve nothing'.

It should also be noted that if only one detached dwelling were proposed on the subject land, it could be constructed to one of the external side boundaries and so would satisfy the Principle.

The intent of the Principle is to prevent wall-to-wall development at a streetscape scale by requiring separation between separate developments. In my view, the proposed development satisfies this intent as Dwelling 1 achieves a side setback to an external side boundary of the subject land.

As such, in my view the proposed boundary-to-boundary nature of Dwelling 2 is acceptable and can be supported in its current form.

Minor & Inconsequential Shortfall Discussion

The minor variances to the following criteria, as identified within the Quantitative Snapshot table, are considered to be justified and are discussed accordingly below:

- Front setback
- Boundary wall height (Dwelling 2)

Front setback

The proposed front setback to the building line of 6.97 metres falls marginally short of the minimum 7.2 metres desired by Design and Appearance Principle 22, being the average of the adjoining dwellings. This shortfall is minor, and in any case, responds to the Policy Area's Desired Character which seeks for new buildings to have a lesser front setback than typical of original dwelling stock. The proposed front setback shall be compatible with the streetscape and contribute positively to its function and appearance.

Boundary wall height (Dwelling 2)

The proposed boundary wall of Dwelling 2 presents towards the western adjoining property at a height of 3.12 metres from natural ground level. This marginally exceeds the maximum 3 metre boundary wall height sought by Residential Zone Principle 6.

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It is noted the wall height is only 2.65 metres from footings, which is a typical residential single storey boundary wall height. The additional wall height is due to the height of floor level above natural ground level. Should the eastern adjoining land be developed in future, it is likely to be filled to a similar level as the subject land and if so the wall would likely appear as less than 3 metres in height in future. In any case, the impacts caused by the additional wall height shall not be materially different to those which would be caused by a compliant wall height, and are not considered unreasonable.

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CONCLUSION

On balance, the proposal achieves the majority of applicable Principles of Development Control contained within the Marion Council Development Plan. It is fundamentally appropriate to propose two dwellings on the subject land, as the proposed sites exceed minimum site area, frontage width and site depth criteria. The proposed dwellings also generally satisfy the Policy Area's Desired Character statement. The only departures of note relate to aspects of the proposed built form: specifically site coverage, garage width, and the boundary-to-boundary nature of Dwelling 2.

As discussed within the body of the report, the proposed site coverage does not directly result in any unreasonable consequences. While it could be argued the site coverage contributes to the proposed garage width and boundary-to-boundary nature of Dwelling 2, these aspects are considered acceptable in their own right. Impacts of the proposed garage width on the streetscape are acceptably mitigated by design techniques and landscaping, while the habitable portions of the dwellings are each considered to present acceptably to the street. The boundary-to-boundary nature of Dwelling 2 is not considered to adversely affect the streetscape, as Dwelling 1 provides separation to an external boundary of the subject land, which prevents the overall development from being 'boundary-to-boundary'. Essentially the same outcomes are permitted for semi-detached, row or residential flat dwellings, and examples of these are found within the locality and streetscape.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2021/38 for two single storey dwellings at 66 Wheaton Street, South Plympton be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development granted Development Plan Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
- 2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
- 3. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.
- 4. Any form of development on the property boundary (such as mortar joints on any face brickwork, blueboard material or similar, render etc) shall be finished in a professional manner and to the same standard as the remainder of the subject dwelling.
- 5. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.

NOTES

- 1. The existing telecommunications pit and fire plug marker post which conflict with the location of Dwelling 2's proposed crossover are to be removed or relocated at the applicant's cost as negotiated with the relevant parties.
- 2. This approval does not relate to the removal of, or to any tree damaging activity to, any regulated or significant tree (as defined under the Planning, Development and Infrastructure Act 2016) that may be located on the subject site or adjoining land. Removal or tree damaging activity may not occur unless a relevant separate Development Approval is received.

Should regulated or significant tree(s) exist, care must be taken during demolition/construction of the proposed buildings and in particular the stormwater discharge pipes to ensure no damage is done to that/those tree(s) (including their root systems) unless otherwise approved by Council. For this reason, a protective barrier

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should be erected at the dripline of the tree, and that barrier should be maintained for the duration of the demolition/construction. It is also recommended that you seek the advice of a qualified arborist.



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5713/754) 24/08/2020 11:24AM 100/2020/1280 20200824004146

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5713 Folio 754

Attachment I

Parent Title(s) CT 1893/56

Creating Dealing(s) CONVERTED TITLE

Title Issued 25/11/1999 **Edition** 4 **Edition Issued** 29/08/2015

Estate Type

FEE SIMPLE

Registered Proprietor

JOHN BURTON STEER
OF 66 WHEATON STREET SOUTH PLYMPTON SA 5038

Description of Land

ALLOTMENT 217 DEPOSITED PLAN 821 IN THE AREA NAMED SOUTH PLYMPTON HUNDRED OF ADELAIDE

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes NIL

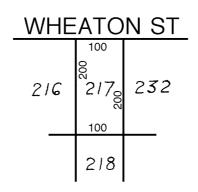
Administrative Interests NIL

HOME

Land Services SA Page 1 of 2

Product
Date/Time
Customer Reference
Order ID

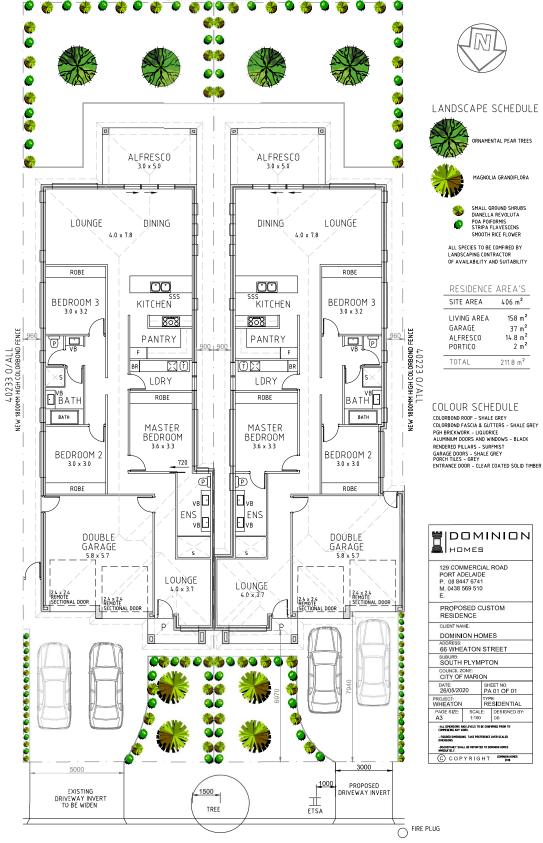
Register Search (CT 5713/754) 24/08/2020 11:24AM 100/2020/1280 20200824004146



DISTANCES ARE IN LINKS
FOR METRIC CONVERSIONS
1 LINK = 0.201168 METRES
1 CHAIN = 100 LINKS

HOME

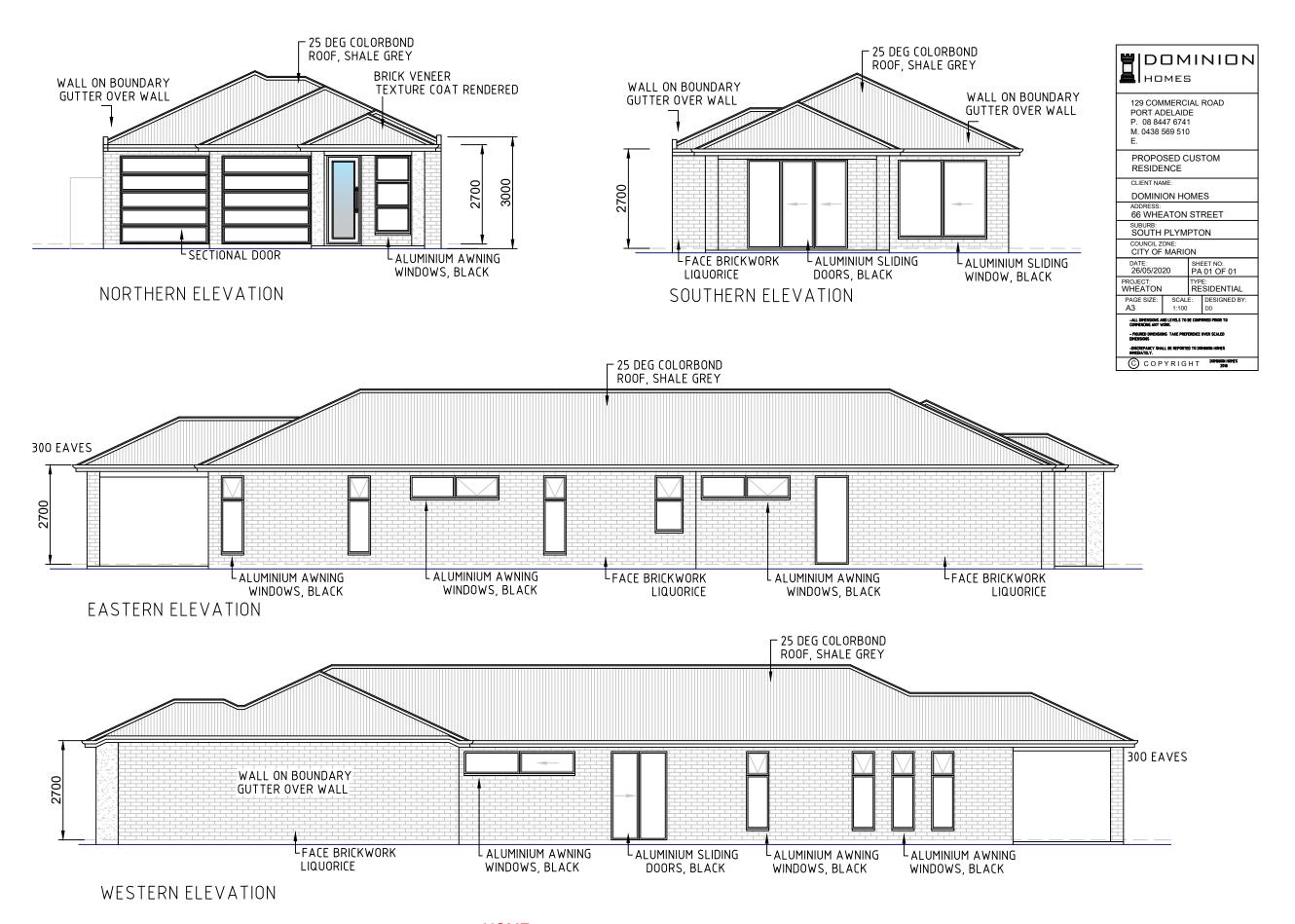
Page 182
20116 O/ALL
NEW 1800MM HIGH COLORBOND FENCE



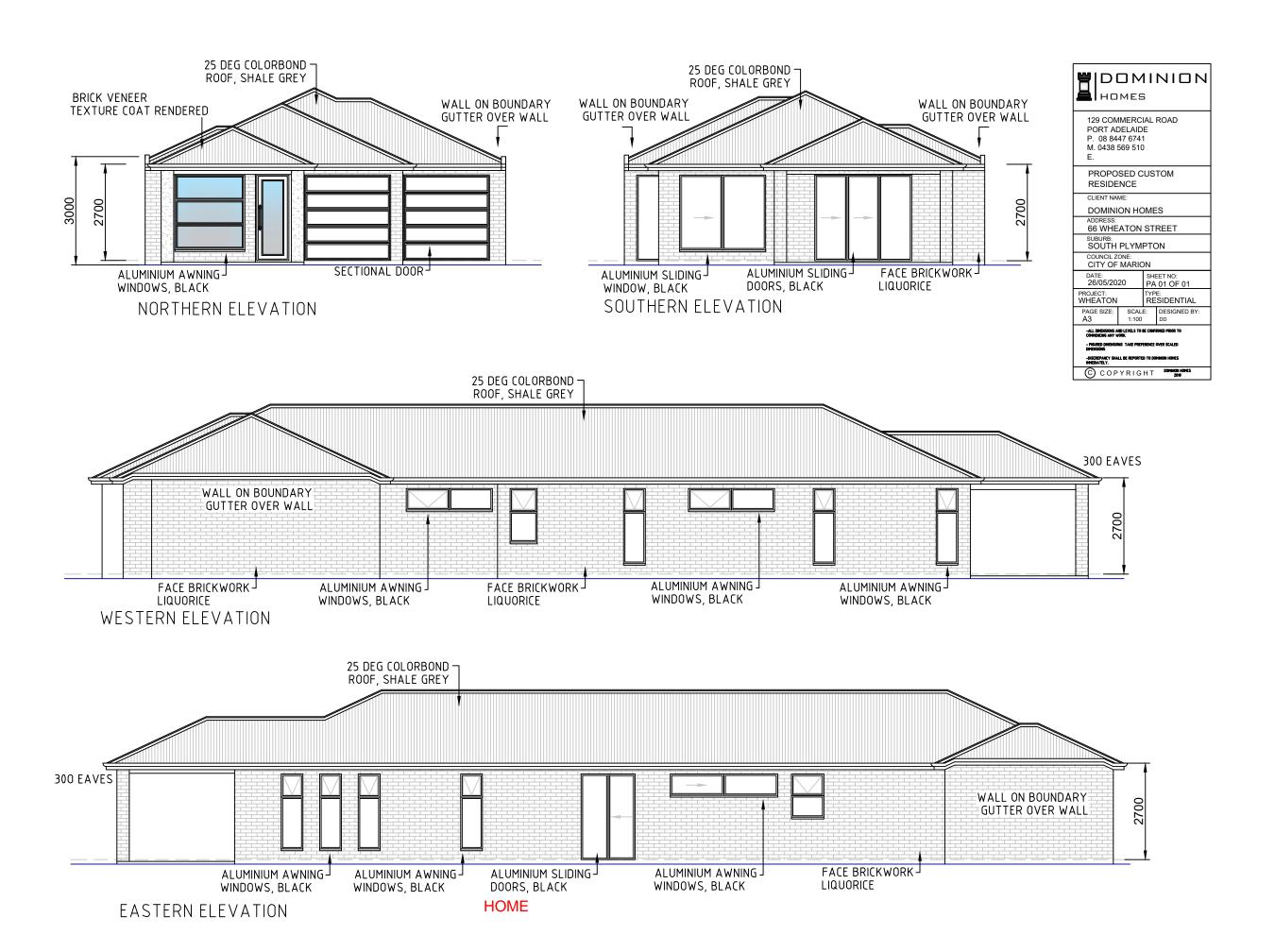


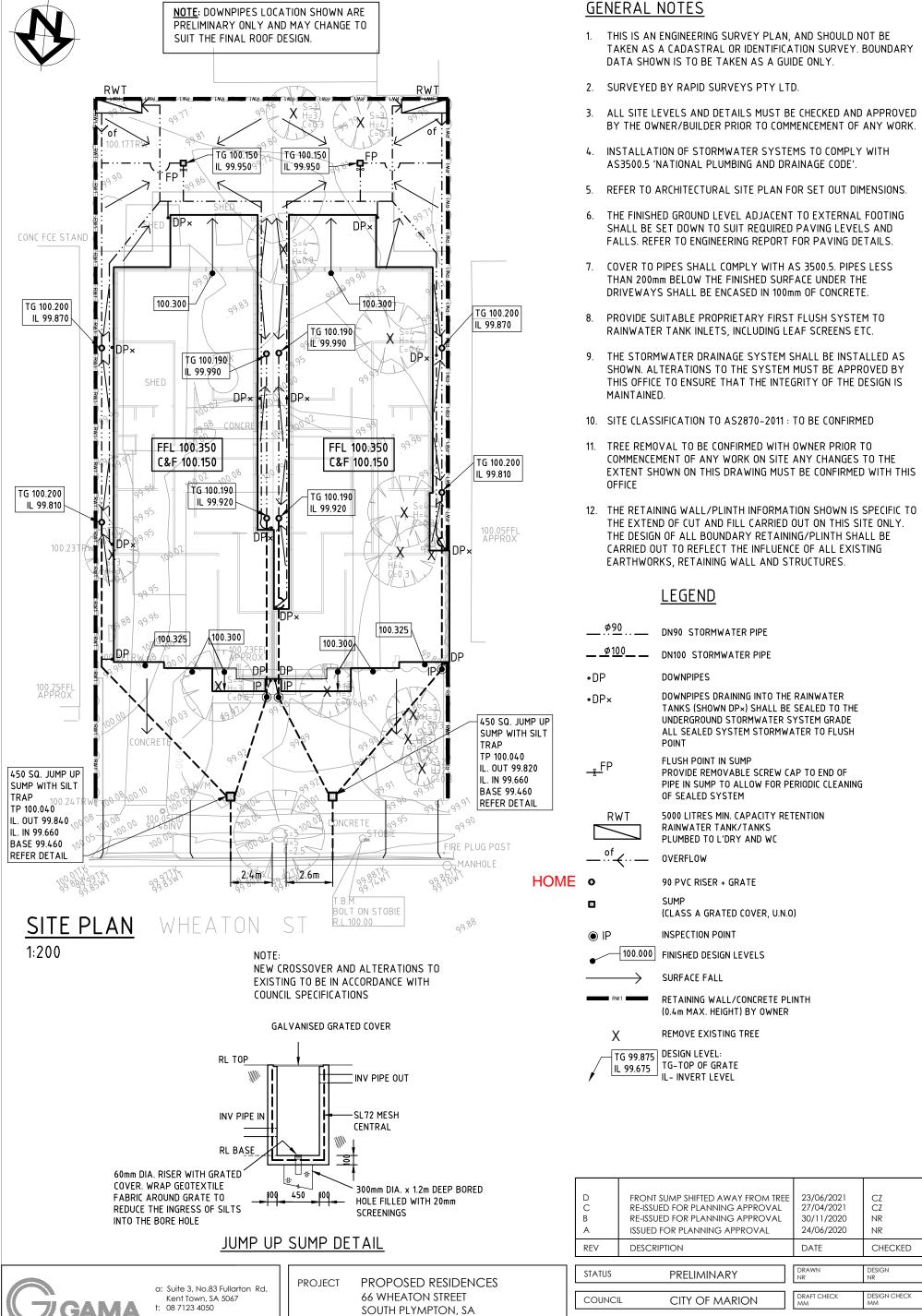


HOME



HOME





DRAWING No.

SHEET SIZE A3

20363-C01

REVISION

DESCRIPTION

SITE PLAN

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CONSULTING

engineers and project management

admin@gamaconsulting.com.a

www.gamaconsulting.com.au

CLIENT

DOMINION HOMES

Statement of Representation

Pursuant to Section 38 of the Development Act, 1993



This representation is in regard to the proposed development application number: 100/2021/38 by Dominion Homes described as, Two single storey dwellings at 66 Wheaton Street SOUTH PLYMPTON 5038

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Council is required by the Development Regulations 2008 to put on public display all documents and information forming part of the assessment of an application for Category 2 or 3 developments that are to be determined by the Council Assessment Panel. You should assume any documents or information you lodge as part of your representation may be categorised in that way, will become public for all purposes. If you have any concerns over the confidentiality or security content of such documents or information, you should discuss these matters with a member of Council's planning staff prior to lodging your representation.

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Signature of Representor	Date	•		

Statement of Representation



Pursuant to Section 38 of the Development Act, 1993

This representation is in regard to the proposed development application number: 100/2021/38 by Dominion Homes described as, Two single storey dwellings at 66 Wheaton Street SOUTH PLYMPTON 5038

DETAILE	OF REPRESENTOR(S)
TITLE/S	M GIVEN GOVER.
SURNAME	Williams
POSTAL ADDRESS EMAIL	27 Lhecton St Sth Plyinfon CODE 8037 PHONE NUMBER 82975174
☐ I consen	t for all future correspondence to be received via the email address provided above (Please tick if applicable)
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I/We: (Tick	one option below)
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to be hear	nt that the application is to be decided by the Council Assessment Panel, would you like rd?: (Tick one option below) wish to be heard □ I wish to be heard
□ I wish to	he heard but will be represented by (Please Specify):-
the Applicant, attachment to the	that any representation will become a public document as prescribed by the Freedom of Information Act 1991; will be available to agencies and other bodies pursuant to the Development Act 1993; and may be uploaded onto the Council's website as an are report item in the Agenda for the Council Assessment Panel. The proof of the Agenda for the Council Assessment Panel. The proof of the Agenda for the Council Assessment Panel.

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Please read the back of this form for important information

Signature of Representer

25. C. HOME

Date

From: Development Services Administration <devadmin@marion.sa.gov.au>

Sent: Tuesday, 15 June 2021 12:59 PM

To: Dev Service

Subject: 2021_0038 J F Davies & I Buzila Stat of Rep

Development Services | City of Marion

T: 08 8375 6685 | F: 08 8375 6899

E: devadmin@marion.sa.gov.au | W: www.marion.sa.gov.au

PO Box 21 Oaklands Park SA 5046 245 Sturt Road Sturt SA 5047

From: Ioana Buzila <i_b@live.com.au> Sent: Monday, 14 June 2021 9:17 PM

To: Marion Development Services <marionds@marion.sa.gov.au>; Development Services Administration

<devadmin@marion.sa.gov.au>

Subject: Statement of representation for proposed development application number: 100/2021/38 by Dominion

Homes

Statement of Representation

GIVEN

Pursuant to Section 38 of the Development Act, 1993

REPRESENTOR(S)

TITLE/S



This representation is in regard to the proposed development application number: 100/2021/38 by Dominion Homes described as, Two single storey dwellings at 66 Wheaton Street SOUTH PLYMPTON 5038

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Please read the back of this form for important information

13/06/2021 HOME

Date

Signature of Representor

To whom it may concern,

Please find attached the statement of representation with regards to the proposed development application number: 100/2021/38 by Dominion Homes.

I am the homeowner and occupier of 35 Wheaton Street, South Plympton. This is the first time I have been alerted to development in my area, and feel privileged to be able to provide you with a response.

Please note that I oppose this development. My reasons are enclosed, however, there is not a lot of room to write in the form and will expand on my reasons below. I hope these are taken in to consideration.

At the corner of Wheaton Street, you have approved the development of a number of single-story houses, opposite these houses there is a Chinese restaurant. There is a solid yellow line on both sides of the street to allow those turning on and off of Marion Road access to Wheaton Street. There are regularly cars parked on the solid yellow line, to the point where when turning on to Wheaton Street from Marion Road I have had to break suddenly to not crash in to the cars parked illegally. The increased development on this street will increase traffic, will increase the number of cars on the street, and will reduce safety of residents.

I also note that these streets are small streets, they are not made to have cars parked on both sides on the street. Cars need to swerve in and out of parked cars just to get down the street. When there are large vehicles parked on opposite sides of the street, it gets dangerous to navigate down the street. I note that any development adds increased traffic and additional cars being parked in these streets. This will lead to a higher risk of accidents for pedestrians and those driving, which means reduced safety for residents.

Half way up Wheaton Street is Emmaus College. During school drop off, pick up times, and some nights and other times depending on school events the street is mayhem. The cars that come to pick up students park illegally, they stop and line up over intersections blocking any way to get down the street, and they do not look for cars on the road when turning down the side streets. After many close calls with cars that do not drive safely and observe simple road rules, I have recently had to avoid driving down Wheaton Street entirely during school drop off and pick up times, and use the other back streets. I find that even then when I use Ayre Street, the parents leaving the school turn on to Ayre Street from Lynton Ave without looking both ways. I have had a number of close calls when driving straight down Ayre Street with parents from Lynton Street turning suddenly in front of me as they didn't give way, didn't slow down, and didn't even look down the street they were turning on to. I have had parents speed past me, turn straight in front of me and beep me when I was simply driving down the street. Continuing to avoid my own neighbourhood adds time to my journey and it is frankly really annoying and frustrating that I can't drive down my own street or neighbouring streets safely. I feel that adding further development to an already very crowded street and area with a lot of traffic and congestion will simply increase the congestion and add to the madness. This will lead to safety risks for the students, their parents, pedestrians, and all drivers on the streets.

I note that at the other end of Wheaton Street, near my home, there have been 3 new houses built, and are not yet finished. I note that the development has started before 7am at times, and with development happening on opposite sides of the street it has been very noisy, dusty and dirty. It has also been very inconvenient the street has been closed as a result of these developments with no notice being provided to residents. As someone

who works from home it is very difficult to work with loud building work in the background. I also note that some days the building has started from the moment my child has woken up and was still going when they went to sleep. I have also noticed an increase to the amount of litter that has been blown in to my yard. I note that I have found pie packs for example that I presume are from the current development sites, as the frequency of these has increased since the developments have happened. I also note that the dust that these developments have made has led to even my plants being covered in dust. I enjoy spending time outdoors and some days you can see the dust in the air. The trampoline in our back yard is covered in more dust than it has ever been, and this dust goes in to my lungs, my child's lungs and the lungs of all of your residents in this area. I note that increased construction on a street where there is already a lot of constriction will only increase traffic, noise, road closures, and especially dust which leads to health concerns.

I understand that as a council you profit from developments such as these. I note however, that there are already significant issues in this area, some of which I have mentioned above. I feel that as a council perhaps looking to resolve the issues you already have to help residents would be more beneficial than simply adding more development, more people and more cars and adding to the issues your residents already face each and every day.

Thank you for the opportunity to provide feedback, and I am happy to be heard by the council if this would help you understand my concerns.

Kind regards,

Ioana Buzila

35 Wheaton Street, South Plympton SA 5038

Subject: RE: 2021_0038 Representations Received

From: Dante Dangelo < dante@dominionhomes.com.au >

Sent: Tuesday, 15 June 2021 9:13 AM

To: Electronic Mail < <u>ElectronicMail@marion.sa.gov.au</u>>

Subject: 2021_0038 Representations Received

Good Morning

Dominion Homes has taken receipt of the two representations at 66 Wheaton street South Plympton.

We understand that no response is required but would like to take this opportunity to ensure G William that all asbestos will be dealt with in a professional and orderly manner and disposed of safely.

We also understand the representation form M Gould, and totally agree that bins are a eye sore, we believe our design of two single story dwellings with clear access to the rear is a better design than that a 3 site development next door boundary to boundary, we hope in doing this design it encourages the house purchases to put their bins away at the rear and not leave them at the front.

Thanks

Kind Regards,

Dante D'Angelo

Site Supervisor

Dominion Homes Australasia Pty Ltd

Mobile: 0438 569 510 Phone: 08 8447 6741

Email: dante@dominionhomes.com.au



Subject:

RE: Statement of representation for proposed development application number: 100/2021/38 by Dominion Homes

From: Dante Dangelo < dante@dominionhomes.com.au >

Sent: Tuesday, 15 June 2021 2:25 PM **To:** 'i_b@live.com.au' < i_b@live.com.au>

Cc: Electronic Mail < Electronic Mail @marion.sa.gov.au >

Subject: Statement of representation for proposed development application number: 100/2021/38 by Dominion

Homes

Dear Ioana Buzila

Dominion Homes Appreciates your feedback on our development at 66 Wheaton Street South Plympton.

I'm not sure if you are aware, we had bought this sight believing we could do a three sight development but we were refused on the application for 3 single storey, single garage homes on this site late last year.

After liaising with council we had come to an agreement to drop one dwelling and make them double garages.

If we had been approved for three single garages we would have had 6 total carparks off the street for all three dwellings.

Because we have gone two dwellings with double garages we now have 8 total carparks off the street between 2 Dwellings.

We believe this is a significant amount of off street car parks for two dwellings.

We totally understand your frustration but it seems you have more issues with council rather than our development itself, and we believe it's a bit harsh to single us out especially after all the drama and money we have already lost losing one dwelling.

We have designed these homes in accordance with the council development plan, we haven't pushed any boundaries or done any wrong doing, we have simply bought an unliveable eye sore home and want to do a two site development to better the area, Unfortunately most areas of every council in South Australia allow a development of some sort, and agree that single garage homes squeezed onto a block cause Havok, but we have two large allotments with plenty of off street carparking.

We are happy to water our site down for dust issues, and will make sure trades start and finish works at the legal times allowed

I'm happy to organise a time to come see you in regards to our development and hopefully come to some kind of agreement and hopefully you can maybe withdraw this representation, as you have ticked you oppose the development and want to be heard, which means we have to book into a Development Assessment Panel Meeting within the council and you get 5 minutes to have a say, then I will get a say and the panel will make a decision on that.

I would rather sort out these issues before any meeting as these meetings only happen monthly and this would be another real big blow for us.

Its easy to say you don't want this development to happen, but we will always get two blocks from this site, and if we keep getting the bad luck we are getting we will just get subdivision approval and sell off the blocks to people who will more than likely build single garage homes and you wont get a say which means more congestion than what we are proposing, your issues are more broader than just our site, its an area and council matter that will

never be stopped, almost every block over 600m2 can be subdivided and built on, we believe we are looking out for the neighbour hood by doing double garages and having 8 cars off the street.

I look forward to hearing from you

Kind Regards,
Dante D'Angelo
Site Supervisor
Dominion Homes Australasia Pty Ltd
Mobile: 0438 569 510

Phone: 08 8447 6741

Email: dante@dominionhomes.com.au



REPORT REFERENCE: CAP040821 – 4.4 CITY OF MARION COUNCIL ASSESSMENT PANEL AGENDA FOR MEETING TO BE HELD ON WEDNESDAY 04 AUGUST 2021



CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Reason for confidentiality

It is recommended that this Report be considered in CONFIDENCE in accordance with Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, which permits the meeting to be closed to the public for business relating to the following:

- (viii) provision of legal advice;
- (ix) information relating to actual litigation, or litigation that the assessment panel believes on reasonable grounds will take place

Recommendation

- 1. The Council Assessment Panel orders pursuant to Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, that the public, with the exception of the Manager of Development and Regulatory Services, Team Leader Planning, Development Officer Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Assessment Manager of the Council Assessment Panel.
- 2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 4.4 including the report, attachments and discussions having been dealt with in confidence under Clause 13(2)(a) of the Planning, Development and Infrastructure Regulations, shall be kept in confidence until a decision of the Environment, Resources and Development Court relevant to the item is made.
- 3. Further, that at completion of the confidential session, the meeting be re-opened to the public.

5. APPEALS UPDATE
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 04 AUGUST 2021



5.1 APPEALS AGAINST PANEL DECISIONS

On-going Appeals

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
2020/2362	411 Morphett Road, Oaklands Park	9/6/2021	GRANTED	REFUSED	Compromise proposal presented to this meeting; Conference listed for 11 August 2021

5.2 APPEALS AGAINST DELEGATED APPLICATIONS

DA No.	Address	Appeal Lodged	Recommendation	Decision	Current Status
2020/534	341 Diagonal Road, Seacombe Gardens	22/3/2021	REFUSED	REFUSED	Conference listed for 13 August 2021

6. POLICY OBSERVATIONS
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 04 AUGUST 2021



Verbal Update to be Provided