

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 6 December 2017

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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

A handwritten signature in black ink, appearing to read 'Robert Tokley', is placed above the name and title of the signatory.

Robert Tokley
ASSESSMENT MANAGER

29 November 2017

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 NOVEMBER 2017
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 849 MARION ROAD MITCHELL PARK

Alterations and additions to the existing hotel, including a five storey addition, part of which shall be used for tourist accommodation (motel), alterations to car parking and to remove a Regulated Tree (*Corymbia citriodora* (Lemon Scented Gum))

Report Reference: CAP061217 - 2.1 1

2.2 28 PERCY AVENUE MITCHELL PARK

Alterations and additions to an existing educational establishment including demolition of existing building and construction of one two storey building and one single storey building, various alterations and additions to existing buildings, construction of 10 temporary transportable buildings for the life of construction, alterations to existing eastern car park and access and new on-site car parking located to the western side of the site

Report Reference: CAP061217 - 2.2 29

2.3 2 KURRAJONG PLACE SEACOMBE GARDENS

Land Division Residential Community Title - 3 into 10 allotments and the construction of two single storey group dwellings and eight row dwellings (two groups of four)

Report Reference: CAP061217 - 2.3 54

2.4 11L MAIN SOUTH ROAD STURT, 1518-1522 MAIN SOUTH ROAD AND STRATA PLAN 694 MAIN SOUTH ROAD, STURT

Dwelling in association with a retail showroom

Report Reference: CAP061217 - 2.4 82

2.5 30 NELSON STREET, SOUTH PLYMPTON

One single storey detached dwelling and one single storey residential flat building comprising two dwellings

Report Reference: CAP061217 - 2.5 100

3.	OTHER BUSINESS	
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3.3	APPEALS UPDATE	
3.4	POLICY OBSERVATIONS	
4.	CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 6 DECEMBER 2017	
5.	MEETING CLOSURE	

**REPORT REFERENCE: CAP061217 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 DECEMBER 2017**



Originating Officer	Nicholas Timotheou Development Officer - Planning
Applicant:	Hurley Hotel Group
Development Description:	Alterations and additions to the existing hotel, including a five storey addition, part of which shall be used for tourist accommodation (motel), advertisement displays, alterations to car parking and to remove a Regulated Tree (Corymbia citriodora (Lemon Scented Gum))
Site Location:	849 Marion Road, Mitchell Park
Zone:	Neighbourhood Centre Zone
Application Type:	Category 2 / Consent
Development Plan:	Consolidated – 28 April 2016
Referrals:	Department of Planning, Transport and Infrastructure
Application No:	100/2017/1222
Recommendation:	Development Plan Consent (Granted)

BACKGROUND:

The subject land has been used as a hotel and motel complex since the 1960s, comprising The Marion Hotel. Since construction, the site has undergone a number of alterations and additions.

The subject application is a Category 2 form of development by virtue of Schedule 9(18)(c) of the Development Regulations 2008, which lists any form of development within the Neighbourhood Centre Zone, where the site of the proposed development is adjacent land to land in a zone under the relevant Development Plan which is different to the zone that applies to the site of the development, as a Category 2 form development. Given the application received written representations from those notified expressing opposition to the proposal; Council has delegated authority to the Council Assessment Panel.

During the assessment process, Council staff raised a number of concerns with the proposal. The plans and supporting documentation were amended by the following;

Amendments Requested	Amendments Made
To address traffic safety concerns, the function of the northern access point along Marion Road should serve as an entry only point, with one-way traffic flows to the north and south.	Northern access point amended to function as an entry only access point and one-way traffic flows travelling north/south from this access. Line marking provided to delineate this function. Angled parking reinstated to area adjacent Marion Road prior to entry into the drive-through bottle-shop.

Alterations should be made to the landscaping layout and use of line marking adjacent the eastern access point off Quick Road and the easternmost aisleway in order to reduce potential for traffic conflict.	Line and give-way marking provided at the eastern access point from Quick Road.
In order to prevent the potential for traffic conflict, give-way signs should be installed to ensure priority is provided to drivers entering the site from the western access point from Quick Road.	Line marking provided to direct vehicle traffic in the available directions with give-way markings provided to prioritise vehicles entering the site from the western access point along Quick Road.
To improve the amenity of nearby residential properties, it is encouraged that closure of both access points along Thorne Crescent occur during late night periods or permanent closure of the southernmost access point.	The existing southernmost access point along Thorne Crescent is proposed for removal and reinstate to verge and kerb.
Information Requested	Information Provided
Line of sight diagrams.	Provided.
An Arborist report which identifies Regulated and/or Significant Trees on the subject land and assesses any tree damaging activity.	Provided.

SUBJECT LAND AND LOCALITY:

The subject land comprises 849 Marion Road, Mitchell Park which is situated over five allotments, comprising an approximate site area of 12 600 square metres. The site is irregular in shape, presenting the main frontage to Marion Road. The subject land is situated on the eastern side of Marion Road and bordered by Quick Road to the north, Lutana Crescent to the south, Thorne Crescent to the south-east and residential properties north-east of the site.

The subject land comprises an existing long-standing hotel and motel commonly known as The Marion Hotel. The existing layout of the building can be seen in Drawing No. 0910-329-PA03 prepared by Studio Nine Architects. The ground floor features two beer gardens, three dining areas, bottle shop & two lane drive-through bottle-shop, front bar, function room, gaming room, lounge area, outdoor dining and associated bathrooms, office, kitchen and storage areas. The first floor comprises thirteen rooms inclusive of the manager's room and the associated laundry and storage area. The subject land also holds several advertising displays adjacent the western allotment boundary, presenting to Marion Road which assists in identifying the site to passing motorists.

The building is surrounded by car-parking, the drive-through bottle-shop associated with the bottle shop and is interspersed with landscaping comprising a mixture of non-regulated and Regulated trees, many of which are well established. The northern-eastern car-park area directly abuts residential properties, while the other dedicated parking areas are situated adjacent public roads. The subject site currently provides 218 parking spaces.

The subject land is situated within the Neighbourhood Centre Zone which extends to the north, south and west of the site. The locality features a variety of land uses within the Neighbourhood Centre Zone fronting to Marion Road with interface to the Residential Zone surrounding. The site also adjoins the Residential Zone from the north-east to south-east in a clockwise direction.

As anticipated by the Council's Development Plan, the subject Neighbourhood Centre Zone features a range of land uses including petrol filling stations, shops, offices and consulting rooms. Adjacent the Neighbourhood Centre Zone comprises the Residential Zone and Medium Density Policy Area 12, which primarily features single storey detached dwellings. Recent development has occurred, displaying the presence of both single and double storey row dwellings and newly built detached dwellings. Areas of public open space are also evident within the locality, in particular, the Oakleigh Road Reserve which abuts Marion Road and a public reserve situated on the corner of Quick Road and Shepley Street.

Refer Attachment II

PROPOSED DEVELOPMENT:

The application proposes alterations and additions to the existing hotel, including a five storey addition to subsequently provide the following:

Ground floor;

- Façade upgrades to the existing building;
- Drive-through structure, including an additional lane for traffic within the bottle-shop;
- Upgraded 'cellar' associated with the bottleshop;
- Reduced front bar with associated beer garden;
- Two function rooms and associated function garden area;
- Dining area and associated alfresco dining;
- A second bar area with associated lounge and beer garden;
- Kitchen area with associated storage;
- Alterations to the entrance to the hotel with new reception area;
- Relocation of the gaming room and retention of 40 gaming machines;
- Alterations to storage and 'back of house' areas; and
- Alterations to the car park (reduction in parking spaces from 218 to 196) without change to the access points from the road network.

First to fourth floor

- A total of 64 rooms (13 additional rooms on each floor) to be used for tourist accommodation purposes (52 additional rooms and one room utilised by the manager) with associated storage and laundry.

Further to the above, the proposal seeks the removal of a number of mature trees in order to accommodate the five storey addition, only one of which requires the prior authorisation from the Council as it is prescribed Regulated Tree status under the Development Act 1993. The tree in question is situated adjacent the "plant enclosure" adjacent the gaming area and has been identified as a *Corymbia citriodora* (Lemon Scented Gum), with a trunk circumference of 2.1 metres. It is also noted that the tree to be retained within the "Beer Garden 2" is not prescribed Regulated Tree status as it achieves a trunk circumference less than 2.0 metres.

Refer Attachment III

PUBLIC NOTIFICATION:

<p>Properties notified:</p> <p>41 properties were notified during the Category 2 public notification process.</p>
<p>Representations:</p> <p>5 representations were received by Council.</p> <ul style="list-style-type: none">- 1 representation was in favour of the proposal;- 1 representation was in favour of the application subject to certain amendments or provisions being met;- 3 representations were against the proposal.
<p>Persons wishing to be heard:</p> <ul style="list-style-type: none">- Mr and Mrs James and Sarah Moyon.
<p>Summary of Representations:</p> <ul style="list-style-type: none">- Non-compliance in on-site parking and overflow impacts to the surrounding roads;- Noise impacts associated with the function rooms and beer gardens to nearby residential land uses;- Construction noise during the development of the site upon nearby residential uses;- The proposed height of the addition being out of character with the locality;- Concerns regarding intoxicated patrons who have left the premises and potential damage caused by those persons;- Flooding concerns in relation to the water drainage system not being able to accommodate the proposed development;- Concerns regarding the five storey addition being intrusive to neighbours;- Removal of Regulated tree for commercial gain. <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<p>Applicant's Response</p> <p>A response to the issues raised by the representors has been attached to this report and forms <i>Attachment IV</i>.</p> <p style="text-align: right;"><i>Refer Attachment V</i></p>

GOVERNMENT AGENCY REFERRAL:

<p>Department of Planning, Transport and Infrastructure</p> <p>A copy of the DPTI referral response has been attached to this report and forms <i>Attachment VI</i>.</p> <p style="text-align: right;"><i>Refer Attachment VI</i></p>
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INTERNAL DEPARTMENT COMMENTS:

Development Engineer

Council's Development Engineer has reviewed the application plans and information and advised they raise no concerns, subject to the GPT being installed upstream of the detention facility and junction box orifice restriction to limit debris obstruction.

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, and principles of development control of the Neighbourhood Centre Zone are listed in the following table and discussed in further detail below:

Neighbourhood Centre Zone		
Objective 1	<i>A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.</i>	Complies
Objective 2	<i>A centre that provides the main focus of business and community life outside a district centre, and provides for the more frequent and regularly recurring needs of the community.</i>	Complies
Objective 3	<i>A centre accommodating residential development in conjunction with non-residential development.</i>	Does Not Comply
PDC 1	<p><i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ bank ▪ child care facility ▪ consulting room ▪ dwelling in conjunction with non-residential land uses ▪ library ▪ health centre ▪ office ▪ petrol filling station ▪ place of worship ▪ playing field ▪ pre-school ▪ primary school ▪ recreation area ▪ restaurant ▪ shop ▪ supermarket. 	Partially Complies
PDC 2	<i>Development listed as non-complying is generally inappropriate</i>	Complies
PDC 5	<p><i>The gross leasable retail floor area in the following centres should be limited to that shown in the table below...</i></p> <p><i>Marion Road – Marion/Mitchell Park 2500 square metres</i></p>	<p>Complies</p> <p>Total proposed gross leasable retail floor area of the hotel equates to approx. 740 square metres. The proposal includes a slight increase in retail floor area, which comprises the drive-through bottle-shop and associated "cellar".</p>

<p>PDC 6</p>	<p><i>Development in the following respective centres should be carried out in accordance with the concepts shown on:...</i></p> <p><i>(b) Concept Plan Map Mar/3 – Marion/Mitchell Park Neighbourhood Centre</i></p>	<p>Complies The pedestrian and vehicular access points in existence are consistent with Concept Plan Map Mar/3.</p>
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Assessment

The Objectives of the Neighbourhood Centre Zone seek to accommodate development that provides a range of facilities to meet the shopping, community, business and recreational needs of the surrounding neighbourhood. The proposal complies with a majority of the applicable criteria for the Neighbourhood Centre Zone, acknowledging that although a hotel is not an anticipated form of development listed in PDC 1, the site has been in lawful operation on the subject land for a number of years.

It is acknowledged that Objective 3 of the Neighbourhood Centre Zone envisages dwellings in conjunction with non-residential uses. While Objective 3 is not achieved with the proposal and is not considered compatible with the current use of the land, there remains ample opportunity for adjacent land uses to accommodate this form of development. It is also of value to note, the site currently incorporates tourist accommodation within the first floor of the building and has been in operation for a number of years. The ongoing use of the site for tourist accommodation satisfies Objective 1 as it provides additional a facility to assist in meeting demands within the locality and wider Council area, which currently provides limited opportunities for short stay accommodation.

The Neighbourhood Centre Zone anticipates a range of uses in order to meet the frequent and regularly recurring needs of the community. Whilst not specifically listed as an envisaged land use within the Neighbourhood Centre Zone, it is acknowledged that hotel and motel land uses are typically found within centre zones, with the intention to serve the nearby and surrounding neighbourhood. The expansion of these uses as proposed, is considered compatible with the locality and finds support with the surrounding land uses. Given the location of the subject site, the proposal will not only cater for the needs of the nearby community, but also suburbs in the wider locality, which is called upon by Objective 2 of the Neighbourhood Centre Zone.

The proposal is considered to appropriately complement the applicable Objectives and Principles of Development Control of the Neighbourhood Centre Zone by providing upgrades and additions to the existing facility.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control (PDC):

Assessment:

<p>Centres and Retail Development</p>	
<p><i>Shopping, administrative, cultural, community, entertainment, educational, religious and recreational facilities located in integrated centres and mixed use zones.</i></p> <p><i>General Section: Centres and Retail Development: Obj 1</i></p>	<p>Complies The proposal incorporates an expansion of the existing use of the land for entertainment uses.</p>

<p><i>Centres that ensure rational, economic and convenient provision of goods and services and provide:</i></p> <ul style="list-style-type: none"> <i>(a) a focus for community life</i> <i>(b) safe, permeable, pleasant and accessible walking and cycling environments.</i> <p><i>General Section: Centres and Retail Development: Obj 2</i></p>	<p>Complies</p>
<p><i>The provision of safe pedestrian and cycling environments within centres which gives high priority to pedestrians, public and community transport.</i></p> <p><i>General Section: Centres and Retail Development: Obj 3</i></p>	<p>Complies Pedestrian movements are catered for on site, by providing pedestrian paths around the perimeter of the building and providing convenient access from the associated car park area.</p>
<p><i>Development within centres should:</i></p> <ul style="list-style-type: none"> <i>(a) integrate facilities within the zone</i> <i>(b) allow for the multiple use of facilities and the sharing of utility spaces</i> <i>(c) allow for the staging of development within the centre</i> <i>(d) be integrated with public and community transport</i> <i>(e) should not include service trade premises except where located on the periphery of the centre.</i> <p><i>General Section: Centres and Retail Development: PDC 1</i></p>	<p>Complies</p>
<p><i>Development within centres should be designed to be compatible with adjoining areas. This should be promoted through landscaping, screen walls, centre orientation, location of access ways, buffer strips and transitional use areas.</i></p> <p><i>General Section: Centres and Retail Development: PDC 2</i></p>	<p>Complies</p>
<p>Design & Appearance</p>	
<p><i>Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.</i></p> <p><i>General Section: Design & Appearance: Objective 1</i></p>	<p>Complies See comments below.</p>
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies See comments below.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <ul style="list-style-type: none"> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies See comments below.</p>

The design and appearance of the proposed alterations and additions shall present to the surrounding streets of the site, with the main façade facing Marion Road. The proposal is contemporary in design, incorporating a variety of modern colours and materials, including (but not limited to) aluminium, steel, Alucobond, Colorbond, lightweight cladding, render, precast concrete, timber weatherboard and glazing. The use of these materials have been implemented in a way to assist in providing a design of high quality and reinforces the building's presence to Marion Road and the surrounding area. Further, these materials should not result in glare to neighbouring properties, drivers or cyclists.

Whilst it is acknowledged neither the General Section of the Development Plan nor Neighbourhood Centre Zone prescribes a maximum building height or setback requirements, the building achieves generous separation from nearby residential properties, in particular, 7 Quick Road, 1, 2 and 3 Thorne Crescent and dwellings south of the subject land adjacent Lutana Crescent. Setbacks adjacent Lutana and Throne Crescent are largely unaltered. The five storey addition is proposed somewhat central to the site and achieves an approximate setback of 33 metres at the closest point, to the nearest residential property (to the east).

When the five storey addition is considered in context of the subject site, the proposed height of 19 metres, mass and proportion is not considered out of character with the scale of development anticipated to occur within Neighbourhood Centre Zones, particularly on a large site which holds a strong presence to Marion Road.

Although the proposal incorporates a 19 metre building height, the use of modern materials, variety in colours and roof form, glazing, separation from allotment boundaries and mature vegetation throughout the site is considered to minimise the overall bulk, scale and presence of the building. Further, while it could be argued the proposal does not necessarily maintain the character of the locality, the Development Plan anticipates buildings within the Neighbourhood Centre Zone of a contemporary design with a high design standard.

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

General Section: Design & Appearance: PDC 3

Complies

The exterior of the building will comprise painted tilt-up concrete panels, which will not result in unreasonable glare.

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

General Section: Design & Appearance: PDC 4

Partially Complies

The proposed equipment situated atop the "cellar" and "laundry/kitchen/store 5" are screened from public view.

Despite the proposed air conditioning units being situated atop the five storey addition, the overall design and appearance of the building is considered to integrate their appearance with the architectural form proposed.

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

Partially Complies

See comments over page.

Assessment of the privacy maintained of nearby residential dwellings is considered from vantage points in the first to fourth (inclusive) floors of the western tourist accommodation wing. This element of the proposal has the opportunity to overlook habitable room windows and areas of private open space of nearby residential dwellings to the north-east, east and south-east. It is acknowledged the Development Plan provisions place high importance on the design and siting of buildings in order to maintain the visual privacy and amenity of adjoining properties.

The design of the proposed development has had regard to these provisions through the use of fixed screening devices along each façade of the fourth level which assists in directing views on an oblique angle, rather than direct. Floors one through to three do not off-set the location of windows and are flat against the associated façade; however, it should also be acknowledged that any overlooking which may occur is reduced as a result of the generous level of separation from these windows to the site boundaries, and the fact that the majority of residential properties in the locality are separated from the site by a road reserve (with the exception of 7 Quick Road and 2 Thorne Crescent).

Further, consideration has been provided to the proposed use of each room. Each room is afforded space for a bed, storage and bathroom; however, the provision of kitchen facilities would be constrained. Although it is not without question that kitchen facilities could be accommodated within each room, it is important to consider the intended use of these rooms, which for tourist accommodation purposes, rather than a self-contained apartment. It is reasonable therefore, to make the assumption that these rooms would not be frequently occupied throughout the day and that as this form of development is generally used for "short stay" purposes and, used as an area for storage of personal goods, rest and personal upkeep (rather than an entertaining space), there is a reduced occurrence of likelihood of overlooking occurring into adjoining land.

Lastly, although vegetation should not be relied upon to protect privacy of properties, numerous semi-mature to mature trees are dispersed throughout the site. When line-of-sight from the tourist accommodation rooms are considered against the level of separation from the site boundaries and existing vegetation throughout the site, it is considered that an acceptable level of privacy will be maintained for nearby residential dwellings. To this end, the design of the proposal is considered to have appropriately addressed PDC 11, by minimising direct overlooking of habitable rooms and private open space.

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

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

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

b) Some shadow will be cast into the side yard of the property at 3 Thorne Crescent during late afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Outdoor Storage and Service Areas

Outdoor storage, loading and service areas should be:

- (a) screened from public view by a combination of built form, solid fencing and/or landscaping*
- (b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles*
- (c) sited away from sensitive land uses.*

General Section: Design and Appearance: PDC 20

Complies

Outdoor storage areas shall be screened from public view and are generally in a similar location to those in existence.

Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p>	<p>Complies</p> <p>The design of the building presents the main façade facing Marion Road and to the northern car park area adjacent Quick Road.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p> <p>The site incorporates established landscaping, dispersed with a variety of low growing plantings and semi-mature and mature trees, providing a softening of the built form.</p>
<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	<p>Complies</p> <p>Each façade of the alterations and additions are articulated as they incorporate a variety of colours and materials, glazing and angled elements in order to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 18</i></p>	<p>Complies</p> <p>Several entry points are available to the building along each façade. The design of the building emphasises these entry points, which assists in forming the primary focus from the public street frontages and car park areas.</p> <p>This entrances are easily identifiable, and can be accessed via paved areas, which incorporate a different finish to the car park area. This is considered to assist visitors navigating the car park area.</p>
Building Setbacks from Road Boundaries	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Partially Complies</p>
<p><i>Except where otherwise specified by another provision in this Development Plan or where specified in a particular zone, policy area or precinct buildings and structures should be set back at least 8 metres from road boundaries.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Does Not Comply</p>

<p><i>All setbacks from the road frontage should be additional to the road widening setback established under the Metropolitan Adelaide Road Widening Plan Act 1972.</i></p> <p><i>General Section: Design and Appearance: PDC 24</i></p>	<p>Complies</p> <p>The section of Marion Road between Quick Road and Lutana Crescent has not been identified for road widening purposes established under the Metropolitan Adelaide Road Widening Plan Act 1972.</p>
<p>The proposed alterations and additions result in a 1.0 metre setback to the drive-thru structure (adjacent Marion Road), whereas the setback to the main façade is generally unaltered, apart from a minor portion which is nonetheless setback approximately 13.4m at the closest point. At the closest point, a 23 metre setback is achieved to the Quick Road allotment boundary and approximately 13 metres to the Thorne Crescent boundary (tangent point in the road). Setbacks to Lutana Crescent and the southern section of Thorne Crescent are generally unaltered.</p> <p>The proposed alterations and additions maintain appropriate separation from road boundaries and although the drive-through structure is setback 1.0 metre from the Marion Road allotment boundary, it is of value to note the existing structure is setback approximately 3.0 metres. A reduction in setback of 2.0 metres is not considered to significantly alter the streetscape appearance and it is also acknowledged that the design, colour and materials of the structure are contemporary and integrated with the upgrades to the façade and the proposed additions.</p> <p>Further, it is acknowledged a 1.0 metre landscaping strip is maintained between the drive-through and the allotment boundary, which increases beyond. This element of the proposal incorporates a mixture of tilted precast concrete panels, glazing and the use of horizontal steelworks connecting the existing portion of the hotel to the new addition. To this end, when the building is viewed as a whole, there is an appropriate level of articulation provided, with a variety in colours and materials, such that the overall bulk of the drive-through structure is softened.</p>	
<p>Interface Between Land Uses</p>	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i> <i>(b) noise</i> <i>(c) vibration</i> <i>(d) electrical interference</i> <i>(e) light spill</i> <i>(f) glare</i> <i>(g) hours of operation</i> <i>(h) traffic impacts.</i> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p>
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Partially Complies</p>
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p>Complies</p>
<p>Marion Road borders the western side of the subject land and the general layout and use of the building is largely unaltered within the southern section of the site. A substantial setback is achieved from the northern allotment boundary and it is also acknowledged that at the narrowest point between the subject land and residential property (1/13 Shepley Street), Quick Road is approximately 25 metres in width, providing further separation to the built form. As such, residential properties to the east and south-east are considered the most sensitive land uses in the locality, where potential interface impacts could occur.</p> <p><i>Continued over page.</i></p>	

Noise: The proposed development seeks to intensify the use of the land and increase the overall floor area of the building. Administration have been informed that it is not the intent of the operator to seek an increase in capacity of the licenced area; however, it is acknowledged the internal alterations of the hotel has the potential to increase noise generated from the site. Consideration is provided to the existing layout of the site and how the proposal intends to alter these arrangements.

The site currently operates with a "beer garden" along the eastern side of the hotel, which is linked with the gaming area. Some internal alterations to the general layout of the hotel are proposed in order to improve internal movements and the function of the facility as a whole. Of particular relevance to the potential for additional noise generated from the subject land, the gaming area and beer garden 2 are proposed to be utilised as a function room, with the opportunity to utilise the outdoor area. While it is acknowledged the use of this area as a function room could have the potential to intensify noise generated from the site and impact nearby residents, it is also of value to acknowledge the layout of the site is in existence.

It is considered that when "beer garden 2" is operating at capacity, similar noise could be generated to that of the proposed "function garden". While this may be the case, it is also important to identify the use of amplified music and/or PA systems are likely to be used within function rooms, which may cause additional noise over that of general conversation. In considering this particular element of the proposal, it is of value to note the proposal does not seek an increase in the hours of operation and I am aware that as of 20 December 2015 changes were made to the *Liquor Licensing Act 1997* regarding entertainment consent. These changes include:

- a licensee will no longer require consent of the Liquor and Gambling Commissioner or Licensing Court to provide entertainment between 11am and midnight on any day; and
- entertainment conditions on existing licenses imposed by the licensing authority will not apply between 11am and midnight. Note conditions under other *Acts*, such as the *Development Act 1993*, will continue to apply.

Given the changes made to the *Liquor Licensing Act 1997*, it is of value to note, live music could occur within the facility until midnight, without the prior consent of the Liquor and Gambling Commissioner, Licensing Court or the Council.

Further, the five storey addition does not incorporate balconies, which could have the potential increase noise impacts upon nearby residential land uses and as such, the proposal is not considered to result in a significant increase in noise impacts upon the locality, to the extent where amendments or refusal of the application is warranted.

Vibration: Despite some visitor car parking spaces being situated adjacent residential properties, it is acknowledged that these areas are in existence with some alterations to the layout in order to meet the relevant Australian Standards. Delivery points are also similar to those currently in use and are considered to achieve appropriate separation from sensitive land uses in the locality. To this end, any vibration/vehicle noise caused by vehicles entering/exiting the site are not considered unreasonable, nor result in significant amenity impacts upon the locality.

Light spill: The proposal does not incorporate elevated external light fittings, and despite the signs incorporating internal illumination, they are contained within a light box. Further, given the substantial setbacks achieved to the allotment boundaries and nearby residential properties, any additional light spill from the subject land should not detrimentally affect the amenity of the locality or cause unreasonable interference.

Glare: A variety of colours and materials are incorporated into the design and appearance of the proposed development including (but not limited to) aluminium, steel, Alucobond, Colorbond, lightweight cladding, render, precast concrete, timber weatherboard and glazing in green tint. The use of these materials throughout the facade should not result in glare to neighbouring properties, drivers or cyclists.

Hours of operation: The proposal does not incorporate amendments to the existing hours of operation, which would be subject to a variation to the associated liquor licence, if sought.

Traffic impacts: The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and improvements to the access/egress arrangements from the site. Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network. The alterations made to the internal layout of the car park, closure of the southern access point adjacent Thorne Crescent and limiting the northern access along Marion Road as an entry only point is considered to assist in providing safe and convenient access to and from the site. Further commentary on these points are outlined in the Transport and Access, Access and Vehicle Parking sections of this report.

Overlooking: As discussed in the Visual Privacy section of this report, the level of separation achieved to nearby residential properties, off-setting of windows, proposed use of the upper level rooms and acknowledgment of existing vegetation throughout the site, the extent of overlooking is not considered to compromise the visual privacy of nearby land uses.

Overshadowing: As discussed in the Overshadowing section of this report, shadow cast from the proposed development is not considered to result in unreasonable amenity impacts upon adjacent land uses.

Medium and High Rise Development	
<p><i>The ground floor level of buildings (including the foyer areas of residential buildings) should be designed to enable surveillance from public land to the inside of the building at night.</i></p> <p><i>General Section: Medium and High Rise Development (3 or More Storeys): PDC 2</i></p>	<p>Complies</p> <p>The design of the additions provide glazing at ground level which will allow passive surveillance to public land and the car parking area.</p>
<p><i>Entrances to multi-storey buildings should:</i></p> <p><i>(a) be oriented towards the street</i></p> <p><i>(b) be clearly identifiable</i></p> <p><i>(c) provide shelter, a sense of personal address and transitional space around the entry</i></p> <p><i>(d) provide separate access for residential and non-residential land uses.</i></p> <p><i>General Section: Medium and High Rise Development (3 or More Storeys): PDC 3</i></p>	<p>Complies</p> <p>Entry points are oriented towards the street and surrounding car parking area.</p> <p>A number of entry points are available for the separate areas within the hotel (i.e. front bar, function area, gaming area etc.)</p>
Tourism Development	
<p><i>Tourism development that sustains or enhances the local character, visual amenity and appeal of the area.</i></p> <p><i>General Section: Tourism Development: Obj 3</i></p>	<p>Complies</p>
<p><i>Tourism development should have a functional or locational link with its natural, cultural or historical setting.</i></p> <p><i>General Section: Tourism Development: PDC 1</i></p>	<p>Complies</p>
<p><i>Tourism development and any associated activities should not damage or degrade any significant natural and cultural features.</i></p> <p><i>General Section: Tourism Development: PDC 2</i></p>	<p>Complies</p>
<p><i>Tourism development should ensure that its scale, form and location will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality.</i></p> <p><i>General Section: Tourism Development: PDC 3</i></p>	<p>Complies</p>
Transportation and Access	
Movement Systems	
<p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p><i>General Section: Transportation and Access: PDC 2</i></p>	<p>Complies</p> <p>The proposal seeks to alter the northern access point on Marion Road to in-only, the reuse of existing access points along Marion Road, Quick Road, Throne Crescent (northern access) and Lutana Crescent and the closure of the existing southern access along Thorne Crescent. The reuse and alteration to access points is supported by DPTI and considered to reduce traffic overflow to the adjacent road networks.</p>
<p><i>Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p><i>General Section: Transportation and Access: PDC 5</i></p>	<p>Complies</p> <p>The subject land can be serviced by nearby public transport options and provides on-site bicycle storage to encourage cycling to the facility.</p>

<p><i>Development generating high levels of traffic, such as schools, shopping centres and other retail areas, and entertainment and sporting facilities should incorporate passenger pick-up and set-down areas. The design of such areas should minimise interference to existing traffic and give priority to pedestrians, cyclists and public and community transport users.</i></p> <p><i>General Section: Transportation and Access: PDC 6</i></p> <p><i>The location and design of public and community transport set-down and pick-up points should maximise safety and minimise the isolation and vulnerability of users.</i></p> <p><i>General Section: Transportation and Access: PDC 7</i></p>	<p>Complies</p> <p>The proposal provides short term parking areas intended for pick-up and a set-down area at the front of the site which is situated adjacent Marion Road and the “function entry”.</p> <p>The pick-up and set-down area is situated in a prominent location, in view from street and adjacent bicycle parking facilities.</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p>
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>General Section: Transportation and Access: PDC 9</i></p>	<p>Complies</p> <p>The alterations and additions of the building do not encroach within a previously-identified line-of-sight for motorists exiting the site.</p>
<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p><i>General Section: Transportation and Access: PDC 12</i></p>	<p>Partially Complies</p> <p>A designated loading and unloading area is provided for larger deliveries, situated to the rear of the hotel, adjacent Thorne Crescent. Despite this area promoting the use of access points along Quick Road, Thorne Crescent and Lutana Crescent, the function of the hotel currently operates in such a way. Further, swept path assessment undertaken by GTA consultants indicates a larger delivery vehicle can enter and exit the site in a forward direction and has the opportunity to avoid residential streets and utilise Marion Road.</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p><i>General Section: Transportation and Access: PDC 13</i></p>	<p>Complies</p> <p>Although the identified delivery access points and parking areas are generally adjacent visitor car parking spaces, it is acknowledged they are not dissimilar to those in existence.</p> <p>The primary loading and/or unloading shall be situated to the rear of the hotel adjacent Thorne Crescent.</p> <p>Smaller deliveries to the site shall utilise the visitor parking spaces, which are generally only occupied for a temporary period of time.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies</p>

Cycling and Walking

<p><i>Development should ensure that a permeable street and path network is established that encourages walking and cycling through the provision of safe, convenient and attractive routes with connections to adjoining streets, paths, open spaces, schools, pedestrian crossing points on arterial roads, public and community transport stops and activity centres.</i></p> <p><i>General Section: Transportation and Access: PDC 15</i></p>	<p>Partially Complies The proposal includes a pedestrian path around a majority of the perimeter of the building; however, it is acknowledged that visitors on-foot to the site rely upon the car park to access the building.</p>
<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i> <i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 19</i></p>	<p>Partially Complies Due to the existing land use, it is unlikely for shower facilities to be provided. However, there are several bike racks proposed, that will be available for customer and employee use.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <p><i>(a) located in a prominent place</i> <i>(b) located at ground floor level</i> <i>(c) located undercover</i> <i>(d) located where surveillance is possible</i> <i>(e) well lit and well signed</i> <i>(f) close to well used entrances</i> <i>(g) accessible by cycling along a safe, well lit route.</i></p> <p><i>General Section: Transportation and Access: PDC 20</i></p>	<p>Complies Bicycle parking is available adjacent the main access points at ground level and are in a location which enhances surveillance from the building and street.</p>
<h2>Access</h2>	
<p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Complies</p>
<p><i>Development should be provided with safe and convenient access which:</i></p> <p><i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i> <i>(b) provides appropriate separation distances from existing roads or level crossings</i> <i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i> <i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i></p> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Complies</p>
<p><i>The number of vehicle access points onto arterial roads shown on Overlay Maps - Transport should be minimised and, where possible, access points should be:</i></p> <p><i>(a) limited to local roads (including rear lane access)</i> <i>(b) shared between developments.</i></p> <p><i>General Section: Transportation and Access: PDC 25</i></p>	<p>Complies The access points to the arterial roads are minimised and in accordance with Concept Map Mar/4.</p>
<p><i>Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 26</i></p>	<p>Complies</p>

<p><i>Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p><i>General Section: Transportation and Access: PDC 27</i></p>	<p>Complies</p>		
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p>		
<p>Access for People with Disabilities</p>			
<p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p>	<p>Complies</p>		
<p>Vehicle Parking</p>			
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2A – Off Street Vehicle Parking Requirements for Designated Areas</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>			
<p>Table Mar/2A: Interpretation</p>			
<p>1 The vehicle parking rates table applies to Designated Areas listed below except where: (a) any applicable condition(s) is/are not met (b) the zone provisions require a lesser amount of on-site vehicular parking spaces than the amount determined using the vehicle parking rates tables below.</p>			
<p>2 Designated Areas The following are Designated Areas:</p> <table border="0"> <tr> <td data-bbox="177 1137 794 1279"> <p>Designated Area District Centre Zone Local Centre Zone Neighbourhood Centre Zone Regional Centre Zone</p> </td> <td data-bbox="794 1137 1457 1308"> <p>Conditions Any part of the development site is located in accordance with at least one of the following: (a) within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service.</p> </td> </tr> </table>		<p>Designated Area District Centre Zone Local Centre Zone Neighbourhood Centre Zone Regional Centre Zone</p>	<p>Conditions Any part of the development site is located in accordance with at least one of the following: (a) within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service.</p>
<p>Designated Area District Centre Zone Local Centre Zone Neighbourhood Centre Zone Regional Centre Zone</p>	<p>Conditions Any part of the development site is located in accordance with at least one of the following: (a) within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service.</p>		
<p>3 Applicable off-street vehicular parking requirements <i>Development should provide off-street vehicle parking in accordance with the table(s) below. A lesser number of parking spaces may be provided based on the nature of the development and parking conditions in the wider locality including (but not limited to) the following:</i></p> <p>(a) the development is a mixed use development with integrated (shared) parking where the respective peak parking demands across the range of uses occurs at different times (b) the development is sited in a locality where the respective peak demands for parking for the range of uses (existing and proposed) occurs at different times and suitable arrangements are in place for the sharing of adjoining or nearby parking areas (c) the development involves the retention and reuse of a place of heritage value, where the provision of on-site parking is constrained (d) suitable arrangements are made for any parking shortfall to be met elsewhere or by other means (including a contribution to a car parking fund) (e) generous on-street parking and/or public parking areas are available and in convenient proximity, other than where such parking may become limited or removed by future loss of access, restrictions, road modifications or widening. (f) the site of the development is located within distances specified in the conditions applicable to Designated Areas for at least two different public transit modes.</p>			
<p>TABLE 1: Non-residential development (excluding light industry) Neighbourhood Centre Zones All Designated Areas - Desired minimum number of vehicle parking spaces 3 spaces per 100 square metres of gross leasable floor area Maximum number of vehicle parking spaces 6 spaces per 100 square metres of gross leasable floor area</p>			

As a result of the proposed development, the number of car park spaces will reduce from 218 to 196 spaces and the car park ratio will equate to 3.2 spaces per 100 square metres, which satisfies the Development Plan criteria for the minimum number of parking spaces in Designated Areas.

Point 3 of Table Mar/2A provides opportunity to provide a lesser amount of on-site parking, subject to parking conditions in the wider locality. Given on-street parking is available in certain areas adjacent the subject land, the Development Plan allows the opportunity to consider whether a "discount" to the parking could be appropriate.

Notwithstanding the above, two traffic consultants and Council's Development Engineer have reviewed the proposed development and formed the opinion that the reduction in on-site parking is not considered fatal to the ability of the site to function appropriately and that the remaining 196 spaces shall meet typical peak parking demands generated by the proposed alterations and additions. As such, it is not anticipated that patrons visiting the site will need to frequently rely on the adjacent road network for vehicle parking.

Further, the proposed alterations to the ingress and egress points along Marion Road will substantially improve the flow of traffic within the site and the arterial road, which should lead to reduced queuing times for motorists and improving pedestrian safety.

To this end, I am reasonably satisfied the availability of on-site parking is 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.

Development should be consistent with Australian Standard AS: 2890 - Parking facilities.

General Section: Transportation and Access: PDC 35

Complies

The realignment of the car parking has been reviewed by a traffic consultant, Council's Development Engineer and DPTI who are comfortable with the layout and proposed ingress/egress points.

Vehicle parking areas should be sited and designed to:
 (a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development
 (b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network
 (c) not inhibit safe and convenient traffic circulation
 (d) result in minimal conflict between customer and service vehicles
 (e) avoid the necessity to use public roads when moving from one part of a parking area to another
 (f) minimise the number of vehicle access points onto public roads
 (g) avoid the need for vehicles to reverse onto public roads
 (h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points
 (i) not dominate the character and appearance of a site when viewed from public roads and spaces
 (j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas
 (k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.

General Section: Transportation and Access: PDC 36

Partially Complies

In this regard, the proposed alterations to the car park are considered to improve the current layout of the site and meet the relevant Australian Standards.

This aspect has been reviewed by a traffic consultant, Council's Development Engineer and DPTI, who have formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

Some loss of landscaping shall occur as a result of the proposal; however, a variety of plantings shall remain throughout the site.

Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.

General Section: Transportation and Access: PDC 38

Complies

The existing lighting of the car park will remain.

Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.

General Section: Transportation and Access: PDC 39

Complies

<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Complies</p>
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <ul style="list-style-type: none"> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times</i> <p><i>General Section: Transportation and Access: PDC 42</i></p>	<p>Complies</p> <p>The alterations to the car parking layout are largely in existence with improvements intended to meet the relevant Australian Standards. Some loss of landscaping shall occur; however, a variety of low growing planting and semi-mature to mature trees shall be retained, which assists in softening the extent of parking areas.</p>
<p>Waste</p>	
<p><i>Development should be sited and designed to prevent or minimise the generation of waste (including wastewater) by applying the following waste management hierarchy in the order of priority as shown below:</i></p> <ul style="list-style-type: none"> <i>(a) avoiding the production of waste</i> <i>(b) minimising waste production</i> <i>(c) reusing waste</i> <i>(d) recycling waste</i> <i>(e) recovering part of the waste for re-use</i> <i>(f) treating waste to reduce the potentially degrading impacts</i> <i>(g) disposing of waste in an environmentally sound manner.</i> <p><i>General Section: Waste: PDC 1</i></p>	<p>Complies</p> <p>The storage of waste will be situated to the rear of the hotel and screened from public view.</p> <p>Refuse collection is to occur on-site at the rear of the hotel and undertaken via private refuse collection service.</p> <p>This method of waste storage and disposal is in accordance with the facility's existing arrangements.</p>
<p><i>The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.</i></p> <p><i>General Section: Waste: PDC 2</i></p>	<p>Complies</p>
<p><i>Development which incorporates areas used for activities such as commercial car parking, loading and unloading, wash down of vehicles, storage of plant or equipment, or storage of waste refuse bins should be suitably paved, bunded to exclude stormwater runoff from external sources, and designed so that water that has made contact with such areas is either:</i></p> <ul style="list-style-type: none"> <i>(a) directed to a sediment trap, separator or other appropriate treatment device and then to sewer</i> <i>(b) directed to a wastewater holding tank.</i> <p><i>General Section: Waste: PDC 4</i></p>	<p>Complies</p>
<p><i>Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.</i></p> <p><i>General Section: Waste: PDC 6</i></p>	<p>Complies</p>

<p><i>Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:</i></p> <p><i>(a) screened and separated from adjoining areas</i> <i>(b) located to avoid impacting on adjoining sensitive environments or land uses</i> <i>(c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system</i> <i>(d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water</i> <i>(e) protected from wind and stormwater and sealed to prevent leakage and minimise the emission of odours</i> <i>(f) stored in such a manner that ensures that all waste is contained within the boundaries of the site until disposed of in an appropriate manner.</i></p> <p><i>General Section: Waste: PDC 7</i></p>	<p>Complies</p> <p>The waste storage area is as per the current arrangements and remains in a location which is screened from public view.</p>
<p>Crime Prevention</p>	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies</p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p>Partially Complies</p> <p>The subject land is not situated directly adjacent areas of public open space; however, it is acknowledged the five storey addition is oriented in a way which achieves partial views over the reserve situated at the corner of Quick Road and Shepley Street and Marion Road.</p> <p>Glazing provided to each façade of the building provides the opportunity to enhance casual surveillance of the public street and surrounding car parking area.</p> <p>As such, the design of the building is not considered to result in any increased risk to the safety of visitors.</p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p>Complies</p> <p>The façade of the building is located in a prominent area that will be exposed to public view from the car park and adjacent arterial road.</p>
<p><i>Development should provide lighting in frequently used public spaces including those:</i></p> <p><i>(a) along dedicated cyclist and pedestrian pathways, laneways and access routes</i> <i>(b) around public facilities such as toilets, telephones, bus stops, seating, litter bins, automatic teller machines, taxi ranks and car parks.</i></p> <p><i>General Section: Crime Prevention: PDC 4</i></p>	<p>Complies</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Complies</p>

<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <ul style="list-style-type: none"> <i>(a) screen planting areas susceptible to vandalism</i> <i>(b) planting trees or ground covers, rather than shrubs, alongside footpaths</i> <i>(c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i> <p><i>General Section: Crime Prevention: PDC 6</i></p>	<p>Complies</p> <p>Some loss of landscaping shall occur; however, the majority of plantings throughout the site will not be affected by the proposed development.</p>
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p><i>General Section: Crime Prevention: PDC 10</i></p>	<p>Complies</p> <p>The entry points are situated in well-lit areas during non-daylight hours, and as such, I do not envisage the location of the entry points to compromise the safety of visitors to the site.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p>	<p>Complies</p> <p>The proposal seeks to place the new additions in an area where established landscaping is situated. This landscaping provides an attractive appearance of the site for visitors</p> <p>The realignment of the car park and proposed additions will also require the removal of mature vegetation, including trees. Whilst several mature trees are proposed for removal, it is acknowledged that a number of other semi-mature to mature trees shall be retained, which assists in softening the appearance of the car park area and overall built form.</p>
<p>Advertisements</p>	
<p><i>The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <ul style="list-style-type: none"> <i>(a) consistent with the predominant character of the urban or rural landscape</i> <i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i> <i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i> <p><i>General Section: Advertisements: PDC 1</i></p>	<p>Complies</p> <p>The signage is placed in a coordinated manner on the façade, and does not compromise the setting of any buildings or places of heritage value.</p> <p>The colours and materials proposed for the advertisement displays complement the contemporary design of the façade upgrades and new additions.</p>
<p><i>The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <ul style="list-style-type: none"> <i>(a) clutter</i> <i>(b) disorder</i> <i>(c) untidiness of buildings and their surrounds</i> <i>(d) driver distraction.</i> <p><i>General Section: Advertisements: PDC 2</i></p>	<p>Complies</p> <p>The signage proposed on the façade of the building is placed in a neat, coordinated manner and avoids clutter, disorder, untidiness of buildings and their surrounds and driver distraction.</p>
<p><i>The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p> <p><i>General Section: Advertisements: PDC 4</i></p>	<p>Complies</p>

<p><i>Advertisements and/or advertising hoardings should:</i> <i>(a) be completely contained within the boundaries of the subject allotment</i> <i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i> <i>(c) not obscure views to vistas or objects of high amenity value.</i></p> <p><i>General Section: Advertisements: PDC 5</i></p>	<p>Complies</p>
<p><i>Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p> <p><i>General Section: Advertisements: PDC 7</i></p>	<p>Complies</p>
<p><i>Advertisements should be designed to conceal their supporting advertising hoarding from view.</i></p> <p><i>General Section: Advertisements: PDC 10</i></p>	<p>Complies</p>
<p><i>Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i></p> <p><i>General Section: Advertisements: PDC 13</i></p>	<p>Complies</p>
<p>Safety</p>	
<p><i>Advertisements and/or advertising hoardings should not create a hazard by:</i> <i>(a) being so highly illuminated as to cause discomfort to an approaching driver, or to create difficulty in the driver's perception of the road or persons or objects on the road</i> <i>(b) being liable to interpretation by drivers as an official traffic sign, or convey to drivers information that might be confused with instructions given by traffic signals or other control devices, or impair the conspicuous nature of traffic signs or signals</i> <i>(c) distracting drivers from the primary driving task at a location especially where the demands on driver concentration are high</i> <i>(d) obscuring a driver's view of other road or rail vehicles at/or approaching level crossings, or of pedestrians or of features of the road that are potentially hazardous (eg junctions, bends, changes in width, traffic control devices).</i></p> <p><i>General Section: Advertisements: PDC 15</i></p>	<p>Complies</p> <ul style="list-style-type: none"> a) The internally illuminated element of the advertisement displays are contained within light boxes, which will limit any impacts which may cause driver discomfort. b) Advertisement displays incorporate a white colour which should not result in conflict with traffic signals. c) The illuminated LED signs are set back from Marion Road and as such, should not distract drivers. d) The advertisements should not obscure a driver's view of other features of the road.
<p>Advertising along Arterial Roads</p>	
<p><i>Advertising and/or advertising hoardings should not be placed along arterial roads that have a speed limit of 80 km/h or more.</i></p> <p><i>General Section: Advertisements: PDC 24</i></p>	<p>Complies</p> <p>Marion Road incorporates a maximum speed limit of 60 km/h.</p>
<p>Regulated Trees</p>	
<p><i>The conservation of regulated trees that provide important aesthetic and/or environmental benefit.</i></p> <p><i>General Section: Regulated Trees: Obj 1</i></p>	<p>Complies</p>

<p><i>Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:</i></p> <ul style="list-style-type: none"> <i>(a) significantly contributes to the character or visual amenity of the locality</i> <i>(b) indigenous to the locality</i> <i>(c) a rare or endangered species</i> <i>(d) an important habitat for native fauna.</i> <p><i>General Section: Regulated Trees: Obj 2</i></p>	<p>Complies</p>
<p><i>Development should have minimum adverse effects on regulated trees.</i></p> <p><i>General Section: Regulated Trees: PDC 1</i></p>	<p>Does Not Comply</p>
<p><i>A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</i></p> <ul style="list-style-type: none"> <i>(a) the tree is diseased and its life expectancy is short</i> <i>(b) the tree represents a material risk to public or private safety</i> <i>(c) the tree is causing damage to a building</i> <i>(d) development that is reasonable and expected would not otherwise be possible</i> <i>(e) the work is required for the removal of dead wood, treatment of disease, or is in the general interests of the health of the tree.</i> <p><i>General Section: Regulated Trees: PDC 2</i></p>	<p>Complies</p>
<p>The proposal incorporates the removal of a single Regulated tree, which has been identified as a <i>Corymbia citriodora</i> (Lemon Scented Gum). The tree has an approximate height of 14 metres, a canopy width of approximately 9 metres and a circumference of 2.1 metres. The subject tree is situated within the north-western car park area and is surrounded by a number of mature trees. The tree achieves limited visibility from Marion Road and some visibility from Quick Road and Thorne Crescent. Given the positioning of the tree and mature vegetation throughout the site tree is not considered to make an important contribution to the character of the local area or form a distinctive notable visual element within the immediate locality.</p> <p>The <i>Corymbia citriodora</i> it is not indigenous to the local area, is not listed under the National Parks and Wildlife Act 1972 as a rare or endangered species, does not represent an important habitat for fauna, does not form part of a wildlife corridor and has minor biodiversity significance. For these reasons, the tree is not considered to positively contribute to the character or amenity of the locality.</p> <p>The applicant has provided Arboricultural advice, outlining the tree has a short life expectancy due to signs of disease and poor form. For the reasons identified above, the tree is not considered to significantly contribute to the character or visual amenity of the locality. The tree is deemed to represent limited value and does not comply with the applicable provisions that would justify its retention. Removal of the Regulated Tree is considered acceptable.</p>	

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to car parking, noise impacts, design and appearance and privacy have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

Concerns have also been raised in relation to flooding, construction noise and removal of a Regulated tree for commercial gain. These matters are addressed separately below.

Flooding concerns

Council's Development Engineer has reviewed the stormwater management plan and advised they raise no concerns, subject to the GPT being installed upstream of the detention facility and junction box orifice restriction to limit debris obstruction. Amended plans have been provided to Council detailing these amendments and as such, flooding of the site, adjacent roads and stormwater run-off are not of concern.

Construction Noise and Removal of a Regulated tree for commercial gain

While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment. It is also acknowledged that any noise generated from the construction of the alterations and additions is a matter that may be assessed and investigated by Council's Community Safety Department pursuant to the Local Nuisance and Litter Control Act 2016.

ANALYSIS/CONCLUSION

The proposal displays a number of areas in compliance with the Development Plan. Non-residential uses that serve the local neighbourhood are envisioned by the Neighbourhood Centre Zone. It is considered that the proposal assists in meeting these needs and has been demonstrated that it shall not detrimentally impact the amenity of nearby residents in terms of noise, traffic or hours of operation.

The appearance of the alterations and additions have been designed using contemporary architectural design elements and materials. The form and appearance provides a modern finish, complementary to a locality which is anticipated to evolve over time. With respect to the architectural style of building, the Neighbourhood Centre Zone calls for new development to be designed in a way which provides a contemporary finish. The site is situated in a prominent location and has the benefit of a significant exposure to Marion Road. The proposal incorporates an appropriate degree of fenestration together with architectural elements along each façade, creating visual interest and coordinated appearance. The overall design and siting of the proposed alterations and additions are considered to be appropriate within the context of the site in terms of the scale, height, form, style and materials, without resulting in significant amenity impacts upon nearby sensitive land uses.

The proposed additions maintain generous levels of separation from the allotment boundaries and nearby residential properties. The orientation of the five storey addition, combined with the off-setting of some windows, anticipated use of the tourist accommodation component of the proposal, level of separation achieved to nearby residential properties and existing mature vegetation throughout the site, the visual privacy of nearby sensitive land uses is not considered to be unreasonably impacted upon. Further, despite the proposal achieving an approximate building height of 19 metres, shadow is generally cast within the subject site and as such, will not unreasonably impact north facing habitable room windows or areas of private open space.

The five storey addition of the building incorporates a mixture of contemporary colours, materials, glazing, irregular patterns and varying angles which assist in creating a unique design and level of articulation to each façade. The use of these elements avoid large expanses of uninterrupted wall presenting to adjoining land and in view from public areas. Substantial separation is provided from the allotment boundaries. The proposal is considered to be an acceptable form of development when viewed from adjoining properties and public spaces within the locality, as its scale and proportions are relative the subject land.

Interface between adjacent land uses have been appropriately addressed through the general layout and design of the building. With consideration of the current operating procedures of the site and layout of the hotel, the proposal provides appropriate measures to reduce amenity impacts upon nearby sensitive land uses. Improvements are afforded to the internal car parking design, while access to Marion Road has been altered to minimise disruption to traffic flows. Further, the number of on-site parking is considered to meet the likely peak demand of the facility and the closure of the southern access point along Thorne Crescent will assist in reducing vehicle movements to the local road network.

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

- (a) The Panel note this report, have considered all relevant planning matters and concurs with the findings and reasons for the recommendation;
- (b) The proposed development is not seriously at variance to the Marion (City) Development Plan; and
- (c) That Development Plan Consent for Development Application No: 100/2017/1222 for a alterations and additions to the existing hotel, including a five storey addition, part of which shall be used for tourist accommodation (motel), advertisement displays, alterations to car parking and to remove a Regulated Tree (*Corymbia citriodora* (Lemon Scented Gum)) at 849 Marion Road, Mitchell Park be GRANTED subject to the following conditions:

CONDITIONS:

1. The development shall be constructed and maintained in accordance with the plans and details submitted with and forming part of Development Application No. 100/1222/2017, being the following;
 - Drawing No. 0910-329-PA01, 0910-329-PA03 to 0910-329-PA12 (inclusive) and Drawing No. 0910-329-PA02 Revision B, received by Council on 27 September 2017 and 24 November 2017 (respectively) and prepared by Studio Nine Architects
 - 'Planning Report' prepared by Master Plan, received by Council 27 September 2017
 - 'Transport Impacts Assessment' prepared by GTA Consultants, received by Council 27 September 2017
 - 'Stormwater Management Plan' prepared by Wallbridge Gilbert Aztec, received by Council 27 September 2017, except where superseded by the 'Stormwater Development Plan', Sheet No. SK1 Revision C, received by Council 24 November 2017
 - 'Development Impact Report' prepared by Arborman Tree Solutions, received by Council 27 September 2017except when varied by the following conditions of consent.
2. All deliveries to and from the site (including waste collection) shall be restricted to the following times:
 - Monday to Saturday from 7:00am until 7:00pm; and
 - Sunday from 9:00am until 5:00pm.
3. Other than the Regulated *Corymbia citriodora* proposed for removal, all Regulated and Significant trees shall be retained. The area beneath the tree's canopy shall be retained at its existing level at all times with no excavation or fill occurring. (Please note that at any time in the future, if a property owner wishes to remove this tree, an approval from the Council must be obtained).

4. Prior to commencement of any site works, a “Tree Protection Area”, consisting of a 2.0m high solid, chainmesh, steel or similar material fence with posts at 3m intervals, shall be erected at the distance identified in the ‘Development Impact Report’ prepared by Arborman Tree Solutions, received by Council 27 September 2017 for the applicable Regulated and Significant Trees. A sign displaying the words “Tree Protection Area” shall be placed on the fence and no persons, vehicles or machinery shall enter the Area and no goods, materials or waste shall be stored within the Area until after construction is complete. A layer of organic mulch (woodchips) to a depth of 100mm shall be placed over all root systems within the Area to assist with moisture retention and to reduce impact of compaction and supplementary watering shall be provided through any dry periods during the construction process.
5. Any structural roots (i.e. greater than 25mm in diameter) of any *Significant OR Regulated* tree to be retained that are uncovered outside of the Tree Protection Area shall be retained where possible or, if not, shall be severed by saw cutting, sharp axe or secateurs and not with a backhoe or machinery or blunt instrument. Wounds shall be immediately dressed with a commercially available tree-wound healing compound.
6. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the *Environment Protection (Noise) Policy 2007*, or subsequent legislation.
7. All waste and other rubbish shall be stored in a manner so that it does not create insanitary conditions, unreasonable nuisance or pollution to the environment and shall be screened from public view to the reasonable satisfaction of Council.
8. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
9. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
10. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
11. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
12. The advertisements and supporting structures shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.

Department of Planning, Transport and Infrastructure Conditions

13. The access points shall be constructed in general accordance with Studio Nine, Site Plan Proposed, Drawing No. 0910-329-PA02, Revision B, dated 22/11/2017. In particular, the northern Marion Road access point shall cater for entry only movements and the southern Marion Road access shall cater for egress movements only.
14. The separate entry and exit access points to Marion Road shall be angled 70° to the road and narrowed in width to 3.5 metres (at the property boundary) for entry movements and 4.0 metres wide (at the property boundary) for egress movements.
15. The Marion Road access points shall be suitably flared to allow convenient ingress and egress movements in order to minimise disruption to the free flow of traffic.
16. Signage and line marking shall be provided that defines and reinforces the desired traffic flow through the site, particularly at the Marion Road access points.
17. All car parking located immediately north of the drive through shall be angled parking to reinforce the one-way flow through this area of the site.
18. All parking areas required for drop off/pick up services shall be dedicated for this purpose to ensure vehicular conflict is minimised.
19. The largest delivery vehicle permitted on site shall be restricted to a vehicle 10.0 metres in length.
20. All delivery vehicles shall gain access to the site in accordance with the route shown on GTA Appendix B.
21. The dedicated loading/unloading zone (adjacent to Thorne Crescent, refer GTA Figure 6.1) shall be clearly line marked and externally signed in order to minimise vehicle/pedestrian conflict.
22. All vehicles shall enter and exit the site in a forward direction.
23. Any portions of redundant crossover shall be closed and reinstated to Council's satisfaction at the applicant's cost prior to business becoming operational.
24. All car parking areas shall be designed and constructed in accordance with AS/NZS 2890.1:2004 and 2890.6:2009.
25. The commercial parking areas shall conform to AS 2890.2-2002: Off-street commercial parking facilities.
26. All bicycle facilities shall be designed and constructed in accordance with AS2890.3:2015 - Bicycle parking facilities.

27. All signs visible from adjacent roads may use LED lighting for internal illumination of a light box only. No element of LED or LCD display shall otherwise be included in the design.
28. All signs visible from adjacent roads shall be limited to a low level of illumination so as to minimise distraction to motorists.
29. All signs visible from adjacent roads shall not contain any element that flashes, scrolls, moves or changes.
30. The utilisation of Trailer Mounted Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.
31. All stormwater generated by the development shall be appropriately collected and disposed of without entering or jeopardising the safety of the adjacent arterial road network.

NOTES:

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

Attachments

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Aerial Photograph & Site Locality Plan</i>
<i>Attachment III:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment VI:</i>	<i>External Agency Referral Comments</i>
<i>Attachment VII:</i>	<i>Council Traffic Engineer Advice</i>

**REPORT REFERENCE: CAP061217 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 DECEMBER 2017**



Originating Officer:	Alex Wright Development Officer - Planning
Applicant:	Edge Architects
Development Description:	Alterations and additions to an existing educational establishment including demolition of existing building and construction of one two storey building and one single storey building, various alterations and additions to existing buildings, construction of 10 temporary transportable buildings for the life of construction, alterations to existing eastern car park and access and new on-site car parking located to the western side of the site
Site Location:	28 Percy Avenue, Mitchell Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 3 / Consent
Lodgement Date:	18/09/2017
Development Plan:	Consolidated – 28 April 2018
Referrals:	n/a
Application No:	100/2017/1727
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

The Sacred Heart College Middle School is merging with Marymount College (campus located in City of Holdfast Bay) to create a year 7-9 co-educational campus on the current Sacred Heart Middle School site at 28 Percy Avenue, Mitchell Park. The proposed works are in accordance with the Middle School Master Plan. If Panel members wish to view a copy of the draft Master Plan, it is available online at: www.shc.sa.edu.au/middle/ms-master-plan.html

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

Information Requested

Development Engineer - Stormwater Management Plan provided by PT Design needs to incorporate reference to a drainage solution for the proposed new carpark at the north western corner of the site.	Information provided.
Development Engineer - A detailed Siteworks, Carpark and Drainage Plan should be provided.	Information not provided.
Coordinator – Traffic & parking - Turning path movements should be provided to show the vehicle movements through the off-street car parks to determine if there are any vehicle conflicts – especially in the proposed car park in the south-eastern corner (off English Ave) where two way traffic is proposed in the aisles.	Information provided & plans amended to ensure vehicles movements can be undertaken in a safe and convenient matter.

SUBJECT LAND & LOCALITY

The subject land comprises 19 separate allotments, maintains an approximate area of 63,000 square metres, and comprises the Sacred Heart College Middle School campus.

The site is bounded by Thirza Avenue and two existing residential allotments to the north, Percy Avenue to the east, Clovelly Park Primary school to the south and the Tonsley train line and Walter Avenue to the west.

Multiple buildings (for educational or recreation use) ranging in height from single to two storey are predominately located to the southern third of the site, whilst the northern two thirds of the site contains the school's sports grounds and facilities. The site contains three car parks – one to the east of the site adjacent the Percy Avenue and English Avenue intersection, one to the west adjacent Walter Avenue and one to the southwest internal to the site and adjacent the Tonsley train line.

The wider locality is predominately residential in nature and comprises a range of low-to-medium density dwellings to the north, east and west (opposite the train line). Clovelly Park Primary School is located immediately south of the subject land. Hamilton Secondary College is located approximately 200 metres to the west of Sacred Heart College.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes the following construction;

- Two storey building 'Marymount' to the south-eastern corner of the site
- Single storey building 'Good Samaritan Centre' to the south-western corner of the site
- Two storey addition to the northern side of the existing 'Le Rosey' building
- Single storey storage building in between the existing gymnasium and 'technology building'
- Walkway canopy to the southern side of the existing Marlhes building
- Canopy over an existing courtyard located between the existing 'Marlhes' and 'Le Rosey buildings'
- Walkway canopy between the new 'Good Samaritan Centre' and existing 'technology building'
- Tensile shade cloth canopy adjacent the canteen and Marcellin Resource Centre
- 10 temporary transportable buildings for the life of construction to the western side of the site adjacent the Tonsley train line
- Expanded car parking area to the eastern side of the site creating a new access point (and altering the existing access point) to Percy Avenue and on-site set-down/pick-up area (total of 70 spaces provided)
- New staff and visitor carpark to the western side of the site adjacent the existing Walter Avenue car parking accommodating a total of 34 spaces.

Demolition of existing buildings to the east and west of the site has been considered under a separate Development Application (100/2017/2091).

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:

76 properties were notified during the Category 3 public notification process.

Representations:

1 neutral representation was received by Council.

Persons wishing to be heard:

Nil

Content of representations:

- Traffic Congestion at corner of English Avenue and speeding cars.
- Inability to access existing property before and after school hours to congestion.
- Proposed new exit along Percy Avenue creates a dangerous blind spot.
- Parking restrictions should be changed from Monday to Friday 8am to 4pm to 8am-9am and 3pm to 4pm.

Refer Attachment V

Applicant's response:

A response to the issues raised by the representors has been attached to this report and forms *Attachment V*.

Refer Attachment VI

INTERNAL DEPARTMENT COMMENTS

Development Engineering:

The following is advised;

1. The Stormwater Management Plan provided by PT Design should incorporate reference to a drainage solution for the proposed new carpark at the north western corner of the site.
2. A detailed Siteworks, Carpark and Drainage Plan should be provided.
3. Carparking provision is adequate and design appears to conform to code requirements.
4. I agree with the Traffic Engineer, that overall improvements to the traffic safety of the locality, and only minor impacts on amenity can be expected from the proposal.
5. As identified in the Traffic Report, it is recommended that the existing non-conforming road humps along the driveway access off Walter Avenue should be replaced with road humps conforming to the requirements of the Manual of Legal Responsibilities and Technical Requirements for Traffic Control Devices Part 2 – Code of Technical Requirements (The Code of Practice).

Coordinator Traffic & Parking:Traffic Impact:

The traffic volumes of the streets surrounding the school (details in the table below) have been reviewed. English Avenue is a collector road and traffic volumes of up to 3,000 vehicles per day on typical collector roads can be expected. The remaining roads surrounding the school site are local roads; the typical expected volume for a local road is 1,000 vehicles per day. However, local roads around traffic generators such as schools, shops, sports facilities etc can naturally carry more traffic as is the case for Percy Avenue.

Road Name	Location	Road width	Hierarchy	Date of count	AADT	AADT + 36%
Walter Ave	Daws – Thirza	7.2	Local	2014	941	1,279
Percy Ave	Thirza - Norrie	7.2	Local	2017	1,593	2,166
Percy Ave	Norrie – English	6.5	Local	2017	1,562	2,124
Thirza Ave	Walter – Percy	7.3	Local	2017	655	890
English Ave	Percy – Renown	7.3	Collector	2011	1,418	1,928
Norrie Ave	Beaumont – Athol	7.4	Local	2017	399	497

An increase in pupil numbers from the current 670 to the projected max of 950 is an increase of 36%. As a “*worst case scenario*” 36% has been added to the recorded traffic volumes. In practice, some students will walk / cycle / carpool to school, thus the increase in traffic volume would be less than 36%. The projected traffic volumes are relatively high for local roads, and concerns around morning drop off and afternoon pick up times (around congestion and safety) are likely to increase accordingly.

Vehicular Manoeuvrability:

Officer is supportive of layout.

Parking Location:

The school has existing off-street car parking on two different sides of the campus which will be further developed / enhanced. This is a positive feature, enabling drop off and pick up to occur off-street and distributing the increase in traffic amongst several roads in the network.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p> <p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> • Small scale non-residential uses that serve the local community, for example; <ul style="list-style-type: none"> ○ Primary and secondary schools <p>4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:</p> <ul style="list-style-type: none"> (a) Primarily serves the needs of the local community (b) Is consistent with the character of the locality (c) Does not detrimentally impact on the amenity of nearby residents
Medium Density Policy Area 12
<p>Objectives</p> <p>1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes.</p> <p>2 Development that minimises the potential impact of garaging of vehicles on the character of the area.</p> <p>3 Development that supports the viability of community services and infrastructure and reflects good residential design principles.</p> <p>4 Development that contributes to the desired character of the policy area.</p> <p>Desired Character</p> <p><i>This policy area encompasses areas especially suitable for a wide range of low and medium-density housing, such as detached, semi-detached, row and group dwellings, residential flat buildings, supported accommodation and student and other special purpose housing. Medium density development is especially suited to areas in proximity to centres and public transport, and to areas where such development already occurs (as in the area redeveloped by the former South Australian Housing Trust in Mitchell Park).</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site.</i></p> <p><i>Where housing is proposed adjacent to zones or policy areas which are intended to accommodate dwellings at lower densities, consideration needs to be given to transitional built form, scale and design elements to ensure compatibility with that adjacent housing.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Through the gradual redevelopment of properties (particularly those containing lower valued improvements), a wider range of dwelling types will be provided to meet a variety of accommodation needs. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>

<p><i>Where access to parking areas servicing dwellings is via laneways, common driveways and the like, space should be provided for attractive landscaping and tree planting in order to present an attractive appearance from adjoining roads and to protect the amenity of adjacent dwellings.</i></p>		
<p>PDC 1</p>	<p><i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Does Not Comply</p>
<p>PDC 2</p>	<p><i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Partially Complies</p>

The Objectives, Desired Character and Principle 1 of the Medium Density Policy Area anticipates residential development within the Policy Area and is silent regarding non-residential development. Whilst the proposed development does not align with the applicable Objectives, Desired Character and Principles of the Northern Policy Area 13, small-scale, non-residential uses that serve the local community, including primary and secondary schools, are nonetheless an envisaged use within the Residential Zone.

The proposed development will involve the amalgamation of the Sacred Heart College Middle School (subject site), with Marymount College, which is currently located within the Holdfast Bay Council area. Although it is acknowledged that many students are likely to reside outside what would be considered the ‘local community’, the subject school is nevertheless considered to serve the needs of the local community. The school was established in 1967, and therefore forms a well-established land use in the locality.

In my opinion, the proposed development reasonably satisfies Residential Zone Principle 1 as the proposal seeks the redevelopment of an existing non-residential use that services the local and wider community.

Residential Zone Principle 4 identifies that non-residential development in the Zone should (a) “*primarily [serve] the needs of the local community*”, (b) “*is consistent with the character of the locality*” and (c) “*does not detrimentally impact on the amenity of nearby residents*”.

In determining the appropriateness of the proposed land use, both the physical attributes and the intensity of use should be considered when assessing whether the proposed use is considered to be of a small scale, consistent with the character of the locality and “not resulting in detrimental impacts on the amenity of nearby residents”.

Built Form

Whilst the height, bulk and scale of the additions, particularly the two storey ‘Marymount’ building and the Chapel are significant (discussed within the Design and Appearance Chapter of this report) and are not consistent with the character of the locality as sought by Residential Zone Principle 4 the built form is not considered to be of an unreasonable nature and/or scale when considering the existing use of the site, the overall design and appearance of the built form and the location of built form in relation to site boundaries.

The proposed merits of the built form is discussed in further detail within the Design & Appearance and Chapter of this report.

Intensity of Use

The proposed development (as a result of the school merger and building works) will experience an overall increase in student enrolments by approximately 280, from a current figure of 670 to 950 in the future.

As discussed further within the Interface Between Land Uses and Traffic and Access Chapters of this report, the proposed use is considered to provide safe and convenient vehicular access, in addition to appropriate on-site parking which exceeds the minimum parking numbers stipulated by the Development Plan.

Due to the increase in overall student numbers as a result of the merger/proposed works the site will generate additional traffic impacts onto the adjacent road network above what is already experienced.

Council's Coordinator Traffic & Parking has reviewed the proposal and advised the projected traffic volumes - based on a 36% increase in pupil numbers from the current 670 to the projected max of 950 - are relatively high for local roads, and concerns around morning drop off and afternoon pick up times (around congestion and safety) are likely to increase accordingly. This notwithstanding, in reality, some students will walk/cycle/carpool, thus the increase in traffic volume would be less than the 36%.

Nevertheless, whilst the proposed works are considerable, the additional trips/ traffic movements generated can be safely accommodated by the local road network.

Furthermore, whilst the locality generally comprises low scale, single-storey residential dwellings, Sacred Heart Middle School and Clovelly Park Primary School occupy a substantial land holding in the locality east of the Tonsley Train line. Having been in operation since 1967, Sacred Heart Middle School (and the adjacent Clovelly Park Primary School) make a significant contribution to the quality of local amenity. It should be noted that residents in the vicinity of the school experience a different quality of residential amenity than what can be expected in suburban areas that are exclusively residential.

Whilst the proposed built form will result in a substantial increase in traffic within the immediate locality, the increase is not considered to detrimentally impact the amenity of nearby residents to the extent where refusal is warranted.

As such, the proposal is considered to achieve adequate compliance with Residential Zone Principles 1 and 4 in that it is unlikely to adversely affect or jeopardise the adjoining land uses to the extent where refusal is warranted.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control (PDC): Assessment:

Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p>	<p>Complies</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Partially Complies (see comments)</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Partially Complies (see comments)</p>
<p><i>Structures located on the roofs of buildings to house plant and equipment should be screened from view and should form an integral part of the building design in relation to external finishes, shaping and colours.</i></p> <p><i>General Section: Design & Appearance: PDC 4</i></p>	<p>Complies</p> <p>2 metre high natural anodised aluminium screening has been provided around the plant equipment sited on top of the proposed two storey building.</p>
<p>Overshadowing</p> <p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p>	<p>Complies</p>

<p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p>
<p>Visual Privacy</p> <p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p> <p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies (see discussion)</p>
<p>Relationship to the Street and Public Realm</p> <p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p>	<p>Complies</p> <p>Whilst the proposed buildings are predominately internal to the site, the two storey 'Marymount' building has been designed to provide appropriate presentation to Percy and English Avenues.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p>	<p>Complies</p>

<p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p>	<p>Partially Complies</p> <p>The two storey 'Marymount' building proposes a two storey wall 8.6 metres in height and 40.68 metres in length within close proximity to the southern boundary and will be visually prominent from Clovelly Park Primary School. This notwithstanding, the wall is considered acceptable given reasonable fenestration has been incorporated to minimise potential visual bulk/scale impacts.</p>
<p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p>
<p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 21</i></p>	<p>Complies</p>
<p>Building Setbacks from Road Boundaries</p> <p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The two storey 'Marymount' building is located a minimum 15.46 metres from the closest street boundary.</p>
<p><i>Except where otherwise specified by another provision in this Development Plan or where specified in a particular zone, policy area or precinct buildings and structures should be set back at least 8 metres from road boundaries.</i></p> <p><i>General Section: Design and Appearance: PDC 23</i></p>	<p>Complies</p> <p>Whilst the site is located within the Residential Zone the Development Plan is silent on setbacks to boundaries in relation to non-residential development.</p>

The application proposes the construction of the following;

- Two storey building 'Marymount' to the south-eastern corner of the site
- Single storey building 'Good Samaritan Centre' to the south-western corner of the site
- Two storey addition to the northern side of the existing 'Le Rosey' building
- Single storey storage building in between the existing gymnasium and 'technology building'
- Walkway canopy to the southern side of the existing Marlhes building
- Canopy over an existing courtyard located between the existing 'Marlhes' and 'Le Rosey buildings'
- Walkway canopy between the new 'Good Samaritan Centre' and existing 'technology building'
- Tensile shade cloth canopy adjacent the canteen and Marcellin Resource Centre
- The construction and installation of 10 transportable classroom buildings

The proposed two storey 'Marymount' building is the most significant in terms of its visibility to the wider locality, the overall bulk and scale of the built form and potential visual and overlooking impacts on adjacent allotments to the east and south. The building comprises 18 general learning areas (GLAs), staff room and amenities, open learning areas, staff offices, lockers and student amenities.

The building is two storeys in nature and achieves an approximate wall height of 8.76 metres, a maximum building height of approximately 10.8 metres and an approximate footprint of 1,480 square metres.

The building is to be constructed from painted pre-cast panels (grey), masonry brick (dark grey) and Colorbond steel cladding (black), and incorporates substantial fenestration to each façade to provide appropriate streetscape presentation and visual presentation. Moulded precast window treatments frame the northern and eastern façade windows to provide greater variation, depth and articulation, whilst long vertical windows have been incorporated to the southern façade which assists in reducing the potential visual impacts attributed to the built form.

The building, located to the south-eastern corner of the site, is proposed to achieve an approximate upper level setback of 30 metres and ground level setback of 35 metres from the eastern façade to the eastern boundary and an approximate upper and ground level setback of 3m, increasing to 4.5m from the southern façade to the southern boundary.

The Residential Zone provides no guidance as to the setbacks required for non-residential uses.

The proposed eastern setbacks of between 30 and 35 metres are considered appropriate given the extent of separation afforded from the built form to the boundary. The overall design, appearance and streetscape outcome is a considerable enhancement to what is presently provided.

The eastern upper level setback of 30 metres is considered to provide sufficient separation from the adjacent residential allotment to the east (78 English Avenue) and further residential allotments to the east/southeast to minimise potential overlooking impacts generated from the east facing upper level windows. Given the extent of separation, combined with the proposed use of the upper level rooms as general learning areas (i.e. school children undertaking learning type activities), the lack of screening to the east windows is considered acceptable. Furthermore, the adjacent residential dwelling at 78 English Avenue incorporates several lightweight structures (carport, verandah, shed) along the side boundary which will further disrupt potential privacy impacts.

The building proposes a minimum southern upper and ground level setback of 3 metres, increasing to 4.5 metres. The southern façade of the building is proposed to achieve an approximate total wall height of 8.76 metres, for a length of 44 metres. The height and length of the wall is significant, and given the limited setback afforded, the visual bulk and scale of the proposed building for will be considerable when viewed from the adjacent allotment to the south (Clovelly Park Primary School).

This notwithstanding, although limited setbacks have been afforded to the southern side boundary, given this façade is adjacent the service yard/community garden of the Clovelly park Primary School, no adverse visual or amenity impacts are anticipated given the extent of separation afforded between the proposed built form and the frequently used/occupied buildings on the adjacent allotment.

The proposed single storey 'Good Samaritan Centre' comprises two home economics rooms, store and a chapel/communal space. The building is predominately single storey in nature with the home economics portion of the building archiving maximum wall heights of 4m (southern façade) to 5.2 metres (northern façade). The Chapel portion of the building achieves a maximum wall height of 6.8

metres before increasing in height to achieve a maximum steeple height of 15 metres. The building achieves an approximate footprint of 900 square metres.

The building is to be constructed from painted pre-cast panels (grey), masonry brick (dark grey) and Colorbond steel cladding (black), and incorporates fenestration to each façade to provide appropriate streetscape presentation and visual presentation. The juxtaposed roof forms of the home economics and chapel portions of the building provide greater visual interest, articulation and design emphasis.

The building is located to the south-west side of the site adjacent the Clovelly Park Primary School oval and in between two existing buildings. The building achieves an approximate setback to the southern boundary of 3.5 metres, whilst the steeple portion of the building is setback approximately 14.7 metres from the southern boundary. Whilst the height of the steeple, at 15 metres, is considerable, the spire has been architecturally designed to integrate into the overall design of the building and appropriate separation and design has been provided to appropriately minimise potential bulk and scale impacts.

The proposed two storey addition to the northern façade of the 'Le Rosy' presents to the existing sports ground and is highly viewable from Percy Avenue. The addition incorporates a skillion roof form, face brick and painted masonry cladding and extensive fenestration. An upper level balcony has been incorporated into the northern façade to provide additional articulation and visual interest.

The walkway canopy to the southern side of the existing Marlies building will be approximately 3.3 metres wide by 32 metres long and achieve a total height of 3.2 metres. The canopy will be made from Colorbond with Alucobond fascia's. The walkway canopy between the new 'Good Samaritan Centre' and existing 'technology building' will be similar in height and scale to the covered walkway on the southern side of the Marlies building and incorporate a colorbond roof with Alucobond facias.

The Canopy over an existing courtyard located between the existing 'Marlies' and 'Le Rosey buildings' is approximately 34 metres in length and 17 metres in width and achieve a height of 7 metres to the underside of the truss canopy and a maximum height of 10.4 metres. The proposed material is steel and incorporates translucent roof cladding. This canopy is internal to the site and will not create unreasonable visual or bulk/scale issues. The tensile shade cloth canopy adjacent the canteen and Marcellin Resource Centre will be single storey in height.

In addition to the permanent works, the proposal seeks the construction and installation of 10 transportable classroom buildings on a portion of the existing sports courts on the western side of the site to accommodate students while the construction work is undertaken. The temporary buildings will be single storey in nature and located adjacent the Tonsley train line. The buildings are intended to remain for the life of the proposed construction works.

Interface Between Land Uses	
<p><i>Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:</i></p> <ul style="list-style-type: none"> <i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i> <i>(b) noise</i> <i>(c) vibration</i> <i>(d) electrical interference</i> <i>(e) light spill</i> <i>(f) glare</i> <i>(g) hours of operation</i> <i>(h) traffic impacts.</i> 	<p>Complies</p>

<p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	
<p><i>Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 2</i></p>	<p>Complies</p>
<p><i>Development adjacent to a Residential Zone should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 3</i></p>	<p>Complies (see discussion)</p>

As previously discussed the proposed development (as a result of the school merger and building works) will experience an overall increase in student enrolments by approximately 280, from a current figure of 670 to 950 in the future. Subsequently, due to the increase in overall student numbers as a result of the merger/proposed works, the proposal will create additional traffic impacts on the adjacent road network above what is already experienced.

The proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site. The proposed development will provide a total of 148 marked spaces, resulting in a net increase of 43 spaces, based on the current provision of 105 formal spaces currently accommodated on site. This exceeds Council’s Development Plan requirements by 72 spaces.

Whilst additional traffic will be generated by the proposed development and create additional traffic impacts on the adjacent road network above what is already experienced, the increase is not anticipated to compromise the safety or function of the surrounding road network. Furthermore, it is important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between 8am to 9am and 3pm to 4pm – the time before and after the school commences and finishes.

The applicant’s traffic engineer and Council’s Development Engineer and Traffic & Parking Coordinator are satisfied that the site provides safe and convenient access, and advised the adjacent road network can safely accommodate the additional trips/ traffic movements generated.

The appropriateness of on-site parking and potential access and traffic impacts have been further discussed within the Transportation and Access chapter of this report.

The proposal is considered to adequately comply with Interface Between Land Uses Principle 1.

Interface Between Land Uses Principle 2 seeks development to be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.

As discussed within the Design and Appearance chapter of this report, the proposed upper level is setback approximately 30 metres from the eastern boundary. The setback is considered to provide sufficient separation from the adjacent residential allotment to the east (78 English Avenue) and further residential allotments to the east/southeast to adequately minimise potential overlooking impacts generated from the east facing upper level windows. Given the extent of separation, combined with the proposed use of the upper level rooms as general learning areas (i.e. school children undertaking learning type activities), the lack of screening to the east windows is considered acceptable. Furthermore, the site itself incorporates medium to high level vegetation along the side boundary, whilst the adjacent residential dwelling at 78 English Avenue incorporates

several lightweight structures (carport, verandah, shed) along the side boundary, which will further disrupt view achieved and minimise potential loss of privacy impacts.

As such, the proposal is considered to reasonably accord with Interface Between Land Uses Principle 2.

Transportation and Access	
<p><i>Land uses that generate large numbers of visitors such as shopping centres, places of employment, schools, hospitals and medium to high density residential uses should be located so that they can be serviced by the public transport network and encourage walking and cycling.</i></p> <p><i>General Section: Transportation and Access: PDC 5</i></p>	<p>Complies The site is located within walking distance from the Tonsley train line and bus services on Celtic Avenue.</p>
<p><i>Development generating high levels of traffic, such as schools, shopping centres and other retail areas, and entertainment and sporting facilities should incorporate passenger pick-up and set-down areas. The design of such areas should minimise interference to existing traffic and give priority to pedestrians, cyclists and public and community transport users.</i></p> <p><i>General Section: Transportation and Access: PDC 6</i></p>	<p>Complies The reconfigured south-eastern car park will provide 6 car parking spaces designed to accommodate drop off and pick of students in this area. The applicant anticipates that this area will be supervised by staff during school arrival and departure periods and available for use by visitors between 9.30am and 2.30pm on school days. Furthermore, the vehicular circulation of both car parks has been designed to provide easy in/out movements should parents/carers which to drop off/pick up without parking.</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p><i>General Section: Transportation and Access: PDC 8</i></p>	<p>Complies</p>
<p><i>Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.</i></p> <p><i>General Section: Transportation and Access: PDC 9</i></p>	<p>Complies The application proposes to create a new 'out only' access point along Percy Avenue and change the existing access point at the intersection of Percy Avenue and English Avenue from in/out to 'in only'. The change to 'in' only at the intersection to assist in improving road safety.</p>
<p><i>Driveway crossovers should be separated and the number minimised to optimise the provision of on-street visitor parking (where on-street parking is appropriate).</i></p> <p><i>General Section: Transportation and Access: PDC 11</i></p>	<p>Complies Whilst more than 40 metres separates the access points along Percy Avenue, existing parking restrictions prevent parking along sections of Percy Avenue.</p>
<p><i>Development should provide for the on-site loading, unloading and turning of all traffic likely to be generated.</i></p> <p><i>General Section: Transportation and Access: PDC 14</i></p>	<p>Complies</p>
<p><i>Development should have direct access from an all-weather public road.</i></p> <p><i>General Section: Transportation and Access: PDC 22</i></p>	<p>Complies</p>

<p><i>Development should be provided with safe and convenient access which:</i></p> <ul style="list-style-type: none"> <i>(a) avoids unreasonable interference with the flow of traffic on adjoining roads</i> <i>(b) provides appropriate separation distances from existing roads or level crossings</i> <i>(c) accommodates the type and volume of traffic likely to be generated by the development or land use and minimises induced traffic through over-provision</i> <i>(d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</i> <p><i>General Section: Transportation and Access: PDC 23</i></p>	<p>Complies</p>
<p><i>A maximum of 2 vehicle access points should be provided onto a public road and each access point should be a minimum of 6 metres apart.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <ul style="list-style-type: none"> <i>(a) follow the natural contours of the land</i> <i>(b) minimise excavation and/or fill</i> <i>(c) minimise the potential for erosion from surface runoff</i> <i>(d) avoid the removal of existing vegetation</i> <i>(e) be consistent with Australian Standard AS: 2890 - Parking facilities.</i> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p>Partially Complies</p> <p>The proposed access point along Percy Avenue will result in the removal of existing vegetation contained within the subject site.</p>
<p><i>Development should be sited and designed to provide convenient access for people with a disability.</i></p> <p><i>General Section: Transportation and Access: PDC 32</i></p> <p><i>Where appropriate and practical, development should provide for safe and convenient access to the coast and beaches for disabled persons.</i></p> <p><i>General Section: Transportation and Access: PDC 33</i></p>	<p>Complies</p>
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Complies</p>
<p><i>Development should be consistent with Australian Standard AS: 2890 - Parking facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 35</i></p>	<p>Complies</p> <p>Design of the on-site car parking areas conform to the requirements of the relevant off-street car parking standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6:2009)</p> <p>Furthermore, it is recommended the applicant replaced the existing road humps within the western side driveway (off Walter Avenue) with road humps conforming to the requirements of the Manual of Legal Responsibilities and Technical Requirements for Traffic Control Devices Part 2 – Code of Technical Requirements (The Code of Practice).</p>

	<p>Should the panel be supportive of the proposal, it is recommended a condition to this affect be attached to the applications consent.</p>
<p><i>Vehicle parking areas should be sited and designed to:</i> <i>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i> <i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i> <i>(c) not inhibit safe and convenient traffic circulation</i> <i>(d) result in minimal conflict between customer and service vehicles</i> <i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i> <i>(f) minimise the number of vehicle access points onto public roads</i> <i>(g) avoid the need for vehicles to reverse onto public roads</i> <i>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</i> <i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i> <i>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i></p> <p><i>General Section: Transportation and Access: PDC 36</i></p>	<p>Complies</p>
<p><i>Where vehicle parking areas are not obviously visible or navigated, signs indicating the location and availability of vehicle parking spaces associated with businesses should be displayed at locations readily visible to users.</i></p> <p><i>General Section: Transportation and Access: PDC 37</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p><i>General Section: Transportation and Access: PDC 39</i></p>	<p>Complies</p>
<p><i>To assist with stormwater detention and reduce heat loads in summer, outdoor vehicle parking areas should include landscaping.</i></p> <p><i>General Section: Transportation and Access: PDC 40</i></p>	<p>Complies</p>
<p><i>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</i></p> <p><i>General Section: Transportation and Access: PDC 41</i></p>	<p>Complies</p>
<p><i>On-site visitor parking spaces should be sited and designed to:</i> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation and Access: PDC 42</i></p>	<p>Complies</p>

The school currently employs 59 staff, and therefore when assessed against the *Off-street Vehicle Parking Requirements* (1 per full time employee plus 1 space for wheelchair users plus an additional 10 per cent of the total for visitors) a total of 66 on-site parking spaces are required. At present, a total of 105 on-site parking spaces are provided throughout the site.

The application proposes the amalgamation, reconfiguration and expansion of two car parking areas currently located to the south-eastern corner of the site to provide a total of 69 spaces. Vehicular access into and out of this area will be rationalised to provide separate entry and exit points with internal links between the two car parking areas. A new 'out only' access point along Percy Avenue is proposed (north of the existing school crossing), whilst a change to the existing access point at the intersection of Percy Avenue and English Avenue from in/out to 'in only' is proposed. The alteration and rationalisation of the existing in/out access point at the intersection of Percy and English Avenue to provide separate in and out access points along Percy Avenue is considered to improve traffic circulation and increase the overall safety of road users.

An additional 34 spaces will be located to the south of the recently constructed car park on the western side of Walter Avenue. The additional parking areas will include two areas - staff parking (12 spaces) and visitor parking (including set-down and collection of students – total of 22 spaces).

The reconfigured south-eastern car park will provide 6 car parking spaces designed to accommodate drop off and pick of students in this area. The applicant anticipates that this area will be supervised by staff during school arrival and departure periods and available for use by visitors between 9.30am and 2.30pm on school days. Furthermore, the vehicular circulation of both car parks has been designed to provide easy in/out movements should parents/carers which to drop off/pick up without parking.

As discussed throughout this report the proposed development will result in an overall student increase of approximately 280, from a current figure of 670 to 950 in the future and an approximate staff increase by 11, from a current figure of 59 to 70.

The overall development will provide a total of 148 marked spaces, resulting in a net increase of 43 spaces, based on the current provision of 105 formal spaces currently accommodated on site. This exceeds Council's Development Plan requirements by 72 spaces. Given the increase in staff and student numbers, it is anticipated the adjacent road network will experience additional traffic movements above what is already experienced.

This notwithstanding, it should be noted, the while the proposed development readily satisfies the Development Plan in terms of on-site parking, it is noted that Aurecon Australia's '*Parking Spaces for Urban Places: Car Parking Study*' is sometimes referred to for development assessment purposes. This is because the Aurecon guidelines provide some allowance for on-site parking for parents/students where Development Plan does not.

Whilst assessment of the proposal has been undertaken solely against the Development Plan requirements, the following assessment and analysis of the proposal when assessed against the Aurecon parking study has been undertaken for the benefit of the Panel.

The Aurecon car park study states that educational establishment's secondary schools should provide on-site parking in accordance with the following rates:

- 1 space per full-time employee
plus
- 0.1 spaces per full time employee for visitors (with a maximum of 5 spaces per premises)
plus either
- 0.16 spaces per student

OR

- An area wide traffic management plan to accommodate the drop off/pick up demand at 0.16 spaces per child.

On the basis of an additional 280 students, the anticipated increase in short term parking demand would be the equivalent of approximately 45 spaces, based upon the recommended rate within the Aurecon report (i.e. 280 additional students @ 0.16 spaces/student). It is also anticipated that there would be an increase of at most 11 staff, generating a requirement for 11 additional staff spaces.

The requirement of 56 spaces, would exceed the net increase of 43 spaces provided as part of the proposed works.

This notwithstanding, this does not take into consideration the potential utilisation of on-street parking and the inability for middle school students to drive. The theoretical demand for long term on-site parking (i.e. entire school day) would be less, whilst the demand and intensity of use for drop off and pick up facilities and short-term parking would be higher. Given the short-term nature of the proposal car park use, the provision of 'drop off-pick up' parking bays, provision of on-site parking on the surrounding street network and likelihood, the minor shortfall would be tolerable.

Regardless, when assessed against the applicable Development Plan provisions, the proposal provides a significant surplus in on-site parking. Whilst an increase in traffic movements is anticipated as a result of the proposal, both the applicant's independent traffic engineer and Council's Development Engineer and Traffic & Parking Coordinator, are satisfied that the site provides safe and convenient access, and advised the proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site. Additionally, it is anticipated the adjacent road network can safely accommodate the additional trips/ traffic movements generated – it is however noted the proposal will create additional traffic impacts on the adjacent road network above what is already experienced.

Crime Prevention	
<p><i>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</i></p> <p><i>General Section: Crime Prevention: PDC 1</i></p>	<p>Complies</p>
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p><i>General Section: Crime Prevention: PDC 2</i></p>	<p>Complies</p> <p>The proposed two storey 'Marymount' building incorporates extensive glazing to the eastern façade and will provide appropriate casual surveillance to the proposed carpark and Percy and English Avenue intersection.</p>
<p><i>Development should provide a robust environment that is resistant to vandalism and graffiti.</i></p> <p><i>General Section: Crime Prevention: PDC 3</i></p>	<p>Complies</p>
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p><i>General Section: Crime Prevention: PDC 5</i></p>	<p>Does Not Comply</p> <p>No lighting details have been provided.</p>

<p><i>Buildings should be designed to minimise and discourage access between roofs, balconies and windows of adjoining dwellings.</i></p> <p><i>General Section: Crime Prevention: PDC 8</i></p>	<p>Complies</p>
<p>Energy Efficiency</p>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies The proposed buildings incorporate sufficient roof area in which photovoltaic cells could be sited.</p>
<p>Natural Resources</p>	
<p><i>Development should be designed to maximise conservation, minimise consumption and encourage re-use of water resources.</i></p> <p><i>Natural Resource: PDC 5</i></p>	<p>Complies</p>
<p><i>7 Development should be sited and designed to:</i> <i>(a) capture and re-use stormwater, where practical</i> <i>(b) minimise surface water runoff</i> <i>(c) prevent soil erosion and water pollution</i></p> <p><i>Natural Resource: PDC 7</i></p>	<p>Complies</p>
<p><i>Water discharged from a development site should:</i> <i>(a) be of a physical, chemical and biological condition equivalent to or better than its pre-developed state</i> <i>(b) not exceed the rate of discharge from the site as it existed in pre-development conditions.</i></p> <p><i>Natural Resource: PDC 8</i></p>	<p>Complies</p>
<p><i>Developments should include stormwater management systems to protect it from damage during a minimum 1-in-100 year ARI flood.</i></p> <p><i>Natural Resource: PDC 9</i></p>	<p>Complies</p>
<p><i>Developments should have adequate provision to control any stormwater over-flow run-off from the site and should be sited and designed to improve the quality of stormwater and minimise pollutant transfer to receiving waters.</i></p> <p><i>Natural Resource: PDC 10</i></p>	<p>Complies</p>

<p><i>Development should include stormwater management systems to mitigate peak flows and manage the rate of duration of stormwater discharges from the site to ensure the carrying capacities of the downstream systems are not overloaded.</i></p> <p><i>Natural Resource: PDC 11</i></p>	<p>Complies</p> <p>Above ground detention will be incorporated into the carpark design by providing grated sumps in the driveways, connected in series with an orifice plate at the final sump. This will cause the carpark to pond during major storm events which will slowly drain.</p>
<p><i>Development should include stormwater management systems to minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system.</i></p> <p><i>Natural Resource: PDC 12</i></p>	<p>Complies</p> <p>Carpark run-off is to be directed through a gross pollutant trap to capture contaminants prior to entering the downstream catchment.</p>
<p><i>Stormwater management systems should:</i></p> <p><i>(a) maximise the potential for stormwater harvesting and reuse, either on-site or as close as practicable to the source</i></p> <p><i>(b) utilise, but not be limited to, one or more of the following harvesting methods:</i></p> <p><i>(i) the collection of roof water in tanks</i></p> <p><i>(ii) the discharge to open space, landscaping or garden areas, including strips adjacent to car parks</i></p> <p><i>(iii) the incorporation of detention and retention facilities</i></p> <p><i>(iv) aquifer recharge.</i></p> <p><i>Natural Resource: PDC 14</i></p>	<p>Complies</p>
<p><i>Where it is not practicable to detain or dispose of stormwater on site, only clean stormwater runoff should enter the public stormwater drainage system.</i></p> <p><i>Natural Resource: PDC 15</i></p>	<p>Complies</p>
<p><i>On land north of Seacombe Road, all new buildings and building extensions of 40 square metres or more in floor area, should incorporate sufficient on-site stormwater detention/retention to limit the rate of stormwater runoff from the subject land so that flows determined using the following runoff coefficients are not exceeded:</i></p> <p><i>(a) within residential zones</i></p> <p><i>(i) 5 year average return interval flood event (runoff coefficient 0.25)</i></p> <p><i>(ii) 100 year average return interval flood event (runoff coefficient 0.45)</i></p> <p><i>Natural Resource: PDC 17</i></p>	<p>Complies</p> <p>Council's Development Engineer has reviewed the subject application and advised the existing stormwater system will not be increased by the development. Council's Development Engineer has requested a site works and stormwater drainage plan be provided.</p> <p>Given a site works and drainage plan has not been provided, it is recommended the Panel attach a Reserve Matter to consent requesting the provision of a fully engineered site works and drainage plan be provided.</p> <p>The above notwithstanding, it should be acknowledged several large buildings and sealed car parking areas already exist on the subject land, and the proposed buildings and expanded/formalised car parks proposed are unlikely to create significant additional stormwater collection and disposal issues.</p>

REPRESENTOR'S CONCERNS

The concerns raised by the representor in relation to parking and access and safety of vehicle movements have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

The representor has also raised concerns over existing Council on-street parking restrictions. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

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

The fundamental shortfall is to what extent the additional traffic impacts generated as a result of the increase in overall student numbers will have on the adjacent road network above what is already experienced.

The proposed development will involve the amalgamation of the Sacred Heart College Middle School (subject site), with Marymount College, which is currently located within the Holdfast Bay Council area.

The proposed built form and use is not of a small scale, but is a reasonable expansion of an existing, long standing, non-residential use. Furthermore, although it is acknowledged that many students are likely to reside outside what would be considered the 'local community', the subject school is nevertheless considered to serve the needs of the local community. The school was established in 1967, and therefore forms a well-established land use in the locality.

The height, bulk and scale of the proposed two storey and single storey built form is acceptable, and each proposed building is considered to incorporate sufficient design elements, materials, fenestration and articulation to provide attractive and positive façades. Whilst limited southern boundary setbacks have been afforded, adverse visual or amenity impacts are not anticipated due to the extent of separation afforded between the proposed built form and the more frequently used/occupied buildings on the adjacent allotment. Additionally, the lack of screening to the upper level east facing windows is considered acceptable given the extent of separation afforded (more than 30 metres), the use of the upper level rooms as general learning areas, and the provision of vegetation and lightweight structures adjacent the boundary. No unreasonable overlooking impacts are anticipated.

The proposed development will result in an overall student increase of approximately 280, from a current figure of 670 to 950 in the future and an approximate staff increase by 11, from a current figure of 59 to 70. The overall development will provide a total of 148 marked spaces, resulting in a net increase of 43 spaces, based on the current provision of 105 formal spaces currently accommodated on site. This exceeds Council's Development Plan requirements by 72 spaces. The alteration and rationalisation of the existing in/out access point at the intersection of Percy and English Avenue to provide separate in and out access points along Percy Avenue is considered to improve traffic circulation and increase the overall safety of road users.

Whilst the amount of spaces provides accords with the applicable Development Plan criteria, given the increase in staff and student numbers, it is anticipated adjacent road network will experience additional traffic movements above what is already experienced. The increase is not however anticipated to compromise the safety or function of the surrounding road network. Furthermore, it is

important to note, the majority of traffic impacts associated with the proposed use will be concentrated to between 8am to 9am and 3pm to 4pm – the time before/after the school commences and finishes, and therefore traffic impacts will not be as apparent outside of these times. Additionally, the applicant's independent traffic engineer and Council's Development Engineer and Traffic & Parking Coordinator are satisfied that the site provides safe and convenient access, and advised the proposed traffic impacts of the development are appropriately managed through the provision of sufficient on-site car parking and access/egress arrangements from the site.

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: 100/1727/2017 for alterations and additions to an existing educational establishment including demolition of existing building and construction of one two storey building and one single storey building, various alterations and additions to existing buildings, construction of 10 temporary transportable buildings for the life of construction, alterations to existing eastern car park and access and new on-site car parking located to the western side of the site at 28 Percy Avenue, Mitchell Park be GRANTED subject to the following conditions:

RESERVED MATTER

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

1. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, the location of all existing street infrastructure and street trees and stormwater disposal methods and locations .

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

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1727/2017, being the following;
 - 'Stage 1 Site Plan', 'Proposed Ground Floor', 'Proposed Upper Floor' prepared by Edge Architects, received by Council on 21/11/2017
 - 'Marymount/Good Samaritan Centre Elevations' & 'Staff centre, Performing Arts Space & Canteen' prepared by Edge Architects, received by Council on 18/09/2017
 - 'Stormwater Management Plan' prepared by PT Design, received by Council on 18/09/2017except when varied by the following conditions of consent.

2. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
3. Road humps conforming to the requirements of the Manual of Legal Responsibilities and Technical Requirements for Traffic Control Devices Part 2 – Code of Technical Requirements (The Code of Practice), or subsequent legislation/ Code or Requirements shall be installed along the driveway on the western side of the school (adjacent Walter Avenue).
4. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
5. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times.
6. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. A trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.

NOTES

1. Any variation/amendment to the plans and documentation granted Development Plan Consent will require further approval from the Council. If the amendments are deemed to be minor in nature in the opinion of the Council, they may be accepted as part of the current application pursuant to Regulation 47A of the Development Regulations 2008. Alternatively, if in the opinion of the Council, the variation(s) are not considered to be minor in nature, a new variation application must be lodged with the Council for assessment against the relevant Marion Council Development Plan.
2. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.
3. In undertaking the subject development the applicant should consider the retention of any existing trees and the replacement of any removed with suitable species in appropriate locations.
4. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.

5. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
6. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development, to the reasonable satisfaction of the Council. (A suggested measure is to install a gravelled construction exit with wash down facilities).

Attachments

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

**REPORT REFERENCE: CAP061217 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 DECEMBER 2017**



Originating Officer:	Justin Clisby Development Officer - Planning
Applicant:	Distinctive Housing Solutions Pty Ltd
Development Description:	Land Division Residential Community Title - 3 into 10 allotments and the subsequent construction of two single storey group dwellings and eight, two storey row dwellings (two groups of four)
Site Location:	2 Kurrajong Place, Seacombe Gardens
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1/ Consent
Lodgement Date:	28/10/2016
Development Plan:	Consolidated – 28 April 2016
Referrals:	SA Water & Development Assessment Commission
Application No:	100/2016/1993
DAC Reference:	100/C241/16
Recommendation:	That Development Plan Consent and Land Division Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii) & (iv)) of the Development Regulations 2008, which assigns the construction of (ii) 1 or more single storey dwellings & (iv) 3 or more row dwellings or 1 or more additional row dwellings, provided that no such dwelling is more than 2 storeys high, as Category 1 development. The subject application is required to be determined by the Council Assessment Panel by virtue of the proposed new dwellings supporting an allotment area less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13 and proposed new dwellings supporting an allotment area less than the minimum of 300 square metres required for group dwellings. Council has delegated decisions with respect to undersized allotments to the Council Assessment Panel.

BACKGROUND

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

Amendments Requested	Comments
Ensure finished floor levels of dwelling are sufficiently raised to prevent flooding as one existing allotment (2 Kurrajong Place) has been identified as being subject to inundation in a 1 in 100 ARI flood event.	Council's Development Engineer has expressed satisfaction with the proposed finished floor levels.
Reduce the overall number of dwellings to ensure row dwellings meet the minimum 7 metre frontage required in the Development Plan.	Proposal amended reducing the total number of row dwellings from 9 to 8, the omission of a two-storey detached dwelling at the rear of the site and the inclusion of 2, single-storey group dwellings at the rear of the site. The total number of dwellings proposed remains at 10 comprising 8, two-storey row dwellings and 2 single-storey group dwellings.
A reduction in floor area ratio of proposed row dwellings Res 1, 2, 3 & 4.	Res 1 floor area ratio reduced from 0.75 to 0.60. Res 2 floor area ratio reduced from 0.69 to 0.67. Res 3 floor area ratio increased from 0.70 to 0.76. Res 4 floor area ratio reduced from 0.65 to 0.63.
Increase upper floor rear setback of Res 1 to reduce the potential for excessive overshadowing of neighbouring land.	Rear setback of upper floor of Res 1 increased from 5.7 metres to 8.5 metres. Side setback of upper floor of Res 1 increased from 1.5 metres to 2.0 metres.
Setback the garage of Res 3 behind the main face of the dwelling.	Garage of Res 3 setback 1.5 metres behind the main face of the dwelling.
Increase the provision of on-street car parking.	On-street car parking provision increased from 2 to 5 spaces (4 on Kurrajong Place and 1 on Ramsay Avenue).
Reduce Res 5 from two-storey to single-storey.	Res 5 reduced to single-storey. Res 10 changed from a row dwelling to group dwelling at the rear of the site.
Setback the garage of Res 5 & Res 10 a minimum of 0.9 metres from side boundaries.	Amendments made as requested.
Increase the width of the shared driveway serving Res 5 & Res 10 to 4 metres to allow for 0.5 metres landscaping strips either side.	Amendments made as requested.
Increase private open space provision to Res 4, Res 5 and Res 10 to meet minimum Development Plan requirements.	Private open space of Res 4 increased from 16% to 20% of total allotment area. Minimum area of private open space increased from 4.5 metres by 3.0 metres to 4.6 metres by 4.2 metres. Private open space of Res 5 increased from 11.6% to 26.3% of total allotment area. Private open space of Res 10 increased from 12.6% to 30.6% of total allotment area.

A reduction in the site coverage of Res 3, 4, 5, 7 and 8 sought.	Amendments made as requested.
Increase front boundary setback and secondary street setback of Res 4.	Front boundary setback increased from 3.3 metres to 4.45 metres. Secondary street setback increased from 0.7 metres and 1.0 metres to 1.54 metres and 1.7 metres.
Increase the side setback of the upper floor of Res 9 to 3 metres.	Side setback of the first floor of Res 9 increased marginally from 1.9 metres to 2.0 metres.
Amend driveway crossover access points to be perpendicular with the public road.	Amendments made but not to the satisfaction of Council's Development Engineer
Additional Information Requested	Comments
Partywall details to confirm nature of development	Information provided as requested.
A fully engineered site works plan	Information provided as requested.
Provide vehicle turn path and tracking diagrams to demonstrate vehicle manoeuvrability to the car parking spaces of Res 5 & Res 10 is 'safe and convenient' to the satisfaction of Council staff.	Information provided as requested.

SUBJECT LAND & LOCALITY

The subject site is located at 2 – 4 Kurrajong Place and 18 Ramsay Avenue, Seacombe Gardens. The application proposes the division of three irregular-shaped allotments to create 7 new allotments resulting in a total of 10 allotments. The total site area is 2651 square metres, with a total frontage of 29.5 metres to Ramsay Avenue and 50.3 metres to Kurrajong Avenue. The existing allotments at 2 and 4 Kurrajong Place have a combined rear boundary of 43.3 metres adjacent a public reserve. The site slopes upwards in a northerly direction towards Ramsay Avenue with an approximate gradient of 1 in 29. Each of the existing allotments contains a single storey dwelling in reasonable condition, associated garaging and outbuildings. There are no existing significant trees on any of the allotments.

The locality consists primarily of single storey detached dwellings varying in styles on large allotments and more recently constructed detached, group and row dwellings on smaller allotments. While the majority of dwellings have street frontage, there are some buildings in the immediate locality which have shared driveway access leading to dwellings located away from the street frontage.

The subject land is located approximately 600 metres from the Regional Centre Zone comprising Westfield Marion and a variety of retailers, medical services, government services, Marion Cultural Centre and the SA Aquatics and Leisure Centre, 300 metres from frequent bus services on Miller Street and adjoining public open space at Ramsay Avenue Reserve which provides small scale recreation facilities, a playground and open space.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes a Community Titled residential sub-division to create seven additional allotments (ten in total) and the construction a two groups of two-storey row dwellings (one fronting Ramsay Avenue – identified as Res 1, 2, 3 & 4 and one fronting Kurrajong Place – identified as Res 6, 7, 8 & 9) and two, single-storey group dwellings with access via a shared driveway from Kurrajong Place (identified as Res 5 & Res 10).

Proposed row dwelling Res 1 is two-storey and incorporates a study, WC, kitchen, laundry and open plan living/meals area with direct access to private open space at ground floor. Stairs lead to the

first floor comprising three bedrooms, WC and bathroom. A single width garage with sufficient space for a visitor car parking space forward of the garage is provided.

Proposed row dwelling Res 2 is two-storey and incorporates a study, WC, kitchen, laundry and open plan living/meals area with direct access to private open space at ground floor. Stairs lead to the first floor comprising three bedrooms (one with walk-in wardrobe and en-suite), WC and bathroom. A single width garage with sufficient space for a visitor car parking space forward of the garage is provided.

Proposed row dwelling Res 3 is two-storey and incorporates a lounge room, WC, kitchen, laundry and open plan living/meals area with direct access to private open space at ground floor. Stairs lead to the first floor comprising three bedrooms (one with en-suite), WC and bathroom. A single width garage with sufficient space for a visitor car parking space forward of the garage is provided.

Proposed row dwelling Res 4 is two-storey and incorporates a lounge room, WC, kitchen, laundry and open plan living/meals area with direct access to private open space at ground floor. Stairs lead to the first floor comprising three bedrooms (one with walk-in wardrobe and en-suite), WC and bathroom. A double width garage with sufficient space for a visitor car parking space forward of the garage is provided.

Proposed group dwelling Res 5 is single-storey and incorporates three bedrooms (one with en-suite and walk-in wardrobe), kitchen, open plan family/meals area, WC, laundry and bathroom. Access to private open space is provided via patio doors from the meals area. A double garage with panel lift door provides two off-street covered car parking spaces with access via a shared driveway (with Res 10) from Kurrajong Place.

Proposed row dwellings Res 6, 7, 8 & 9 are two-storey and incorporate a lounge room/media room, WC, kitchen, laundry and open plan living/meals area with direct access to private open space at ground floor. Stairs lead to the first floor comprising three bedrooms (one with walk-in wardrobe and en-suite), WC and bathroom. A single width garage with sufficient space for a visitor car parking space forward of the garage is provided.

Proposed group dwelling Res 10 is single-storey and incorporates three bedrooms (one with en-suite), kitchen, open plan family/meals area, laundry and bathroom. Access to private open space is provided via patio doors from the family/meals area. A single width garage with sufficient space for a visitor car parking space forward of the garage is provided with access via a shared driveway (with Res 5) from Kurrajong Place.

Low through to high level landscaping has been provided forward of Res 1 to 4 and Res 6 to 9, whilst low to medium level plantings have been provided throughout the remainder of the subject site, and along both sides of the common driveway providing vehicular access to Res 5 & 10.

Refer Attachment III

EXTERNAL AGENCY COMMENTS

Development Assessment Commission (DAC) now State Commission Assessment Panel (SCAP) :	See attachment IV
SA Water:	See attachment V

Refer Attachments IV & V

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer is satisfied with the proposed finished floor levels provided. Driveway crossover access points to be perpendicular to the kerb on Ramsay Avenue and Kurrajong Place. Though requested on a number of occasions, this has not been achieved.
Open Space:	The application was referred to Open Space due to the proposed development requiring the removal and replacement of 4 street trees (2 on Kurrajong Place and 2 on Ramsay Avenue). Council's Arborist has advised the trees are suitable for removal and replacement by Council subject to a payment of \$1200 + GST to carry out the works.

DEVELOPMENT ASSESSMENT

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

Development Plan provisions:

Assessment:

Residential Zone	
<p>Objectives</p> <ol style="list-style-type: none"> 1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i> 2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i> 	<p>Complies</p> <p>The subject land is located approximately:</p> <ul style="list-style-type: none"> • 600 metres from the Regional Centre Zone, which contains Westfield Marion and a variety of health, recreation and community services • 300 metres from bus stops on Miller Street • 100 metres from public open space at Ramsay Avenue Reserve <p>Given that the subject land is located within convenient walking distance of an activity centre, public open space and public transport options, the proposed increased dwelling density is supported by Objective 2.</p>
<p>Principles of Development Control</p> <ol style="list-style-type: none"> 1 <i>The following forms of development are envisaged in the zone:</i> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>outbuilding in association with a dwelling</i> ▪ <i>domestic structure</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>dwelling addition</i> ▪ <i>small scale non-residential uses that serve the local community, for example:</i> <ul style="list-style-type: none"> - <i>child care facilities</i> - <i>consulting rooms</i> - <i>health and welfare services</i> - <i>offices</i> - <i>open space</i> - <i>primary and secondary schools</i> - <i>recreation areas</i> - <i>shops</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p>

<p>2 <i>Development listed as non-complying is generally inappropriate.</i></p>	<p>Complies</p>
<p>3 <i>Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</i></p>	<p>Complies The application proposes a variety of dwelling types that complements existing housing stock in the locality</p>
<p>5 <i>The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.</i></p>	<p>Complies</p>

Northern Policy Area 13

<p>Objectives</p> <ol style="list-style-type: none"> 1 <i>A policy area primarily comprising low scale, low to medium density housing.</i> 2 <i>Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i> 3 <i>Development that minimises the impact of garaging of vehicles on the character of the locality.</i> 4 <i>Development densities that support the viability of community services and infrastructure.</i> 5 <i>Development that reflects good residential design principles.</i> 6 <i>Development that contributes to the desired character of the policy area.</i> 	<p>Complies</p> <p>1 The proposed dwellings are classified as low-to-medium density as envisaged in the policy area.</p> <p>3 The proposed garages are incorporated under the main roofs of the associated dwellings, and therefore have an appropriate impact on the character of the locality.</p> <p>4 The development density should support the viability of services and infrastructure, given the site's proximity to frequent bus services and the Regional Centre Zone.</p>
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development.</i></p>	<p>Partially Complies</p> <p>The proposal is deemed to be consistent with the Desired Character of the Northern Policy Area 13 in that it will provide both single and two-storey medium density dwellings, and redevelop the site at a greater density than that of the original housing stock.</p> <p>The proposal maintains a coherent streetscape as a result of the street setback, front yard landscaping and design to reduce the bulk and scale of each dwelling. The dwellings' appearance will be modern in terms of design and use of materials and will provide a positive contribution to the existing streetscape.</p> <p>The impact of the dwellings' additional storey is not considered to unreasonably impact on the amenity of adjacent land (discussed in Overshadowing and Overlooking sections of the table below).</p> <p>The dwellings each contain three bedrooms, which is a typical dwelling size in the locality. Accordingly, the proposal does not increase the range of dwelling types in the locality to meet a variety of accommodation needs. That being</p>

<p><i>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>	<p>said, it is noted that the two-storey dwellings with smaller backyards present a different dwelling option to the typical original dwelling stock in the locality (single-storey dwellings with large backyards).</p> <p>The proposal does not result in the removal of mature street trees in a road reserve.</p> <p>On balance, the proposal is considered to adequately comply with the Desired Character.</p>
<p>Principles of Development Control</p> <p>1 <i>The following forms of development are envisaged in the policy area:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p> <p>The application proposes 10 new dwellings</p>
<p>2 <i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i></p>	<p>Complies</p>
<p>3 <i>A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:</i></p> <p><i>Minimum Site Area:</i></p> <p><i>Row dwellings: 250m²</i></p> <p><i>Group dwellings: 300m²</i></p> <p><i>Minimum Frontage:</i></p> <p><i>Row dwellings: 7m</i></p>	<p>Does Not Comply</p> <p><u>Row dwellings</u></p> <p>Res 1: 234m² Res 2: 237m² Res 3: 222m² Res 4: 225m² Res 6: 241m² Res 7: 227m² Res 8: 225m² Res 9: 227m²</p> <p>Complies</p> <p><u>Group dwellings</u></p> <p>Res 5: 301m² Res 10: 322m²</p> <p>Does Not Comply</p> <p>Res 1: 6.5m Res 2: 6.5m</p> <p>Complies</p> <p>Res 3: 7.0m Res 4: 9.4m Res 6: 7.0m</p>

<p>Group dwellings: 20m</p> <p>Minimum Depth:</p> <p>Row dwellings: 20m</p> <p>Group dwellings: 45m</p>	<p>Res 7: 7.0m Res 8: 7.0m Res 9: 7.0m</p> <p>Group dwellings Res 5 & 10 are accessed by a common driveway 4.0 metres wide.</p> <p>Complies</p> <p><u>Row dwellings</u></p> <p>Res 1: 32.8m Res 2: 33.8m Res 3: 27.6m Res 4: 18.3m Res 6: 34.2m Res 7: 31.8m Res 8: 31.8m Res 9: 32.5m</p> <p><u>Group dwellings</u></p> <p>Res 5: 50.43m Res 10: 50.43m</p> <p>Does Not Comply</p> <p><u>Row dwellings</u></p> <p>Res 4: 18.3m</p>
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Site Coverage

<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Complies</p> <p>Res 1: 39% Res 10: 37.3%</p> <p>Does Not Comply</p> <p>Res 2: 45.8% Res 3: 50% Res 4: 44.4% Res 5: 51.4% Res 6: 41.5% Res 7: 48.8% Res 8: 49.3% Res 9: 43.8%</p> <p><u>Floor area ratio:</u></p> <p>Complies</p> <p>Res 1: 0.60 Res 7: 0.54 Res 8: 0.55</p> <p>Does Not Comply</p> <p>Res 2: 0.67 Res 3: 0.76 Res 4: 0.63 Res 6: 0.62 Res 9: 0.65</p>
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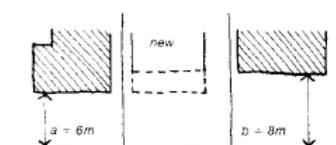
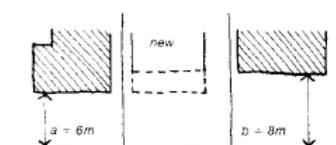
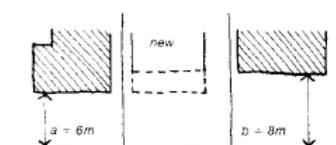
<p>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</p> <p>(a) would not be contrary to the relevant setback and private open space provisions</p> <p>(b) would not adversely affect the amenity of adjoining properties</p> <p>(c) would not conflict with other relevant criteria of this Development Plan.</p> <p>Residential Zone: PDC 9</p>	<p>Complies</p> <p>Despite 8 of the 10 proposed dwellings exceeding the maximum site coverage for Northern Policy Area 13 this is not contrary to setback and private open space provisions. The excess site coverage of those dwellings is unlikely to negatively impact the amenity of adjoining land.</p>						
<p>Site coverage should ensure sufficient space is provided for:</p> <p>(a) pedestrian and vehicle access and vehicle parking</p> <p>(b) domestic storage</p> <p>(c) outdoor clothes drying</p> <p>(d) rainwater tanks</p> <p>(e) private open space and landscaping</p> <p>(f) convenient storage of household waste and recycling receptacles.</p> <p>General Section: Residential Development: PDC 14</p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>						
<p>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</p> <p>General Section: Residential Development: PDC 15</p>	<p>Complies</p>						
<p>Private Open Space</p>							
<p>Dwellings should include POS that conforms to the requirements identified in the following table:</p>	<p>Complies</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Site area of dwelling</th> <th style="width: 15%;">Minimum area of POS</th> <th style="width: 70%;">Provisions</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">175 square metres or greater</td> <td style="vertical-align: top;">20 per cent of site area</td> <td style="vertical-align: top;">Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td> </tr> </tbody> </table>	Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	<p>Res 1: 33.8%</p> <p>Res 2: 34.7%</p> <p>Res 3: 26.6%</p> <p>Res 6: 22.1%</p> <p>Res 7: 28.5%</p> <p>Res 8: 29.3%</p> <p>Res 9: 29.3%</p> <p>Res 10: 30.6%</p> <p>Partially Complies</p> <p>Res 4: Whilst 20.0% POS is provided, only an area of 4.6m x 4.2m is achieved.</p> <p>Res 5: Whilst 26.3% POS is provided, only an area of 5.23m x 4.5m is achieved.</p>
Site area of dwelling	Minimum area of POS	Provisions					
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.					
<p>Residential Zone: PDC 7</p>							
<p>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p>	<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</p> <p>b) All POS is located at ground level</p> <p>c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS areas should not be directly overlooked by adjacent buildings.</p> <p>f) POS areas are not located next to bedrooms</p>						

<p>(f) to achieve separation from bedroom windows on adjacent sites (g) to have a northerly aspect to provide for comfortable year round use (h) to not be significantly shaded during winter by the associated dwelling or adjacent development (i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 16</p> <p>Private open space should not include: (a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply g) Whilst the POS of Res 5 maintains a northerly aspect, Res 1, 2, 3, 4 and 10 have south facing POS. However, the depth of the POS provided at the rear of Res 1, 2, 3 & 4 is sufficient to receive a significant amount of northern sun throughout the year. Res 5 is likely to receive a good amount of morning and afternoon sun in winter.</p> <p>Res 6, 7, 8 & 9 are oriented east-west resulting in POS with a westerly aspect. Each of these dwellings have sufficient length of POS on their northern boundaries to allow for comfortable year round use.</p>
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<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p>Complies Verandas have not been proposed.</p>
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Building Setbacks from Road Boundaries

<p>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.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p>Complies</p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The range of front setbacks proposed is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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<p>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" data-bbox="143 1563 861 1915"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  <p>When $b > a \geq 2$, setback of new dwelling = a or b</p> </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p>When $b > a \geq 2$, setback of new dwelling = a or b</p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p>Partially Complies</p> <p>Res 1: 6.1m Res 2: 5.8m Res 3: 5.4m Res 4: 4.45m Res 6: 7.14m Res 7: 4.94m Res 8: 4.88m Res 9: 5.1m</p> <p>The dwelling on adjoining land at 20 Ramsay Avenue is setback 5.96m to the main face of the dwelling and 6.24m to the carport (closest the boundary with the subject land).</p> <p>The dwelling on adjoining land at 8 Kurrajong Place is setback 7.5m to the main face of the dwelling and incorporates an open carport structure 4.3m forward of the main face and</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p>When $b > a \geq 2$, setback of new dwelling = a or b</p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								

	<p>setback 3.2m from the front boundary.</p> <p>PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.</p>
<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially Complies</p> <p>Res 4 is setback a minimum distance of 1.655m from the secondary street boundary. As the dwelling is not parallel with the secondary street boundary, the setback increases to a maximum of 2.72m viewed from the primary street frontage.</p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p>Side Setbacks</p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p><u>Res 1:</u> Ground floor: 0.9m First floor: 2.095m</p> <p><u>Res 5:</u> 1.2m</p> <p><u>Res 6:</u> Ground floor: 0.9m First floor: 2.0m</p> <p><u>Res 9:</u> Ground floor: 0.9m First floor: 2.0m</p> <p><u>Res 10:</u> 5.0m</p> <p>Does Not Comply</p> <p><u>Res 9:</u> First floor: 2.0m (southern boundary)</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the side setbacks of the first floor of Res 9 does not comply with quantitative criteria, the separation from the southern boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to</p>

	<p>adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<p>Rear Setbacks</p>	
<p><i>Minimum setback from rear boundary:</i> <i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i> <i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p><u>Res 1:</u> Ground floor: 8.5m First floor: 8.5m</p> <p><u>Res 2:</u> Ground floor: 15.3m First floor: 18.5</p> <p><u>Res 3:</u> Ground floor: 11.7m First floor: 16.7m</p> <p><u>Res 4:</u> Ground floor: 9.8m First floor: 13.0m</p> <p><u>Res 6:</u> Ground floor: 7.8m First floor: 10.9m</p> <p><u>Res 7:</u> Ground floor: 9.3m First floor: 15.3m</p> <p><u>Res 8:</u> Ground floor: 9.3m First floor: 15.4m</p> <p><u>Res 9:</u> Ground floor: 9.5m First floor: 12.4m</p> <p>Does Not Comply</p> <p><u>Res 5:</u> Ground floor: 2.5m (increasing to 2.9m) for 35.6% of the width of the rear boundary.</p> <p><u>Res 10:</u> Ground floor: 2.16m (increasing to 3.56m) for 67.2% of the width of the rear boundary.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>Although the rear setback of Res 5 and Res 10 do not comply with quantitative criteria, both dwellings back on the Ramsay Avenue Reserve. As such, the separation from the rear boundary of each dwelling is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise</p>

		impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.
Building Height		
<i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i> <i>Residential Zone: PDC 6</i>		Complies The proposed dwellings incorporate a maximum building height of 7.4 metres, which is less than the maximum permitted in the Policy Area.
<i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i> <i>General Section: Residential Development: PDC 2</i>		Complies
Garages, Carports, Verandas and Outbuildings		
<i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i> <i>General Section: Residential Development: PDC 10</i>		Complies
<i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i> <i>General Section: Residential Development: PDC 12</i>		
Parameter	Value	
<i>Maximum floor area</i>	<i>60 square metres</i>	Complies Res 1: 18m ² Res 2: 20.45m ² Res 3: 19.55m ² Res 4: 28m ² Res 5: 36.53m ² Res 6: 18m ² Res 7: 19m ² Res 8: 19.25m ² Res 9: 17.9m ² Res 10: 17.42m ²
<i>Maximum wall or post height</i>	<i>3 metres</i>	Complies Res 1, 2, 3 & 4: 2.9m Res 6, 7, 8 & 9: 2.8m Res 5: 2.6m Res 10: 2.6m
<i>Maximum building height</i>	<i>5 metres</i>	Complies

		The garage of each dwellings is integrated with the ground floor in the case of row dwellings Res 1 to 4 and Res 6 to 9 and under the main roof of group dwellings Res 5 & 10.
Maximum height of finished floor level	0.3 metres	Complies
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Complies Res 1: 8.11m Res 2: 8m Res 3: 6.55m Res 4: 5.5m Res 6: 10.88m Res 7: 6.25m Res 8: 6.26m Res 9: 7.22m
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	Complies Res 5: 0.9m Res 6: 0.9m Res 9: 0.9m Res 10: 0.9m
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)	Complies Res 1: 2.4m (50% of façade width = 2.67m) Res 2: 2.4m (50% of façade width = 3.25m) Res 3: 2.4m (50% of façade width = 3.5m) Res 4: 3.5m (50% of façade width = 4.45m) Res 6: 2.4m (50% of façade width = 3.0m) Res 7: 2.4m (50% of façade width = 3.5m) Res 8: 2.4m (50% of façade width = 3.5m) Res 9: 2.4m (50% of façade width = 3.0m)
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		Complies
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		Complies Each of the proposed row dwellings (Res 1 to Res 4 & Res 6 to Res 9) have 3 bedrooms and have been provided with 2 car parking spaces each, 1 of which is covered.
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.	Group dwellings Res 5 & Res 10 have each been provided with 2 car parking spaces. Both car parking spaces of Res 5 are covered whereas Res 10 has 1 covered space and 1 uncovered space.
Group Residential flat building	1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.	
Table Mar/2 - Off-street Vehicle Parking Requirements.		

<p><i>On-site visitor parking spaces should be sited and designed to:</i> <i>(a) not dominate internal site layout</i> <i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i> <i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>	<p>Complies</p>																									
<p><i>On-site vehicle parking should be provided having regard to:</i> <i>(a) the number, nature and size of proposed dwellings</i> <i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i> <i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i> <i>(d) availability of on-street car parking</i> <i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34. b) Centre facilities and public transport are located within walking distance of the dwellings c) The likely occupants are anticipated to have standard mobility and transport requirements. d) e) 5 on-street car parking spaces shall remain available adjacent the subject land.</p>																									
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i> <i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i> <i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i> <i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a) (b) Council's Development Engineer has advised that the development provides adequate space for vehicles to manoeuvre between the street and parking areas for Res 5 & 10 in an efficient, convenient and safe manner. (c) The proposed vehicle parking areas for Res 5 & 10 are located to the rear of the site and therefore should maintain an attractive streetscape.</p>																									
<p>Access</p>																										
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i> <i>(a) 3 metres wide for a single driveway</i> <i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p>																									
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure.</p>																									
<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p> <table border="1" data-bbox="132 1693 882 1989"> <thead> <tr> <th rowspan="3">Dwellings served</th> <th colspan="3">Trafficable width (metres)</th> <th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th> </tr> <tr> <th colspan="2">Intersection with public road and first 6 metres</th> <th rowspan="2">Width beyond first 6 metres</th> </tr> <tr> <th>Arterial roads</th> <th>Other roads</th> </tr> </thead> <tbody> <tr> <td>1 – 3</td> <td>6</td> <td>3</td> <td>3</td> <td>0.5</td> </tr> <tr> <td>4 – 7</td> <td>6</td> <td>5</td> <td>3</td> <td>0.8</td> </tr> <tr> <td>8 or more</td> <td>6</td> <td>6</td> <td>5</td> <td>1.0</td> </tr> </tbody> </table> <p><i>General Section: Residential Development: PDC 41</i></p>	Dwellings served	Trafficable width (metres)			Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Width beyond first 6 metres	Arterial roads	Other roads	1 – 3	6	3	3	0.5	4 – 7	6	5	3	0.8	8 or more	6	6	5	1.0	<p>Complies</p> <p>The shared driveway providing access to Res 5 & 10 has a trafficable width of 3 metres with 0.5 metre landscaping strips either side.</p>
Dwellings served		Trafficable width (metres)				Minimum landscape strips on both sides of driveway (metres)																				
		Intersection with public road and first 6 metres		Width beyond first 6 metres																						
	Arterial roads	Other roads																								
1 – 3	6	3	3	0.5																						
4 – 7	6	5	3	0.8																						
8 or more	6	6	5	1.0																						

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Vehicle access points are separated by a minimum distance of 6 metres.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed row dwellings fronting Ramsay Avenue and Kurrajong Place reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick and render on the front façades • Stepping of upper and lower storeys to minimise building height, mass and proportion • Protruding porticos • Eave overhang and pitched roof form at 22.5 degree slope • Fenestration <p>The row dwellings fronting Ramsay Avenue and Kurrajong Place incorporate a 22.5 degree Colorbond roof in Charcoal Grey, with rendered facades. The garage of each dwelling features a Colorbond panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p>	<p>Complies</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p>

Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the row dwellings Res 1 – 4 and Res 6 - 9 feature a mixture of render, facing brick work, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i></p> <p><i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i></p> <p><i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i></p> <p><i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i></p> <p><i>(i) half of the existing ground level private open space</i></p> <p><i>(ii) 35 square metres of the existing ground level private open space</i></p> <p><i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>Although the proposal does not satisfy the minimum upper level side setback from the southern boundary, the applicant has provided shadow diagrams for proposed row dwelling Res 9 (refer Attachment III) which illustrate the projected extent of overshadowing on 21 June (winter solstice). These diagrams illustrate that:</p> <p>(a) north-facing windows to habitable rooms of the existing dwelling on the adjacent allotment south east of the subject land 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 and;</p> <p>(b) ground level private open space of the existing dwelling on the adjacent allotment south east of the subject land shall receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least 50% of the existing area of private open space.</p>
Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable</i></p>	<p>Complies</p> <p>The dwellings incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the side and rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.</p>

<p>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.</p> <p>General Section: Design & Appearance: PDC 11</p>	<p>The dwellings have therefore been designed to minimise direct overlooking of habitable rooms and private open spaces, whilst still providing outlook and passive surveillance to the public realm.</p>
<p>Noise</p>	
<p>Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, and protect these areas with appropriate noise attenuation measures.</p> <p>General Section: Residential Development: PDC 27</p>	<p>Complies</p>
<p>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from: (a) active communal recreation areas, parking areas and vehicle access ways (b) service equipment areas and fixed noise sources on the same or adjacent sites.</p> <p>General Section: Residential Development: PDC 30</p>	<p>Complies</p> <p>Res 5 features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.145 metres and is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 30.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
<p>Site Facilities and Storage</p>	
<p>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include: (a) mail box facilities sited close to the major pedestrian entrance to the site (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings) (c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</p> <p>General Section: Residential Development: PDC 31</p>	<p>Partially Complies</p> <p>b) Not applicable, as the development does not contain more than 6 group dwellings. c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p> <p>Does Not Comply a) Common letterboxes for proposed group dwellings Res 5 & Res 10 have not been provided at the entrance to the common driveway.</p>

Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Complies</p> <p>Proposed group dwelling Res 5 is oriented so that its open space and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>Partially Complies</p> <p>Proposed row dwellings Res 1 – 4 are oriented so that their open spaces and main activity areas face south west. The areas of private open space provided are however sufficiently deep for moderate exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>Proposed row dwellings Res 6 – 9 are oriented so that their open spaces and main activities face west. However, the areas of private open space provided are sufficiently deep for allow for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.</p> <p>Proposed group dwelling Res 10 is oriented so that its open space and main activity areas face south resulting in limited exposure to winter sun. It is acknowledged however that the private open space will receive some morning and afternoon winter sun.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>Each of the proposed dwellings incorporate a hipped roof form set at a 22.5 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Flooding	
<p><i>Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.</i></p> <p><i>General Section: Hazards: PDC 4</i></p> <p><i>Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:</i> <i>(a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event</i> <i>(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</i></p> <p><i>General Section: Hazards: PDC 5</i></p>	<p>Complies</p> <p>Council's flood survey has identified that the existing allotment at 2 Kurrajong Place may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor levels of 45.80m (Res 6 & 7), 45.55m (Res 5), 45.80m (Res 10) and proposed finished paving levels and setbacks from boundaries for each of these dwellings should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.</p>

Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <ul style="list-style-type: none"> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <ul style="list-style-type: none"> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Complies</p> <p>The proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
<p><i>Fences and walls, including retaining walls, should:</i></p> <ul style="list-style-type: none"> <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>The application proposes retaining walls varying in height to a maximum 600 millimetres. If a standard 1.8 metre high fence is constructed atop these walls, this will result in a maximum structure height of 2.6 metres. This fencing/retaining height is considered necessary to achieve a level development site and maintain privacy and security, without unreasonably affecting the visual amenity or access to sunlight of adjoining land.</p>
Land Division	
<p><i>When land is divided:</i></p> <ul style="list-style-type: none"> <i>(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner</i> <i>(b) a sufficient water supply should be made available for each allotment</i> <i>(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health</i> <i>(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or</i> 	<p>Complies</p> <ul style="list-style-type: none"> a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 6, 7 and 8. b) SA Water have confirmed that water supply is available (subject to conditions). c) SA Water have confirmed that sewerage connection is available (subject to

<p>thoroughfare.</p> <p>General Section: Land Division: PDC 1</p>	<p>conditions).</p> <p>d) N/A</p>
<p>Land should not be divided if any of the following apply:</p> <p>(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use</p> <p>(b) any allotment will not have a frontage to one of the following:</p> <p>(i) an existing road</p> <p>(ii) a proposed public road</p> <p>(iii) access to a public road via an internal roadway in a plan of community division</p> <p>(c) the intended use of the land is likely to require excessive cut and/or fill</p> <p>(d) it is likely to lead to undue erosion of the subject land or land within the locality</p> <p>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</p> <p>(f) the intended use of the land would be contrary to the zone objectives</p> <p>(g) any allotments will straddle more than one zone, policy area or precinct.</p> <p>General Section: Land Division: PDC 2</p>	<p>Complies</p> <p>a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.</p> <p>b) All allotments will have a frontage to the public road or access to a public road via an internal roadway.</p> <p>c) Minor cut/fill is required.</p> <p>d) Erosion is unlikely.</p> <p>e) The area is sewered.</p> <p>f) The intended use of the allotments is consistent with the zone objectives.</p> <p>g) The allotments are located wholly within the zone and policy area.</p>
<p>Design and Layout</p> <p>Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</p> <p>General Section: Land Division: PDC 3</p>	<p>Does Not Comply</p> <p>Res 1: Approximately 5.5 times to average width</p> <p>Res 2: Approximately 5.5 times to average width</p> <p>Res 3: Approximately 5.5 times to average width</p> <p>Res 6: Approximately 5 times to average width</p> <p>Res 7: Approximately 4.5 times to average width</p> <p>Res 8: Approximately 4.6 times to average width</p> <p>Res 9: Approximately 5.5 times to average width</p>
<p>The design of a land division should incorporate:</p> <p>(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities</p> <p>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</p> <p>(c) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones</p> <p>(d) suitable land set aside for useable local open space</p> <p>(e) public utility services within road reserves and where necessary within dedicated easements</p> <p>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</p> <p>(g) protection for existing vegetation and drainage lines</p> <p>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</p> <p>(i) the preservation of significant trees.</p> <p>General Section: Land Division: PDC 7</p>	<p>Complies</p>

<p><i>Allotments in the form of a battleaxe configuration should:</i></p> <ul style="list-style-type: none"> <i>(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)</i> <i>(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction</i> <i>(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape</i> <i>(d) be avoided where their creation would be incompatible with the prevailing pattern of development.</i> <p>General Section: Land Division: PDC 8</p>	<p>Complies</p> <p>Proposed group dwellings Res 5 & 10 satisfy the criteria for PDC 8.</p>
<p><i>Access ways serving allotments in the form of a battleaxe configuration should:</i></p> <ul style="list-style-type: none"> <i>(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:</i> <i>(i) 4 metres for an allotment that accommodates no more than 3 dwellings</i> <i>(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings</i> <i>(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.</i> <p>General Section: Land Division: PDC 9</p>	<p>Partially Complies</p> <p>Although a 4.0 metre wide shared driveway has been provided giving access to group dwellings Res 5 & 10 from Kurrajong Place, comprising a total length of 44 metres, that total length exceeds Development Plan maximum of 35 metres.</p>
<p><i>Allotments should have an orientation, size and configuration to encourage development that:</i></p> <ul style="list-style-type: none"> <i>(a) minimises the need for earthworks and retaining walls</i> <i>(b) maintains natural drainage systems</i> <i>(c) faces abutting streets and open spaces</i> <i>(d) does not require the removal of existing native vegetation to facilitate that development</i> <i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i> <p>General Section: Land Division: PDC 10</p>	<p>Complies</p>
<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p>General Section: Land Division: PDC 11</p>	<p>Complies</p> <p>Please refer to the <i>Energy Efficiency</i> section of this report for detailed analysis</p>
<p>Roads and Access</p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <ul style="list-style-type: none"> <i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i> <i>(b) the availability and frequency of public and community transport</i> <i>(c) on-street parking demand likely to be generated by nearby uses.</i> <p>General Section: Land Division: PDC 21</p>	<p>Complies</p> <ul style="list-style-type: none"> a) Adequate on-site parking available b) Public transport services are accessible in the wider locality c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>5 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
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TABLE DISCUSSION

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

- Minimum site areas (Res 1 – 4 & Res 6 – 9)
- Minimum frontage width (Res 1 & Res 2)
- Maximum site coverage (Res 2, 3, 4, 5, 6, 7, 8, 9)
- Private open space – minimum dimensions (Res 4 & Res 5)
- Secondary street setback (Res 4)
- First floor side boundary setback (Res 9)
- Rear setback (Res 5 & Res 10)
- Allotment width and depth ratio (Res 1, 2, 3, 6, 7, 8, 9)
- Driveway 'handle' length (Res 5 & Res 10)

Minimum site areas (Res 1 – 4 & Res 6 – 9)

Row dwellings within Northern Policy Area 13 should occupy a minimum allotment size of 250 square metres. All row dwellings proposed (Res 1 – 4 & Res 6 – 9) fall short of the minimum quantitative standard by between 28 square metres (11.2%) and 9 square metres (3.6%). Despite occupying allotments with an area under the minimum required, each row dwelling provides sufficient setbacks from boundaries and private open space that generally exceeds the minimum requirement of 20% of a total allotment area. As such, the relatively minor shortfall in site area of each of the dwellings is not considered fatal to the application.

Minimum frontage width (Res 1 & Res 2)

Row dwellings in Northern Policy Area 13 should have a minimum frontage width of 7 metres. Proposed row dwellings Res 1 & Res 2 each have a frontage width of 6.5 metres falling short of the minimum standard by 0.5 metres. Despite the shortfall in frontage width, the dwellings are two-storey, have extensive glazing to their upper levels and each have a clearly defined entrance with projecting portico framing the front door entrance to each dwelling. When read in conjunction with all of the proposed row dwellings that front Ramsay Avenue – Res 1, 2, 3, & 4 (as demonstrated in Sheet 21 (Revision D) prepared by ET Design) the shortfall in frontage width is less evident than when read in isolation. Read together, Res 1 – 4 is considered to provide a positive contribution to the overall streetscape. The shortfall in frontage width of Res 1 & Res 2 is therefore not considered to be detrimental to the overall merits of the application.

Maximum site coverage (Res 2, 3, 4, 5, 6, 7, 8, 9)

Dwellings in Northern Policy Area 13 should have a maximum site coverage equal to 40% of the total allotment area. Proposed row dwellings Res 2, 3, 4, 5, 6, 7, 8, 9 each have site coverage that exceeds the Development Plan standard of 40% by between 1.5% (Res 6) and 11.4% (Res 5).

Despite a majority of the proposed dwellings exceeding the maximum site coverage for Northern Policy Area 13, this is not contrary to setback and private open space provisions. The excess site coverage of those dwellings is unlikely to negatively impact the amenity of adjoining land. It is also acknowledged that the owners of individual dwellings could increase total site coverage to a maximum of 70% with the later addition of a veranda or other covered area by right under Schedule 1A of the Development Regulation (development not requiring Development Plan Consent). In conclusion, it is my opinion that little weight should be given to the relatively minor deviation from the Development Plan standard with regard to site coverage.

Private open space – minimum dimensions (Res 4 & Res 5)

Whilst proposed row dwelling Res 4 and proposed group dwelling Res 5 each satisfy the minimum numerical requirement for private open space with regard to overall area, neither provide a minimum area of 5 metres by 5 metres directly accessible from a living room. Despite falling short of the minimum standard, Res 4 achieves an area measuring 4.6 metres by 4.2 metres and Res 5 achieves an area of 5.23 metres by 4.5 metres directly accessible from living rooms which is considered sufficient to accommodate the likely needs of future residents. Furthermore, Res 5 provides a total area of private open space equal to 26.3% of the allotment area exceeding the minimum requirement by 6.3%.

Secondary street setback (Res 4)

Proposed row dwelling Res 4 is the only dwelling with exposure to a secondary street. Although the dwelling is not setback the minimum 2.0 metres from the secondary street boundary as required under Development Plan criteria, it achieves a minimum setback of 1.54 metres at the rear of the allotment. The dwelling is not aligned parallel to the secondary street boundary and is stepped to provide a setback of 2.72 metres at the front of the site reducing to 1.655 metres and 1.54 metres at the rear of the site. The stepped nature of the dwelling combined with the increased setback of the upper floor is considered sufficient to reduce the bulk and scale of the dwelling when viewed from both street frontages.

Upper floor side boundary setback (Res 9)

Parts of dwellings that comprise walls near side boundaries that are between 3 metres and 6 metres in height should be setback a minimum distance of 3 metres from a southern boundary to reduce the potential for excessive overshadowing of neighbouring land. Proposed row dwelling Res 9 comprises a wall height of up to 5.6 metres and setback 2 metres from the south eastern side boundary. Whilst the dwelling is likely to cause some overshadowing of adjoining land at 6 Kurrajong Place, the area most impacted is the driveway and carport as demonstrated in the shadow diagrams provided in support of the application. As such, the 2 metre setback provided is considered sufficient to prevent excessive overshadowing of neighbouring land situated south east of the subject land and therefore satisfies the Overshadowing principles of development control in the Design and Appearance section of the Development Plan.

Rear setback (Res 5 & Res 10)

Whilst proposed group dwellings Res 5 and Res 10 are not setback from their rear boundaries by the minimum distance recommended by the Development Plan, each of these dwellings backs onto the Ramsay Avenue Reserve. As such, the rear setbacks provided are considered appropriate as the impact on adjoining land is considered to be negligible and not detrimental to the proposal.

Allotment width to depth ratio (Res 1, 2, 3, 6, 7, 8, 9)

The depth of the allotments accommodating Res 1, 2, 3, 6, 7, 8, 9 is more than 4 times the width of the allotments. The additional allotment depth is not considered to be detrimental to the overall functioning of the dwellings and provides the dwellings with additional private open space which exceeds the minimum quantitative standard for each of these dwellings.

Driveway 'handle' length (Res 5 & Res 10)

The shared driveway 'handle' providing vehicular access to proposed group dwellings Res 5 & Res 10 exceeds the maximum length by 7 metres. It is acknowledged however that the additional length is necessary to provide sufficient space for vehicles to enter and exit the designated car parking spaces of Res 5 & Res 10 whilst maintaining sufficient areas of private open space for the proposed row dwellings fronting Kurrajong Place.

ANALYSIS/CONCLUSION

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13 as it achieves an increase in dwelling densities, greater than that of the original housing stock and is located within close proximity to public transportation routes and areas of open space.

Assessment of the proposal against the quantitative and qualitative Development Plan provisions has demonstrated that the proposal complies with a number of applicable criteria and achieves appropriate design outcomes envisioned for residential development. It is acknowledged however the proposal maintains a number of relatively minor shortfalls relating to the site area of each allotment comprising a row dwelling, high site coverage for 5 of the 10 dwellings, lack of north facing POS for each dwelling and a lack of an area of private open space that does not meet the minimum 5m by 5m dimensions for Res 4 & Res 5.

The proposal is considered to be finely balanced. Assessment within this report has demonstrated that despite the shortfall in the site area of each of the proposed allotments comprising row dwellings, the proposed density is not necessarily inconsistent with that envisaged within the Policy Area. Despite the allotments being undersized, the design and layout of the dwellings demonstrates that the site areas are sufficient in size and dimension to accommodate row dwellings in the form proposed. Furthermore, the excess in the dwelling footprints has not come at the expense of the amount of POS provided for each dwelling, nor the achievement of appropriate setbacks to boundaries.

Due to the northern orientation of the allotments fronting Ramsay Avenue, the north easterly orientation of the allotments fronting Kurrujong Avenue and the overall layout and design of the development, the south/south west facing private open space areas are an unfortunate consequence. The private open space to each dwelling will however receive some morning and afternoon sun in winter, the extent of which will increase throughout the year. Whilst northern orientated private open space areas are a desirable aspect of a development, this non-compliance, in itself, in my view, is insufficient to warrant refusal of the proposal.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993. Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent and Land Division 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 and Land Division Consent for Development Application No: 100/1993/2016 (DAC Reference: 100/C241/16) for Land Division Residential Community Title - 3 into 10 allotments and the subsequent construction of two single storey group dwellings and eight, two storey row dwellings (two groups of four) at 2 – 4 Kurrajong Place and 18 Ramsay Avenue, Seacombe Gardens be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1993/2016 (DAC Reference: 100/C241/16), being drawing number(s) 1 through 22 – Revision D (inclusive) prepared by ET Design, Stormwater Disposal Sketch SW1 – Revision A prepared by CRW Consulting Engineers received by Council on 19/10/2017 and documentation titled ‘Shadow Diagrams’ and ‘Ingress Turn Paths’, ‘Egress Turn Paths’ prepared by CIRQA, except when varied by the following conditions of consent.
2. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council’s information guide titled “Stormwater Retention/Detention”, to the reasonable satisfaction of the Council.

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

5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.

6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
7. The portion of the all upper floor windows (other than those facing a public street) less than 1.7 metres above the internal floor level shall be treated prior to occupation of the building and maintained in a manner that permanently restricts views of adjoining property's yards and/or indoor areas being obtained by a person within the room, to the reasonable satisfaction of the Council.
8. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
9. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
10. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0051919).

For SA Water to assess this application, the developer must advise SA Water the preferred servicing option. Information can be found at: <http://www.sawater.com.au/developers-and-builders/building,-developing-and-renovating-your-property/subdividing/community-title-development-factsheets-and-information>. For queries call SAW Land Developments on 74241119. An investigation will be carried out to determine if connections to the development will be standard or nonstandard.

The developer must inform potential purchasers of the community lots of the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

2. Payment of \$46,732 into the Planning and Development Fund (7 allotments @ \$6676/allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

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

Attachments

- Attachment I: Certificate of Title*
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation
Attachment IV: DAC referral comments
Attachment V: SA Water referral comments

**REPORT REFERENCE: CAP061217 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 DECEMBER 2017**



Originating Officer:	Rob Tokley Acting Policy Planner
Applicant:	PMT Property & Building Improvements
Development Description:	Dwelling in association with a retail showroom
Site Location:	11L Main South Road, 1518-1522 Main South Road and Strata Plan 694 Main South Road, Sturt
Zone:	Residential Zone and Neighbourhood Centre Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1/Consent
Lodgement Date:	29/05/2017
Development Plan:	Consolidated – 28 April 2016
Referrals:	DPTI
Application No:	100/2017/947
Recommendation:	That Development Plan Consent be REFUSED

CATEGORISATION & DELEGATION

The subject application is assigned a Category 1 form of development by virtue of clause 2(g) of Schedule 9 of the Development Regulations 2008, which assigns “a kind of development which, in the opinion of the relevant authority is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development”.

It is acknowledged the categorisation of the application is not without doubt, in that, for the reasons following in this report, the proposal is considered an inappropriate form of development, having regard to the built form and land uses within the locality and the resultant impacts upon the amenity of future residents.

However, having regard to the similarities of the proposal to Clause 2(b) or 2(c) of Part 1 of Schedule 9, which lists comparable forms of development as Category 1, I am of the view the proposal has been appropriately classified as Category 1.

The proposal seeks to introduce an additional use to a previously authorised (non-complying) commercial building, determined by the (then) Development Assessment Panel. Pursuant to sub-delegation (f), it is considered the proposal may compromise or undermine the decision of the Panel, and as such, the application is to be determined by the Council Assessment Panel.

BACKGROUND

On 1 July 2015, the (then) Development Assessment Panel granted Development Plan Consent and Land Division Consent for the following;

“Land Division (comprising three stages) and the construction of three buildings for the purpose of retail showroom with associated car parking, landscaping and advertising signs”,

at 11L Main South Road, Sturt and 1496-1522 Main South Road, Sturt (Development Application 100/2014/1517).

A commercial building has subsequently been constructed on Lot 1 (subject to this application), with the residual Lots vacant at the time of writing.

A copy of the relevant plans for Development Application 100/2014/1517 can be found in Attachment VI.

During the assessment process, Council staff requested the following information to assist in undertaking a comprehensive assessment of the proposal:

Additional Information Requested	Information Provided
Acoustic report/assessment regarding; <ul style="list-style-type: none"> • Proposed mezzanine floor and anticipated noise from commercial tenancy activity below; • Exterior walls of the building and anticipated noise from adjacent land uses and arterial roads; and • Proposed windows and noise from adjacent commercial tenancies and adjacent arterial roads. 	Nil. See applicant’s representative’s response (Attachment III)
Shadow diagrams identifying the extent of solar access to private open space	Nil. See applicant’s representative’s response (Attachment III)

SUBJECT LAND & LOCALITY

The subject land is situated at 11L (Lot 1 in Development Application 100/2014/1517) Main South Road, Sturt (site of the building and car park space), 1518-1522 Main South Road, Sturt and Strata Plan 694 (land reliant upon for vehicular ingress and egress), situated on the western side of Main South Road and the eastern side of the Southern Expressway.

The land is subject to an authorised land division, which will reduce the area of land in which the building is situated to 542 square metres (this land will have rights of way over Lot 6 following severing of titles).

Land uses within the locality comprise the following;

- Land to the north-east comprises an existing group of shops with associated car-parking (approximately 46 car spaces) to the immediate south-west. This group of shops currently accommodates a barber shop, denture supply and shop/mini supermarket;
- Land to the direct east comprises a group of shops fronting Main South Road including pizza take-away, bridal shop, Thai restaurant and ‘Drummond Golf’ shop, with approximately 17 off-street parking spaces;

- Land to the south comprises a bus hire operation, with large hard-stand area to the rear of the associated office/shelter building; and
- Land to the west, comprises residential dwellings typically constructed in the 1960s, with some examples of recent in-fill development.

A majority of the above-mentioned land uses are situated within the Neighbourhood Centre Zone, excepting the bus hire which is situated within the Commercial Zone (South Road Policy Area 2) and residential dwellings (Residential Zone).

The locality is commercial in nature forming part of a long-established commercial strip on the western side of Main South Road and separated from residential areas to the west by the Southern Expressway.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to introduce an additional land use (residential) to the commercial building previously authorised for use as a retail showroom.

The proposal seeks the following works to accommodate the dwelling;

- Creation of a mezzanine floor;
- Creation of new internal walls adjacent foyer and stairs to mezzanine;
- Creation of window (to balcony);
- Installation of skylight to Bedroom 2 and Meals/Kitchen area

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

Department of Planning, Transport & Infrastructure (DPTI):	No objection raised. Conditions of consent requested.
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Refer Attachment VI

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</p> <p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the zone:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ domestic outbuilding in association with a dwelling ▪ domestic structure ▪ dwelling ▪ dwelling addition ▪ small scale non-residential uses that serve the local community, for example: <ul style="list-style-type: none"> - child care facilities - health and welfare services - open space - primary and secondary schools - recreation areas - shops, offices or consulting rooms ▪ supported accommodation. <p>2 Development listed as non-complying is generally inappropriate.</p> <p>3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.</p> <p>4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:</p> <p>(a) serves the needs of the local community (b) is consistent with the character of the locality (c) does not detrimentally impact on the amenity of nearby residents.</p>
Northern Policy Area 13
<p>Objectives</p> <p>1 A policy area primarily accommodating low scale, low to medium density housing. 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities. 3 Development that contributes to the desired character of the policy area. 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.</p>
<p>Desired Character</p> <p>The desired character of the policy area is of an attractive residential environment containing one and two storey, low-to-medium density dwellings of a variety of architectural styles. This will be achieved through a combination of the retention of existing housing stock in good condition, and the redevelopment of other properties generally at greater densities than that of the original housing. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Medium density development should not be achieved at the expense of mature vegetation or significant trees on the</p>

development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Principles of Development Control

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

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

Assessment

The proposal is consistent with the general intent of the Residential Zone, and parts of the desired character applicable to the Northern Policy Area, which seeks for a range of dwelling types.

Having said this, Objective 2 of the Policy Area seeks for “[d]evelopment near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities”, and Objective 5 desired development to “reflect good residential design principles”. Furthermore, the Desired Character envisages “an attractive residential environment” whereby “the overall character of the built form will gradually improve”.

It will be identified throughout this report that the proposal does not satisfy Objective 2 or 5 – future residents will not be afforded appropriate amenity protection from adjacent land uses (including those that are likely to occupy the floor below).

Furthermore, the buildings approved on the land (and within the Residential Zone) will not further the aims of the Desired Character; there is little provision for landscaping throughout the site, whilst the built form does not align with that envisaged in the Zone.

In this respect, I have formed the opinion that the site is unsuited to residential uses by virtue of its isolation from other residential properties, its proximity to two major roads and setting in a commercial locality.

I note the Statement of Effect provided to support consent for the construction of the building (subject to this application) in the Residential Zone identified planning precedent to support a land-use which, on its face, is inconsistent with the overall intent, purpose and desired character of the zone but could nonetheless warrant approval (refer Attachment VI).

The adjacent land uses and severance of the site from the remainder of the Residential Zone were among the reasons why the applicant argued for Council to support commercial buildings on the land; those grounds were supported by staff, the (then) Development Assessment Panel and the (then) Development Assessment Commission.

I have therefore formed the view that the separation of the subject land from the remainder of the Residential Zone and the general character, land use, function and design of surrounding development in the immediate locality provides future occupants of residential development with poor amenity. This is further explained throughout this report.

ZONE & POLICY AREA ASSESSMENT

Portions of the site (for ingress and egress) are located within the Neighbourhood Zone.

The relevant objectives, desired character and principles of development control of the Neighbourhood Centre Zone are listed in the following table and discussed in further detail below:

Neighbourhood Centre Zone

Objectives

- 1 A centre providing a range of facilities to meet the shopping, community, business, and recreational needs of the surrounding neighbourhood.
- 2 A centre that provides the main focus of business and community life outside a district centre, and provides for the more frequent and regularly recurring needs of a community.
- 3 A centre accommodating residential development in conjunction with non-residential development.

Principles of Development Control

1 The following forms of development are envisaged in the zone:

- bank
- child care facility
- consulting room
- dwelling in conjunction with non-residential land uses
- library
- health centre
- office
- petrol filling station
- place of worship
- playing field
- pre-school
- primary school
- recreation area
- restaurant
- shop
- supermarket.

2 Development listed as non-complying is generally inappropriate.

6 Development of the following respective centres should be carried out in accordance with the concepts shown on:

- (a) Concept Plan Map Mar/1 - Clovelly Park Centre and Commercial
- (b) Concept Plan Map Mar/3 - Marion/Mitchell Park Neighbourhood Centre
- (c) Concept Plan Map Mar/4 - Park Holme Neighbourhood Centre.

7 Land division in the zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

Assessment

To gain access to the proposed dwelling, occupants and visitors must traverse land situated in the Neighbourhood Centre Zone.

Dwellings, in conjunction with non-residential land uses, are sought in the Zone. In this regard, the proposal is consistent with that desired. However, as indicated previously, the subject land and locality is one which is not suited to residential land uses and is more suited to commercial land uses.

I note the planning doctrine whereby under certain circumstances, the provisions of an adjacent zone are to be taken into consideration when the subject land is on the periphery of a zone (as referenced in the Statement of Effect).

In this respect, it is my view that whilst the proposed land use is consistent with that sought by the Zone, it is not an appropriate outcome for the site, having regard to the built form, land uses and

other elements that affect residential amenity found within the locality. This is assessed in greater detail throughout this report.

DEVELOPMENT ASSESSMENT

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

Residential Development:

Assessment:

Residential Development	
<p><i>Safe, convenient, sustainable and healthy living environments that meet the full range of needs and preferences of a diverse community.</i></p> <p><i>Residential Development Obj 1</i></p>	<p>Does Not Comply</p> <p>It is my view that a sole dwelling in an otherwise commercial/retail locality does not provide occupants of the dwelling an appropriate level of safety – this is assessed in further detail in the ‘Crime Prevention’ chapter of this report.</p> <p>The dedicated car park space is sited approximately 45 metres from the proposed dwelling, which is not considered convenient, nor particularly safe.</p> <p>The location of the dwelling, bound by Main South Road and the Southern Expressway does not provide occupants with ideal air quality, which when combined with the opportunity for other emissions/odours/fumes from activities associated with adjacent land uses, the air quality for future occupants is likely to be poor.</p>
<p><i>A diverse range of dwelling types and sizes available to cater for changing demographics, particularly smaller household sizes and supported accommodation.</i></p> <p><i>Residential Development Obj 2</i></p>	<p>Complies</p> <p>The proposal does provide an alternative form of housing to increase options within the Council area.</p>
<p><i>Increased affordable housing opportunities through land division and the conversion of buildings to a residential use.</i></p> <p><i>Residential Development Obj 6</i></p>	<p>Complies</p>
<p><i>Residential allotments and sites should maximise solar orientation and have the area and dimensions to accommodate:</i></p> <p><i>(a) the siting and construction of a dwelling and associated ancillary outbuildings</i></p> <p><i>(b) the provision of landscaping and private open space</i></p> <p><i>(c) convenient and safe vehicle, pedestrian and cycling access and parking</i></p> <p><i>(d) water sensitive design systems that enable the storage, treatment and reuse of stormwater.</i></p> <p><i>Residential Development PDC 1</i></p>	<p>Does Not Comply</p> <p>(a) There is no area available for outbuildings/external storage for future occupants</p> <p>(b) Very limited landscaping is provided throughout the site. Limited private open space (which does not meet that sought – see below) is provided via a roofed ‘balcony’, enclosed on all four sides.</p> <p>(c) The location of the car parking space is not considered convenient or safe.</p> <p>(d) A 1 kilolitre rainwater tank is proposed to be accommodated in the balcony area.</p>
<p><i>Residential allotments and dwellings should be of varying sizes to encourage housing diversity.</i></p> <p><i>Residential Development PDC 3</i></p>	<p>Complies</p>

Private Open Space

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

Does Not Comply

Area
25.7m²

Site area of dwelling	Minimum area of POS	Provisions
175 square metres or less	20 per cent of site area or 35 square metres, whichever is the greater	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

*****It is administration's view that it is questionable whether the balcony area can be considered 'private open space', given the area is enclosed on all four sides and is roofed for its entirety. However, for the purposes of assessment, the balcony is considered as private open space*****

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

Complies

- a) The POS area is directly accessible from the meals/kitchen.
- b) All POS is located in the form of a balcony
- c) All POS is located to the side/rear of the dwelling and is screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS area should not be directly overlooked by adjacent buildings.
- f) The POS area is not located next to bedrooms of dwellings on adjacent sites.

Does Not Comply

- g) The proposed POS area maintains a western aspect.
- h) The POS area will be significantly shaded throughout the year by the associated building.
- i) The entirety of the POS area is shaded.
- j) Traffic and other business activities are likely to have a material impact upon the amenity of the dwelling and associated POS.
- k) The POS area is considered to have sufficient shape and area to be functional.

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

General Section: Residential Development: PDC 22

Does Not Comply

The POS area is roofed for its entirety

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

2 per dwelling containing up to 3 bedrooms one of which is to be covered.

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

Does Not Comply

The dwelling is provided with 1 parking space, which is not covered.

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

General Section: Transportation & Access: PDC 43

Does Not Comply

a) One parking space is provided for occupants, with no designated visitor parking identified.

Complies

b) Public transport (bus) options are located in walking distance of the dwelling.
 c) The likely occupants are anticipated to have standard mobility and transport requirements.
 d) e) No loss of on-street parking spaces will result from the proposal.

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

General Section: Land Division: PDC 22

Complies

No loss of on-street parking spaces will result from the proposal.

Relationship to the Street and Public Realm

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

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

General Section: Design & Appearance: PDC 13

Partially Complies

The entrance of the dwelling faces the primary street frontage, presenting an entrance door and habitable room windows to the street.

Having said this, the building is setback some 50 metres from the public road and the entrance of the dwelling is shared with the commercial tenancy. No additional works to the facade is proposed to define the dwelling to enable visitors to easily identify the position of the dwelling.

Design & Appearance

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

Partially Complies

See comments above

<p><i>The ground floor of mixed use buildings should comprise non-residential land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 17</i></p>	<p>Complies</p>
<p>Outdoor Storage and Service Areas</p> <p><i>Outdoor storage, loading and service areas should be:</i></p> <p><i>(a) screened from public view by a combination of built form, solid fencing and/or landscaping</i></p> <p><i>(b) conveniently located and designed to enable the manoeuvring of service and delivery vehicles</i></p> <p><i>(c) sited away from sensitive land uses.</i></p> <p><i>General Section: Design & Appearance: PDC 21</i></p>	<p>Does Not Comply</p> <p>Whilst it is acknowledged the proposal does not seek to accommodate waste storage areas, the proposal seeks to 'install' a sensitive use within a locality of commercial uses with limited conditions controlling the location and management of waste.</p> <p>The dwelling is sited in close proximity to the service areas of the adjacent commercial tenancies, which includes two food premises.</p>
<p>Visual Privacy</p>	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>Complies</p> <p>No residential dwellings are situated within 90 metres of the proposed dwelling. As such, overlooking from the proposed balcony is not considered to unreasonably erode the privacy of nearby land.</p>
<p>Noise</p>	
<p><i>Other than within an area designated for the purposes of the Noise and Air Emissions Overlay, residential development close to high noise sources (e.g. major roads, railway lines, tram lines, industry, and airports) should be designed to locate bedrooms, living rooms and private open spaces away from those noise sources, and protect these areas with appropriate noise attenuation measures.</i></p> <p><i>General Section: Residential Development: PDC 27</i></p> <p><i>Residential development on sites abutting established collector or higher order roads should include a landscaped buffer between the dwellings and the road as well as front fences and walls that will supplement the noise control provided by the building facade.</i></p> <p><i>General Section: Residential Development: PDC 28</i></p>	<p>Partially Complies</p> <p>See below</p>

The proposal seeks for the primary bedroom to be located adjacent the Southern Expressway. The exterior walls are of tilt-up concrete construction, and the northern wall (of the bedroom) will incorporate an 'acoustic [sliding] door'.

Whilst details have not been provided of the 'acoustic door', these measures have the ability to provide a reasonable level of protection for those within the bedroom from noise emanating from the Southern Expressway, and possibly the commercial land uses nearby.

Bedroom 3 incorporates an openable window on the south-eastern façade facing the rear of the existing commercial tenancies to the east. The proponent advises (in correspondence dated 6 November 2017) that this window will incorporate double glazing and with acoustic seals.

During the processing of the application, administration sought from the applicant details of the mezzanine floor, exterior wall construction and window treatments and an acoustic assessment/report – to clarify whether activities within the commercial tenancy below and adjacent uses would have an unreasonable impact upon occupants of the proposed dwelling.

The applicant's representative, Mr Stewart Hocking, has clarified a number of building materials which are not evident on the proposal plans. It is Mr Hocking's view that the methods of construction of the building, and requisite assessment under the Building Code will provide adequate relief to future occupants from activities that may occur in association with the commercial use below and adjacent. Mr Hocking also correctly identifies that residential land uses are envisaged within the (adjacent) Neighbourhood Centre Zone, and the proposal displays a number of similarities in this regard.

Whilst this may be the case, it nonetheless follows that Council should be satisfied that occupants of future residential development are provided with an appropriate (and relevant) level of privacy and amenity.

There are currently no restrictions on the hours of operation, machinery used, waste collection or deliveries to the commercial tenancy below, or the adjacent golf shop, bridal shop or pizza restaurant/shop. (The Thai restaurant is restricted to operating hours of 9.00pm, Monday to Sunday).

It is staff's view, therefore, that a number of operations are likely to occur in close proximity to the proposed dwelling that could significantly compromise the amenity of future occupants to a significant degree by virtue of excessive noise, noise outside of recognised waking hours, fumes and odours, and as such, the subject locality is one that does not warrant residential uses.

Interface Between Land Uses

Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:

- (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants*
- (b) noise*
- (c) vibration*
- (d) electrical interference*
- (e) light spill*
- (f) glare*
- (g) hours of operation*
- (h) traffic impacts.*

General Section: Interface Between Land Uses: PDC 1

Does Not Comply

Whilst it is acknowledged the proposal does not seek for a land use that emits noise, odours and the like, the proposal seeks for the establishment of a sensitive land use in a locality comprising a range of commercial uses with limited controls relating to noise/emissions.

For the reasons outlined in this report, it is administration's view that future occupants of the dwelling will receive unreasonable interference as a result of potential odours, fumes, noise and hours of operation of adjacent land uses.

Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.

General Section: Interface Between Land Uses: PDC 2

Partially Complies

Please refer to 'Noise' assessment above

Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.

General Section: Interface Between Land Uses: PDC 4

Does Not Comply

Please refer to 'Noise' assessment above

<p><i>Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.</i></p> <p>General Section: Interface Between Land Uses: PDC 5</p>	<p>Does Not Comply In my view, the applicant has not adequately demonstrated the dwelling has been designed to minimise negative impacts upon future occupants.</p>
Transportation and Access	
<p>Movement Systems</p> <p><i>Development should be integrated with existing transport networks, particularly major rail, road and public transport corridors as shown on Location Maps and Overlay Maps - Transport, and designed to minimise its potential impact on the functional performance of the transport network.</i></p> <p>General Section: Transportation and Access: PDC 2</p>	<p>Complies</p>
<p><i>Development should provide safe and convenient access for all anticipated modes of transport.</i></p> <p>General Section: Transportation and Access: PDC 8</p>	<p>Complies Existing ingress/egress arrangements maintained</p>
<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p>General Section: Transportation and Access: PDC 12</p>	<p>Does Not Comply The proposal will result in the dwelling being located in close proximity to the service/loading areas of a number of adjacent commercial uses.</p>
<p><i>Industrial/commercial vehicle movements should be separated from passenger vehicle car parking areas.</i></p> <p>General Section: Transportation and Access: PDC 13</p>	<p>Does Not Comply The car parking space dedicated for the dwelling will require occupants to manoeuvre their vehicle in/adjacent the service area of the adjacent commercial uses.</p>
<p>Access</p> <p><i>Development should have direct access from an all-weather public road.</i></p> <p>General Section: Transportation and Access: PDC 22</p>	<p>Complies</p>
<p><i>Development with access from arterial roads or roads as shown on Overlay Maps – Transport should be sited to avoid the need for vehicles to reverse onto or from the road.</i></p> <p>General Section: Transportation and Access: PDC 27</p>	<p>Complies</p>
<p>Vehicle Parking</p> <p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p>General Section: Transportation and Access: PDC 34</p>	<p>Does Not Comply One, open car parking space is provided for the dwelling, whereas Table Mar/2 requires two spaces – one of which should be undercover.</p>

<p>Vehicle parking areas should be sited and designed to:</p> <p>(a) facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</p> <p>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</p> <p>(c) not inhibit safe and convenient traffic circulation</p> <p>(d) result in minimal conflict between customer and service vehicles</p> <p>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</p> <p>(f) minimise the number of vehicle access points onto public roads</p> <p>(g) avoid the need for vehicles to reverse onto public roads</p> <p>(h) where practical, provide the opportunity for shared use of car parking and integration of car parking areas with adjoining development to reduce the total extent of vehicle parking areas and the requirement for access points</p> <p>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</p> <p>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</p> <p>(k) include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</p> <p>General Section: Transportation and Access: PDC 36</p>	<p>Complies</p> <p>(b) N/A</p> <p>(d) N/A</p> <p>(e) Complies</p> <p>(f) Complies</p> <p>(g) Complies</p> <p>(h) N/A</p> <p>(i) No major change to car park layout</p> <p>(j) No major change to car park layout</p> <p>(k) N/A</p> <p>Does Not Comply</p> <p>(a) The dedicated resident's parking space is located some 45 metres from the dwelling entrance</p> <p>(c) The location of the resident's parking space will require reversing manoeuvres in close proximity to the (southern) 'goods receiving' entrance of the building and aisle where commercial vehicles will be traversing</p>
<p>Vehicle parking areas that are likely to be used during non-daylight hours should provide floodlit entry and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the parking area.</p> <p>General Section: Transportation and Access: PDC 38</p>	<p>Complies</p> <p>Floodlighting is available of the car park aisle.</p>
<p>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</p> <p>General Section: Transportation and Access: PDC 39</p>	<p>Complies</p>
<p>Vehicle parking areas should be line-marked to delineate parking bays, movement aisles and direction of traffic flow.</p> <p>General Section: Transportation and Access: PDC 41</p>	<p>Complies</p>
<p>On-site visitor parking spaces should be sited and designed to:</p> <p>(a) not dominate internal site layout</p> <p>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</p> <p>(c) be accessible to visitors at all times.</p> <p>General Section: Transportation and Access: PDC 42</p>	<p>Does Not Comply</p> <p>The proposal does not provide for a second, on-site space for visitors.</p>
<p>Crime Prevention</p>	
<p>Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.</p> <p>General Section: Crime Prevention: PDC 1</p>	<p>Partially Complies</p> <p>The dwelling will be afforded view over the car park area and rear service yards of the adjacent properties.</p> <p>However, the proposal will result in a sole dwelling in a commercial locality, whereby there will be limited activity to the rear of the commercial properties outside of daylight hours.</p>

	As such, the level of safety/surveillance and security for future occupants is considered compromised.
<p><i>Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.</i></p> <p>General Section: Crime Prevention: PDC 2</p>	Complies
<p><i>Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.</i></p> <p>General Section: Crime Prevention: PDC 5</p>	Partially Complies Lighting is provided to the adjacent car park aisle.
<p><i>Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.</i></p> <p>General Section: Crime Prevention: PDC 7</p>	Complies
<p><i>Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).</i></p> <p>General Section: Crime Prevention: PDC 10</p>	Does Not Comply The placement of the resident's parking space some 45 metres south of the dwelling results in predictable movement of residents. Furthermore, this space is adjacent the 'corner' of the site with no options for persons if they were requiring an alternative exit.
Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p>General Section: Energy Efficiency: PDC 1</p> <p><i>Buildings should be sited and designed:</i> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p>General Section: Energy Efficiency: PDC 2</p>	<p>Does Not Comply</p> <p>All rooms within the dwelling will achieve limited early morning sunlight, and very limited late afternoon sun throughout the year.</p> <p>The balcony area will receive little solar access throughout the day.</p>

ANALYSIS/CONCLUSION

The proposal seeks to retro-fit a building to accommodate a singular dwelling in an exclusively commercial locality.

The result is a dwelling with poor amenity; noise emissions from the (future) land use below, adjacent land uses and two arterial roads, compromised outlook, odour/fume emissions from adjacent land uses and arterial road traffic, limited solar access to the (questionable) private open space, a car parking space located some 45 metres from the dwelling entrance and a compromised level of safety and security to future residents.

It is Council staff's view that the proposal displays insufficient merit to warrant support.

It is acknowledged the building is situated within the Residential Zone, however, it is nonetheless an exclusively commercial precinct.

Adjacent land uses, including the future activities within the commercial tenancy below are not bound by conditions restricting the hours of operation, hours of delivery, hours of waste collection or noise generated by activities on site.

I am of the view that without adequate controls upon the noise and hours of activity/operation of adjacent land uses, the amenity of occupants of the proposed dwelling is likely to be compromised to a considerable extent.

Furthermore, it is my view that the outlook from the proposed dwelling is poor; overlooking two busy arterial roads and/or the rear of commercial tenancies, comprising waste storage areas. This does not lead to an appropriate level of amenity for occupants.

The area in which the dwelling would be situated could be described as 'stark' – there will be very limited landscaping throughout the site to soften the appearance and heat-loading of hard-stand areas (refer Attachment V).

In addition to the above, the audible amenity of future residents is poor – being sited between two busy arterial roads and adjacent the rear of commercial tenancies.

The proposal seeks for all 'private open space' to be provided via a balcony to the north-west part of the building. In my view, it is questionable whether this space should be considered 'private open space', given it incorporates walls/sliding doors/windows on all four sides and is roofed for its entirety.

Council's Development Plan seeks for no less than 50% of private open space areas to be open to the sky, be sited and designed to minimise noise or air quality impacts and not be significantly shaded during winter.

The proposed 'private open space', if considered as such, fails these tests.

Lastly, it is my view that the safety of future residents is poor, being a sole dwelling in a commercial locality does not provide an appropriate level of activity and casual surveillance. The dedicated parking space is located a substantial distance from the dwelling – resulting in predictable movements of residents – sought to be avoided by Crime Prevention Principle 10, whilst after standard business hours it is likely there will be limited human activity outside of the commercial tenancies to enable surveillance of the area.

As a result of the above considerations, it is my view that whilst 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 it is recommended the Panel refuse to grant Development Plan Consent.

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: 100/947/2017 for Dwelling in association with a retail showroom at 11L Main South Road, 1518-1522 Main South Road and Strata Plan 694 Main South Road, Sturt be REFUSED for the following reasons:
 - (1) The proposal does not minimise potential adverse impacts from non-residential activities in the locality and does not reflect good residential design principles, failing to satisfy Northern Policy Area 13 Objectives 2 and 5
 - (2) The proposal will result in adverse impacts upon future occupants of the dwelling and is at variance to Interface Between Land Uses Objectives 1 and 3 and Principles 4 and 5.
 - (3) The proposal provides inconvenient parking area and predictable movement of persons; failing to satisfy Crime Prevention Objective 1 and Principle 10.
 - (4) The proposal will not provide for safe, pleasant living environment and is at variance to Residential Development Objective 1 and Principles 27, 28 and 30.
 - (5) The private open space provided for the dwelling is considered to have limited amenity, due to the location and design of the space, and fails to satisfy Residential Development Principles 16(h), 16(j) and 22.

Attachments

- Attachment I: Certificate of Title and Plan of Division*
Attachment II: Aerial Photograph
Attachment III: Proposal Plan and supporting documentation
Attachment IV: External Agency Referral Comments
Attachment V: Photographs
Attachment VI: Statement of Effect and plans for Development Application 100/2014/1517

**REPORT REFERENCE: CAP061217 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 DECEMBER 2017**



Originating Officer: Justin Clisby
Development Officer - Planning

Applicant: Ms Vedrana Damjanic

Development Description: One single storey detached dwelling and one single storey residential flat building comprising two dwellings

Site Location: 30 Nelson Street, South Plympton

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 25/09/2017

Development Plan: Consolidated – 28 April 2016

Application No: 100/2017/1786

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

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii)) of the Development Regulations 2008, which assigns the construction of single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwellings supporting an allotment areas less than the minimum of 375 square metres required for detached dwellings and 300 square metres required for dwellings within a residential flat building within Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Council Assessment Panel.

INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has reviewed the application and advised vehicle access and manoeuvrability is adequate
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BACKGROUND

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

Amendments Requested	Comments
Increase in front setback of Res 1	Front setback of Res 1 increased from 5.45m to 6.0m
Increase in private open space (POS) of Res 1	POS increased from 17.8% to 20.5%
Amend allotment boundaries of Res 2 and Res 3 to improve vehicle manoeuvrability into and out of designated car parking spaces	Boundaries realigned to improve vehicle manoeuvrability
Provide for stormwater retention/detention in accordance with Council requirements	2000L combination retention/detention tanks provided to each dwelling
Reduce Res 1 driveway width to 5.0m	No changes made (remains 5.6m wide)
Provide 0.5m wide landscaping strips either side of shared driveway	Changes made as requested
Indicate Res 2 and Res 3 letterbox location	Change made as requested
Additional Information Requested	Comments
Engineered site works plan	Information provided as requested

SUBJECT LAND & LOCALITY

The subject site is located at 30 Nelson Street, South Plympton. The site is a regular shaped allotment with a 19.81m frontage, a depth of 50.29m and a total site area of 996.2m². The site is flat and a single storey dwelling with associated outbuildings exists on the site. There are no existing significant trees on the site.

The locality consists primarily of single storey detached dwellings varying in styles from bungalows and post war housing on large allotments to more recently constructed detached, semi-detached and group dwellings on smaller allotments. While the majority of dwellings have street frontage, there are some buildings in the immediate locality which have shared driveway access leading to a battle axe allotment.

The subject site is located within close proximity to Adelaide Metro train services (Woodlands Park Railway Station) which provides access to the Adelaide CBD, 300 metres from frequent bus services on Marion Road, and within 300 metres of the Edwardstown Oval and Playground which provides recreation facilities and open space.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant proposes the construction of a single-storey detached dwelling fronting Nelson Street and a single storey residential flat-building comprising two dwellings to the rear accessed by a shared driveway adjacent the western boundary of the site.

Res 1 (detached dwelling) is single-storey in nature and incorporates three bedrooms (one with walk-in wardrobe and en-suite), kitchen, open plan kitchen, living/dining area, bathroom, laundry and features an alfresco area under the main roof of the dwelling to the rear. Direct access from the living/dining area to the alfresco area is provided via a patio door. A double width garage is situated along the eastern boundary with access provided by a double width crossover access point from Nelson Street.

Res 2 and 3 (dwellings within a residential flat building) are single storey in nature and incorporate three bedrooms (one with walk-in wardrobe and en-suite), kitchen, open plan kitchen, living/dining area, bathroom, laundry and alfresco area under the main roof of the dwelling. Direct access from

the living/dining area to the alfresco area is provided via a patio door. Both dwellings are provided with single width garages and an associated visitor space directly behind the garages. Vehicular access is achieved through an internal common driveway running the length of the western boundary.

Low through to high level landscaping has been provided forward of Dwelling 1, whilst low to medium level plantings have been provided throughout the remainder of the subject site, and along both sides of the common driveway.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>
Northern Policy Area 13
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p> <p><i>6 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p>

<p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	<p>Complies The proposed development comprises dwellings</p>
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p>Complies</p>
PDC 3	<p>Site Area: Detached dwelling: 375m² Residential Flat Buildings (RFB): 300m² Average</p>	<p>Does Not Comply Res 1: 323m² Res 2 & 3: 245m² (average)</p>
	<p>Minimum Frontage: Detached dwelling: 12 metres Res 2 & 3: 4 metres (hammerhead handle width)</p>	<p>Complies Res 1: 15.31m Res 2 & 3 driveway width: 4m</p>
	<p>Minimum Depth: Detached dwelling: 20 metres Residential Flat Buildings (RFB): 45 metres</p>	<p>Complies Res 1: 20.84m Res 2 & 3: 50.29m</p>

Assessment

The applicant proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of the Residential Zone seeks a range of dwellings densities, whilst Principle 1 of the Northern Policy Area 13 envisages the construction of detached and residential flat-buildings. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types at a higher density that differs to that typically found within the immediate locality. Furthermore, the development proposes a cohesive streetscape through the dwelling's design.

Furthermore, the site is located within relatively close proximity to a number of desirable attributes where higher densities are sought. Future occupants will be within walking distance of Adelaide Metro Train services, frequent bus services on Marion Road and Edwardstown Oval.

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

Res 1 achieves an allotment area of 323 square metres, which equates to a shortfall of 52 square metres (14%). Although the undersized nature of the allotment not insignificant, the design of the dwelling has demonstrated that the lack of site area has not adversely compromised the provision of appropriate areas of private open space or setbacks to boundaries (as discussed within this report). Res 2 and 3 incorporate an average site area of 245 square metres, which equates to a shortfall of 55 square metres (18%). It is noted that these figures exclude the common driveway and

manoeuvring areas. This method of calculating site area has been employed in accordance with General Section: land Division Principle of Development Control 8, which stipulates;

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

If the driveway and manoeuvring areas were to be included within the site area calculations, the combined allotment and driveway area of allotments 2 and 3 would equate to 667 square metres, or 333.5 square metres per allotment – above the minimum 300 square metres sought.

The above notwithstanding, given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. In my opinion, the shortfall in site each area is not fatal to the overall merits of the subject application. This is further demonstrated by the ability of the dwellings to satisfy the majority of other design criteria (illustrated in the below table, and discussed further below).

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Site coverage:</p> <p>Does Not Comply</p> <p>Res 1: 45.6%</p> <p>Res 2 & 3: 52.7%</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Combined pervious surfaces: 20.1%</p>

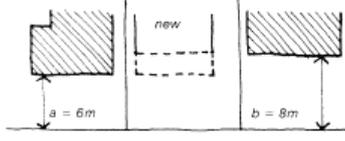
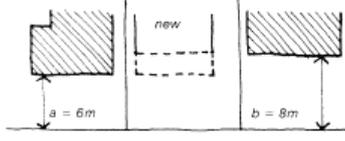
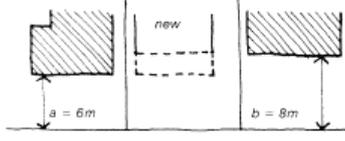
The Northern Policy Area 13 prescribes a maximum site coverage of 40% where Res 1 proposes site coverage of 45.6% and Res 2 and 3 proposes site coverage of 52.7%.

The excess in site coverage of Res 1 is considered negligible and is unlikely to result in unreasonable impacts on the future occupants or adjacent allotments.

Although the proposed site coverage of Res 2 and 3 exceeds the maximum numerical standard by 12.7%, each dwelling has been afforded with adequate side and rear setbacks, vehicle turning areas that enable the provision of safe, efficient and convenient manoeuvring and adequate dimensions/areas of private open space. Additionally, given the single storey nature of the proposal, the excess in site coverage is unlikely to result in overshadowing of the areas of private open space or create adverse visual impacts on adjoining properties. Furthermore, site coverage for the whole of the land is approximately 44.1% indicating the overall extent of site coverage proposed is not overly excessive.

Private Open Space			
<i>Dwellings should include POS that conforms to the requirements identified in the following table:</i>			Complies Res 1: 20.5% Res 2 & 3: 21.5%
Site area of dwelling	Minimum area of POS	Provisions	Complies Res 2 & 3: 5.33m x 9.9m achieved Does Not Comply Res 1: 4.6m by 9.6m achieved Each dwelling has a minimum 10% of private open space directly accessible from a living room.
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres	
Residential Zone: PDC 7			
<i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i> (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			Complies a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land.

<p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>	<p>k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>g) Due to the existing north-south orientation of the allotment, the proposed POS areas do not achieve a northerly aspect. The location of POS forward of the dwelling, in order to achieve a northern orientation, would likely result in an unattractive and unacceptable streetscape outcome.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p><i>General Section: Residential Development: PDC 22</i></p>	<p>Complies</p> <p>All private open space to each dwelling is open to the sky and free from verandas.</p>
<p>Although Res 1 is not provided with minimum 5m by 5m dimensions of private open space (POS), it has in my opinion, been provided with an overall sufficient area of POS. The dwelling has been provided with an area achieving minimum dimensions of 4.6m by 9.6m.</p> <p>In my opinion, given the entire area of POS is provided to the rear of the dwelling, the numerical shortfall in dimension is not considered fatal to the application and is considered to satisfy the intent of Principle 15.</p>	
<p>Building Setbacks from Road Boundaries</p>	
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p><i>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality</i></p> <p><i>(b) contribute positively to the function, appearance and/or desired character of the locality.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies</p> <p>The subject locality is one where a new character is desired, and the front setbacks of new dwellings are anticipated to be less than the original housing stock. The proposed front setback of 6.0 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>

<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1"> <thead> <tr> <th data-bbox="161 315 475 365">Setback difference between buildings on adjacent allotments</th> <th data-bbox="475 315 884 365">Setback of new building</th> </tr> </thead> <tbody> <tr> <td data-bbox="161 365 475 613">Up to 2 metres</td> <td data-bbox="475 365 884 613"> The same setback as one of the adjacent buildings, as illustrated below:  </td> </tr> <tr> <td data-bbox="161 613 475 645">Greater than 2 metres</td> <td data-bbox="475 613 884 645">At least the average setback of the adjacent buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjacent allotments	Setback of new building	Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below: 	Greater than 2 metres	At least the average setback of the adjacent buildings	<p>Complies Res 1: 6.0 metres</p> <p>Dwellings on adjoining land are set back an average of 8.25 metres.</p> <p>It is worth noting that the existing dwelling at 30 Nelson Street is setback 6.2 metres from the front boundary.</p>
Setback difference between buildings on adjacent allotments	Setback of new building						
Up to 2 metres	The same setback as one of the adjacent buildings, as illustrated below: 						
Greater than 2 metres	At least the average setback of the adjacent buildings						
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>						
<p>Side Setbacks</p>							
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i> 0.9 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i> (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances.</p> <p>Residential Zone: PDC 6</p>	<p>Complies Res 1: 5.1m (western boundary) & 3.7m (eastern boundary)</p> <p>Res 2 & 3: 0.945m (eastern and western boundaries)</p>						
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Complies</p>						
<p>Rear Setbacks</p>							
<p><i>Minimum setback from rear boundary:</i> (a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres) (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres, subject to the following variations: (iii) within Northern Policy Area 13 (a) may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary.</p> <p>Residential Zone: PDC 6</p>	<p>Complies Res 1: 7.95m for 27% the width of the rear boundary, 4.6m for 43% the width of the rear boundary.</p> <p>Does Not Comply Res 2 & 3: 5.33m for 70% of the width of the rear boundary.</p>						

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

<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The proposed dwellings are all single-storey and do not exceed 5.5m in height.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies</p> <p>Res 2 and 3 are single-storey.</p>

Garages, Carports, Verandas and Outbuildings

<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p>	
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
<p>Parameter</p>	<p>Value</p>	
<p><i>Maximum floor area</i></p>	<p><i>60 square metres</i></p>	<p>Complies</p> <p>Res 1: 37.4m²</p> <p>Res 2 and 3: 20m²</p>
<p><i>Maximum wall or post height</i></p>	<p><i>3 metres</i></p>	<p>Complies</p> <p>Res 1 incorporates a wall on the western boundary 2.95 metres in height from ground level</p>
<p><i>Maximum building height</i></p>	<p><i>5 metres</i></p>	<p>Complies</p> <p>Res 1: 4.5 metres (incorporated under main roof of dwelling)</p> <p>Res 2 and 3: 4.0 metres (incorporated under main roofs of dwellings)</p>
<p><i>Maximum height of finished floor level</i></p>	<p><i>0.3 metres</i></p>	<p>Complies</p> <p>Finished floor level of Res 1 is 0.22m above natural ground level.</p> <p>Finished floor levels of Res 2 & 3 is 0.30m above natural ground level.</p>

<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling.</i>	Complies The carport of Res 1 is setback from the primary road frontage at a distance of 6.585 metres which is 0.585 metres behind the main face of the dwelling.
<i>Minimum setback from a rear or side vehicle access way</i>	<i>1 metre</i>	Complies The carport of Res 1 is setback from the rear vehicle access way at a distance of 5.7 metres.
<i>Maximum length on the boundary</i>	<i>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</i>	Complies The carport of Res 1 is 6.3 metres deep. 45% of the length of the boundary is 9.3 metres.
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	Complies 50% of the width of Res 1 is 6.9 metres. The total width of the carport of Res 1 is 5.92 metres.
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		Complies
Vehicle Parking		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		<p>Complies</p> <p>Res 1 (3 bedrooms): 4 parking spaces provided, 2 of which are covered.</p> <p>Res 2 & 3 (3 bedrooms): 2 parking spaces per dwelling, 1 of each covered.</p>
<i>Detached</i>	<i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i>	Complies Each dwelling is provided with sufficient on-site parking.
<i>Group Residential flat building</i>	<i>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</i>	
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>		Complies
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development</i></p> <p><i>(e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 7.</p> <p>b) Public transport is located within walking distance of the dwellings.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) & e) Only one on-street car parking space shall remain available adjacent the subject land.</p>

<p>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</p> <p>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</p> <p>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</p> <p>(c) reinforce or contribute to attractive streetscapes.</p> <p>General Section: Transportation & Access: PDC 44</p>	<p>Complies</p> <p>(a) (b) Sufficient space has been provided that will enable vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>														
<p>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</p> <p>(a) not face the primary street frontage</p> <p>(b) be located to the rear of buildings with access from a shared internal laneway</p> <p>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</p> <p>General Section: Transportation & Access: PDC 45</p>	<p>Complies</p> <p>The parking areas for Res 2 and 3 are located to the rear of the building with access from a shared internal driveway, and therefore do not face the primary street frontage.</p>														
<p>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</p> <p>General Section: Land Division: PDC 22</p>	<p>Complies</p>														
<p>Access</p>															
<p>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</p> <p>(a) 3 metres wide for a single driveway</p> <p>(b) 5 metres wide for a double driveway.</p> <p>General Section: Residential Development: PDC 39</p>	<p>Complies</p> <p>The common driveway servicing Res 2 and 3 achieves a maximum width of 3 metres.</p> <p>Does Not Comply</p> <p>The driveway of Res 1 achieves a maximum width of 5.55 metres. Given this driveway services a double width carport, the proposed width is considered acceptable.</p>														
<p>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies</p>														
<p>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</p> <table border="1" data-bbox="145 1720 884 1944"> <thead> <tr> <th rowspan="3">Dwelling s served</th> <th colspan="2">Trafficable width (metres)</th> <th rowspan="3">Width beyond first 6 metres</th> <th rowspan="3">Minimum landscape strips on both sides of driveway (metres)</th> </tr> <tr> <th colspan="2">Intersection with public road and first 6 metres</th> </tr> <tr> <th>Arterial roads</th> <th>Other roads</th> </tr> </thead> <tbody> <tr> <td>1 – 3</td> <td>6</td> <td>3</td> <td>3</td> <td>0.5</td> </tr> </tbody> </table> <p>General Section: Residential Development: PDC 41</p>	Dwelling s served	Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	1 – 3	6	3	3	0.5	<p>Complies</p>
Dwelling s served		Trafficable width (metres)				Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)								
		Intersection with public road and first 6 metres													
	Arterial roads	Other roads													
1 – 3	6	3	3	0.5											

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies Vehicle access points are separated by 8.3 metres.</p>
<p>Design & Appearance</p>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • Mixture of brick, large glazed areas and entrance porticos to the front façade • Eaves overhang and pitched roof formed at 25 degree pitch <p>The dwellings incorporate a 25 degree pitched Colorbond roof, with face brickwork to all facades. The garage of each dwelling features Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i> <i>(b) individual entries for ground floor accommodation</i> <i>(c) opportunities to overlook adjacent public space.</i></p> <p><i>General Section: Residential Development: PDC 6</i></p> <p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies Res 1 has been designed so that its main façade faces the primary street, presenting an entrance door, portico and habitable windows to the street.</p>

Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies</p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of render, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>
Overshadowing	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <ul style="list-style-type: none"> <i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i> <p><i>General Section: Design & Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <ul style="list-style-type: none"> <i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <ul style="list-style-type: none"> <i>(i) half of the existing ground level private open space</i> <i>(ii) 35 square metres of the existing ground level private open space</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i> <p><i>General Section: Design & Appearance: PDC 10</i></p>	<p>Complies</p> <p>North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</p> <p>Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>

Visual Privacy	
<p><i>Buildings with upper level windows, balconies, terraces and decks should minimise direct overlooking of habitable rooms and private open spaces of dwellings through one or more of the following measures:</i></p> <p><i>(a) off-setting the location of balconies and windows of habitable rooms with those of other buildings so that views are oblique rather than direct</i></p> <p><i>(b) building setbacks from boundaries (including boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</i></p> <p><i>(c) screening devices (including fencing, obscure glazing, screens, external ventilation blinds, window hoods and shutters) that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</i></p> <p><i>General Section: Design & Appearance: PDC 11</i></p>	<p>Complies</p> <p>All dwellings are single-storey only and are unlikely to impact on the privacy of neighbouring land.</p>
<p><i>Permanently fixed external screening devices should be designed and coloured to complement the associated building's external materials and finishes.</i></p> <p><i>General Section: Design & Appearance: PDC 12</i></p>	<p>Complies</p>
Noise	
<p><i>External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:</i></p> <p><i>(a) active communal recreation areas, parking areas and vehicle access ways</i></p> <p><i>(b) service equipment areas and fixed noise sources on the same or adjacent sites.</i></p> <p><i>General Section: Residential Development: PDC 30</i></p>	<p>Complies</p> <p>Res 2 and 3 feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 1.06 metres providing opportunities for landscaping between the driveway and bedroom window. The separation provided is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.</p> <p>Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.</p>
Site Facilities and Storage	
<p><i>Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:</i></p> <p><i>(a) mail box facilities sited close to the major pedestrian entrance to the site</i></p> <p><i>(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)</i></p> <p><i>(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.</i></p> <p><i>General Section: Residential Development: PDC 31</i></p>	<p>Partially Complies</p> <p>a) Common letterboxes are featured at the entrance to the common driveway.</p> <p>b) Not applicable, as the development does not contain more than 6 dwellings.</p> <p>c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.</p>

Energy Efficiency	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i> <i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p>Partially Complies</p> <p>The dwellings are oriented so that their open spaces and main activity areas are facing south. As such, these areas are likely to receive limited exposure to winter sun. However, the private open space to each dwelling will receive some morning and afternoon winter sun. Each of the dwellings have bedrooms featuring north facing windows.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i> <i>(a) taking into account overshadowing from neighbouring buildings</i> <i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>Complies</p> <p>The dwellings incorporate a hipped roof form set at a 25 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.</p>
Landscaping, Fences and Walls	
<p><i>Development should incorporate open space and landscaping in order to:</i> <i>(a) complement built form and reduce the visual impact of larger buildings (eg. taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i> <i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i> <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from power lines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Does Not Comply</p> <p>A landscaping plan has not been provided.</p>

<p><i>Fences and walls, including retaining walls, should:</i></p> <p><i>(a) not result in damage to neighbouring trees</i></p> <p><i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i></p> <p><i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i></p> <p><i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i></p> <p><i>(e) assist in highlighting building entrances</i></p> <p><i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i></p> <p><i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i></p> <p><i>(h) be constructed of non-flammable materials.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 5</i></p>	<p>Complies</p> <p>1.8m 'Good Neighbour' Colorbond fencing proposed</p>
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TABLE DISCUSSION

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

- Site coverage (all dwellings)
- Private open space dimensions (Res 1)
- Rear setback of Res 2 & 3
- On-street car parking provision

Site coverage (all dwellings)

The Northern Policy Area 13 prescribes a maximum site coverage of 40% where Res 1 proposes site coverage of 45.6% and Res 2 and 3 proposes site coverage of 52.7%.

The excess in site coverage of Res 1 is considered negligible and is unlikely to result in unreasonable impacts on the future occupants or adjacent allotments.

Although the proposed site coverage of Res 2 and 3 exceeds the maximum numerical standard by 12.7%, each dwelling has been afforded with adequate side and rear setbacks, vehicle turning areas that enable the provision of safe, efficient and convenient manoeuvring and adequate dimensions/areas of private open space. Additionally, given the single storey nature of the proposal, the excess in site coverage is unlikely to result in overshadowing of the areas of private open space or create adverse visual impacts on adjoining properties.

Private open space dimensions (Res 1)

Although Res 1 is not provided with a minimum 5m by 5m area of private open space (POS), it has in my opinion, been provided with an overall sufficient area of POS. The dwelling has been provided with an area achieving minimum dimensions of 4.6m by 9.6m which is likely to adequately address the needs of future occupants. In my opinion, given the entire area of POS is provided to the rear of the dwelling, the numerical shortfall in dimension is not considered fatal to the application and is considered to satisfy the intent of Principle 15.

Rear setback of Res 2 & 3

Although the rear setbacks of Res 2 and 3 do not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setbacks are considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight. 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.

On-street car parking provision

1 on-street car parking space should remain available for every 2 dwellings. As 3 dwellings are proposed, 2 on-street car parking spaces should remain available resulting in a shortfall of 1 on-street car parking space. It is acknowledged however that Res 1 provides 2 additional off-street car parking spaces than the minimum required which is likely to reduce the demand for on-street car parking. The total car parking provision of 8 on-site spaces is considered sufficient to accommodate the needs of future residents and visitors to the dwellings.

ANALYSIS/CONCLUSION

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13 as it achieves an increase in dwelling densities, greater than that of the original housing stock and is located within close proximity to public transportation routes and areas of open space.

Assessment of the proposal against the quantitative and qualitative Development Plan provisions has demonstrated that the proposal complies with the majority of applicable criteria and achieves appropriate design outcomes envisioned for residential development. It is acknowledged however the proposal maintains significant shortfalls relating to the site area of each allotment, high site coverage for Res 2 and 3, lack of north facing POS for each dwelling and a lack of an area of private open space that does not meet the minimum 5m by 5m dimensions for Res 1.

The most significant shortfall proposed is the lack of site area for each dwelling. The proposal is finely balanced in this regard. Assessment within this report has demonstrated that whilst the shortfall in the site area of each of the proposed allotments is substantial, the proposed density is not necessarily inconsistent with that envisaged within the Policy Area. Despite the allotments being undersized, the design and layout of the dwellings demonstrates that the site areas are sufficient in size to accommodate a detached dwelling and residential flat building comprising two dwellings in the form proposed. Furthermore, the excess in the dwelling footprints has not come at the expense of the amount of POS provided for each dwelling, nor the achievement of appropriate setbacks to boundaries.

Due to the northern orientation of the allotment and the overall layout and design of the development, the south facing private open space areas are an unfortunate consequence. The private open space to each dwelling will however receive some morning and afternoon sun in winter, the extent of which will increase throughout the year. Whilst northern orientated private open space areas are a desirable aspect of a development, this non-compliance, in itself, in my view, is insufficient to warrant refusal of the proposal.

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

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: 100/1786/2017 for one single storey detached dwelling and one single storey residential flat building comprising two dwellings at 30 Nelson Street, South Plympton be GRANTED subject to the following conditions:

CONDITIONS

- 1) The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1786/2017, being drawing number(s) 02 through 09 (Revision C) prepared by V Building Design and 'Site Drainage and Layout Plan' (Issue A) prepared by Zafiridis and Associates Pty, Ltd, received except when varied by the following conditions of consent.
- 2) All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
- 3) A landscaping plan shall be submitted to Council for consideration and approval, detailing a mix of native medium and low-level plantings throughout the front yard areas of the properties and either side of the shared driveway.
- 4) Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

- 5) The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 6) All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
- 7) Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

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

**REPORT REFERENCE: CAP061217 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 DECEMBER 2017**



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, Acting 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 3.1 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.

**REPORT REFERENCE: CAP061217 – 3.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 6 DECEMBER 2017**



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2. Under Clause 14 of the Planning, Development and Infrastructure Regulations, an order be made that Item 3.2 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.