

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 7 February 2018

Commencing at 6.30 p.m.

Committee Room 1 & 2

Council Administration Centre

245 Sturt Road, Sturt

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

A handwritten signature in black ink, appearing to read "Robert Tokley".

Robert Tokley
ASSESSMENT MANAGER

31 January 2018

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**CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 FEBRUARY 2018
COMMENCING AT 6.30PM**



1.1 OPEN MEETING

1.2 PRESENT

1.3 APOLOGIES

1.4 IN ATTENDANCE

2. APPLICATIONS

2.1 15 FINNISS STREET & 47-49 GEORGE STREET, MARION

Construction of two single-storey buildings, one containing a childcare centre, the other comprising office, consulting room and retail tenancies and incorporating a wall on the northern boundary, as well as associated car parking, fencing, bollards, landscaping, and a waste storage and collection area.

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2.2 20 MELVILLE STREET, SOUTH PLYMPTON

Torrens Title land division (1 into 3 allotments) and construction of three two storey row dwellings

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2.3 21 BOWDEN GROVE, OAKLANDS PARK

Four, single storey row dwellings

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

Dwelling in association with a retail showroom

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2.5 2 PARINGA AVENUE, MARINO & 40A JERVOIS TERRACE, MARINO

Land Division Residential Torrens Title - 2 in to 2 allotments (Boundary realignment)

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3. OTHER BUSINESS

3.1 CONFIDENTIAL ITEM

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3.2 APPEALS UPDATE

3.3 POLICY OBSERVATIONS

4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 7 FEBRUARY 2018

5. MEETING CLOSURE

**REPORT REFERENCE: CAP070218 – 2.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 FEBRUARY 2018**



Originating Officer: Justin Clisby
Development Officer - Planning

Applicant: Mr Anthony Lenzi

Development Description: Construction of two single-storey buildings, one containing a childcare centre, the other comprising an office, consulting rooms and retail tenancy and incorporating a wall on the northern boundary, as well as associated car parking, fencing, bollards, landscaping, and a waste storage and collection area.

Site Location: 15 Finnis Street & 47-49 George Street, Marion

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 3 / Consent

Lodgement Date: 12/01/2017

Development Plan: Consolidated – 28 April 2016

Application No: 100/2017/39

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 Council Assessment Panel.

BACKGROUND

The application was initially a Non-Complying form of development in the Residential Zone due to one of the three proposed commercial tenancies (consultancy room) exceeding 150 square metres in gross leasable floor area. The plans were subsequently amended such that the gross leasable floor area (inclusive of external walls) of each of the three commercial tenancies were reduced to be

no greater than 150 square metres. A planning assessment of the proposal was subsequently conducted on the basis that the proposed development is a consent-on-merit form of development in the Residential Zone.

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

Amendments Requested	Comments
Provide Tree Protection Zones as follows; <ul style="list-style-type: none"> • Tree 1 (Significant <i>Eucalyptus camaldulensis</i>): 15 metre Tree Protection Zone (max Tree Protection Zone as per AS4970). • Tree 2 (Regulated <i>Eucalyptus leucoxylon</i>): 8.4 metre Tree Protection Zone • Tree 3 (Regulated <i>Eucalyptus leucoxylon</i>): 7.4 metre Tree Protection Zone • Tree 4 (Significant <i>Eucalyptus camaldulensis</i>): 10.8 metre Tree Protection Zone • Tree 5 (Significant <i>Eucalyptus camaldulensis</i>): 15 metre Tree Protection Zone (max Tree Protection Zone as per AS4970). 	Arboricultural report provided (prepared by Dean Nicolle)
Improvements to building design to appropriately address the Finnis Street frontage and minimise opportunities for vandalism including graffiti	Amendments made as requested including anti-graffiti coatings to walls at risk of being vandalised
Improvements to building design including material selection, colours, textures and fencing to appropriately address the heritage value of the local area and residential character of the locality	Amendments made as requested including replacing 1.8 metre high Colorbond fencing with black palisade vertical bar fencing (open) fronting Finnis Street
Additional Information Requested	Comments
Furnish Council with a traffic report prepared by a suitably qualified Traffic Engineer that assesses the potential for impacts of the development on the local road network and existing users	Traffic report provided (prepared by CIRQA Pty. Ltd) Rear car parking area redesigned including restricting vehicle access to the site from George Street to ingress only for all vehicles
Additional detail regarding the 'waste refuge' centrally located in the car parking area that addresses concerns of potential conflict with vehicles entering and existing the area	1.8 metre high enclosure with Western Cedar cladding provided around waste refuge. Waste refuge area redesigned to minimise conflict with car parking spaces
Furnish Council with front, side and rear elevations of the proposed shade sail structures	Proposed shade sail structures removed from proposal (by others at a later date)
Plans of the external lighting scheme (including bollards) throughout the site	Information provided as requested
Confirmation of air conditioning plant location including any proposed screening devices	Information provided as requested including parapet walling to screen roof mounted plant
Landscaping plan	Additional shade trees provided

Additional soil and ground water investigations to ensure the area designated 'outdoor play area' is safe for its proposed use	Information provided as requested
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SUBJECT LAND & LOCALITY

The subject land is situated over three allotments at 15 Finniss Street and 47 – 49 George Street, Marion. 15 Finniss Street is the larger of the allotments, has an irregular shape and a frontage width of 82.52 metres, an average depth of approximately 38 metres and an overall area of 2934 square metres. Combined, 47 – 49 George Street is approximately rectangular in shape, has a combined frontage width of 40.20 metres, an average depth of approximately 48 metres and an overall combined area of 1870 square metres. The total area of the development site is 4804 square metres.

Whilst the subject land is located in the Residential Zone (Northern Policy Area 13), the eastern boundary of 49 George Street abuts the Industry Zone (Industry/Commercial Policy Area 4).

The subject land is relatively flat and comprises three small outbuildings, all of which are in poor condition. There is painted corrugated metal perimeter fencing to a height of approximately 1.6 metres along the Finniss Street and George Street boundaries which is in poor condition. Along the north eastern boundary adjacent Sturt Creek there is galvanised wire 'Banksia' type fencing to a height of approximately 1.2 metres. A single access point to the site is provided from Finniss Street and is located approximately opposite the intersection of Finniss Street and Nixon Street. It is noted that a traffic barrier exists on George Street that prevents vehicles from accessing the site from Marion Road and vehicles from accessing Marion Road from George Street.

Whilst there is no notable vegetation within the boundaries of the subject land, there are five trees of note on adjoining land within close proximity to the subject land boundaries. Two of these trees are 'significant trees' whereas the remaining three trees are 'regulated trees'. In close proximity to the north eastern boundary of 15 Finniss Street there are two regulated South Australian Blue Gums (*Eucalyptus leucoxylon*) and one significant River Red Gum (*Eucalyptus camaldulensis*) adjacent the Sturt River. In close proximity to the southern boundary of 15 Finniss Street there is a regulated River Red Gum (*Eucalyptus camaldulensis*) on adjoining land at 45 George Street (Annie Doolan's Cottage) and in close proximity of the western boundary of 47 George Street, there is a significant River Red Gum (*Eucalyptus camaldulensis*) on adjoining land at 45 George Street (Annie Doolan's Cottage).

Whilst the locality is predominately residential in nature comprising single dwellings on large allotments with substantial landscaping, there is a diverse mix of land uses in the locality including local heritage places Annie Doolan's Cottage and St Ann's Catholic Church on adjoining land at 45 George Street and 17 Finniss Street respectively, and a Local Centre on the corner of Finniss Street and George Street comprising local shops. Directly opposite the subject land at 60 George Street is the Southern Cross Retirement Complex comprising 20 independent living units. The Sturt Village (RSL Care SA) comprising 36 independent living units is located north east of the subject land separated by the Sturt River at 9 Finniss Street, Marion.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The proposed developed comprises two major components. A childcare centre accommodating up to 140 children, 25 staff and an outdoor play area and three commercial tenancies comprising a shop, consultancy rooms and an office. Shared car parking is provided at the western portion of the subject land and includes a waste storage and collection area centrally located within the car parking area. Vehicular access to the site is via a double-width driveway crossover access point from Finniss Street setback 12.96 metres from the north eastern boundary of the site and a single-width driveway crossover access point from George Street. Vehicular egress from the site is restricted to the Finniss Street entry/exit and is not permitted from the George Street access. Pedestrian access is provided via 1.5 metre wide pathways either side of the driveway accessed from Finniss Street, whilst no designated pedestrian access has been provided from George Street.

The childcare centre proposes to accommodate up to 140 children and 25 staff. Internally the childcare centre comprises a main entry and reception area accessed from the shared car parking area, eight childcare rooms, two offices, a quiet room, staff room, laundry, kitchen, WC/bottle change room, toilets (including one accessible WC) and storage rooms. Externally, a 980 square metre play area is provided south of the childcare centre building and adjacent the shared boundary with St Ann's Catholic Church and Annie Doolan's Cottage. The proposed operating hours of the childcare centre are 6:30am to 6:00pm Monday to Friday (excluding public holidays).

The commercial tenancies are located on the north eastern boundary of the site adjacent the Sturt River Reserve and comprise a shop with a gross leasable floor area of 148 square metres, consulting rooms with a gross leasable floor area of 125 square metres and an office with a gross leasable floor area of 148 square metres. Forward of the shop tenancy located near the Finniss Street boundary is located an outdoor dining area of approximately 36 square metres. The proposed operating hours of the shop tenancy are 7:00am to 7:00pm Monday to Sunday, the proposed operating hours of the consultancy rooms are 8:00am to 6:00pm Monday to Sunday and the proposed operating hours of the office tenancy are 9:00am to 6:00pm Monday to Friday (excluding public holidays).

The shared car parking area is located in the western portion of the site and provides a total of 58 car parking spaces. Three car parking spaces are 'stacked' and designated 'staff only' spaces. Dedicated accessible car parking spaces have not been indicated. A screened waste storage and collection facility is located within the car parking area close to the George Street entrance to the site.

Landscaping has been provided along both street frontages, to the perimeter of both buildings and to the perimeter of the car parking area and comprises a mix of species and heights. 1.8 metre high black painted metal palisade fencing comprising vertical bars and flat top has been provided along the Finniss Street frontage and along the southern boundary of the subject land providing separation between the outdoor play area of the childcare centre and the local heritage places of St Ann's Catholic Church and Annie Doolan's Cottage located at 45 George Street and 17 Finniss Street respectively.

Refer Attachment III, IV, V, VI, VII

PUBLIC NOTIFICATION

Properties notified:	119 properties were notified during the Category 3 public notification process.
Representations:	3 representations were received by Council. <ul style="list-style-type: none"> • 1 against the proposal (co-signed by 18 additional persons) • 2 neutral regarding the outcome of the proposal (with one on behalf of all 36 units of Sturt Village but not co-signed)
Persons wishing to be heard:	Mr Bruce Griffin of Unit 18, 9 Finniss Street, Marion Ms Elizabeth Balatew of Unit 17, 60 George Street, Marion
Summary of representations:	<ul style="list-style-type: none"> • Childcare centre not considered compatible with existing land uses in the locality, concerns about noise generated from a childcare facility • Impacts on residents at 60 George Street of vehicles arriving to site early in the morning given staff are likely to arrive from 6:00am to 6:30am • Safety concerns with additional traffic using the Finniss Street/George Street, specifically issues with turning right from George Street onto Finniss Street • Safety concerns for pedestrians accessing the bus stop on the western side of Finniss Street, suggestions for a pedestrian crossing or lower speed limit <p style="text-align: right;"><i>Refer Attachment VIII</i></p>
Applicant's response:	<ul style="list-style-type: none"> • The increase in traffic volumes, particularly at the Finniss Street/George Street intersection are unlikely to significantly impact the local network as demonstrated in the traffic analysis report prepared by CIRQA traffic consultants • Access to the site from George Street provides vehicular ingress only. All vehicles will exit the site via Finniss Street to minimise traffic volumes on George Street • Large numbers of arrivals to the site are not expected during the early morning (6:00am to 6:30am) and that arrivals and departures are expected to be staggered throughout the day as is common with this type development • The proposed development is considered to provide sufficient off-street car parking and is unlikely to impact on existing on-street car parking provision • Traffic volume and intersection modelling of the Finniss Street/George Street intersection has demonstrated that any increase in delays caused by queuing is likely to be minimal and that the proposed development is expected to have minimal impact on the operation of the intersection and the adjacent road network • The proposed development is unlikely to generate noise at levels that will adversely impact on the residents enjoyment of the area. The childcare activities generally take place indoors and the outdoor play area is sufficiently separated

	<p>from nearby residences by existing built structures</p> <ul style="list-style-type: none"> • The applicant (and/or their representative) has expressed the desire to be heard in order to respond to any additional concerns raised by the representors <p style="text-align: right;"><i>Refer Attachment IX</i></p>
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INTERNAL DEPARTMENT COMMENTS

Engineering:	Council's Development Engineer has indicated support for the proposed vehicular access to and from the site.
Traffic and Parking:	<p>Council's Coordinator of Traffic and Parking has assessed the likely impact of additional traffic on the local road network and the Finnis Street/George Street intersection and is of the opinion that the proposed development is of a scale and intensity that will not significantly adversely impact the existing local traffic network.</p> <p>In addition, Council's Coordinator of Traffic and Parking has noted that the required number of off-street car parking spaces has not been provided (with a shortfall 3 spaces from the 61 spaces required) for the development proposed and that a minimum of 3 accessible car parking spaces be provided in accordance with National Construction Code requirements.</p>
Open Space:	<p>Whilst there are no regulated or significant trees located on the subject land, the application was referred to Council's Arborist due to the proximity of regulated and significant trees on adjoining land to the proposed construction works.</p> <p>Measures to protect the significant and regulated trees on adjoining land are detailed under recommended Conditions of Consent at the end of the report.</p>

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>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>

Land Use

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

- Small scale non-residential uses that serve the local community, for example;
 - Childcare facilities

4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:

- (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

Northern Policy Area 13

Objectives

- 1 A policy area primarily comprising low scale, low to medium density housing.
- 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.
- 3 Development that minimises the impact of garaging of vehicles on the character of the locality.
- 4 Development densities that support the viability of community services and infrastructure.
- 5 Development that reflects good residential design principles.
- 6 Development that contributes to the desired character of the policy area.

Desired Character

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

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

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Does Not Comply
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Partially Complies

Assessment

The Objectives, Desired Character and Principle 1 of the Northern 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 Development Control within Northern Policy Area 13, small-scale, non-residential uses that serve the local community, including childcare facilities, shops, offices and consulting rooms are nonetheless an envisaged use within the Residential Zone.

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”.

The proposed building footprints have a combined area of approximately 1093 square metres, representing approximately 23% of the total site area, with the remaining area of the site accommodating an outdoor play area (occupying approximately 21% of the total site area), car parking (occupying approximately 39% of the total site area), driveway area and landscaping. The built form, in its size and footprint therefore represents a low to medium scale development. Whilst Objective 2 refers to residential development being designed and located to prevent adverse impacts from non-residential activities, conversely, any non-residential developments adjacent residential properties should operate in a manner which will minimise nuisance factors upon neighbouring properties.

The proposed childcare centre seeks to provide 140 spaces for children, which is of a scale, and intensity that is considerably greater than other existing childcare centres in metropolitan Adelaide though consistent with emerging trends for this type of establishment.

The Development Plan considers the potential nature, scale and built form, rather than the potential numerical demand/shortfall in spaces. Whilst there may be a demand for childcare centres that accommodate larger numbers, the Residential Zone specifically envisions small-scale, non-residential development that is of a nature and scale (both built form and intensity of use) that is appropriate for the character of the locality, and does not detrimentally impact upon the amenity of nearby residents.

As further discussed within the *Interface Between Land Uses* section of this report, the proposed hours of operation are considered acceptable and the proposal will likely achieve the requirements of the Environmental Protection (Noise) Policy in relation to potential noise impacts generated from the carpark before 7:00am. The location of the outdoor play area associated with the childcare centre is considered to be at a sufficient distance and sufficiently screened by existing buildings from residences so as not to cause disturbance from potential noise generation with the nearest dwellings located approximately 40 metres from the play area.

The proposed use is considered to provide safe and convenient vehicular access, in addition to appropriate on-site parking. Furthermore, the additional trips generated from the proposed childcare centre and commercial tenancies have been reviewed by Council's engineering department who have determined that additional movements generated by the proposal can be safely accommodated by the local road network and the inclusion of an entry only access from George Street.

In my opinion, a childcare centre that provides 140 spaces for children is not small in scale. This notwithstanding, it is considered to serve the needs of the local community and the use, as demonstrated throughout this report, is not considered to detrimentally impact on the amenity of nearby residents in terms of noise, traffic or hours of operation to the extent where refusal is warranted. Likewise, the proposed commercial tenancies are likely to benefit the locality by providing additional local services are of a scale that is unlikely to negatively impact on the amenity and enjoyment of the locality.

In terms of built form, residents opposite the subject land on the western side of Finniss Street will experience the greatest impacts. In addition, the proposed development is also likely to have some impact on the local heritage places (Annie Doolan's Cottage and St Ann's Catholic Church) adjoining the subject land.

Comprising two separate buildings, both the childcare centre and commercial tenancy present to Finniss Street. Whilst the childcare centre achieves a setback of 3 metres (increasing to 3.5 metres) from Finniss Street, the retail tenancy is setback 5.6 metres. Whilst the commercial tenancy has a wall length of 40.6 metres along the north eastern boundary of the site, the wall has a maximum height of 2.7 metres (single-storey) and is adjacent the Sturt River. It is noted that there is no public access to the Sturt River from the south eastern side and that a shared bicycle/pedestrian path exists on the north eastern side. The visual impacts of the wall are therefore considered negligible. The childcare centre is setback 2.2 metres at its closest point from the southern boundary with Annie Doolan's Cottage at 45 George Street. The large triangular shaped play area provides a high level of separation of approximately 38 metres from the boundary with St Anns Catholic Church at 17 Finniss Street. The inclusion of metal palisade fencing with a high level of perviousness forming an enclosure of the play area along the Finniss Street and southern boundaries provide improved views of both Annie Doolan Cottage and St Anns Catholic Church from Finniss Street. Like the commercial building, the childcare centre is also single-storey in nature (with a wall height of 2.7 metres) and has a façade width of 21 metres presenting to Finniss Street beyond 1.8 metre high metal palisade fencing.

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:

Community Facilities	
<p><i>Location of community facilities including social, health, welfare, education and recreation facilities where they are conveniently accessible to the population they serve.</i></p> <p><i>Community Facilities Objective 1</i></p>	<p>Complies</p> <p>The proposed development is located adjacent a bus stop, which is serviced by buses frequenting Marion Regional Centre and providing good access to and from Marion Road.</p> <p>The adjacent street network provides efficient opportunities for walking to and from the site within the surrounding locality.</p>
<p><i>Community facilities should be sited and developed to be accessible by pedestrians, cyclists and public and community transport.</i></p> <p><i>Community Facilities PDC: 1</i></p> <p><i>Community facilities should be integrated in their design to promote efficient land use.</i></p> <p><i>Community Facilities PDC: 2</i></p> <p><i>Design of community facilities should encourage flexible and adaptable use of open space and facilities to meet the needs of a range of users over time.</i></p> <p><i>Community Facilities PDC: 3</i></p>	<p>Complies</p> <p>The proposed development is accessible to pedestrians, cyclists and public transport (bus) users.</p> <p>Whilst the proposed childcare centre and commercial tenancies have been designed for a specific purpose it is likely they could readily accommodate other uses, and be adaptable to other community type uses as required.</p>
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> <p><i>(a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p><i>(b) noise</i></p> <p><i>(c) vibration</i></p> <p><i>(d) electrical interference</i></p> <p><i>(e) light spill</i></p> <p><i>(f) glare</i></p> <p><i>(g) hours of operation</i></p> <p><i>(h) traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p>Complies</p> <p>(a) The proposed development is of a nature that is unlikely to produce any of the pollutants listed.</p> <p>(b) Noise generated from the site will likely be limited to children using the outdoor play area and vehicles arriving to the site. The play area is sufficiently setback back from existing residences and is screened by existing buildings to not cause significant annoyance to existing residents in the locality. In addition, it is recommended that use of the play area be restricted to between 7:00am and 6:30pm weekdays (excluding public holidays).</p> <p>(c) n/a</p> <p>(d) n/a</p> <p>(e) Lighting throughout the site is limited to bollard lighting which is unlikely to significantly impact on the amenity of the locality.</p>

	<p>(f) Whilst some headlight glare is expected from vehicles arriving to site in the early morning, the anticipated numbers arriving before 7:00am will likely be limited to childcare centre staff and a limited number of 'drop-offs' at the childcare centre.</p> <p>(g) Proposed hours of operation;</p> <p>Childcare centre: 6:30am to 6:00pm Monday to Friday (excluding public holidays) Shop Tenancy: 7:00am to 7:00pm Consulting rooms tenancy: 8:00am to 6:00pm Office tenancy: 9:00 – 6:00pm Monday to Friday (excluding public holidays)</p> <p>(h) Whilst an increase in traffic in the locality is anticipated by the proposed development, this is unlikely to significantly impact the local traffic network.</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</p> <p>The proposed buildings are of a single-storey nature and are sufficiently setback from residences to not cause overshadowing of individual dwellings or areas of private open space.</p>
<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><i>General Section: Interface Between Land Uses: PDC 5</i></p>	<p>Complies</p> <p>Although the proposed childcare centre is a sensitive land use and the subject land is adjacent the Industry Zone (Industry/Commercial Policy Area 4), the childcare centre and associated open play area is positioned approximately 44 metres from the interface boundary and is separated by the car parking area located in the eastern part of the subject land.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <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>The buildings comprising the childcare centre and commercial tenancy are of a single storey construction and employ a palette of materials, finishes and colours such as face brickwork in 'Heritage Red' colour, stone cladding to feature columns, parapet walls in Scyon 'Matrix' cladding panels, rendered Aerated Autoclaved Concrete (AAC) walls in 'Off-white' colour and anodised aluminium framed windows and doors, typical of residential properties in the locality.</p> <p>In addition, the buildings have been designed with Colorbond clad roofs in 'Shale Grey' colour with a 15 degree pitch for the childcare centre and an 18 degree pitch for the commercial tenancy similar to residential development in the locality.</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Complies</p> <p>The subject land is adjacent the Sturt River to the north east, an industrial land use to the east and local heritage items St Anns Catholic Church and Annie Doolan's Cottage to the south. Land on the opposing sides of Finniss Street and George Street comprise single storey dwellings with good separation between dwellings.</p> <p>The placement of the large outdoor play area in south west corner of the subject land provides a high level of separation between the childcare centre building and St Anns Catholic Church when viewed from Finniss Street.</p> <p>The replacement of an aging corrugated fence with metal palisade fencing along the Finniss Street frontage will provide greater views of St Ann's Catholic Church and Annie Doolan's Cottage beyond.</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>	<p>Complies</p> <p>Highly reflective materials have not been proposed.</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>General Section: Design & Appearance: PDC 4</p>	<p>Complies</p> <p>External air conditioning units serving the childcare centre have been located at ground level adjacent the east elevation of the childcare centre building.</p> <p>External air conditioning units serving the commercial tenancy are roof mounted on a section of flat roof and concealed behind a parapet wall adjacent the south elevation of the commercial tenancy building.</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></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>Complies</p> <p>The proposed buildings are sufficiently setback from residential dwellings in the locality as not to overshadow dwellings or areas of private open space associated with dwellings.</p>
<p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p>General Section: Design & Appearance: PDC 14</p>	<p>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>General Section: Design & Appearance: PDC 15</p>	<p>Partially Complies</p> <p>All but the north eastern wall of the commercial tenancy building complies with PDC 15. Despite the north eastern wall of the commercial tenancy building having an interrupted wall approximately 2.9 metres in height and 40 metres in length, the wall is adjacent the south western side of the Sturt River where there is no public access. Whilst the wall is likely to be somewhat visible from the</p>

	<p>bikeway on the north western side of the Sturt River and approaching the site from the north east along Finniss Street, existing vegetation adjacent both sides of the Sturt River provides a good level of screening forward of the wall.</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>Partially Complies</p> <p>Whilst the proposed entry to the childcare centre is visible and accessible from the car parking area in the western part of the site, pedestrian access from Finniss Street is provided via a 1.5 metre wide, 34 metre long pedestrian pathway adjacent the main driveway providing vehicular access to and from Finniss Street.</p> <p>The commercial tenancies are visible and accessible from the car parking area and are provided with pedestrian access via a 1.5m wide pedestrian pathway adjacent the main driveway from the Finniss Street access.</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>A nominated waste refuse area has been provided centrally within the car parking area in the western part of the site. This area is screened by a 1.8 metre high enclosure comprising horizontal Western Red Cedar slat cladding.</p> <p>Sufficient aisle and driveway width has been provided to allow refuse collection vehicles to enter the site via both the George Street and Finniss Street entrances and exit via Finniss Street only.</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 proposed childcare centre is setback 3 metres from the Finniss Street boundary at its closest point and is parallel with the Finniss Street frontage. St Anns Catholic Church is the only building adjacent the subject land and is setback approximately 3.8 metres at its closest point from Finniss Street (excluding the vestibule) and the front façade is not parallel with Finniss Street.</p>

Transportation and Access

<p><i>Land uses arranged to support the efficient provision of sustainable transport networks and encourage their use.</i></p> <p><i>General Section: Transportation and Access: PDC 1</i></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><i>General Section: Transportation and Access: PDC 2</i></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 proposed development is directly adjacent a bus stop on Finnis Street providing frequent services to Marion Regional Centre and access to businesses and frequent bus services on Marion Road.</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>Council's Development Engineer and Coordinator - Traffic & Parking are satisfied that the site provides safe and convenient access for all anticipated modes of transport.</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>Adequate sight lines are maintained.</p>
<p><i>Development should be designed to discourage commercial and industrial vehicle movements through residential streets and adjacent other sensitive land uses.</i></p> <p><i>General Section: Transportation and Access: PDC 12</i></p>	<p>Complies</p> <p>Whilst some increased traffic through local roads is anticipated, the proposed childcare centre and commercial tenancy should not generate frequent commercial and industrial vehicle movements.</p> <p>The applicant's independent traffic consultant (CIRQA) has advised the additional traffic generated by the proposed development is considered to be of a low scale and could not be expected to compromise the safety or function of the surrounding road network.</p> <p>Furthermore, Council's Coordinator - Traffic & Parking has advised the roads adjacent the subject site should be able to absorb the predicted increase in traffic volume without causing significant delays to traffic.</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>Does Not Comply</p> <p>Whilst separation between passenger and commercial vehicle movements within the site is not achieved, refuse collection and delivery vehicles are likely to be using the internal road network of the site for relatively infrequent, short periods of time and are unlikely to significantly impact on the day-to-day functioning of the site.</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>The proposed car park and driveway are likely to accommodate the loading/unloading and turning of all traffic generated on site.</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><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>Does Not Comply</p> <p>It is not clear from the information provided whether end-of-journey facilities have been provided within the childcare centre or the commercial tenancies.</p> <p>The location of bicycle racks has not been nominated.</p> <p>It has been included as a Reserved Matter that additional documentation be provided as such.</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>Access to the site is provided from Finnis Street and George Street.</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>Whilst some increased traffic through local roads is anticipated, the proposed childcare centre and commercial tenancy should not generate frequent commercial and industrial vehicle movements.</p> <p>The applicant's independent traffic consultant (CIRQA) has advised the additional traffic generated by the proposed development is considered to be of a low scale and could not be expected to compromise the safety or function of the surrounding road network.</p> <p>Furthermore, Council's Coordinator - Traffic & Parking has advised the roads adjacent the subject site should be able to absorb the predicted increase in traffic volume without causing significant delays to traffic.</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>Access to the site is provided from Finnis Street and George Street.</p>
<p><i>Driveways, access tracks and parking areas should be designed and constructed to:</i></p> <p><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> <p><i>General Section: Transportation and Access: PDC 30</i></p>	<p>Complies</p> <p>The proposed driveways and car parking area have been designed to the satisfaction of Council's Development Engineer.</p>

<p><i>The length of driveways should be minimised and together with manoeuvring areas be only sufficient to allow the proper functioning of the parking areas and their access.</i></p> <p><i>General Section: Transportation and Access: PDC 31</i></p>	<p>Complies</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>Partially Complies</p> <p>According to Table B1 of AS2890.6, three accessible car parking spaces should be provided.</p> <p>Though not indicated on the plans, the two car parking spaces closest the childcare centre entrance could be used as accessible car parking spaces providing they are appropriately line-marked and sign posted in accordance with the relevant Australian Standard.</p> <p>A greater level of assessment regarding compliance with the Disability Discrimination Act (DDA) will be performed at the Building Rules Consent stage. A recommended Condition of Consent seeks for appropriate DDA compliant car parking spaces be provided.</p>
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation and Access: PDC 34</i></p>	<p>Does Not Comply</p> <p>According to Table Mar/2, 35 spaces are required for the childcare centre (a rate of 1 space per 4 children), 7.4 spaces are required for the shop tenancy (a rate of 5 per 100m²), 12.5 spaces are required for the consulting rooms (at a rate of 10 per 100m²) and 5.92 for the office (a rate of 4 per 100m²) giving a total of 61 spaces required.</p> <p>It is noted that 3 of the designated car parking spaces are in tandem with 3 other car parking spaces. These have been noted on the plans to be designated 'staff only'.</p> <p>Fifty eight (58) on site car parking spaces are provided, falling short of the required 61 spaces required by 3 spaces.</p> <p>It is noted that there are 8 unrestricted on-street car parking spaces adjacent the George Street frontage (northern side) of the subject land extending west adjacent Annie Doolan's Cottage at 45 George Street.</p> <p>According to Table B1 of AS2890.6, three accessible car parking spaces should be provided.</p> <p>Though not indicated on the plans, the two car parking spaces closest the childcare centre entrance could be used as accessible car parking spaces providing they are appropriately line-marked and sign posted in accordance with the relevant Australian Standard.</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><i>Vehicle parking areas should be sited and designed to:</i></p> <p><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></p> <p><i>(b) include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></p> <p><i>(c) not inhibit safe and convenient traffic circulation</i></p> <p><i>(d) result in minimal conflict between customer and service vehicles</i></p> <p><i>(e) avoid the necessity to use public roads when moving from one part of a parking area to another</i></p> <p><i>(f) minimise the number of vehicle access points onto public roads</i></p> <p><i>(g) avoid the need for vehicles to reverse onto public roads</i></p> <p><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></p> <p><i>(i) not dominate the character and appearance of a site when viewed from public roads and spaces</i></p> <p><i>(j) provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i></p> <p><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>Generally Complies</p> <p>(a) Complies</p> <p>(b) Whilst bicycle racks have not been proposed, appropriate pedestrian access from Finniss Street has been provided.</p> <p>(c) The car park design enables safe and convenient traffic circulation.</p> <p>(d) Service vehicles will include refuse collection via a small rigid vehicle (SRV). The car park access points have been designed to allow SRV movements to enter and exit the site to/from Finniss Street and enter the site from George Street in a forward direction. Such movements are likely to be undertaken outside of peak set-down/pickup periods.</p> <p>(e) Only one car parking area is provided.</p> <p>(f) Vehicles are restricted to access Finniss Street only from the site. No access to George Street is permitted from the site.</p> <p>(g) Complies.</p> <p>(h) The single car parking area is shared between users of the childcare centre and the commercial tenancy.</p> <p>(i) The car parking area is located at the rear of the subject land and will not be readily visible from Finniss Street. The car parking area will however be somewhat visible from George Street though screened by landscaping.</p> <p>(k) n/a</p> <p>Does Not Comply</p> <p>(j) Despite a range of plantings being proposed on all sides and throughout the car parking area, the species selected are unlikely to provide the car parking area with adequate shade upon reaching mature height.</p>
<p><i>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.</i></p> <p><i>General Section: Transportation and Access: PDC 38</i></p>	<p>Complies</p> <p>Bollard lighting has been provided to the perimeter of the car parking area and throughout the car parking area. In addition, bollard lighting has been provided forward of both buildings fronting Finniss Street and along either side of the driveway providing vehicular and pedestrian access to/from Finniss Street.</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>Landscaping is provided surrounding the car park area.</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>

Waste	
<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>The nominated waste refuse area is of an appropriate size to accommodate a range of general waste and recycle receptacles</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>A nominated waste refuse area has been provided centrally within the car parking area in the western part of the site. This area is screened by a 1.8 metre high enclosure comprising horizontal Western Red Cedar slat cladding.</p>
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>1.8 metre high metal palisade fencing is proposed along the Finnis Street frontage and along the full length of the boundary with St Anns Catholic Church and Annie Doolan's Cottage. The high degree of permeability of the fence provides improved views of St Anns Catholic Church and Annie Doolan's Cottage from Finnis Street.</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><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>A colourless anti-graffiti coating to the wall on the north eastern boundary of the site is proposed.</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>Bollard lighting has been provided.</p>

<p><i>Landscaping should be used to assist in discouraging crime by:</i></p> <p>(a) <i>screen planting areas susceptible to vandalism</i></p> <p>(b) <i>planting trees or ground covers, rather than shrubs, alongside footpaths</i></p> <p>(c) <i>planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.</i></p> <p>General Section: Crime Prevention: PDC 6</p>	<p>Complies</p>
<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>	<p>Complies</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>General Section: Crime Prevention: PDC 10</p>	<p>Complies</p> <p>The site is relatively open in nature and does not provide opportunities for pedestrian entrapment spots.</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>General Section: Energy Efficiency: PDC 1</p> <p><i>Buildings should be sited and designed:</i></p> <p>(a) <i>to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p>(b) <i>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>Complies</p> <p>The external play area is of a sufficient size and scale to achieve solar access throughout the year. Although shading devices have not been included as part of the application the proposal the plans are noted 'External play area design by others', which may be subject to additional development applications.</p> <p>The outdoor dining area proposed forward of the retail tenancy and adjacent the Finnis Street frontage has a northerly aspect providing year round solar access.</p>
<p>Landscaping, Fences and Walls</p>	
<p><i>Development should incorporate open space and landscaping in order to:</i></p> <p>(a) <i>complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p>(b) <i>enhance the appearance of road frontages</i></p> <p>(c) <i>screen service yards, loading areas and outdoor storage areas</i></p> <p>(d) <i>minimise maintenance and watering requirements</i></p> <p>(e) <i>enhance and define outdoor spaces, including car parking areas</i></p> <p>(f) <i>provide shade and shelter</i></p> <p>(g) <i>assist in climate control within buildings</i></p> <p>(h) <i>maintain privacy</i></p> <p>(i) <i>maximise stormwater re-use</i></p> <p>(j) <i>complement existing native vegetation</i></p> <p>(k) <i>contribute to the viability of ecosystems and species</i></p> <p>(l) <i>promote water and biodiversity conservation.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p> <p><i>Landscaping should:</i></p> <p>(a) <i>include the planting of locally indigenous species</i></p>	<p>Partially Complies</p> <p>Landscaping has been provided throughout the development site.</p> <p>The proposal features landscaping along the frontage with Finnis Street (including a 3 metre wide landscaped area forward of the childcare centre building) and to the perimeter of the car parking area providing some screening from George Street.</p> <p>The selection of plantings in terms of species selection and anticipated mature height is however not considered to provide meaningful shade to the car parking area. As such, it is recommended that a revised landscaping plan be provided to address this shortcoming.</p> <p>On balance, the distribution and selection of landscaping is considered sufficient to complement the built form, improve the visual amenity of the car park and provide screening to the adjacent dwellings and local heritage items.</p>

<p>where appropriate (b) be oriented towards the street frontage (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</p> <p>General Section: Landscaping, Fences & Walls: PDC 2</p> <p>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</p> <p>General Section: Landscaping, Fences & Walls: PDC 3</p>	
<p>Fences and walls, including retaining walls, should:</p> <p>(a) not result in damage to neighbouring trees (b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality (c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance (d) incorporate articulation or other detailing where there is a large expanse of wall facing the street (e) assist in highlighting building entrances (f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites (g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land (h) be constructed of non-flammable materials.</p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>1.8 metre high metal palisade fencing is proposed along the Finnis Street frontage and along the full length of the boundary with St Anns Catholic Church and Annie Doolan's Cottage. The high degree of permeability of the fence provides improved views of St Anns Catholic Church and Annie Doolan's Cottage from Finnis Street.</p> <p>1.8m high 'Good Neighbour' Colorbond fencing is provided along the section of the western boundary of the site that forms the rear boundary of Annie Doolan's Cottage.</p>
Regulated Trees	
<p>Development should have minimum adverse effects on regulated trees.</p> <p>Regulated Trees: PDC 1</p> <p>A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</p> <p>(a) the tree is diseased and its life expectancy is short (b) the tree represents a material risk to public or private safety (c) the tree is causing damage to a building (d) development that is reasonable and expected would not otherwise be possible (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.</p> <p>Regulated Trees: PDC 2</p> <p>Tree damaging activity other than removal should seek to maintain the health, aesthetic appearance and structural integrity of the tree.</p> <p>Regulated Trees: PDC 3</p>	<p>Complies</p> <p>Whilst there is no notable vegetation within the boundaries of the subject land, there are five trees of note on adjoining land within close proximity to the subject land boundaries. Two of these trees are 'significant trees' whereas the remaining three trees are 'regulated trees'. In close proximity to the north eastern boundary of 15 Finnis Street there are two regulated South Australian Blue Gums (<i>Eucalyptus leucoxylon</i>) and one significant River Red Gum (<i>Eucalyptus camaldulensis</i>) adjacent the Sturt River. In close proximity of the southern boundary of 15 Finnis Street there is a regulated River Red Gum (<i>Eucalyptus camaldulensis</i>) on adjoining land at 45 George Street (Annie Doolan's Cottage) and in close proximity of the western boundary of 47 George Street, there is a significant River Red Gum (<i>Eucalyptus camaldulensis</i>) on adjoining land at 45 George Street (Annie Doolan's Cottage).</p> <p>Council's Arborist has provided a list of measures to be in place prior to any construction works to prevent unreasonable impacts to the trees on adjoining land described under the comments for PDC 2 above and has proposed a number of conditions to be included in any consent issued. These have been included in Conditions of Consent at the end of this report.</p>

Significant Trees	
<p><i>Development should be undertaken so that it has a minimum adverse effect on the health of a significant tree.</i></p> <p><i>Significant Trees: PDC 2</i></p> <p><i>Development involving ground work activities such as excavation, filling, and sealing of surrounding surfaces (whether such work takes place on the site of a significant tree or otherwise) should only be undertaken where the aesthetic appearance, health and integrity of a significant tree, including its root system, will not be adversely affected.</i></p> <p><i>Significant Trees: PDC 4</i></p> <p><i>Land should not be divided or developed where the division or development would be likely to result in a substantial tree-damaging activity occurring to a significant tree.</i></p> <p><i>Significant Trees: PDC 5</i></p>	<p>Complies</p> <p>Refer comments under Regulated Trees above.</p>

TABLE DISCUSSION

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

Design and appearance

Whilst the childcare centre is readily accessible from the car parking area at the rear of the site, pedestrian access to the childcare centre entrance is less convenient as it requires those arriving to the site on foot or by public transport (bus) to walk the full length of the childcare centre building (about 35 metres) from the vehicular access point on Finness Street. This is achieved via a 1.5 metre wide path either side of the 6.5 metre wide internal road leading to the car parking area at the rear of the site. However, given the nature of the proposed development it is likely that most users (of the childcare centre and commercial tenancies) will arrive by private vehicle and therefore utilise the designated car parking area at the rear of the site. The number of users likely to arrive on foot or by public transport is likely to be small in comparison. Whilst in my opinion, the pedestrian access provided is not particularly convenient for those not arriving to the site by private vehicle, it has nonetheless been adequately provided in accordance with Development Plan criteria. A Condition of Consent requiring the pedestrian path to incorporate materials and colours that assist in differentiating this space from the driveway has been recommended by administration staff.

Transportation and Access

Designated bicycle storage facilities and end-of-journey facilities have not been provided for either the childcare centre or the commercial tenancies. It is recommended that the proposal be amended to provide bicycle storage facilities and end-of-journey facilities prior to Development Approval being issued at that this item be held in abeyance as a Reserved Matter.

Council's Coordinator – Traffic and Parking has reviewed the proposed car parking plan and has advised that a minimum of 3 parking spaces should be designated 'accessible car parking spaces'

in accordance with Table B1 of Australian Standard AS2890.6 and be appropriately line marked and sign posted. It is recommended that the proposal be amended to provide a minimum of 3 accessible car parking spaces prior to Development Approval.

An assessment of the off-street car parking provision against the requirements of Table Mar/2 in the Marion Council Development Plan has revealed that the 58 car parking spaces provided falls short of the 61 spaces required by 3 spaces. Given the mixed-use nature of the proposal, it is likely that the majority of the car parking spaces will be occupied for relatively short periods of time and that peak times will vary between the childcare centre and the commercial tenancies given their varying operating hours and nature of the land uses. It is also noted that in addition to the 58 off-street car parking spaces provided, there are an additional 8 unrestricted on-street car parking spaces available on the northern side of George Street. These additional spaces are likely to be sufficient to accommodate the relatively minor shortfall in car parking spaces provided in the car parking area in the rare event that capacity is exceeded. It is therefore my opinion that the short fall in off-street car parking presented is not significantly detrimental to the merits of the application and is not sufficient to warrant refusal of the application.

REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to the impact of additional traffic using the George Street/Finniss intersection on the safety and wellbeing of existing users and pedestrians, the impact of noise generated from children playing in the outdoor play area of the childcare centre and the noise impact of vehicles using the proposed George Street entrance (particularly during the early morning) have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

In addition to the response provided by Town Planning Advisors consultant addressing the representor's concerns, Council's Development Engineer and Coordinator - Traffic and Parking have advised they are satisfied with the proposed vehicular access to and from the site, the number of off-street car parking spaces provided and the impact of additional traffic on the local road network.

The representors have also raised concerns over the safety of pedestrians accessing the bus stop on the northern side of Finniss Street and proposed a reduction in speed limit and/or a pedestrian crossing at this location. 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.

As discussed at length at the beginning of this report, the proposed development does not align with the applicable Objectives, Desired Character and Principles of Northern Policy Area 13. However, the proposal is considered to be consistent with Principle of Development Control 4 of the Residential Zone in that that it provides non-residential uses that serve the local community. To this end, childcare facilities, shops, offices and consulting rooms are an envisaged use within the Residential Zone.

An assessment of the proposal has revealed that whilst finely balanced, the development is consistent with Principle of Development Control 4 of the Residential Zone in that it (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”.

Small scale non-residential uses (including childcare facilities) that serve the local community are envisioned and whilst a 140 place centre is not, in my opinion, considered to be ‘small scale’, it is considered to serve the needs of the local community and has been demonstrated that it does not detrimentally impact the amenity of nearby residents in terms of noise, traffic or hours of operation. Whilst not ‘small scale’ the proposed intensity and scale it is unlikely to adversely affect or jeopardise the adjoining land uses to the extent where refusal is warranted, particularly when having regard to the size of the development site and the efficiency achieved in shared car parking. In addition, the proposed commercial tenancies comprising a shop, an office and consulting rooms are limited in scale and are likely to benefit the local community.

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: 100/39/2017 for the construction of two single-storey buildings, one containing a childcare centre, the other comprising an office, consulting rooms and retail tenancy and incorporating a wall on the northern boundary, as well as associated car parking, fencing, bollards, landscaping, and a waste storage and collection area at 15 Finness Street & 47 - 49 George Street, Marion be GRANTED subject to the following reserved matters and conditions:

RESERVED MATTERS

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, and the location of all existing street infrastructure and street trees.
2. Bicycle facilities shall be provided in accordance with Australian Standard AS 1742.9 2000 "Manual of uniform traffic control devices Part 9: Bicycle facilities".
3. The proposal plans shall be amended to provide appropriate 'end-of-journey' facilities in accordance with Principle of Development Control 19 of General Section: Transportation and Access of the Marion Council Development Plan.

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/39/2017, being drawing number(s) A-2201 'Site Plan', A-2202 'Floor Plan' and 2203 'Elevations' prepared by D'Andrea & Associates (SA) Pty. Ltd. Building Designers and received by Council 04/08/2017 and the 'Expanded tree report: 15 Finness St & 47-49 George St, Marion, SA – Arboricultural assessment of five regulated/significant trees in relation to a proposed development' prepared by Calypra Pty Ltd (trading as Dean Nicolle) and received by Council 13/10/2017, except when varied by the following conditions of consent.

2. Hours of operation shall be restricted to the followings times;
 - a) Childcare Centre: 6:30am to 6:00pm Monday to Friday (excluding public holidays)
 - b) The use of the external play area associated with the childcare centre shall be restricted to 7:00am to 6:30pm Monday to Friday (excluding public holidays)
 - c) Shop tenancy: 7:00am to 7:00pm on any day
 - d) Consulting rooms: 8:00am to 6:00pm on any day
 - e) Office tenancy: 8:00am to 6:00pm Monday to Friday (excluding public holidays)
3. A revised landscaping plan shall be provided that includes a greater variety of species (including eucalypts where appropriate) to the perimeter and throughout the car parking area with mature growth heights to provide meaningful shade to the car parking area.
4. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
5. Anti-graffiti treatment shall be applied to the wall on the north eastern boundary of the site adjacent the Sturt River prior to occupation of the buildings.
6. Stormwater from the structures approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with specifications contained in Council's Information Sheet "Stormwater Detention" to the reasonable satisfaction of the Council. The information sheet is available at the following address; <http://www.marion.sa.gov.au/webdata/resources/files/Stormwater-Detention-Brochure.pdf>
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All 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 to the reasonable satisfaction of the Council.
11. 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.
12. The following measures shall occur to protect Significant Trees and Regulated Trees on adjoining land;

- a) A suitably qualified and experienced Project Arborist is to be appointed prior to the commencement of construction works to ensure the specified Tree Protection Zones are maintained throughout the construction phase of the project.
- b) Access to the designated Tree Protection Zones will be controlled via the erection of protective fencing which is to be fixed in place at the recommended Tree Protection Zone distances on all sides where development is proposed within the proposed development site before the commencement of demolition or site clearance and is to remain in place for the duration of the construction phase. The fencing shall consist of 2.0 metre high, solid chain-mesh, steel or similar fabrication with posts at 3 metre intervals. The fence shall incorporate on all sides, a clearly legible sign displaying the words "Tree Protection Zone" No activity is to take place within the Tree Protection Zones without prior approval of the appointed Project Arborist. Additional watering is to be applied through extended dry periods (where there is no substantial rain for four weeks) within the designated Tree Protection Zone areas.
- c) The use of tree sensitive systems for those sections of the proposed development (building footprints) that encroach into the designated Tree Protection Zones of Trees 1 – 5 (as identified in *'Expanded tree report: 15 Finniss St & 47-49 George St, Marion, SA – Arboricultural assessment of five regulated/significant trees in relation to a proposed development' prepared by Dean Nicolle*) is required to reduce the level of encroachment. Such systems must incorporate above-grade beams, linking the piers with the sub flooring and permeable surfaces where pavement and hardstand is proposed.

Natural ground must be maintained with no cut and fill occurring to natural ground levels. The following shall guide the construction of the proposed systems that occur within the designated Tree Protection Zones:

- All excavation within any Tree Protection Zone areas is to be completed using non-destructive techniques such as hydrovac or similar and under the supervision of a suitably qualified Arboriculturist. Piers are to be pre-excavated using non-destructive techniques as specified above to 1 metre to ensure no significant roots are present in the proposed area of the pier.
 - Where roots are encountered, the project Arborist is to determine the significance of the root/s to tree health and treat accordingly i.e. prune or remove the root or move the pier to a more suitable location.
 - If level surfaces are required they shall be established above the existing natural ground level (and geotextile fabric) using a porous sub base material such as a structural soil such as SPACE (structurally permeable aerated compactable earth). These materials can be compacted.
 - Heavy machinery is not permitted for the removal of existing pavement or to achieve desirable levels within a Tree Protection Zone. They should work carefully from outside the Tree Protection Zone or have ground protection in place when working within the Tree Protection Zone.
 - Finished hardstand areas shall be permeable.
- d) Any existing services running through the Tree Protection Zone areas must be re-used or new services relocated outside of the Tree Protection Zone.

Installation of new underground services within the Tree Protection Zone areas is undesirable, only non-invasive installation methods, such as directional boring or hand digging etc. shall be used. Trenching by machinery shall not be used under any circumstances.

Any excavation within the Tree Protection Zones shall be carried out under the supervision of the project arborist to identify roots critical to tree health and stability.

- e) All undeveloped areas below the canopies of the subject trees shall be converted to soft landscaping once the proposed development has been completed. Soft landscaping could include a garden area covered with a 75 mm thick layer of organic mulch (e.g. Forest Mulch), and interplanted with small-growing, preferably local, native species.
- f) All works within the designated Tree Protection Zones shall be carried out under the guidance of a qualified arborist.

All works encroaching into the Tree Protection Zone of the subject trees must be undertaken carefully and completed with hand-tools, no machinery unless specified.

No servicing and/or refuelling of equipment and/or vehicles shall occur within the Tree Protection Zones.

No activity involving or using fuel, oil or chemicals shall be conducted within the Tree Protection Zones.

No storage of material, building rubble, construction materials, equipment or temporary buildings/structures within the Tree Protection Zones.

No changes to natural ground level within the Tree Protection Zones should be made (except those specified).

- g) All other works associated with the subject development are to follow the Tree Protection Measures outlined within the Australian Standard AS4970-2009 Protection of trees on development sites.

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 Plans
Attachment IV: Planning Report prepared by Town Planning Advisors
Attachment V: Supplementary Soil and Groundwater Assessment prepared by A.M Environmental Consultants Pty. Ltd.
Attachment VI: Traffic Impact Assessment prepared by CIRQA Consultants Pty. Ltd.
Attachment VII: Arboricultural Assessment of Five Regulated/Significant Trees prepared by Dean Nicolle
Attachment VIII: Statement of Representations
Attachment IX: Applicant's Response to Representations

**REPORT REFERENCE: CAP070218 – 2.2
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 FEBRUARY 2018**



Originating Officer:	Rob Tokley Team Leader - Planning
Applicant:	Carmel Ann O'Malley
Development Description:	Torrens Title land division (1 into 3 allotments) and construction of three two storey row dwellings
Site Location:	20 Melville Street, South Plympton
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	28/10/2014
Development Plan:	Consolidated – 19 January 2012
Referrals:	Nil
Application No:	100/2014/1902
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development pursuant to the Procedural Matters of the Residential Zone, which identified development that incorporates a wall on a property boundary as Category 2 development. As the application received representations expressing opposition to the proposal that cannot be satisfied by amendments to the proposal plans, or conditions of consent, the application is delegated to the Council Assessment Panel.

BACKGROUND

A previous development application for the land sought for the construction of single storey row dwellings. Due to the poor streetscape outcome, administration were not in a position to support the proposal.

Subsequently, the applicants have chosen to pursue the subject application, which is a 'combined' land division and land use application, for the construction of three, two storey row dwellings.

A number of concerns raised with the previous development application (such as site coverage and streetscape presentation) were addressed at the time when the two storey dwellings were lodged with the land division application.

Having said this, during the assessment process, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
The street tree contributes to the consistent planting of that species in the street and must be retained and protected, with no driveways within 1.5m of the tree	Driveway of Dwelling 2 deviated around tree, reducing frontage width of Dwelling
To ensure appropriate separation from the street tree, and to minimise inconvenience in accessing the garage of Dwelling 2, the boundary between Dwelling 2 and 3 should 'dog-leg'	Minimal changes made. Balcony of Dwelling 2 to cantilever over driveway to improve ingress and egress of garage
To avoid exposure of the upper level of Dwelling 3, the upper level of Dwelling 2 should span the full width of the allotment	Amended – robe provided to abut/adjoin Dwelling 3

SUBJECT LAND & LOCALITY

The subject land is located at 20 (Lot 235) Melville Street, South Plympton. The land incorporates a frontage width of 20.12 metres, a depth of 40.40 metres and an overall area of 812.8 square metres.

A single storey detached dwelling, in average-to-good condition is situated on the land with an outbuilding to the rear. Various forms of vegetation is scattered throughout the land, none of which are classified as "Regulated Trees" pursuant to the Development Act and Regulations.

The locality comprises a mix of the original 1950s single storey detached dwellings (on allotment areas between 750 – 850 square metres) and more recent development, which includes 1970s single storey residential flat dwellings and single storey detached, semi-detached and row dwellings.

The recently developed Jervis Street reserve is located approximately 80 metres (as the crow flies) south-east of the site, Marion Road comprising a range of shops and bus links is situated 600 metres to the west, and the Edwardstown train station and various commercial and industrial premises are located 800 metres to the east.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct three, two storey row dwellings. Each dwelling incorporates a single-width garage, bedroom, open plan kitchen/living/dining area and typical wet areas on the ground floor. The upper floor comprises two bedrooms, open nook, bathrooms and balcony.

The dwellings incorporate rendered facades in 'Dune' (Dwelling 1), 'Shale Grey' (Dwelling 2) and 'Surf Mist' (Dwelling 3), with colorbond roofs in 'Woodland Grey', 'Basalt' and 'Windspray', respectively.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	19 properties were notified during the Category 2 public notification process.
Representations:	5 representations were received by Council.
Persons wishing to be heard:	1 representor, Mrs Lynda Smith, has identified that she wishes to address the Panel.
Summary of representations:	<ul style="list-style-type: none"> • Impact upon parking; • Shortfall in frontage width; • Excess in site coverage; • Overlooking/loss of privacy <p style="text-align: right;"><i>Refer Attachment IV</i></p>
Applicant's response:	Please refer Attachment V

GOVERNMENT AGENCY REFERRAL

DAC:	Standard referral comments regarding land division
SA WATER:	Standard referral comments regarding land division

Refer Attachment VI

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>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>
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.</p>

Desired Character		
<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 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.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ detached dwelling ▪ group dwelling ▪ residential flat building ▪ row dwelling ▪ semi-detached dwelling ▪ supported accommodation. 	Complies
PDC 3	<p>Minimum Site Area:</p>	<p>Complies Dwg 1: 269 sq metres Dwg 2: 269 sq metres Dwg 3: 269 sq metres</p>
	<p>Minimum Frontage:</p>	<p>Does Not Comply Dwg 1: 6.7m Dwg 3: 6.7m Dwg 2: 6.7m</p>
	<p>Minimum Depth:</p>	<p>Complies Dwg 1: 40.4m Dwg 2: 40.4m Dwg 3: 40.4m</p>

Assessment

The Residential Zone and Northern Policy Area seek for increased densities and a variety of housing forms. The proposal satisfies these aims, and the site is located within convenient walking distance to open space, various public transport links and shopping and employment centres/district.

Whilst the nature and style of dwellings are anticipated within the zone, the allotments accommodating each dwelling fall short of the minimum width of 7.0 metres for row dwellings.

The proposal does not represent the first intrusion of this form of development within the locality – single storey row dwellings have been constructed at 15 Melville Street and recently granted consent at 24 Melville Street – however, the proposal is noticeably of a different scale, bulk and density than the established housing.

A key consideration therefore is whether the above mentioned observations present as failings to satisfy the Development Plan of a magnitude such as to warrant refusal of the application.

I note (as discussed further within the report) that the undersize frontage width does result in a shortfall in on-street parking (although this is a common result of row dwellings with a compliant

frontage width of 7.0 metres). Furthermore, the deviation of the driveway of Dwelling 2 to accommodate reasonable separation from the street tree narrows the perceived frontage width of Dwelling 3 and the opportunity for landscaping forward of this dwelling.

I note that the proposal complies with the site area requirement. The density proposed is therefore not a planning concern. Likewise, the proposal provides appropriate setbacks from all side boundaries and the dwellings, albeit two storey in a single storey locality incorporate the appropriate amount of articulation and presentation to the street to minimise bulk. The development therefore does not provide for a crowded street presentation.

I therefore consider that on balance, the proposal is satisfactory having regard to the above-mentioned provisions.

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>Maximum site coverage: 40%</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Does Not Comply</p> <p>Dwg 1: 44%</p> <p>Dwg 2: 46%</p> <p>Dwg 3: 46%</p>
<p><i>Maximum floor area ratio: 0.6</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Complies</p> <p>Dwg 1: 0.596</p> <p>Does Not Comply</p> <p>Dwg 2: 0.638</p> <p>Dwg 3: 0.609</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 13</i></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><i>A minimum of 20 per cent of the total site area should be pervious and remain undeveloped including driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p>

Private Open Space

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

- (a) to be accessed directly from a habitable rooms of the dwelling*
- (b) to be generally at ground level (other than for residential flat buildings) and to the side or rear of a dwelling and screened for privacy*
- (c) to take advantage of, but not adversely affect, natural features of the site*
- (d) to minimise overlooking from adjacent buildings*
- (e) to achieve separation from bedroom windows on adjacent sites*
- (f) to have a northerly aspect to provide for comfortable year round use*
- (g) not to be significantly shaded during winter by the associated dwelling or adjacent development*
- (h) to be partly shaded in summer*
- (i) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality*
- (j) 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 15

Complies

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

Does Not Comply

- f) The proposed POS areas maintain a southerly aspect, which is likely to experience shadow for a majority of the day.
- g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.

Site Area 250 m² or greater:

*Minimum area of POS: 20% of the 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.
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.*

General Section: Residential Development: PDC 17

Complies

Dwg 1: 33.6%
Dwg 2: 33.6%
Dwg 3: 33.6%

Street Setbacks

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

- (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality*
- (b) contribute positively to the function, appearance and/or desired character of the locality.*

General Section: Design and Appearance: PDC 23

Complies

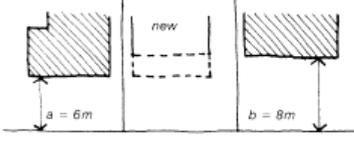
The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 6.5 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.

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:

Partially Complies

All dwellings: 6.5 metres

(Dwellings on adjoining land set back approximately 7.5 and 8 metres, which equals a desired setback of 7.5 metres)

Setback difference between buildings on adjacent allotments	Setback of new building	
Up to 2 metres	<p>The same setback as one of the adjacent buildings, as illustrated below:</p>  <p>When $b > a > 2$, setback of new dwelling = a or b</p>	<p>However, PDC 23 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”. Given that the Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities, PDC 25 has limited weight in this instance.</p>
Greater than 2 metres	At least the average setback of the adjacent buildings	
<i>General Section: Design and Appearance: PDC 25</i>		
<p><i>Dwellings should be setback from allotment or site boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p><i>General Section: Residential Development: PDC 36</i></p>		<p>Complies Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks		
<p><i>Where the wall height is not greater than 3 metres: 1 metre</i></p> <p><i>Where the wall height is between 3 metres and 6 metres:</i></p> <p><i>(a) 3 metres if adjacent southern boundary</i></p> <p><i>(b) 2 metres in all other circumstances.</i></p>		<p>Complies Dwelling 1 and 3: 1.0 m</p> <p>Complies Dwelling 1 and 3: 2.0 m</p>
<p><i>Dwellings with walls located on the boundary should be designed in accordance with the following:</i></p> <p><i>(a) the walls should not abut more than one side allotment boundary</i></p> <p><i>(b) a wall from an adjacent dwelling already exists on the boundary:</i></p> <p><i>(i) be located immediately abutting the adjacent wall</i></p> <p><i>(ii) be constructed to the same or to a lesser length and height as the adjacent wall</i></p> <p><i>(iii) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(c) no wall exists on the adjacent boundary:</i></p> <p><i>(i) be setback 2 or more metres behind the main face of the adjacent dwelling</i></p> <p><i>(ii) not exceed 6 metres in length</i></p> <p><i>(iii) not exceed 3 metres in height</i></p> <p><i>(iv) be sited no closer than 2.5 metres to a habitable room window or 3.5 metres if the wall is located to the north of the neighbouring window</i></p> <p><i>(d) adjoining communal open space or a public reserve, not to exceed</i></p> <p><i>(i) 50 per cent of the length of the boundary</i></p> <p><i>(ii) 4 metres in height.</i></p> <p><i>General Section: Residential Development: PDC 38</i></p>		<p>Complies</p> <p>(a) Complies (b) N/A (c)(ii) 6.0m in length (c)(iii) 2.7m wall height (c)(iv) Complies</p> <p>Does Not Comply</p> <p>(c)(i) Setback approximately 1.0 metre forward of adjacent building. This is unlikely to result in any meaningful negative impacts upon the adjoining property.</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>		<p>Complies</p> <p>The separation from side boundaries is considered sufficient to minimise the visual impact of the building from adjacent properties. Furthermore, the development should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>

Rear Setbacks	
<p>6 metres for a single storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Min setback 13.5m</p>
<p>8 metres for a 2 or more storey dwelling</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies Min setback 13.5m</p>
<p><i>Except where otherwise specified in a particular zone, policy area or precinct, the rear boundary setback for dwellings should be in accordance with the following:</i></p> <p><i>(a) a minimum of 6 metres for single storey components of dwellings, although the minimum setback can be reduced to 3 metres for a portion of the building as long as that portion does not exceed half the total width of the rear allotment boundary</i></p> <p><i>(b) a minimum of 8 metres for two storey components of dwellings</i></p> <p><i>General Section: Residential Development: PDC 37</i></p>	<p>Complies</p>
<p><i>Where a building is sited on or close to a side or rear boundary, the boundary wall should minimise:</i></p> <p><i>(a) the visual impact of the building as viewed from adjacent properties</i></p> <p><i>(b) overshadowing of adjacent properties and allow adequate sunlight access to neighbouring buildings.</i></p> <p><i>General Section: Design & Appearance: PDC 2</i></p>	<p>Complies</p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of the building from the adjacent property. Furthermore, the shortfall in setback should not result in unreasonable overshadowing of adjacent properties, as discussed in the Overshadowing section of this table.</p>
Building Height	
<p>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 6.9 metres, which is less than the maximum permitted in the Policy Area.</p>
Garages, Carports and Outbuildings	
<p><i>Sheds, garages, carports and similar outbuildings, whether freestanding or not, should be designed within the following parameters:</i></p> <p><i>Minimum setback from primary road frontage:</i> <i>8 metres for a freestanding structure.</i> <i>5.5 metres and at least 0.5 metres behind the main face of the dwelling where attached to the dwelling.</i></p> <p><i>Residential Zone: PDC 8</i></p>	<p>Complies</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>	<p>Complies</p>

<p><i>In the Residential Zone, garages, carports, pergolas, outbuildings and other similar domestic structures should be sited and designed in accordance with the following:</i></p> <p><i>(a) when located on side or rear allotment boundaries:</i></p> <p><i>(i) be constructed at least 6 metres from any existing structure on the same site and the same boundary</i></p> <p><i>(ii) ensure the total length of existing and proposed walls located within 0.6 metres of the same boundary does not exceed any of the following:</i></p> <p><i>(A) 7 metres for structures with enclosed side walls</i></p> <p><i>(B) 8 metres for structures with open side walls</i></p> <p><i>(C) 7 metres where there are both enclosed and open sided structures</i></p> <p><i>(iii) have a maximum wall height of no more than 2.4 metres and a maximum gable height of no more than 3.5 metres</i></p> <p><i>General Section: Residential Development: PDC11</i></p>	<p>Complies</p> <p>i) Garage on boundary is not located within 6 metres of any existing structure on the same site and same boundary</p> <p>ii) Enclosed structure length of 6.0 metres on the boundary</p> <p>Does Not Comply</p> <p>iii) Wall height of 2.7 metres</p>
<p><i>Garages, carports 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: PDC8</i></p>	<p>Complies</p> <p>The proposed garages are situated below the upper floor of the dwelling and incorporate materials that complement the dwelling.</p>
<p><i>Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>
<p>Car Parking</p>	
<p><i>Minimum number of on site car parking spaces (one of which should be covered) :</i></p> <p><i>2 per detached, semi-detached, or row dwelling containing up to 3 bedrooms.</i></p> <p><i>Residential Zone: PDC 7</i></p>	<p>Complies</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (eg 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) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Does Not Comply</p> <p>d) e) 1 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 (a) (b) Complies</p> <p>Does Not Comply (c) The deviation of the driveway of Dwelling 2 (to avoid the street tree) narrows the perceived frontage of Dwelling 3, reducing landscaping options.</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>Does Not Comply 1 on-street car parking space is provided for the proposed allotments, which is 1 less than that sought by PDC 22.</p>
Access	
<p>The width of driveway crossovers 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>Vehicle crossovers should be setback a minimum of 1 metre from existing street trees, above ground utility and infrastructure equipment and poles, and stormwater side entry pits.</p> <p>General Section: Residential Development: PDC 40</p>	<p>Complies The proposed crossovers are set back a minimum of 1.5 metres from the existing street tree and 1.0 metre from the stobie pole adjacent the western side boundary.</p>
<p>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.</p> <p>General Section: Transportation and Access: PDC 28</p>	<p>Does Not Comply The driveways of Dwelling 2 and 3 are separated by a distance of 2.4 metres.</p>

Design & Appearance

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

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

General Section: Design & Appearance: PDC 1

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

General Section: Design & Appearance: PDC 3

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

General Section: Design & Appearance: PDC 17

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:

- Render on the front façades
- Stepping of upper and lower storeys to minimise building height, mass and proportion
- Protruding portico and balcony
- Eave overhang and pitched roof form at 20 degree slope
- Fenestration

The dwellings incorporate a 20 degree Colorbond roof in 'Woodland Grey', 'Basalt' or 'Windspray', with rendered facades. These materials should not result in glare to neighbouring properties, drivers or cyclists.

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

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

Balconies should:

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

General Section: Design & Appearance: PDC 5

Complies

The proposed balconies are integrated into the portico design, with steel wire balustrade that enables line of sight to the street.

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 15

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

General Section: Design & Appearance: PDC 18

Residential development should be designed to ensure living rooms have an external outlook.

General Section: Residential Development: PDC 6

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

General Section: Residential Development: PDC 6

Complies

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

- (a) north-facing windows to habitable rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June*
- (b) ground level open space of existing buildings receives direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:*
 - (i) half of the existing ground level open space*
 - (ii) 35 square metres of the existing ground level open space (with at least one of the area's dimensions measuring 2.5 metres)*
- (c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the overshadowed area.*

General Section: Design & Appearance: PDC 10

Complies

An assessment of the likely shadow cast by the proposed dwellings demonstrates that:

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

b) Given that south forms the rear yard areas, a majority of winter shadow will be cast within the private open space of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

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 building 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 12

Complies

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

The balcony on the front façade is oriented to obtain views of the streetscape.

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.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed so that the open spaces associated with the main activity areas face north for exposure to winter sun.

General Section: Energy Efficiency: PDC 2

Buildings should be sited and designed to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings.

General Section: Energy Efficiency: PDC 3

Does Not Comply

The main activity areas of the dwellings are oriented to the south, which will receive limited sunlight.

The dwellings do incorporate 450mm-wide eave overhangs to assist in reducing summer heat loads, whilst there remains (limited) north-facing, but (considerable) east-west –facing roof section, where solar collectors can be sited.

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.

Roof pitches should facilitate the efficient use of solar hot water services and photovoltaic cells.

General Section: Energy Efficiency: PDC 4

Development should be designed to minimise consumption of non-renewable energy through designing the roof of buildings with a north facing slope to accommodate solar collectors.

General Section: Energy Efficiency: PDC 5

Complies

The dwellings incorporate a hipped roof form set at a 20 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*

General Section: Landscaping, Fences & Walls: PDC 2

Does Not Comply

The proposed planting species and distribution is limited and does not satisfy Principle 1(a). A recommended condition of consent seeks for a revised landscape plan that provides additional plantings at the front of the site, which includes a tree with a mature growing height of no less than 5.0 metres to assist in satisfying Principle 1(a).

TABLE DISCUSSION

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

- Excess in site coverage and floor area ratio;
- Shortfall in frontage width; and
- Shortfall in on-street parking.

Site coverage

The site coverage for each dwelling is marginally above the 40% provision within the Development Plan. There is no adverse planning consequence resulting from this departure. The proposal comfortably meets private open space requirements and side and rear setbacks. I do not consider this departure to result in any failing of the application such as to warrant refusal.

Further to above, as the Residential Development Code would allow “as of right” site coverage for row dwellings of 70% (for additions and outbuildings), this development’s site coverage is in effect, modest when compared to the permitted under other planning requirements.

Floor Area Ratio

Residence 1 satisfies the maximum 0.6 floor area ratio. Residence 2 and 3 marginally exceeds the ratio. This departure is minor and it is noted that the development as a whole complies with the FAR requirement.

Frontage width

I have discussed earlier in this report the failure of the proposal to meet the minimum frontage width. The two storey nature of the dwellings assist in ‘diluting’ the shortfall in frontage width, by providing substantial habitable rooms presenting to the street.

The major consequence of the shortfall in frontage width, is the combined impact of the deviation of the driveways of Dwelling 2 (to avoid the street tree) and Dwelling 3 (to provide separation to stobie pole). This ‘throttles down’ the landscaping area forward of Dwelling 3 and reduces the perceived frontage width of that allotment further.

This, in my view, is the largest failing, and most unfortunate consequence of seeking three dwellings on this allotment.

Shortfall in on-street parking

The proposal provides for one on-street parking space (between the driveways of Dwelling 1 and 2) whereby the Development Plan seeks for two.

In reality, it is impractical to provide two on-street parking spaces for row dwellings with a compliant frontage width of 7.0 metres.

This shortfall is nonetheless acknowledged, and considered with the overall merit of the proposal.

ANALYSIS/CONCLUSION

The proposal achieves compliance with most of the relevant provisions of the Development Plan both quantitative and qualitative.

There is however, a notable departure in terms of frontage width. For reasons explained in the body of the report, I do not consider this 'fatal' to the application. A high majority of other provisions of the Development Plan are met, a commendable design outcome is achieved and amenity impacts on adjoining properties minimised.

As a result of the above considerations, it is my view that the proposed development is / 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: 100/1902/2014 for a Torrens Title land division (1 into 3 allotments) and construction of three two storey row dwellings at 20 Melville 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. 100/2014/1902, except when varied by the following conditions of consent.
2. A revised landscape plan shall be provided to Council for consideration and approval, detailing an increase in the number of plantings forward of the dwellings, and including a tree species with a minimum mature growth height of 5.0 metres.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

4. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
5. 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.
6. All new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
10. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.

NOTES

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

Attachments

- Attachment I: Certificate of Title*
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposal Plan and supporting documentation
Attachment IV: Representations received
Attachment V: Response to representations
Attachment VI: External Agency Referral Comments

**REPORT REFERENCE: CAP070218 – 2.3
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 FEBRUARY 2018**



Originating Officer:	Rob Tokley Team Leader – Planning
Applicant:	Brett Lewis
Development Description:	Four, single storey row dwellings
Site Location:	21 Bowden Grove, Oaklands Park
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	01/12/2017
Development Plan:	Consolidated – 28 November 2017
Referrals:	Nil
Application No:	100/2017/2307
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)(iv)) of the Development Regulations 2008, which assigns the construction of single storey row dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed dwellings being sited on site areas less than the minimum of 250 square metres required for row dwellings within the Northern Policy Area 13. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The subject site is located at 21 (Lot 55) Bowden Grove, Oaklands Park. The site is located at the north-eastern corner of the intersection with Frank Street. The site is irregular in shape; incorporating a (southern boundary) frontage to Bowden Grove of 17.68 metres, a (western boundary) frontage to Frank Street of 36.66 metres, an average east-west width in the order of 23.25 metres, and comprising a total site area equates to 923 square metres.

The site contains a single storey detached dwelling and several outbuildings adjacent the north-western portion of the site. There is a large tree (West Australian Red Flowering Gum – *Corymbia ficifolia*) situated adjacent the south-western corner of the land. As this tree is within 10 metres of

the existing dwelling, and is not a Eucalypt or Agonis species, it is exempt from the Regulated Tree controls.

The locality consists primarily of single storey detached and semi-detached dwellings. Much of the original housing stock remains with low-medium density redevelopment interspersed between.

The site is located approximately 850m from the Oaklands Park Railway Station, approximately 300m to the nearest pocket park along the Sturt River walking trail and approximately 1km away from a larger open space reserve, namely the Oaklands Wetlands. The nearest local centre is located approximately 1.2km away and the Marion Regional Centre is approximately 1.3km away. These measurements are walking distances (not 'as-the-crow-flies').

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application seeks to construct four, single storey row dwellings. All dwellings incorporate two bedrooms (main with ensuite), open plan kitchen/living/dining area, typical wet areas, an 'alfresco' verandah to the rear and a single garage and driveway accessing Frank Street.

All dwellings incorporate a rendered ('surfmist') façade, with a 'colorbond' roof ('basalt') set at a 25 degree pitch.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

Arborist:	<p>The larger street trees (Jacaranda) on Bowden Grove and Frank Street are to be retained and protected.</p> <p>A smaller street tree (Jacaranda) to be impacted by the driveway of Dwelling 3 can be removed and replaced at a cost of \$350.</p>
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ZONE & POLICY AREA ASSESSMENT

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

Residential Zone
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>

Northern Policy Area 13

Objectives

- 1 A policy area primarily comprising low scale, low to medium density housing.
- 2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.
- 3 Development that minimises the impact of garaging of vehicles on the character of the locality.
- 4 Development densities that support the viability of community services and infrastructure.
- 5 Development that reflects good residential design principles.
- 6 Development that contributes to the desired character of the policy area.

Desired Character

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

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

The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.

Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies
PDC 3	<p>Minimum Site Area: 250 square metres</p>	<p>Does Not Comply Dwg 1: 227.7 sq metres Dwg 2: 225.3 sq metres Dwg 3: 226.5 sq metres Dwg 4: 243.8 sq metres</p>
	<p>Minimum Frontage: 7.0m</p>	<p>Complies Dwg 1: 9.17m Dwg 2: 9.30m Dwg 3: 9.90m Dwg 4: 11.3m (including corner cut-off)</p>

	<i>Minimum Depth: 20m</i>	Complies Min 20.5m (including corner cut-off)
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Assessment

The application proposes four, single storey row dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the number of dwellings on the land by three. It is noted that the construction of the dwellings will not impact any significant or regulated trees in the locality.

The proposal is of a density greater than a majority of other properties that have been subject to recent redevelopment, albeit it is noted that 4 Bowden Grove (75 metres east of the site) has recently been developed with four, two storey row dwellings on land the same size as the subject property.

The proposal incorporates a considerable shortfall in site area for all four dwellings, equating to an average site area of 230.8 square metres; 7.68% less than that sought (250 square metres).

Whether this shortfall is 'fatal' to the application, is determinative upon whether the density and form of the development reasonably satisfies that sought in the Policy Area and Zone, and whether the shortfall in site areas result in any other meaningful failings when assessed against the Development Plan.

The following is offered to assist the Panel is considering the merits of the density proposed:

1. The proposal represents a medium density form of development, having regard to the established site areas identified in the 30 Year Plan for Greater Adelaide, where site areas between 143 – 285 square metres are classified as 'medium density'. Objective 1 of the Northern Policy Area seeks for "low scale, low to medium density" development. The single storey nature of the dwellings satisfies the low scale form of development sought. Whether Objective 1 seeks low and medium density development or medium density development at the lower end of the spectrum, is a matter for interpretation. In my view, it is reasonable to conclude that medium density development is anticipated in the Policy Area (having regard to the minimum site area of row dwellings being 250 square metres). The proposal reasonably satisfies this aim, albeit the site areas are less than that sought.
2. The location of the site is in convenient reach to fixed rail transport and ample areas of public open space that serve a number of uses/demographics. Whilst centre zones are not located within convenient reach, the Marion Regional Centre is nonetheless within 900 metres (as the crow flies) from the site. In this regard, the locality comprises attributes suitable for increased densities in accordance with Objective 2 of the Zone and Objective 4 of the Policy Area;
3. By providing single storey, two bedroom housing which is not commonly provided by the private market, the proposal satisfies that sought by Objective 1 of the Zone ("a range of dwelling types") and the Desired Character of the Policy Area, which seeks, "*low to medium density dwellings of a variety of architectural styles at a higher density...to that typical of the original dwelling stock in the area...The range of dwelling types will increase to meet a variety of accommodation needs.*"
4. The proposal maintains a coherent (albeit, repetitive) streetscape. The setback proposed is similar to dwellings and structures within the locality. The limited number of dwellings presenting to Frank Street assist the front setback proposed being appropriate. The dwellings'

appearance will be modern in terms of design and use of materials, comprising brick piers and a rendered façade, and will provide a positive contribution to the existing streetscape, particularly as the wide expanse of driveways and tall outbuildings adjacent the north of the site will be replaced with habitable rooms and additional landscaping.

5. Whilst the proposal displays an excess in site coverage and a shortfall in rear setback, the proposal displays a high degree of compliance with Council’s Development Plan; demonstrating that the shortfall in site areas has not resulted in meaningful offending of other relevant design criteria.

The application proposes the removal of a small street tree which is not native and does not positively contribute to the streetscape. Council’s Arborist has determined that removal and replacement of the tree is suitable at a cost of \$350. The applicant has confirmed in writing that he is willing to pay this amount. Additionally, it is noted that two considerably larger street trees are not to be impacted.

In conclusion, it is my considered view that the proposal complements the applicable Objectives, Principles of Development Control and Desired Character of the Residential Zone and Northern Policy Area 13.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply</p> <p>Dwg 1: 54.7%</p> <p>Dwg 2: 52.8%</p> <p>Dwg 3: 52.3%</p> <p>Dwg 4: 45.3%</p> <p>(Ave: 51.3%)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>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, POS, landscaping and waste storage.</p>

<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>			<p>Complies</p>
<p>Private Open Space</p>			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies Dwg 1: 20.2% Dwg 2: 22.0% Dwg 3: 21.6% Dwg 4: 22.8%</p>
<p>Site area of dwelling</p>	<p>Minimum area of POS</p>	<p>Provisions</p>	
<p>175 square metres or greater</p>	<p>20 per cent of site area</p>	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>Complies Dwg 1 and 2: POS areas with appropriate dimension, gradient and accessible from living room.</p> <p>Partially Complies Dwg 3 and 4: The POS areas do not incorporate a minimum 5m x 5m area</p>
<p><i>Residential Zone: PDC 7</i></p>			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p> <p><i>Private open space should not include:</i></p> <p><i>(a) any area covered by a dwelling, carport, garage or outbuildings</i></p> <p><i>(b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas</i></p> <p><i>(c) common areas such as parking areas and communal open spaces</i></p> <p><i>(d) any area at ground level at the front of the dwelling (forward of the building line)</i></p> <p><i>(e) any area at ground level with a dimension less than 2.5 metres</i></p> <p><i>General Section: Residential Development: PDC 17</i></p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. 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 provided with shading 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>Partially Complies g) The proposed POS areas maintain an easterly aspect, which will provide solar access during morning hours.</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>Building Setbacks from Road Boundaries</p>	
<p><i>Minimum setback from primary road frontage where no established streetscape exists: 8 metres from arterial roads shown on Overlay Map – Transport 5 metres in all other circumstances.</i></p>	<p>Complies Min front setback 5.0m</p>
<p><i>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.</i></p> <p><i>General Section: Design and Appearance: PDC 21</i></p>	<p>Complies The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>
<p><i>Minimum setback from secondary road frontage: 2 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</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 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: 0.9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>
<p><i>Maximum length and height when wall is located on side boundary: (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to: (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight (b) minimise the impact of bulk and scale of development on adjoining properties (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report).</p>

Rear Setbacks

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

Residential Zone: PDC 6

Complies

Dwg 1: Min 3.4m

Does Not Comply

Dwg 2: Min 4.9m – 5.6m

Dwg 3: Min 4.3m – 5.6m

Dwg 4: Min 4.1m – 5.3m

Buildings should be sited with respect to side and rear property boundaries to:
 (a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight
 (b) minimise the impact of bulk and scale of development on adjoining properties
 (c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.

General Section: Design and Appearance: PDC 2

Complies

Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.

Building Height

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

Residential Zone: PDC 6

Complies

The proposed dwellings incorporate a maximum building height of 5.2 metres, which is less than the maximum permitted in the Policy Area.

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres
Maximum height of finished floor level	0.3 metres

Complies

Complies

Complies

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
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies
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
<p>Carports and garages should be setback from road and building frontages so as to:</p> <p>(a) not adversely impact on the safety of road users</p> <p>(b) provide safe entry and exit.</p> <p>General Section: Residential Development: PDC 13</p>		Complies
Vehicle Parking		
<p>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</p> <p>General Section: Transportation & Access: PDC 34</p>		Complies
<p>Detached Semi-detached Row</p>	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</p>	
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</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 & Access: PDC 42</p>		Complies
<p>On-site vehicle parking should be provided having regard to:</p> <p>(a) the number, nature and size of proposed dwellings</p> <p>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</p> <p>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</p> <p>(d) availability of on-street car parking</p> <p>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</p> <p>General Section: Transportation & Access: PDC 43</p>		<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.</p> <p>b) Public transport is located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) e) 4 on-street car parking spaces shall remain available adjacent the subject land.</p>

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>4 on-street car parking spaces are provided for the proposed allotments, which satisfies PDC 22.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p style="margin-left: 20px;"><i>(a) 3 metres wide for a single driveway</i></p> <p style="margin-left: 20px;"><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, and 2 metres from existing street trees.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Partially Complies</p> <p>The driveways of Dwellings 1 and 2 are not separated by 6.0 metres, however, sufficient on-street parking remains in front of the site to satisfy the applicable Development Plan criteria.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p style="margin-left: 20px;"><i>(a) building height, mass and proportion</i></p> <p style="margin-left: 20px;"><i>(b) external materials, patterns, colours and decorative elements</i></p> <p style="margin-left: 20px;"><i>(c) roof form and pitch</i></p> <p style="margin-left: 20px;"><i>(d) façade articulation and detailing</i></p> <p style="margin-left: 20px;"><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 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"> • Render ('surfmist') on all façades • Eave overhang and pitched roof form at 25 degree slope • Fenestration <p>The dwellings incorporate a 25 degree Colorbond roof in 'Basalt', with rendered facades. The garage of each dwelling features ('surfmist' or 'woodgrain') 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 style="margin-left: 20px;"><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for</i></p>	<p>Complies</p>

<p><i>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</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><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 render and fenestration to avoid extensive areas of uninterrupted walling exposed to public view.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

An assessment of the extent of shadow cast by the dwellings identifies that:

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

b) Given that south forms the street boundary, a majority of winter shadow will be cast within the side yard of the Dwellings 4. However, some shadow will be cast into the eastern adjoining property in afternoon hours.

Shadow cast into the eastern adjoining property only begins in afternoon hours. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.

Noise

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.*

General Section: Residential Development: PDC 30

Does Not Comply

Dwellings 1, 2 and 3 feature bedrooms abutting the garage of the adjoining dwelling.

This may lead to a disruption/reduction in the amenity afforded to occupants of the dwellings, particularly if a neighbour has unconventional working/waking hours.

Window shutter devices, external screening or alternative additional preventative measures could be constructed/installed by future occupants, if desired.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The main activity areas of the dwellings are oriented east/west, which should nonetheless receive some northern winter sunlight.

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

<p><i>Development should facilitate the efficient use of photovoltaic cells and solar hot water systems by:</i></p> <p><i>(a) taking into account overshadowing from neighbouring buildings</i></p> <p><i>(b) designing roof orientation and pitches to maximise exposure to direct sunlight.</i></p> <p><i>General Section: Energy Efficiency: PDC 3</i></p>	<p>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></p> <p><i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i></p> <p><i>(b) enhance the appearance of road frontages</i></p> <p><i>(c) screen service yards, loading areas and outdoor storage areas</i></p> <p><i>(d) minimise maintenance and watering requirements</i></p> <p><i>(e) enhance and define outdoor spaces, including car parking areas</i></p> <p><i>(f) provide shade and shelter</i></p> <p><i>(g) assist in climate control within buildings</i></p> <p><i>(h) maintain privacy</i></p> <p><i>(i) maximise stormwater re-use</i></p> <p><i>(j) complement existing native vegetation</i></p> <p><i>(k) contribute to the viability of ecosystems and species</i></p> <p><i>(l) promote water and biodiversity conservation.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 1</i></p> <p><i>Landscaping should:</i></p> <p><i>(a) include the planting of locally indigenous species where appropriate</i></p> <p><i>(b) be oriented towards the street frontage</i></p> <p><i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 2</i></p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p><i>General Section: Landscaping, Fences & Walls: PDC 3</i></p>	<p>Does Not Comply</p> <p>The proposed planting species and distribution is considered relatively poor; a 'Yukka', with a maximum growth height of 3.0 metres, being the tallest species selected.</p> <p>It has been included as a recommended condition of consent that a revised landscaping plan be provide to Council, detailing an increased mix and height of the species planted on the site.</p>

TABLE DISCUSSION

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

- Site coverage; and
- Rear setbacks

Site coverage

Each dwelling exceeds the maximum site coverage provision of 40%, with Dwelling 1 at 54.7%, Dwelling 2; 52.8%, Dwelling 3; 52.3% and Dwelling 4 at 45.3%.

Whilst at the higher end, the site coverage proposed will not detrimentally impact the function of each dwelling, as a sufficient amount of private open space will be made available to the rear of

each dwelling and is provided with a usable alfresco/verandah area, which is less likely to result in additional roofed area being constructed.

Furthermore, whilst the rear setbacks generally do not comply with that sought (refer below), the front, side and secondary street setbacks comply with that sought in the Policy Area; an identifier that the excess in site coverage has not come at the expense of the function of the property, amenity of adjoining land or cohesiveness of the streetscape.

Rear setbacks

Whilst the rear setback of each dwelling does not strictly comply with that sought in the Policy Area, adequate separation is provided to avoid resulting in an unreasonable visual impact or the overshadowing of the adjoining property to the west.

Further, at present, the adjoining property comprises a driveway adjacent the shared boundary. As such, the proposed dwellings are adjacent an area utilised for the parking and manoeuvring of vehicles, rather than the primary area of private open space.

ANALYSIS/CONCLUSION

It is my opinion that the proposed development complements the Objectives, Principles of Development Control and Desired Character of the Northern Policy Area 13, being an area which encourages the redevelopment of old housing stock at low to medium densities and a range of housing types.

It is acknowledged that the proposal displays areas of non-compliance, the most significant being the site area. However, after assessment and consideration, it is my view that the density proposed is acceptable, having regard to the locational attributes of the site, which allows convenient access to public transport and open space areas, and the two bedroom nature of all dwellings, which adds to the variety of housing stock in the locality. It is therefore concluded that the density proposed does not compromise the integrity of the Policy Area, nor result in detrimental impacts upon the function of the proposed development, nor upon adjoining land.

Furthermore, the assessment of the qualitative criteria has demonstrated that the proposal generally achieves the anticipated design, layout and features sought for new residential development, achieving a number of positive outcomes for the amenity of future residents and the owners and occupiers of adjacent properties.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2017/2307 for four, single storey row dwellings at 21 Bowden Grove, Oaklands Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2017/2307, except when varied by the following conditions of consent.
2. 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 stormwater disposal to the street and the location of all existing street infrastructure and street trees.
3. Stormwater connection to the street shall be located no closer than 2.5 metres from the face of the trunk of the existing street trees.
4. 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.
5. 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.
6. 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

7. Landscaping as identified on the approved plan shall be planted prior to the occupation of the premises and be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

8. **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.**
9. **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.**
10. **Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.**

NOTES

1. **The applicant is reminded that payment of \$350 is required for the removal and replacement of the existing juvenile street tree adjacent proposed Dwelling 3. Payment must be received prior to the issue of Development Approval.**
2. **Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
3. **All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (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).**
4. **All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
5. **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: CAP070218 – 2.4
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 FEBRUARY 2018**



Originating Officer:	Rob Tokley Team Leader - Planning
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

As Members are likely to recall, at the request of the applicant, the application was withdrawn from consideration of the Panel at its meeting of 6 December 2017 to enable further particulars to be provided for the Panel's consideration. This documentation is in the form of an email from the applicant's representative, Mr Stewart Hocking from MasterPlan, dated Wednesday 24 January 2018, and included in Attachment III.

Having reviewed this correspondence, I confirm my assessment and position remains unchanged. The following assessment has been amended, where relevant, having regard to the 24 January correspondence.

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.

The applicant's representative, Mr Stewart Hocking, has advised it is the intention of the owner of the building to operate the retail showroom and reside in the dwelling above. Mr Hocking has suggested that a condition could be included in a planning consent, linking ownership and operation.

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.</p>

Medium density development should not be achieved at the expense of mature vegetation or significant trees on the development site or located where additional or relocated access points require removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

Principles of Development Control

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

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

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 desires 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). Whilst the applicant’s representative offers for Council to impose a condition of consent to ‘link’ ownership and operation, which may assist in reducing the impact of the ground floor commercial use upon the upper floor residence, as will be identified below (and outside of the matter as to whether such a condition is workable in the long-term), the amenity of occupants from adjacent activities, is likely to be compromised to an unreasonable degree to justify the change of use to a dwelling as proposed.

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 (within the Residential Zone); those grounds were supported by staff, the (then) Development Assessment Panel and the (then) Development Assessment Commission.

It is peculiar that that justification seems to have been ignored for this application, rather heavy reliance has been placed upon the residential zoning to justify a dwelling within an exclusive commercial ‘enclave’.

I have 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,</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</p>

<p><i>treatment and reuse of stormwater.</i></p> <p><i>Residential Development PDC 1</i></p>	<p>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>						
<p>Private Open Space</p>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p> <table border="1" data-bbox="127 689 863 1115"> <thead> <tr> <th data-bbox="127 689 296 741">Site area of dwelling</th> <th data-bbox="296 689 466 741">Minimum area of POS</th> <th data-bbox="466 689 863 741">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="127 741 296 1115">175 square metres or less</td> <td data-bbox="296 741 466 1115">20 per cent of site area or 35 square metres, whichever is the greater</td> <td data-bbox="466 741 863 1115">Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td> </tr> </tbody> </table> <p><i>Residential Zone: PDC 7</i></p>	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.	<p>Does Not Comply</p> <p>Area 25.7m²</p>
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.					
<p>***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***</p>							
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p><i>(a) to be accessed directly from the internal living rooms of the dwelling</i></p> <p><i>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</i></p> <p><i>(c) to be located to the side or rear of a dwelling and screened for privacy</i></p> <p><i>(d) to take advantage of, but not adversely affect, natural features of the site</i></p> <p><i>(e) to minimise overlooking from adjacent buildings</i></p> <p><i>(f) to achieve separation from bedroom windows on adjacent sites</i></p> <p><i>(g) to have a northerly aspect to provide for comfortable year round use</i></p> <p><i>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</i></p> <p><i>(i) to be partly shaded in summer</i></p> <p><i>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</i></p> <p><i>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</i></p> <p><i>General Section: Residential Development: PDC 16</i></p>	<p>Complies</p> <p>a) The POS area is directly accessible from the meals/kitchen.</p> <p>b) All POS is located in the form of a balcony</p> <p>c) All POS is located to the side/rear of the dwelling and is screened for privacy.</p> <p>d) The subject land does not maintain natural features which warrant preservation.</p> <p>e) The POS area should not be directly overlooked by adjacent buildings.</p> <p>f) The POS area is not located next to bedrooms of dwellings on adjacent sites.</p> <p>k) The POS area is considered to have sufficient shape and area to be functional.</p> <p>Does Not Comply</p> <p>g) The proposed POS area maintains a western aspect.</p> <p>h) The POS area will be significantly shaded throughout the year by the associated building.</p> <p>i) The entirety of the POS area is shaded.</p> <p>j) Traffic and other business activities are likely to have a material impact upon the amenity of the dwelling and associated POS.</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>Does Not Comply The POS area is roofed for its entirety</p>
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><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>	<p>Does Not Comply The dwelling is provided with 1 parking space, which is not covered.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i> <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>Does Not Comply a) One parking space is provided for occupants, with no designated visitor parking identified.</p> <p>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.</p>
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies No loss of on-street parking spaces will result from the proposal.</p>
Relationship to the Street and Public Realm	
<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><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>Partially Complies The entrance of the dwelling faces the primary street frontage, presenting an entrance door and habitable room windows to the street.</p> <p>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.</p>

Design & Appearance	
<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>Partially Complies See comments above</p>
<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>
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>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>
Noise	
<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 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 (via noise and vibration) 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 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). There are also no mechanisms to control the hours of operation and noise emissions resulting from the future commercial tenancies to operate from the future buildings on adjacent Lots 2 and 3.

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, vibrations, 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, vibration, 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><i>Vehicle parking areas should be sited and designed to:</i></p> <p>(a) <i>facilitate safe and convenient pedestrian linkages to the development and areas of significant activity or interest in the vicinity of the development</i></p> <p>(b) <i>include safe pedestrian and bicycle linkages that complement the overall pedestrian and cycling network</i></p> <p>(c) <i>not inhibit safe and convenient traffic circulation</i></p> <p>(d) <i>result in minimal conflict between customer and service vehicles</i></p> <p>(e) <i>avoid the necessity to use public roads when moving from one part of a parking area to another</i></p> <p>(f) <i>minimise the number of vehicle access points onto public roads</i></p> <p>(g) <i>avoid the need for vehicles to reverse onto public roads</i></p> <p>(h) <i>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></p> <p>(i) <i>not dominate the character and appearance of a site when viewed from public roads and spaces</i></p> <p>(j) <i>provide landscaping that will shade and enhance the appearance of the vehicle parking areas</i></p> <p>(k) <i>include infrastructure such as underground cabling and connections to power infrastructure that will enable the recharging of electric vehicles.</i></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><i>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.</i></p> <p>General Section: Transportation and Access: PDC 38</p>	<p>Complies</p> <p>Floodlighting is available of the car park aisle.</p>
<p><i>Vehicle parking areas should be sealed or paved to minimise dust and mud nuisance.</i></p> <p>General Section: Transportation and Access: PDC 39</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>General Section: Transportation and Access: PDC 41</p>	<p>Complies</p>
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p>(a) <i>not dominate internal site layout</i></p> <p>(b) <i>be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p>(c) <i>be accessible to visitors at all times.</i></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><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>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>	<p>Partially Complies</p> <p>Lighting is provided to the adjacent car park aisle.</p>
<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>	<p>Does Not Comply</p> <p>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.</p>
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></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i></p> <p><i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p>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; likely 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.

The applicant's representative has offered for Council to place a condition of consent that 'links' the ownership and operation of the uses, which may assist in reducing the impact of the ground floor commercial use upon the upper floor residence. However, (outside of the matter as to whether such a condition is workable in the long-term), it is my view that the amenity of occupants from adjacent activities, is likely to be compromised to an unreasonable degree to justify the change of use to a dwelling as proposed.

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: 100/2017/947 for a 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, 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: CAP070218 – 2.5
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 FEBRUARY 2018**



Originating Officer:	Alex Wright Acting Team Leader - Planning
Applicant:	Mrs Kristy Bone
Development Description:	Land Division Residential Torrens Title - 2 in to 2 allotments (Boundary realignment)
Site Location:	2 Paringa Avenue, Marino & 40A Jervois Terrace, Marino
Zone:	Residential
Policy Area:	Hills Policy Area 11
Application Type:	Category 1 / Consent
Lodgement Date:	16/10/2017
Development Plan:	Consolidated – 28 April 2017
Application No:	100/2017/1948
DAC Reference No:	100/D233/17
Recommendation:	Development Plan Consent, Land Division Consent and Development Approval (GRANTED)

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns a land division that does not change the nature of an existing road as a Category 1 development.

The subject application is required to be determined by the Development Assessment Panel given that the proposed allotments fail to satisfy the minimum site area required for detached dwellings in the Hills Policy Area 11. Council has delegated decisions with respect to undersize allotments to the Development Assessment Panel.

SUBJECT LAND & LOCALITY

The subject allotments are located at 2 Paringa Avenue (Lot 12) and 40A Jervois Terrace (Lot 11) Marino.

2 Paringa Avenue is predominately parallelogram in shape and supports a frontage of 21.92 metres, a depth ranging from 32.54 metres to 33.15 metres and an overall allotment area of 681 square metres. The subject land currently incorporates a 1970's era conventional dwelling and outbuilding to the northern side of the dwelling adjacent the boundary. The land currently incorporates a south to north cross-fall gradient of approximately 1-in-10.4.

40A Jervois Terrace is predominately rectangular shape, with the exception of a 'kicked out' portion to the southern eastern corner. The allotment supports a frontage of 14.88 metres, an average depth of 43.5 metres, and an overall allotment area of 565 square metres. The subject land incorporates a dwelling constructed in 2003. Prior to construction of the dwelling, the land incorporated a gradient of approximately 1 in 10. Site works subsequently occurred to the land changing this gradient providing a more functional area of land for the dwelling site.

The locality predominantly comprises detached dwellings at low densities. The general layout, allotment size and pattern of division in the area reflects the low density character of the Policy Area.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes a boundary realignment to the boundary separating each lot (eastern rear boundary of 2 Paringa Avenue & western side boundary of 40A Jervois Terrace).

The realignment will result in Allotment 12 (40A Jervois Terrace) achieving a site area of 427 square metres whilst Allotment 11 will achieve a site of area of 910 square metres.

Each dwelling will remain on the subject land unaltered, whilst no earthworks are proposed.

Refer Attachment III

GOVERNMENT AGENCY REFERRAL

State Commission Assessment Panel (SCAP):	A copy of the agency comments forms <i>Attachment VI</i> .
SA Water:	A copy of the agency comments forms <i>Attachment VI</i> .

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential and Hills Policy Area 11 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>		
Hills Policy Area 11		
<p>Objectives</p> <p>1 A policy area primarily comprising detached dwellings at low densities.</p> <p>2 Residential development which is sensitive to the particular topography of the locality.</p> <p>3 Residential development which has minimal visual and environmental impacts.</p> <p>4 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>The policy area encompasses parts of the escarpment which forms an east-west band through the centre of the council area, including elevated land visible from the Adelaide Plains in the suburbs of Seacliff Park, Seaview Downs, Seacombe Heights and Darlington. The policy area also contains undulating to steep land along the coast from Marino to Hallett Cove. Many dwelling sites have good views of the Adelaide Plains or the coast.</p> <p>The desired character is a high quality residential environment containing site appropriate houses set in attractively landscaped, relatively large gardens. This desired character is derived from the existing prevailing character where it is based on low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments. The importance of the landscape character, the protection of existing trees and vegetation and the re-vegetation of land are all emphasised, particularly in those parts of the policy area that function as a backdrop to the Adelaide Plains or contribute to scenic coastal landscapes. Other important features are the varied natural topography, natural watercourses and steep gullies, and interfaces with adjoining areas of open space including Hills Face and coastal land. This landscape character warrants protection from inappropriate development and earthworks.</p> <p>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p> <p>Buildings and associated earthworks will be designed to minimise alteration of the natural or existing landform. Appropriate designs will continue to include split-level buildings to reduce visual bulk and reduce the need to cut and fill sloping sites.</p> <p>Buildings, particularly on a site in a highly visible and prominent location or adjoining an area of open space or other natural character, will be finished with colours and materials complementing the surrounding environment. Highly reflective and very bright materials and colours that detract from the prevailing residential or natural character are inappropriate.</p> <p>It is important when designing new buildings and extensions (and associated finished levels and decks) on sloping sites to pay considerable attention to, and reduce the potential impact on, the privacy and amenity of existing development.</p> <p>Buildings and subdivision of land will reflect the existing pattern and scale of nearby development, except in areas where land has been subdivided into smaller allotments than now desired in this policy area, any new land division and development will be at a lower density and intensity than existing. In addition, larger-than-minimum allotments may be preferable due to the natural topography.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ detached dwelling ▪ group dwelling 	Complies

PDC 2	<i>Development should not be undertaken unless it is consistent with the desired character for the policy area.</i>	Complies
PDC 8	<i>Minimum Site Area: Gradient less than 1 in 10: 700m²</i>	Complies Lot 11: 910m ² Does Not Comply Lot 12: 427m ²
	<i>Minimum Frontage: Gradient less than 1 in 10: 18m</i>	No Change Lot 11: 21.92m Lot 12: 14.88m
	<i>Minimum Depth: Gradient less than 1 in 10: 20m</i>	Complies Lot 11: 32.92 / 57.54m Lot 12: 33m / 28.5m

The proposed land division reflects and maintains the existing low density character of the area. There will be no change to the appearance of the land when viewed from the street as a result of the land division, as fencing which is consistent with the proposed line of division currently exists. Each lot will retain the existing dwelling which reflects the desired character for residential development in the area being low-density and on large allotments.

This notwithstanding, Lot:= 12 proposes a site area of 427m², resulting in a shortfall of 273 square metres (39%).

The shortfall in site area is significant.

The Desired Character further seeks a high quality residential environment containing appropriate houses set in attractively landscaped, relatively large gardens. Whilst the rear yard will be significantly reduced, as this area is not accessible nor maintained it is considered the realignment will provide an opportunity to provide additional landscaping and/or increase the visual attractiveness to this portion of the land by activating the space. As only a realignment of the property boundary is proposed, and no new allotment is to be created, there is no change to the numerical density of the subject allotments.

As a consequence of the natural topography of the wider locality, and the inclusion of a watercourse gully to the east/southeast and train line to the west, the pattern of existing sub-division within the immediate locality is not consistent. The reduction in allotment area, and decrease in dwelling setbacks is not considered to compromise the intent of the Policy Area to the extent where refusal is warranted.

Despite the undersized nature of the allotment, no additional works to the dwelling or subject land is proposed/required, whilst the reduced site depth and site area nonetheless enables the existing dwelling to maintain acceptable setbacks from the allotment boundaries and provision of area and dimensions of private open space (discussed further in this report). The resultant allotment would still be of a relatively low density and maintain relatively large gardens, front and back, consistent with the general locality.

Furthermore, it is worthy to note, that the proposed line of division aligns with an existing colorbond fence and is essentially maintaining the status quo of what currently occurs on the subject land. A review of Council's historic photographs indicates a fence has been erected along the proposed line of division since 2006 – shortly after the dwelling was originally occupied. Essentially this section of land, whilst part of Lot 12, has been partitioned off and never used by the existing occupants. Additionally, the rear yard of Lot 11 maintains similar ground levels and topography characteristics

to the portion of land subjected to the boundary realignment (current rear yard of Lot 12). The existing ground level of this portion of land provides a much higher ground level than the remainder of the allotment (approximately a minimum 1.2-1.5 metres higher) due to the extent of earthworks undertaken in accordance with the subject dwelling application approved in 2003. Subsequently, to active this space and provide a usable and functional area of POS, extensive earthworks would be required.

It is considered the proposed land division reflects the desired character of the area and when assessed against these provisions and, in my opinion, does not warrant refusal of the application.

Assessment

As the existing dwelling situated on proposed Lot: 11 is to remain, and the allotment is to be increased in site area well beyond the minimum for the Policy Area, no assessment, relating to it, is considered necessary.

The following table assesses proposed Lot: 12's compliance with quantitative provisions from the Marion Council Development Plan:

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>Complies</p> <p>149m² / 38.8%</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><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>

Private Open Space			
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p>Complies 113m² / 26.4% (see discussion)</p> <p>Largest dimensions 6.6m by 12.5m (area already landscaped and benched).</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	<p>Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres.</p> <p>One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10.</p> <p>The remainder of the space should have a minimum dimension of 2.5 metres.</p>	
Residential Zone: PDC 7			
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p>(a) to be accessed directly from the internal living rooms of the dwelling</p> <p>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</p> <p>(c) to be located to the side or rear of a dwelling and screened for privacy</p> <p>(d) to take advantage of, but not adversely affect, natural features of the site</p> <p>(e) to minimise overlooking from adjacent buildings</p> <p>(f) to achieve separation from bedroom windows on adjacent sites</p> <p>(g) to have a northerly aspect to provide for comfortable year round use</p> <p>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</p> <p>(i) to be partly shaded in summer</p> <p>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</p> <p>(k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 16</p>			<p>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 and/or rear of the dwelling and is screened for privacy.</p> <p>d) No change to existing configuration of POS.</p> <p>e) No change to existing configuration of POS.</p> <p>f) No change to existing configuration of POS.</p> <p>g) No change to existing configuration of POS.</p> <p>h) Complies</p> <p>i) POS areas are capable of being shaded during summer.</p> <p>j) Traffic, industry or other business activities should not affect the subject land.</p> <p>k) The POS areas are considered to have sufficient shape and area to be functional as no change will occur to the current on site configuration.</p>
<p><i>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</i></p> <p>General Section: Residential Development: PDC 22</p>			Complies

A minimum area of 85.4 square metres of private open space is required to achieve 20% of the allotment area.

A minimum 120 square metres is provided in the form of two distinct areas of open space; approximately 82 square metres to the rear of the dwelling, and 37.6 square metres to the side of the dwelling.

The rear portion of private open space incorporates a benched area and is provided with direct access to the open plan kitchen/dining/lounge area, whilst the side portion of POS is benched and acts as a side service yard/side garden.

It should be noted that the existing allotment requires a minimum 113m² of private open space which indicates, although the proposed site area will be well undersized, as the provision of POS exceeds the current and proposed requirements, the provision of POS, combined with the dimensions proposed is considered appropriate.

Photos have been included as part of *Attachment V* which illustrates the current layout of POS, existing fence lines and topography of the locality.

Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> (a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres) (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</p> <p><i>Residential Zone: PDC 6</i></p>	<p>Does Not Comply 6.6 metres</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 Although the rear setback does not comply with quantitative criteria, the extent of separation afforded is considered appropriate as adequate area and dimensions of private open space have been provided.</p> <p>Additionally, given the existing dwelling and ground level achieves lower ground levels than the adjacent allotment to the south, the shortfall of 1.4 metres in setbacks will not result in unreasonable visual bulk/scale or overshadowing/amenity impacts.</p> <p>In my opinion, the proposed rear setback of 6.6 metres is considered acceptable and is compatible with other existing development within the locality. In my opinion, the setbacks proposed should therefore maintain the character of the locality in relation to patterns of space.</p>
Land Division	
<p><i>2 Land division that creates allotments appropriate for the intended use.</i></p>	<p>Complies Whilst no additional allotments are proposed, the realignment will create different size allotments. The proposed allotments are considered to be of appropriate size and dimensions to ensure the functionality of the respective dwelling is maintained.</p>
<p><i>2 Land should not be divided if any of the following apply:</i> (a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use (b) any allotment will not have a frontage to one of the following: (i) an existing road (ii) a proposed public road (iii) access to a public road via an internal roadway on a plan of community division (c) the intended use of the land is likely to require excessive cut and/or fill (d) it is likely to lead to undue erosion of the subject land or</p>	<p>Complies</p>

<p><i>land within the locality</i></p> <p><i>(e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development</i></p> <p><i>(f) the intended use of the land would be contrary to the zone objectives</i></p> <p><i>(g) any allotment will straddle more than one zone, policy area or precinct.</i></p>	
<p><i>3 Except within the Suburban Activity Node Zone, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.</i></p>	<p>Complies</p>
<p><i>7 The design of a land division should incorporate:</i></p> <p><i>(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</i></p> <p><i>(b) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare</i></p> <p><i>(c) areas to provide the appropriate separation distances between potentially conflicting land uses and/or zones</i></p> <p><i>(d) suitable land set aside for useable local open space</i></p> <p><i>(e) public utility services within road reserves and where necessary within dedicated easements</i></p> <p><i>(f) the preservation of significant natural, cultural or landscape features including State and local heritage places</i></p> <p><i>(g) protection of existing vegetation and drainage lines</i></p> <p><i>(h) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development</i></p> <p><i>(i) the preservation of significant trees.</i></p>	<p>Complies</p>
<p><i>10 Allotments should have an orientation, size and configuration to encourage development that:</i></p> <p><i>(a) minimises the need for earthworks and retaining walls</i></p> <p><i>(b) maintains natural drainage systems</i></p> <p><i>(c) faces abutting streets and open spaces</i></p> <p><i>(d) does not require the removal of existing native vegetation to facilitate that development</i></p> <p><i>(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.</i></p>	<p>Complies</p>
<p><i>11 The layout of a land division should provide for efficient solar access.</i></p>	<p>Partially Complies</p> <p>The reduction in site area for Lot: 12 reduces the opportunity for the site and rear POS to achieve natural light. This notwithstanding, as discussed within this report, the proposed line of division incorporates an existing fence, and the southern portion of the rear yard has been unused for over 10 years.</p>

ANALYSIS/CONCLUSION

The proposed boundary realignment results in a significant shortfall in site area and a shortfall in rear setbacks for Lot 12 (40A Jervois Terrace, Marino).

Lot 12 proposes a site area of 427m² which results in a shortfall of 273 square metres (39%). Despite the undersized nature of the allotment, no additional works to the dwelling or subject land is proposed/required, whilst the reduced site depth and site area still nonetheless enables the existing dwelling to maintain acceptable setbacks from allotment boundaries and complaint POS provision and dimensions. The resultant allotment will still be of a relatively low density and maintain relatively large front and rear yards, consistent with the general locality. Furthermore, as only realignment of the property boundary is proposed, and no new allotment is to be created, no change to the numerical density of the subject allotments will occur.

In addition, regard should be given to the layout and functionality of the existing allotment and dwelling position/layout. The proposed line of division aligns with an existing colorbond fence and is essentially maintaining the status quo of what currently occurs on the subject land. This section of land, whilst part of Lot 12, has been divided off and never used by the existing occupants. Additionally, the rear yard of Lot 11 maintains similar ground levels and topology characteristics to the portion of land subjected to the boundary realignment (current rear yard of Lot 12). The existing ground level of this portion of land provides a much higher ground level than the remainder of the allotment (approximately a minimum 1.2-1.5 metres higher) due to the extent of earthworks undertaken in accordance with the subject dwelling application approved in 2003. Subsequently, to active this space and provide a usable and functional area of POS extensive earthworks would be required.

Whilst the boundary realignment will result in a significantly undersized allotment, assessment of the proposal has demonstrated this shortfall does not compromise the functionality of the dwelling or subject land, nor the density and Desired Character of the Hills Policy Area 11. Essentially, the proposal will formalise how each allotment has functioned for a considerable period of time and, in my opinion, is considered appropriate.

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, Land Division Consent and Development Approval for Development Application No: 100/1948/2017 for Land Division Residential Torrens - 2 in to 2 allotments (boundary realignment) at 2 Paringa Avenue, Marino be GRANTED subject to the following conditions:

CONDITIONS

Development Plan Consent

1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No. 100/1948/2017, except when varied by the following conditions of consent.
2. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

Land Division Consent

1. The financial requirements of SA Water shall be met for the provision of water supply and sewerage services. The alteration of internal drains to the satisfaction of SA Water is required.

Subject to our new process, on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees.

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

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

Attachments

- Attachment I: Certificate of Titles*
Attachment II: Aerial Photograph & Site Locality Plan
Attachment III: Proposed Plan of Division and supporting documentation
Attachment IV: External Agency Referral Comments
Attachment V: Photos of subject site

CONFIDENTIAL ITEM
REPORT REFERENCE: CAP070218 – 3.1
CITY OF MARION
COUNCIL ASSESSMENT PANEL AGENDA
FOR MEETING TO BE HELD ON
WEDNESDAY 7 FEBRUARY 2018



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.