

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 17 January 2018**

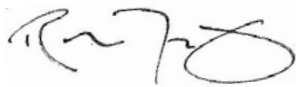
**Commencing at 6.30p.m.**

**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.



Robert Tokley  
**ASSESSMENT MANAGER**

10 January 2018

Note: The plans contained in this Agenda are subject to copyright and should not be copied without authorisation.

**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 17 JANUARY 2018  
COMMENCING AT 6.30PM**

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- 1.1 OPEN MEETING**
- 1.2 PRESENT**
- 1.3 APOLOGIES**
- 1.4 IN ATTENDANCE**
- 2. APPLICATIONS**
  - 2.1 6/546 MARION ROAD, PLYMPTON PARK**  
Change of use to place of worship and associated ancillary uses  
Report Reference: CAP170118 - 2.1..... 1
  - 2.2 2 FOWLER STREET, SEAVIEW DOWNS**  
Single and two storey additions to the existing dwelling, including an extension to the existing boundary wall and a detached verandah to the rear of the site with associated deck  
Report Reference: CAP170118 - 2.2..... 19
  - 2.3 849 MARION ROAD, MITCHELL PARK**  
Alterations and additions to the existing hotel, including a five storey addition, part of which shall be used for tourist accommodation (motel), alterations to car parking and to remove a Regulated Tree (Corymbia citriodora (Lemon Scented Gum))  
Report Reference: CAP170118 - 2.3.....38
  - 2.4 8 HOWARD STREET, DOVER GARDENS**  
Three single storey row dwellings with associated car parking and landscaping  
Report Reference: CAP170118 - 2.4.....42
  - 2.5 59 PILDAPPA AVENUE, PARK HOLME**  
Land Division Residential Torrens Title 1 into 3 allotments and subsequent construction of three single storey row dwellings, one of which incorporates a wall on the eastern boundary  
Report Reference: CAP170118 - 2.5.....57
- 3. OTHER BUSINESS**
  - 3.1 APPEALS UPDATE**
  - 3.2 POLICY OBSERVATIONS**
- 4. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING HELD ON 17 JANUARY 2018**
- 5. MEETING CLOSURE**

**REPORT REFERENCE: CAP170118 – 2.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 17 JANUARY 2018**



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<b>Originating Officer:</b>	<b>Alex Wright Acting Team Leader - Planning</b>
<b>Applicant:</b>	<b>Mr Darren Prosser</b>
<b>Development Description:</b>	<b>Change of use to place of worship and associated ancillary uses</b>
<b>Site Location:</b>	<b>6/546 Marion Road, Plympton Park</b>
<b>Zone:</b>	<b>Commercial Zone</b>
<b>Policy Area:</b>	<b>Marion Road Policy Area 1</b>
<b>Application Type:</b>	<b>Category 3/Non-Complying</b>
<b>Lodgement Date:</b>	<b>24/08/2015</b>
<b>Development Plan:</b>	<b>Consolidated – 19 March 2015</b>
<b>Application No:</b>	<b>100/2015/1503</b>
<b>Recommendation:</b>	<b>That concurrence be sought from the State Planning Commission for the GRANTING of Development Plan Consent</b>

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## CATEGORISATION & DELEGATION

The subject application constitutes a non-complying form of development by virtue of the Procedural Matters section of the Commercial Zone, where *place of worship* is listed as a non-complying form of Development.

The application has been classified as a Category 3 form of development pursuant to section 38 (2)(c) of the *Development Act 1993*.

Pursuant to clause 50.1.2 of Council's Instrument of Delegation under the Development Act 1993 and Development Regulations 1993, Council's planning staff determined to proceed with an assessment of the application once having received the Applicant's statement in support.

## BACKGROUND

The subject land contains a myriad of buildings and different land uses and the historical evolution of the site is complex and convoluted.

A place of worship has operated for a number of years within level one of the existing building, together with periods of stagnation. Council records do not indicate that approval has been granted pursuant to section 32 of the *Development Act 1993*, for a *place of worship* to operate on the land.

In 1994, Development Approval was granted to establish a function/reception centre (Gaming, Bistro, Dinning and Pool) on Level 2 of the building. Subsequent approvals in 1999, 2000 and 2003 were granted to provide live entertainment during the club's approved hours of operation, and to change the use from reception/function centre to clubrooms for Cue Sports SA together with an increase to the capacity of the billiards hall.. In, or around, 2009 the Pool use ceased and the site primarily operated as a bistro and function centre.

Prior to 1994, the building was occupied, on both floors, by Bank SA, who used the site as a call and staff training centre. .

During the assessment process, Council staff requested the applicant to undertake amendments to the application in order to address the following concerns:

Information Requested	
Advised application is non-complying and a brief statement in support of the application is required.	Brief statement of support provided.
Statement of Effect required.	Statement of Effect provided.
Scaled site plan illustrating entire allotment and nominating the site of the subject development.	Partially provided.
Scaled car park layout, including the location of all car park spaces and vehicular access points.	Partially provided.
Clarify what church activities occur concurrently/separately.	Further information at to the times in which all activities provided.
Clarify if conferences and functions will be ancillary to the church use, or will they be independent from church run activities.	Information not provided.
An independent traffic assessment identifying the parking demand for the proposed use in conjunction the existing and lawful uses on site..	Information provided.

## SUBJECT LAND & LOCALITY

The subject land is located on the western side of Marion Road and is bordered by Hawker Avenue to the north and Aldridge Avenue to the south. The subject land is specifically identified as Pieces 8 and 9 in Primary Community Plan 20522 within Certificate of Title (CT) Volume 5785 Folio 155.

The subject land is an orderly, rectangular shaped allotment with primary frontage to Marion Road measuring 106.5 metres. The land includes incorporates a depth measuring 75.6 metres resulting in an overall allotment area measuring 8,412 square metres. An additional parcel of land used solely for car parking is located to the southern side of Aldridge Avenue and measures approximately 200 square metres in area.

The subject land includes the following improvements;

- A two-storey building located to the north of the site with a primary frontage to Hawker Avenue and secondary frontage to Marion Road. The building comprising a motel, swimming pool together with car parking on-site.
- A three-storey building comprising undercroft parking and two habitable floor levels located to the centre of the site adjacent Marion Road comprising two levels internally and two levels of undercroft car parking (forms part of the subject application).

- A two-storey building (with the built form of a three storey building) located to the south of the site with a primary frontage to Aldridge Avenue and secondary frontage to Marion Road comprising gym on the upper floor and several commercial uses to the ground floor (consulting room, Domino's & vacant store formally Walk on Wheels Mobility Centre) and external car parking.
- A two-storey building located to the southern-western corner of the site with frontage to Aldridge Avenue comprising a gym.

The site of the proposed development is contained within to the first and second floors the large three-storey building located at the centre of the subject land, adjacent Marion Road. Whilst the proposed change of use is contained within the first and second floors, the proposed use relies on the existing, shared car parking found throughout the allotment. An existing double width crossover providing two-way access/egress to Marion Road is located near the northern end of the eastern boundary, whilst an existing double width crossover providing two-way access/egress to Aldridge Avenue is located near the southern boundary.

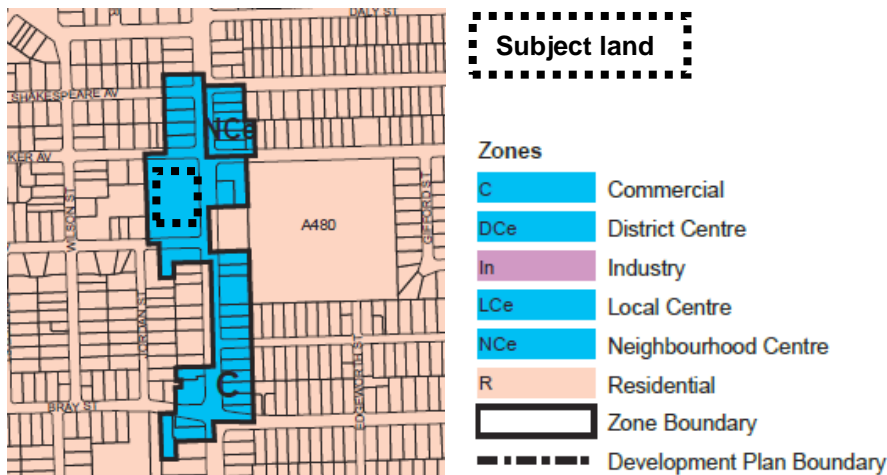
An independent traffic assessment has identified a total of 159 usable car parks throughout the subject site.

The subject site is located adjacent Marion Road (Primary Arterial Road) which has two lanes running in each direction (north-south), with a speed limit of 60km/h. In proximity to the site, a solid median strip separates the lanes in each direction, and bicycle lanes are delineated on either side of Marion Road.

The character of the locality is mixed in terms of land use and built form. A variety of land uses are found within the locality and include;

- Land to the north, opposite Hawker Avenue is zoned Residential and includes a mixture of well-established together with recently sub-divided land now occupied by recently constructed dwellings.
- Land to the northeast, east and southeast, opposite Marion Road is primarily zoned Commercial and includes a shopping complex (Forbes Park n Shop), funeral parlour and childcare centre. A pocket of residentially zoned land directly east, opposite Marion Road, comprises a number of residential flat buildings etc.
- Land to the south, opposite Aldridge Avenue, is zoned a mixture of Commercial (consists entirely of car parking used as part of the subject site) and Residential, which predominantly comprises detached dwellings.
- Land to the east, adjacent the subject land, is zoned Residential and comprises a mixture of well-established detached, semi-detached and residential flat dwellings.

*Refer Attachments I & II*



## PROPOSED DEVELOPMENT

The applicant seeks a change in the use of land to a place of worship. The application encompasses levels one and two of the existing building. The proposed change in land use to a place of worship relates primarily to Level 2 of the building, as this was previously an indoor entertainment venue. Whilst level one will be used primarily for administrative and ancillary uses, a change in use to place of worship is required as, although being used as a place of worship for a number of years, Council records indicate that approval has not been granted under the *Development Act 1993*. Some debate has ensued as to whether the place of worship use was established prior to the *Development Act 1993*. Council has not received conclusive evidence on this point, however legal advice obtained by Council has advised that, if the place of worship was in operation prior to the implementation of the *Development Act 1993*, Level 1 would benefit from existing use rights for this activity.

The internal levels of the buildings contain the following;

- Level 1 contains an existing auditorium, stage, green rooms, two kitchens, crèche, bathroom facilities, general offices, and general breakout rooms for various functions.
- Level 2 contains 227-seat auditorium (movable seats), overflow seating area/children’s play area (with movable seats), existing counter/bar, existing kitchen, bathroom facilities, mothers’ nursing room and several childrens’ play areas.
- Ground Level - 40 parking spaces (31 directly beneath level 1, and 9 external)
- Basement Level – 41 spaces

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	36 properties were notified during the Category 3 public notification process.
<b>Representations:</b>	1 representation in favour was received by Council.
<b>Persons wishing to be heard:</b>	Nil
<b>Summary of representations:</b>	<i>Refer Attachment IV</i>

## GOVERNMENT AGENCY REFERRAL

<b>Department of Planning, Transport and Infrastructure (DPTI):</b>	In-principle, no objection raised, subject to conditions (detailed in recommended conditions of consent).
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*Refer Attachment V*

## INTERNAL REFERRAL

<b>Development Engineer:</b>	Based on the site assessment and parking demand undertaken by the independent traffic consultant, there is ample parking available to support the land use.
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## ZONE &amp; POLICY AREA ASSESSMENT

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

Commercial Zone	
<p><b>Objectives</b></p> <p>1 <i>A zone accommodating a range of commercial and business land uses.</i></p>	<b>Does Not Comply</b>
<p>2 <i>Development that minimises any adverse impacts upon the amenity of the locality within the zone.</i></p>	<b>Complies</b> Impacts upon the amenity of the locality are appropriately minimised (discussed further below in Interface Between Land Uses).
<p><b>Principles of Development Control</b></p> <p>1 <i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> <li>▪ bulky goods outlet</li> <li>▪ consulting room</li> <li>▪ motor vehicle related business other than wrecking yard</li> <li>▪ office</li> <li>▪ petrol filling station</li> <li>▪ service trade premises</li> <li>▪ shop with a gross leasable area of 250 square metres or less</li> <li>▪ store</li> <li>▪ warehouse.</li> </ul>	<b>Does Not Comply</b> A place of worship is not an anticipated land use.
Marion Road Policy Area 1	
<p><b>Objectives</b></p> <p>1 <i>Development having traffic generating characteristics and design so as to not compromise the arterial road function of Marion Road.</i></p> <p>2 <i>Development that enhances the visual qualities and streetscape</i></p>	<b>Complies</b>

3	<p>of the Marion Road corridor.</p> <p>A policy area where development provides an appropriate transition and visual and acoustic buffers between non-residential and residential use in adjoining zones.</p>															
	<p><b>Desired Character</b></p> <p>The non-residential development in the policy area fulfils a significant local servicing role to the Marion council area and particularly to local residents. The policy area is to be further developed and upgraded by relatively small-scale, low-intensity uses with high design qualities and management measures to enhance the streetscape and to protect residential amenity in adjacent residential zones. The intensity, floor size, scale and height of development therefore needs to provide for an appropriate transition to residential uses. High impact uses, such as the petrol filling station at 646 Marion Road and the fitness centre at Plympton, are not to be expanded but, rather, further development seek to reduce such impacts and improve residential amenity.</p> <p>The architectural style and finishes of building development are to be imaginative and creative, but are expected to exhibit an overall domestic scale and character.</p> <p>Off-street car parking areas will be located at grade and be designed and landscaped to present an attractive view from public roads, particularly Marion Road, with servicing and loading areas screened from general public view.</p>	<p><b>Partially Complies</b> (see discussion below)</p>														
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ bulky goods outlet</li> <li>▪ community uses</li> <li>▪ consulting rooms</li> <li>▪ indoor entertainment facilities</li> <li>▪ motor vehicle related activities</li> <li>▪ office</li> <li>▪ recreation facilities</li> <li>▪ service trade premises.</li> </ul>	<p><b>Does Not Comply</b> A place of worship is not an anticipated land use.</p>														
PDC 2	<p>The gross leasable floor area of the following forms of development should be limited to that shown in the table below:</p> <table border="1" data-bbox="300 1391 963 1653"> <thead> <tr> <th>Form of development</th> <th>Maximum gross leasable floor area</th> </tr> </thead> <tbody> <tr> <td>Bulky goods outlet</td> <td>300 m<sup>2</sup></td> </tr> <tr> <td>Community uses</td> <td>250 m<sup>2</sup></td> </tr> <tr> <td>Consulting room</td> <td>250 m<sup>2</sup></td> </tr> <tr> <td>Office</td> <td>250 m<sup>2</sup></td> </tr> <tr> <td>Service trade premises</td> <td>300 m<sup>2</sup></td> </tr> <tr> <td>Shop (excluding bulky goods outlet)</td> <td>150 m<sup>2</sup></td> </tr> </tbody> </table>	Form of development	Maximum gross leasable floor area	Bulky goods outlet	300 m <sup>2</sup>	Community uses	250 m <sup>2</sup>	Consulting room	250 m <sup>2</sup>	Office	250 m <sup>2</sup>	Service trade premises	300 m <sup>2</sup>	Shop (excluding bulky goods outlet)	150 m <sup>2</sup>	<p><b>Not applicable</b> The proposed place of worship (Level 1 &amp; 2 combined) supports a maximum gross leasable floor area of 1, 732m<sup>2</sup>, but is not listed in the envisaged forms of development.</p>
Form of development	Maximum gross leasable floor area															
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Consulting room	250 m <sup>2</sup>															
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Shop (excluding bulky goods outlet)	150 m <sup>2</sup>															
PDC 3	<p>Higher traffic volume generating development including take-away food, most shop types and motor fuel outlets should not be established. Further development of existing uses of this kind should not involve an extension in the existing floor area.</p>	<p><b>Complies</b></p>														

## Assessment

The Commercial Zone seeks to accommodate a range of commercial and business land uses, whilst development that minimises any adverse impacts upon the amenity of the locality within the zone is desired.



A place of worship is listed as a non-complying form of development within the Commercial Zone.

The Cambridge Dictionary defines a 'place of worship' as a building for religious services, such as a church, temple, etc.

Whilst a place of worship is listed as a non-complying form of development within the Commercial Zone, for Members benefit, within the City of Marion, a place of worship is an envisaged use within District Centre and Regional Centre, whilst it is neither envisioned nor non-complying within a Residential Zone.

The Development Plan therefore seeks for places of worship to be located within Centres Zones. When considering the merits of the proposed development, particularly its location within a Commercial Zone, it is worthwhile having consideration to *Eagle Rise Christian Centre Inc v City of Salisbury* [2000] SAERDC 45 (a fully copy of the judgement forms Appendix VI, refer to paragraph 29 onwards) which states;

[the location of] churches constitute something of an enigma... [and] ... while it is desirable and "appropriate" for churches to locate in centres... "to squeeze them into that hierarchy" could "be misconceived". A large place of worship serving what may be deemed a "local" or even a "neighbourhood" congregation may not physically be able to be "squeezed" into a local or neighbourhood centre without destroying the design integrity of the centre. Conversely, a small place of worship serving what may be a regional congregation may not sit comfortably within a district, let alone a regional centre. It could be said that the Development Plan has not come to grips with the special, perhaps even unique, locational and siting requirements of places of worship. It seems to us therefore that it is reasonable to consider the location of churches...as long as they can be fitted into their neighbourhood without detrimental impact and as long as they do not detract from the strategic intent of the centres provisions in the Development Plan.

Essentially, *Eagle Rise Christian Centre Inc v City of Salisbury* [2000] SAERDC 45 submits that whilst some denominations are more 'traditional' in the services they provide and service the local community, other denominations encompass a wide variety of sizes, styles and locations for their places of worship and service a larger, more broader base, and that Development Plans have not fully contemplated the unique requirements of the particular use.

Whilst the Development Plan considers a place of worship to be an 'appropriate' use within a District and/or Regional Centre Zone, as there are usually (but not always) benefits to being located within the centre hierarchy – i.e. proximity to public transportation, access to facilities servicing the wider community etc, there is less need for places of worship to achieve the same level of connectivity as uses generally found within these zones (i.e. banks, libraries, government services etc). Given the scale and type of place of worship proposed (i.e. the use is provided with ancillary and additional activities), and considering the use creates a 'point of destination' (i.e. the congregation may consist of persons located within both the immediate or wider locality and persons will consciously chose to travel to this location), it is not considered necessary that the proposal be located within a Centre Zone.

Whilst the proposed place of worship will hold 'traditional' religious services (such as worship), it is to incorporate a number of interrelated uses and functions such as general administration, youth and children's programs, corporate prayer meetings, community projects (Rajah community food preparation), religious educational training and independent functions/conferences.

The characteristics of the use would therefore, in my view, expand on the narrow dictionary definition of a place of worship to include additional ancillary and community type uses. Whilst some places of worship are of a small scale and are more 'traditional' in nature (i.e. worship and

small ancillary uses), others (such as the one proposed) are more substantial and provide a greater breadth and depth of uses.

Whilst the proposed development does not perfectly align with the applicable Objectives, Desired Character and Principles of the Commercial Zone or Marion Road Policy Area 1, community uses are an envisaged use within the Policy Area and this in my view demonstrates the Policy Area does contemplate forms of non-commercial uses.

As previously outlined, larger church services and activities (such as well-attended conferences, children's activities etc.) are to be held on Level 2, whilst smaller activities will be held on Level 1. The highest capacity activity proposed is the weekend worship, which is anticipated to include up to 180 people and occur from 10am to 11:30am on Saturdays, and 5pm to 6:30pm on Sundays. Given the nature of worship includes singing with a band or amplified music, this, in my opinion, portrays similar characteristics to what previously occurred on site, albeit on a much smaller scale and limited to two 1.5 hour periods on weekends rather than the previously approved hours of 8am to 12am/1am.

The use incorporates a range of functions that service the local and wider community and the activities undertaken, particularly during worship (involves prayer, singing and a band which amplified music) shares some characteristics in the function impacts to that of the previous use which was an indoor entertainment facility. An indoor entertainment facility is an envisioned use within the Policy Area and whilst the proposed use is fundamentally different, there are similarities in the type of activities (use of music, conferences/functions) and associated impacts (such as traffic/car parking demand).

The Marion Road Policy Area 1 emphasises small-scale, low-intensity uses with high design qualities and management measures to enhance the streetscape and to protect residential amenity in adjacent residential zones. High impact uses, such as the fitness centre at Plympton (site of proposed development), are not to be expanded but, rather, further development should seek to reduce such impacts and improve residential amenity. In this regard, it is worth noting the proposal seeks a change in use, and no built form or construction is proposed. As such, impacts generated by the proposal will predominantly be the suitability of use and potential car parking and traffic impacts.

Whilst the proposed use in itself is non-complying, the way in which the use operates is such that it shares some similar characteristics to that of a community use and indoor entertainment facility. The most frequent and highest intensity use (worship) occurs twice-weekly, on weekends, for a short period, and at times when additional uses within the locality are unlikely to be operating to their maximum. Additionally, as further discussed within the report, the proposal does not generate or result in inappropriate traffic impacts. Furthermore, the proposed use will improve nearby residential amenity by reducing the potential for noise and traffic impacts which may occur from an envisioned use. Given no retail or commercial aspect is proposed, the use will not hinder development or function of any centre zone or use within the immediate locality.

A place of worship, in some form, has operated from the site without approval for a significant length of time. A search of Council records has indicated a limited number of complaints being made in relation to the use, or associated car parking and/or amenity impacts.

In my opinion, the operation of a place of worship from the site is an appropriate use of the building and will not create or exacerbate adverse traffic or amenity impacts on adjacent uses, nor will it affect the intent of the Commercial Zone.

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control (PDC):

Assessment:

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>(a) <i>the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants</i></p> <p>(b) <i>noise</i></p> <p>(c) <i>vibration</i></p> <p>(d) <i>electrical interference</i></p> <p>(e) <i>light spill</i></p> <p>(f) <i>glare</i></p> <p>(g) <i>hours of operation</i></p> <p>(h) <i>traffic impacts.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 1</i></p>	<p><b>Complies</b> (see comments below)</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><b>Complies</b></p>						
<p><i>Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.</i></p> <p><i>General Section: Interface Between Land Uses: PDC 6</i></p>	<p><b>Complies</b></p>						
<p><i>Development proposing music should include noise attenuation measures that achieve the following desired noise levels:</i></p> <table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;"><b>Noise level assessment location</b></th> <th style="text-align: left;"><b>Desired noise level</b></th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <p><i>Adjacent existing noise sensitive development property boundary</i></p> </td> <td style="vertical-align: top;"> <p>Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and</p> <p>Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level.</p> </td> </tr> <tr> <td style="vertical-align: top;"> <p><i>Adjacent land property boundary</i></p> </td> <td style="vertical-align: top;"> <p>Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or</p> <p>less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.</p> </td> </tr> </tbody> </table> <p><i>General Section: Interface Between Land Uses: PDC 10</i></p>	<b>Noise level assessment location</b>	<b>Desired noise level</b>	<p><i>Adjacent existing noise sensitive development property boundary</i></p>	<p>Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and</p> <p>Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level.</p>	<p><i>Adjacent land property boundary</i></p>	<p>Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or</p> <p>less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.</p>	<p><b>Complies</b></p>
<b>Noise level assessment location</b>	<b>Desired noise level</b>						
<p><i>Adjacent existing noise sensitive development property boundary</i></p>	<p>Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and</p> <p>Less than 5 dB(A) above the level of background noise (LA90,15min) for the overall (sum of all octave bands) A-weighted level.</p>						
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As discussed earlier within the report, whilst the use will hold 'traditional' religious services (such as worship), it also incorporates a number of interrelated uses and functions, such as general administration, youth and children's programs, corporate prayer meetings, community projects (Rajah community food preparation), religious educational training and independent functions/conferences.

The proposed functions are outlined below;

Use	Days of operation	Time	Number of occupants
Administration	Monday to Friday	9am to 5pm	3-5 people
Services (worship)	Sunday Saturday	10am to 11:30am 5pm to 6:30pm	180 people
Youth Programs	Friday or Saturday	6:30pm to 9:30pm	20-30 people
Children Programs	Various days	9am to 4pm	20-50 people
Corporate Prayer Meetings	Tuesday Night	6pm to 9pm	30-50 people
Rajah Community Work	Wednesday	Afternoon period	10 people
Educational Training (Community & Church)	As required	8am to 10pm	20-50 people
Functions/Conferences	As required	8am to 10pm	Not stated

### Hours of Operation

As discussed previously, larger church services (i.e. worship) and activities (such as well-attended conferences, children's activities etc) are to be held on Level 2, whilst smaller activities will be held on Level 1. The highest capacity activity proposed is the weekend worship, which is anticipated to comprise up to 180 people and occurs 10am to 11:30am on Saturdays, and 5pm to 6:30pm on Sundays. Given the nature of worship includes singing and a band with amplified music, this in my opinion, portrays similar characteristics to what formally occurred on site, albeit limited to two 1.5 hour periods on weekends rather than the previously approved hours of 8am to 12am/1am. It is noted the premises has the potential to accommodate up to 361 persons on Level 2 when configured for worship services.

Whilst a majority of activities are likely to occur during the day or earlier in the evening, hours of operation for some activities (Educational training/Functions and conferences) are sought to 10pm. No acoustic assessment has been provided, however given the site is located within a Commercial Zone, the closest residential property is 36 metres to the east opposite Marion Road, and given a majority of activities proposed to operate until 10pm are of a low patronage, it is unlikely the extent of noise generated will create adverse noise and amenity impacts onto adjacent properties

The site is located adjacent a motel (northern portion of allotment); the south facing motel units adjacent the subject car parking area located above ground and therefore a reduced level of disturbance from vehicles entering/exiting the site or persons utilising/congregating within the basement/ground level carpark is anticipated. It should also be acknowledged, due to the site's close proximity to Marion Road (which has an average daily two way traffic flow of approximately 37,100 vehicles per day) the overall amenity of adjacent allotments will be less than if they were located away from a major noise sources. Furthermore, the previous use (indoor entertainment facility) had approval to operate and incorporate live music until midnight Monday to Thursday, 1am Friday and Saturday and 10pm on Sundays, which demonstrates potential amenity impacts on adjacent land is already somewhat anticipated.

In my opinion the overall hours of operation proposed for the differing activities are satisfactory and, provided activities occur within these nominated times, they will not detrimentally affect the amenity of the locality as a result of noise or unreasonable disturbance.

This notwithstanding, if the Panel are supportive of the application, it is recommended that a condition be attached to the consent restricting hours of operation of the overall use to 7am to 10pm of each day.

## Traffic

As discussed earlier in this report the applicant has provided an independent Parking Assessment which concluded the traffic demand generated by the use would will not create unreasonable parking demand. The assessment has been based considering activities likely to generate the peak parking demand. Vehicles will continue to access the site from the existing double width crossover located to the northern end of the eastern boundary (adjacent Marion Road) and the double width crossover located to the southern boundary (adjacent Aldridge Avenue).

It has been established that the peak parking demand is the Sunday morning worship services between 10am and 1:30am, which currently attracts up to 140 patrons (a maximum 180 persons is anticipated). Two separate reviews were undertaken on Sunday mornings (Sunday 14<sup>th</sup> May and Sunday 16<sup>th</sup> July) where it was identified a surplus of 64 and 72 spaces, respectfully.

Based on a maximum capacity of 361 persons there would be a requirement of 121 spaces, which, given the availability of 159 spaces on-site, can easily be accommodated. The report suggests only limited commercial activities operate during this period and subsequently the use of the site at maximum capacity of 361 persons, let alone the envisioned capacity maximum of 180 persons, is unlikely to create shortfalls in on-site parking. Additionally, it is highly unlikely highly patronized ancillary uses would operate whilst Sunday worship is occurring.

The adjacent gym (Revive Fitness) is considered to be the highest potential traffic generating use within the immediate locality. The gym operates with limited hours (Monday – Thursday 6am to 8pm, Friday 6am to 7:30pm, Saturday 8am to 2pm) and subsequently the proposed use is unlikely to significantly conflict or compete for on-site parking. A majority of gym parking occurs to the car park south of the built form and within the car park located to the south of Aldridge Avenue.

An additional inspection was undertaken on a week day, where it was identified there was a significant surplus in all car parking areas. Given a majority of proposed uses anticipated to occur within the day incorporate a maximum of 50 persons, if multiple uses were occurring concurrently and adjacent commercial uses were operating at a reasonable intensity, the existing car parking capacity of 159 spaces is considered to adequately cater for potential demand.

Given the low intensity nature of the existing commercial uses present within the locality and the provision of significant on-site parking, it is unlikely the proposed use, when operating at maximum capacity, will create unreasonable traffic impacts or create a shortfall in parking spaces.

In my opinion, the proposed traffic likely to be generated from the proposed activities will not negatively impact existing uses operating from the site or uses within the immediate locality, nor will it adversely affect potential future land uses desired by the Policy Area and Zone.

This notwithstanding, to reduce occurrences where highly patronised activities (such as conferences/functions and worship) occur simultaneously, thus increasing potential carpark/traffic and noise amenity impacts, it is suggested a condition be attached to the consent capping the maximum occupancy of the premises to 361 persons. In my opinion would ensure highly patronised events which may result in higher traffic generation and demand, will not conflict with the weekly worship services.

I am of the opinion the issue of noise and traffic is adequately addressed by the proposal and recommended conditions, and the amenity of adjacent allotments within the locality will not be adversely compromised to the extent where refusal is warranted. The proposal is considered to result in improved amenity impacts on adjacent uses compared to what could lawfully occur, and furthermore, the anticipated extent of traffic generated by the proposed activities will not

adversely impact on the function and operation of adjacent/established uses.

As such, the proposal is considered to reasonably satisfy the applicable Interface Between Land Uses Objectives and Principles of Development Control.

<b>Transportation and Access</b>	
<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><b>Complies</b></p> <p>The proposed use is located within 100 metres of Bus Stop 15 on Marion Road, which operates as a high frequency bus stop.</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><b>Complies</b></p> <p>DPTI, the applicant's traffic engineer and Council's development engineer are satisfied that the site provides safe and convenient access for all anticipated modes of transport.</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><b>Complies</b></p> <p>Whilst not a commercial use (although similar characteristics are shared), vehicle movements through local streets may be facilitated as a result of the access point located on Aldridge Avenue. While some increased traffic through local roads is anticipated during peak activities, the proposed place of worship should not generate frequent movements to the extent where the amenity of adjacent uses is compromised.</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><b>Complies</b></p> <p>The existing car park will cater for the loading/unloading and turning of all traffic likely to be generated.</p>
<p><i>Development should ensure that a permeable street and path network is established that encourages walking and cycling through the provision of safe, convenient and attractive routes with connections to adjoining streets, paths, open spaces, schools, pedestrian crossing points on arterial roads, public and community transport stops and activity centres.</i></p> <p><i>General Section: Transportation and Access: PDC 15</i></p>	<p><b>Partially Complies</b></p> <p>Whilst no dedicated on-site cycling parking facilities have been provided, the existing site incorporates sufficient paths to enable easy access.</p>
<p><i>Development should encourage and facilitate cycling as a mode of transport by incorporating end-of-journey facilities including:</i></p> <p><i>(a) showers, changing facilities and secure lockers</i></p> <p><i>(b) signage indicating the location of bicycle facilities.</i></p> <p><i>General Section: Transportation and Access: PDC 19</i></p>	<p><b>Does Not Comply</b></p> <p>No end of end-of journey facilities provided.</p>
<p><i>On-site secure bicycle parking facilities should be:</i></p> <p><i>(a) located in a prominent place</i></p> <p><i>(b) located at ground floor level</i></p> <p><i>(c) located undercover</i></p> <p><i>(d) located where surveillance is possible</i></p>	<p><b>Does Not Comply</b></p>

<p>(e) well lit and well signed (f) close to well used entrances (g) accessible by cycling along a safe, well lit route.</p> <p>General Section: Transportation and Access: PDC 20</p>	
<p>Development should have direct access from an all-weather public road.</p> <p>General Section: Transportation and Access: PDC 22</p>	<b>Complies</b>
<p>Development should be provided with safe and convenient access which:</p> <p>(a) avoids unreasonable interference with the flow of traffic on adjoining roads (b) provides appropriate separation distances from existing roads or level crossings (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 (d) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.</p> <p>General Section: Transportation and Access: PDC 23</p>	<p><b>Complies</b> DPTI are satisfied with the existing access points on Marion Road and Aldridge Avenue.</p>
<p>Development with access from roads with existing or projected traffic volumes exceeding 6000 vehicles per day should be sited to avoid the need for vehicles to reverse onto or from the road.</p> <p>General Section: Transportation and Access: PDC 26</p> <p>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.</p> <p>General Section: Transportation and Access: PDC 27</p>	<p><b>Complies</b> The car park design avoids the need for vehicles to reverse onto Marion Road.</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>	<b>Complies</b>
<p>Driveways, access tracks and parking areas should be designed and constructed to:</p> <p>(a) follow the natural contours of the land (b) minimise excavation and/or fill (c) minimise the potential for erosion from surface runoff (d) avoid the removal of existing vegetation (e) be consistent with Australian Standard AS: 2890 - Parking facilities.</p> <p>General Section: Transportation and Access: PDC 30</p>	<b>Complies</b>
<p>Development should be sited and designed to provide convenient access for people with a disability.</p> <p>General Section: Transportation and Access: PDC 32</p>	<b>Complies</b>
<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 and Access: PDC 34</p>	<p><b>Complies</b> 159 on site car parking spaces are provided throughout the site.</p> <p>Based on a maximum capacity of 361 persons there would be a requirement of 121 spaces (1 space per 3 seats), which, given the availability of</p>

	<p>159 spaces on-site, can easily be accommodated.</p> <p>As discussed earlier within the report, the independent traffic assessment (which has been reviewed by Council's Development Engineer) suggests the adjacent commercial uses do operate at a high capacity during the weekend worship services and subsequently the use of the site at maximum capacity of 361 persons, let alone the envisioned capacity maximum of 180 persons (based on the likely maximum persons for Sunday worship), is unlikely to create shortfalls in on-site parking.</p> <p>In my opinion, the proposed traffic likely to be generated from the will not negatively impact on existing and potential future land uses desired within the locality.</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>No change to existing car park layout proposed.</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><b>Complies</b> Lighting is provided to the ground level and basement car parking.</p>
<p><i>Undercroft and below ground garaging of vehicles should only occur where envisaged in the relevant zone or policy area or precinct and ensure:</i></p> <ul style="list-style-type: none"> <li><i>(a) the overall height and bulk of the undercroft structure does not adversely impact on streetscape character of the locality or the amenity of adjacent properties</i></li> <li><i>(b) vehicles can safely enter and exit from the site without compromising pedestrian or cyclist safety or causing conflict with other vehicles</i></li> <li><i>(c) driveway gradients provide for safe and functional entry and exit</i></li> <li><i>(d) driveways and adjacent walls, fencing and landscaping are designed to provide adequate sightlines from vehicles to pedestrians using the adjacent footpath</i></li> <li><i>(e) openings to undercroft areas are integrated with the main building so as to minimise visual impact</i></li> <li><i>(f) landscaping, mounding and/or fencing is incorporated to improve its presentation to the street and to adjacent properties</i></li> <li><i>(g) the overall streetscape character of the locality is not adversely impaired (e.g. visual impact, building bulk, front setbacks relative to adjacent development)</i></li> <li><i>(h) the height of the car park ceiling does not exceed 1 metre above the finished ground level.</i></li> </ul> <p><i>General Section: Transportation and Access: PDC 50</i></p> <p><i>In the case of undercroft and below ground car parks where cars are visible from public areas, adequate screening and landscaping should be provided.</i></p> <p><i>General Section: Transportation and Access: PDC 51</i></p>	<p>No change to existing under croft design or car park layout is proposed</p>



## Crime Prevention

*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.*

*General Section: Crime Prevention: PDC 1*

*Buildings should be designed to overlook public and communal streets and public open space to allow casual surveillance.*

*General Section: Crime Prevention: PDC 2*

*Development, including car park facilities should incorporate signage and lighting that indicate the entrances and pathways to, from and within sites.*

*General Section: Crime Prevention: PDC 5*

*Development should avoid pedestrian entrapment spots and movement predictors (eg routes or paths that are predictable or unchangeable and offer no choice to pedestrians).*

*General Section: Crime Prevention: PDC 10*

Whilst no change is proposed to the built form, it is worth noting the primary entrance is located within the ground floor covered parking area, and would if assessed as a new building, present casual surveillance issues. The primary concern in this regard is that the lobby and stairwell is not clearly visible from the primary activity area of each level.

## Waste

*The storage, treatment and disposal of waste materials from any development should be achieved without risk to health or impairment of the environment.*

*General Section: Waste: PDC 2*

*Development which incorporates areas used for activities such as commercial car parking, loading and unloading, wash down of vehicles, storage of plant or equipment, or storage of waste refuse bins should be suitably paved, bunded to exclude stormwater runoff from external sources, and designed so that water that has made contact with such areas is either:*

- (a) directed to a sediment trap, separator or other appropriate treatment device and then to sewer*
- (b) directed to a wastewater holding tank.*

*General Section: Waste: PDC 4*

*Development should include appropriately sized area to facilitate the storage of receptacles that will enable the efficient recycling of waste.*

*General Section: Waste: PDC 6*

### **Complies**

The development includes a bin storage area located on the ground floor of the building, which is not visible from the Marion Road frontage. This area should enable the efficient storage of recycling receptacles.

## ANALYSIS/CONCLUSION

The proposal satisfies a number of the applicable principles of development control contained within the Marion Council Development Plan. The fundamental non-compliance relates to the fact that a place of worship centre is not an envisaged land use in the Commercial Zone, and is listed as a non-complying form of development.

Despite the overarching non-compliance of the use, the Marion Road Policy Area 1 envisages a range of community and commercial/entertainment uses, and some activities proposed to occur as part of the place of worship share similar characteristics to both community and indoor entertainment uses.

As discussed within the report, whilst some places of worship are of a small scale and are more 'traditional' in nature (i.e. worship and small ancillary uses), others, such as the proposal, are more substantial and are of a larger scale and intensity of use, providing a range of additional ancillary uses.

The characteristics of the proposed place of worship is not 'traditional' in the sense that it would not, in my opinion, neatly 'fit' into a District or Regional Centre Zone due to the intended extent of activities and potential intensity of use. Given the scale and type of place of worship proposed (i.e. the use is provided with a range of ancillary and additional activities), and considering the use creates a 'point of destination' (i.e. persons are likely to consciously chose to travel to this location for the extent of services/activities provided) it is not considered necessary that the proposal be located within a Centre Zone.

Whilst the proposed development does not align with a majority of the applicable Objectives, Desired Character and Principles of the Commercial Zone or Marion Road Policy Area 1, community uses are an envisaged use within the Policy Area and this in my view demonstrates the Policy Area does contemplate forms of non-commercial uses. A place of worship has operated from the site for a significant period and the proposed change in land use will enable the consolidation and expansion of ancillary on-site community uses and programs. The existing building incorporates attributes that are considered to support the proposed land use - in terms of building location adjacent a main road and away from residential and sensitive land uses, size of the built form/floor area and provision of adequate car parking. The existing characteristics, combined with the proposed type and extent of activities likely to occur, will subsequently assist in reducing potential traffic, noise and use amenity impacts over what could otherwise occur should the lawful use operate.

It has been demonstrated that the proposed use is likely to result in acceptable traffic and noise impacts, and would, in some instances, result in less impact on the immediate locality than uses envisioned within the Zone and Policy Area. Furthermore, given no retail or commercial aspect is proposed as part of the proposal, Centre Zones or existing uses within the immediate locality will not be hindered. Additionally, a place of worship has already operated from Level 1 without a valid approval for a considerable length of time without complaint. Given the unique characteristics of the existing site and built form (i.e. design and layout of the built form etc), it is unlikely use of the building for a place of worship will negatively impact the overall objectives and intent of the Policy Area or Commercial Zone.

The inclusion of conditions to restrict hours of operation and to cap the maximum occupancy of the premises are considered appropriate to ensure the amenity of the immediate locality is maintained. The inclusion of these conditions is appropriate and a reasonable method to ensure potential traffic and noise impacts generated from the uses will not adversely affect the amenity of adjacent uses, nor compromise the ability for adjacent commercial uses to operate.

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: 100/2015/1503 for a change of use to place of worship and associated ancillary uses at 6/546 Marion Road, Plympton Park be GRANTED subject to seeking concurrence from the State Commission Assessment Panel and the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1503, being drawing numbers A-010, A-011, A-103, A-012, A-701, A-702 prepared by PSA Design, received by Council 29 January 2016, except when varied by the following conditions of consent:
2. Hours of operation for the place of worship and all ancillary uses shall be restricted to 7am to 10pm of each day.
3. The maximum capacity of the premises (Levels 1 and 2) shall not exceed 361 persons at any one time.
4. Noise generated from the site shall not exceed the maximum noise levels stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
5. All waste disposal and pick up shall be undertaken in accordance with the requirements stipulated within the Environment Protection (Noise) Policy 2007, or subsequent legislation.
6. All loading and unloading of vehicles associated with the subject premises shall be carried-out entirely upon the subject land.
7. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
8. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
9. All car parking spaces shall be maintained in a clear and visible condition at all times.
10. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times.

11. The car parking spaces herein approved shall be available free of charge to any individual visitor to the site or employee of the site during the business hours of the premises.

**DPTI Conditions**

12. Access to/from the site shall be gained via the existing access points to/from Marion Road. No additional access shall be created.
13. All vehicles shall enter and exit the site in a forward direction.
14. Any non-illuminated signage point he site shall be finished in a material of low reflectivity to minimise the risk of sun and headlamp glare for motorists.
15. Signage associated with the development shall not contain any element that flashes, scrolls, moves, or changes.
16. The utilisation of Trailer Mounter Variable Message Displays for advertising purposes shall not be permitted on or adjacent to the subject land.

Attachments

- Attachment I: Certificate of Title*  
*Attachment II: Aerial Photograph & Site Locality Plan*  
*Attachment III: Proposal Plan and supporting documentation*  
*Attachment IV: Statement of Representations*  
*Attachment V: External Agency Referral Comments*  
*Attachment VI: Copy of Case law*

**REPORT REFERENCE: CAP170118 – 2.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 17 JANUARY 2018**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Development Officer - Planning</b>
<b>Applicant:</b>	<b>Sasha Dale Stella</b>
<b>Development Description:</b>	<b>Single and two storey additions to the existing dwelling, including an extension to the existing boundary wall and a detached verandah to the rear of the site with associated deck</b>
<b>Site Location:</b>	<b>2 Fowler Street, Seaview Downs</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Hills Policy Area 11</b>
<b>Application Type:</b>	<b>Category 2 / Consent</b>
<b>Lodgement Date:</b>	<b>05/01/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Referrals:</b>	<b>nil</b>
<b>Application No:</b>	<b>100/2017/15</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

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## CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of the Public Notification section of the Residential Zone of the Marion Council Development Plan, which assigns development that has a wall abutting a side or rear property boundary exceeding a length of 8m as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

## BACKGROUND

Members of the Panel should be aware the owner of the land has been issued with a Section 84 enforcement notice, as the proposed verandah and associated deck and re-roofing of the dwelling have commenced construction without Development approval. Subsequently, the subject application seeks partial retrospective approval from Council for these works. During the assessment process, Council staff requested modifications to the proposal plans to address the following concerns:

Amendments Requested	Amendments Made
Privacy measures should be included to the front and rear balcony in order to reduce the potential for overlooking of adjoining land.	1700mm high screening provided along both sides (north/south side) of the front and rear balcony.
In order to reduce the amount of uninterrupted wall presenting to adjoining land and improve the outlook for occupants, additional window openings should be considered along the southern elevation.	High level windows provided along the upper level southern elevation.

## SUBJECT LAND & LOCALITY

The subject land comprises 2 Fowler Street, Seaview Downs. The allotment is rectangular in shape with an angled front boundary, resulting in a frontage width of 16.86m, average depth of 61.8m and total site area of 1036.3 square metres. The site currently accommodates a detached dwelling in good condition, which is setback approximately 12 metres from the allotment boundary and steps to 20 metres.

Vehicular access is currently gained adjacent the northern side of the allotment, which leads to a garage situated on the northern side boundary. The site slopes considerably towards the street, with an overall fall of approximately 5.7 metres from the rear boundary. Beyond the front fence, the front yard area, dwelling and area of private open space are situated on relatively flat land, whilst the rear portion of yard area is elevated above the dwelling and accessed via steps. An in-ground swimming pool is situated towards the rear portion of the allotment, with the associated pump equipment located in the south-western corner of the allotment and was previously covered by a partially enclosed verandah. There are no regulated or significant trees on the subject land.

The pattern of development in the locality is typically defined by a mixture of single and double storey dwellings with the presence of some battle-axe type allotments. The dwellings are situated on large allotments and are typical of the original housing stock within the area.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes single and two storey additions to the existing dwelling, including an extension to the existing boundary wall and a detached verandah to the rear of the site with associated decking below.

The proposed development will not result in significant alterations to the existing ground floor plan of the dwelling; however, the existing garage wall is proposed to be rebuilt and extended to incorporate a total length of 17.8 metres along the northern side boundary (including existing retaining wall). The southern side of the garage is proposed to be enclosed and provide a link to the existing dwelling. The upper level addition incorporates a master bedroom with WIR/ensuite and balcony, fourth bedroom, open plan kitchen/living/dine with direct access to a rear balcony and private open space. Vehicular access is unaltered and earthworks and retaining walls are not proposed as part of the application.

*Refer Attachment III*

## PUBLIC NOTIFICATION

<b>Properties notified:</b>	9 properties were notified during the Category 2 public notification process.
<b>Representations:</b>	2 representations were received by Council.
<b>Persons wishing to be heard:</b>	Angela Davidson on behalf of Wilson Nguyen.
<b>Summary of representations:</b>	<ul style="list-style-type: none"> <li>- Concerns regarding loss of privacy;</li> <li>- Concerns regarding the upper level side setback and associated overshadowing and overlooking impacts;</li> <li>- Concerns regarding the visual impacts of the garage wall being situated along the northern side boundary; &amp;</li> <li>- Concerns regarding the bulk and scale of the dwelling additions.</li> </ul> <p style="text-align: right;"><i>Refer Attachment IV</i></p>
<b>Applicant's response:</b>	No response to the representations was received by Council; however, screening along the northern elevation was proposed by the applicant upon their review of the concerns raised by representors.

## ZONE &amp; POLICY AREA ASSESSMENT

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

## Residential Zone

**Objectives**

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

## Hills Policy Area 11

**Objectives**

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

**Desired Character**

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

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

Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.

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

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

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

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

PDC 1	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> <li>▪ detached dwelling</li> <li>▪ group dwelling</li> </ul>	<b>Complies</b>
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	<b>Complies</b>
PDC 3	Development should be designed and sited to relate to the slope of the land, so that: (a) the bulk and scale of the buildings do not dominate the landscape (b) the amount of cutting and filling of the natural ground profile is minimised.	<b>Partially Complies</b> (see comments)
PDC 5	Development that would be prominently visible from the Adelaide Plains should: (a) achieve a profile that blends with the topography of the land (b) avoid the use of bright and highly reflective external materials and finishes (c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.	<b>Complies</b>



PDC 6	<p><i>Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:</i></p> <p><i>(a) incorporating stepping in the design in accordance with the slope of the land</i></p> <p><i>(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.</i></p>	<p><b>Partially Complies</b> (see comments)</p>
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## Assessment

The proposed development maintains the existing low density character of the Hills Policy Area 11 by proposing alterations and additions to the existing dwelling on the allotment. It is acknowledged however, the 'density' of the proposed development, in terms of setbacks to boundaries for example, does not entirely reflect that sought by the Hills Policy Area 11 Desired Character which seeks 'low scale' development. The Policy Area further emphasises the importance of development incorporating a variety of architectural styles and being sensitive to the topography of the area.

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

It should be acknowledged the existing topography has already been altered due to the existing dwelling on the land. This notwithstanding, the profile of the building presents in a way which complements the current levels of the land, in order to assist in reducing the overall bulk and scale presenting to the street. Further, it is acknowledged that the proposal does not include any additional earthworks or retaining walls in order to accommodate the alterations and additions.

The built form proposed is likely to have the greatest impact upon the property to the direct north (70 Eyre Street); due to the height of the building and limited setback to the boundary. The proposal displays two areas of non-compliance with regard to the side setbacks. The ground level of the dwelling proposes the reconstruction and extension of the garage wall along the northern boundary, resulting in a total length of 17.8 metres, which includes an existing retained area. Whilst walls on boundaries are generally not appropriate in the Hills Policy Area 11, consideration has been afforded to the existing development on the subject land and on adjoining land.

The subject land currently incorporates a combined wall length along the boundary equal to approximately 15 metres, with an approximate height of 2.4 metres (refer Photo 9 of Attachment V). The proposal seeks to extend the wall to incorporate a total length of 17.8 metres and height of 3.0 metres. When considering the associated impacts of this element of the proposal, regard should be provided to the extent of the garage wall, which will be in view from adjoining land. It is estimated that approximately 5.0 metres of the wall will be screened by the garage of 68 Eyre Street, such that 12.8 metres of the wall will be visible from adjoining land at 70 Eyre Street. Further, it is acknowledged the additional 3.8 metre wall length will generally be situated adjacent the side yard of the adjoining property, where a clothes line is currently located (refer Photo 10 of Attachment V). Having regard to the above and acknowledging that the proposed wall will not cast shadow onto adjoining land (discussed in Overshadowing section of this report), the additional length and height proposed along the side boundary is considered tolerable and is not considered to result in adverse amenity impacts upon the adjacent properties.

Turning to the non-compliance in the upper level northern side setback, which provides 1.3 metres of separation for a length of approximately 22.2 metres (including front and rear balcony). Similar to the garage wall at ground level, existing development on adjoining land to the north is considered to

reduce the extent of visual impacts. When viewed on an angle from 68 Eyre Street, further separation is achieved from the area of private open space, such that the overall bulk and scale of the building shall reduce (refer Photo 12 of Attachment V).

When viewed from the private open space of 70 Eyre Street, it could be argued that the bulk and scale of the upper level addition will be imposing. Upon inspection of this property, it is acknowledged the main area of private open space is covered by a verandah, which largely screens the roofline of the subject land and is estimated to have the same effect for the proposed upper level addition (refer Photo 9 of Attachment V). Further review of existing development within the locality has identified a number of two storey dwellings which achieve reduced setbacks to boundaries, in particular 70 Eyre Street, 68 Eyre Street, 4a Penong Street, 12 Penong Street and 18 Gooroonga Street. It is acknowledged these dwellings comprise part of the original housing stock; however, is also considered to indicate the proposed northern side setback is not necessarily out of character with the locality. On balance, the anticipated visual and amenity impacts, are not considered to be fatal to the overall merits of the application.

The proposed design and appearance of the dwelling additions are considered to appropriately satisfy the Desired Character, Objectives and Principles of Development Control of the Hills Policy Area 11 by incorporating a mixture of colours and materials which are non-reflective, including render, stone cladding, Colorbond and panel lift garage door. The design of the proposed development provides a modern finish, which is well articulated and assists in providing a variety of architectural styles within the locality. It is acknowledged additional earthworks and retaining walls are not required in order to accommodate the proposed alterations and additions, rather the design seeks to utilise the existing levels throughout the site.

These considerations display the proposal complements the applicable Objectives, Principles of Development Control and Desired Character statement of the Hills Policy Area 11. This is further demonstrated by the ability of the proposal to satisfy a majority of other design criteria (illustrated in the below table, and discussed further below).

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 35 per cent of the allotment area and a maximum floor area ratio of 0.4.</i></p> <p><i>Hills Policy Area 11: PDC 7</i></p>	<p><b>Complies</b> Site coverage: 294.5sqm (28.4%) Floor area ratio: 0.25</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <li><i>(a) would not be contrary to the relevant setback and private open space provisions</i></li> <li><i>(b) would not adversely affect the amenity of adjoining properties</i></li> <li><i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p> </li></ul>	<p><b>Complies</b></p>

<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p>(a) pedestrian and vehicle access and vehicle parking  (b) domestic storage  (c) outdoor clothes drying  (d) rainwater tanks  (e) private open space and landscaping  (f) convenient storage of household waste and recycling receptacles.</p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></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><b>Complies</b></p>						
<h3>Private Open Space</h3>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p> <table border="1" data-bbox="132 880 882 1272"> <thead> <tr> <th data-bbox="132 880 276 931">Site area of dwelling</th> <th data-bbox="276 880 467 931">Minimum area of POS</th> <th data-bbox="467 880 882 931">Provisions</th> </tr> </thead> <tbody> <tr> <td data-bbox="132 931 276 1272">175 square metres or greater</td> <td data-bbox="276 931 467 1272">20 per cent of site area</td> <td data-bbox="467 931 882 1272">Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td> </tr> </tbody> </table> <p><i>Residential Zone: PDC 7</i></p>	Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.	<p><b>Complies</b></p> <p>Approx. 400sqm (38%)</p>
Site area of dwelling	Minimum area of POS	Provisions					
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.					
<p><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  (b) to be generally at ground level (other than for dwellings without ground level internal living rooms)  (c) to be located to the side or rear of a dwelling and screened for privacy  (d) to take advantage of, but not adversely affect, natural features of the site  (e) to minimise overlooking from adjacent buildings  (f) to achieve separation from bedroom windows on adjacent sites  (g) to have a northerly aspect to provide for comfortable year round use  (h) to not be significantly shaded during winter by the associated dwelling or adjacent development  (i) to be partly shaded in summer  (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality  (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p><i>General Section: Residential Development: PDC 16</i></p>	<p><b>Complies</b></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 dwelling and capable of being screened for privacy.  d) The subject land does not maintain natural features which warrant preservation.  f) POS areas are not located next to bedrooms of dwellings on adjacent sites.  h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.  i) POS areas are capable of being shaded during summer.  j) Traffic, industry or other business activities should not affect the subject land.  k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p><i>Continued over page.</i></p>						

<p><i>Private open space should not include:</i></p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings  (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas  (c) common areas such as parking areas and communal open spaces  (d) any area at ground level at the front of the dwelling (forward of the building line)  (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p><b>Does Not Comply</b></p> <p>e) As a result of the levels on adjoining land to the south, it is acknowledged there is opportunity to view the private open space of the subject land; however, this is an existing situation and common within the locality.  g) The proposed POS area maintains a westerly aspect; however, is of appropriate dimension to receive northern light.</p>
<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p><b>Complies</b></p>
<p><b>Building Setbacks from Road Boundaries</b></p>	
<p><i>Minimum setback from primary road frontage where no established streetscape exists:</i></p> <p>8 metres from arterial roads shown on Overlay Map – Transport and any road within Hills Policy Area 11.</p> <p>Residential Zone: PDC 6</p>	<p><b>Complies</b></p>
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality  (b) contribute positively to the function, appearance and/or desired character of the locality. 34</p> <p>General Section: Design and Appearance: PDC 21</p>	<p><b>Complies</b></p>
<p><i>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</i></p> <p>General Section: Residential Development: PDC 37</p>	<p><b>Complies</b></p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<p><b>Side Setbacks</b></p>	
<p><i>Minimum setback from side boundaries:</i></p> <p><i>Where the wall height is not greater than 3 metres:</i>  2 metres</p> <p><i>Where the wall height is between 3 metres and 6 metres:</i>  (a) 3 metres if adjacent southern boundary  (b) 2 metres in all other circumstances.</p> <p><i>Where the wall height is greater than 6 metres:</i>  (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres  (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.</p> <p>Residential Zone: PDC 6</p>	<p><b>Complies (3.8m and 3.3m setback required)</b>  Southern side setback: 8m and 5m</p> <p><b>Does Not Comply (2.3m setback required)</b>  Northern side setback: 1.3 metres</p> <p>The merits of the proposed setbacks and potential impacts are discussed within the Residential Zone/Hills Policy Area 11 assessment chapter of this report.</p>

<p><i>Not applicable in Hills Policy Area 11, that part of Residential Character Policy Area 17 within the suburb of Marion, and Watercourse Policy Area 19, as walls on boundaries are generally not appropriate in these policy areas.</i></p> <p><i>In all other policy areas of the Residential Zone –</i>  <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i>  <i>(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><b>Does Not Comply</b></p> <p>Garage wall proposed along the northern boundary for a length of 17.8 metres, which includes the existing retaining wall.</p> <p>The merits of the proposed setbacks and potential impacts are discussed within the Residential Zone/Hills Policy Area 11 assessment chapter of this report.</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i>  <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i>  <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i>  <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>Although the side setbacks do not comply with quantitative criteria, the separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<b>Rear Setbacks</b>	
<p><i>Minimum setback from rear boundary:</i>  <i>(a) 8 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres)</i>  <i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b></p> <p>17.7 – 17.9 metres</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i>  <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i>  <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i>  <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b></p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>

## Building Height

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

*Residential Zone: PDC 6*

### Does Not Comply

The proposed dwelling incorporates a maximum building height of 9.6 metres

The proposed upper level addition achieves a maximum building height of 9.6 metres at its highest point above ground level. Given the downward slope of the topography, when the dwelling is measured at individual points a maximum height of 9.0 metres is maintained. The excess in height over 9 metres is due to the extent of cut/fill throughout the site which is a result of the previous earthworks required to accommodate the original dwelling.

In my opinion, the excess in building height is not considered unreasonable as the roof does not result in the loss of northern views from allotments located to the south of the subject land, nor create unreasonable overshadowing.

## 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*

### Complies

Verandah: 48sqm

### Does Not Comply

Garage: 99sqm

Despite the non-compliance in floor area for the alterations to the garage, it is acknowledged that the existing parking structure exceeds the Development Plan guideline (approx. 80sqm). The additional floor area of the garage will not be apparent when viewed from the street and a generous amount of private open space will remain available. As such, it is considered that the dwelling will be able to function appropriately.

*Maximum wall or post height*

*3 metres*

### Complies

*Maximum height of finished floor level*

*0.3 metres*

### Complies

Existing

*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*

### 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

2.7m

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

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

### Complies

*General Section: Residential Development: PDC 13*

<p>Minimum setback from side or rear boundaries (when not located on the boundary)</p>	<p>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</p>	<p><b>Partially Complies</b> Verandah setback 600mm – 750mm (western boundary) and 900mm from the southern side boundary.</p> <p>The non-compliance in rear setback of the verandah is not considered to result in unreasonable visual impacts upon the western adjoining land, acknowledging a structure of similar dimension was previously accommodated on the site in a similar location. According to Council's records, the previous outbuilding was demolished between January 2017 and October 2017. Further, as identified in the Overshadowing section of this report, any shadow cast from the verandah and upon the western adjoining property shall only occur during morning hours.</p>
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## 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 &amp; Access: PDC 34</p>	<p><b>Complies</b> 6 on-site parking spaces are available.</p>		
<table border="1"> <tr> <td data-bbox="132 938 507 1095"> <p>Detached Semi-detached Row</p> </td> <td data-bbox="515 938 879 1095"> <p>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p> </td> </tr> </table>	<p>Detached Semi-detached Row</p>	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>	
<p>Detached Semi-detached Row</p>	<p>2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.</p>		
<p>Table Mar/2 - Off-street Vehicle Parking Requirements.</p>			
<p>On-site visitor parking spaces should be sited and designed to:</p> <ul style="list-style-type: none"> <li>(a) not dominate internal site layout</li> <li>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</li> <li>(c) be accessible to visitors at all times.</li> </ul> <p>General Section: Transportation &amp; Access: PDC 42</p>	<p><b>Complies</b></p>		
<p>On-site vehicle parking should be provided having regard to:</p> <ul style="list-style-type: none"> <li>(a) the number, nature and size of proposed dwellings</li> <li>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</li> <li>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</li> <li>(d) availability of on-street car parking</li> <li>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</li> </ul> <p>General Section: Transportation &amp; Access: PDC 43</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><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) Sufficient car parking is provided for the number, nature and size of the proposed dwelling, as demonstrated by compliance with PDC 34.</li> <li>b) Adequate on-site car parking provided to compensate for the sites distance to centre facilities.</li> <li>c) The likely occupants are anticipated to have standard mobility and transport requirements.</li> <li>d) e) on-street car parking spaces shall remain available adjacent the subject land.</li> </ul>		

<b>Design &amp; Appearance</b>	
<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 &amp; 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 &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b></p> <p>The proposed additions reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façade incorporates the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> <li>• Mixture of render and stone cladding on the front façade</li> <li>• Stepping of upper and lower storeys to minimise building height, mass and proportion</li> <li>• Protruding balcony</li> <li>• Eave overhang and pitched roof form</li> <li>• Fenestration</li> </ul> <p>The dwelling incorporates a Colorbond roof in Shale Grey, with rendered facades. The garage of each dwelling features a panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Balconies should:</i></p> <p><i>(a) be integrated with the overall form and detail of the building</i>  <i>(b) include balustrade detailing that enables line of sight to the street</i>  <i>(c) be recessed where wind would otherwise make the space unusable.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 5</i></p>	<p><b>Complies</b></p> <p>The proposed balconies are integrated into the portico design, with clear glass balustrade that enables line of sight to the street.</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><b>Complies</b></p>
<b>Relationship to the Street and Public Realm</b>	
<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 &amp; 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 &amp; Appearance: PDC 14</i></p>	<p><b>Complies</b></p> <p>The dwellings are designed so that their main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of render and horizontal cladding, fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</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 &amp; 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 &amp; Appearance: PDC 16</i></p>	<p><b>Complies</b> (see above)</p>
<b>Overshadowing</b>	
<p><i>The design and location of buildings should enable direct winter sunlight into adjacent dwellings and private open space and minimise the overshadowing of:</i></p> <p><i>(a) windows of habitable rooms</i> <i>(b) upper-level private balconies that provide the primary open space area for a dwelling</i> <i>(c) solar collectors (such as solar hot water systems and photovoltaic cells).</i></p> <p><i>General Section: Design &amp; Appearance: PDC 9</i></p> <p><i>Except where otherwise specified in a zone, policy area or precinct, development should ensure that:</i></p> <p><i>(a) north-facing windows to living rooms of existing dwelling(s) on the same allotment, and on adjacent allotments, receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June</i> <i>(b) ground level private open space of existing buildings receive direct sunlight for a minimum of 2 hours between 9 am and 3 pm on 21 June to at least the smaller of the following:</i> <i>(i) half of the existing ground level private open space</i> <i>(ii) 35 square metres of the existing ground level private open space</i> <i>(c) where overshadowing already exceeds the requirements contained in part (b), development should not increase the area overshadowed.</i></p> <p><i>General Section: Design &amp; Appearance: PDC 10</i></p>	<p><b>Complies</b></p> <p>a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June.</p> <p>b) It is acknowledged that any shadow cast from the proposed addition will generally be contained within the subject land. However, some shadow will be cast into the western adjoining property in morning hours.</p> <p>Shadow cast into the western adjoining property will subside throughout the morning, such that all areas of private open space and habitable windows will be free from shadow by midday. Consequently, the extent of shadow cast onto habitable windows and private open spaces of adjacent properties complies with PDC 9 and 10.</p>
<b>Energy Efficiency</b>	
<p><i>Development should provide for efficient solar access to buildings and open space all year around.</i></p> <p><i>General Section: Energy Efficiency: PDC 1</i></p> <p><i>Buildings should be sited and designed:</i></p> <p><i>(a) to ensure adequate natural light and winter sunlight is available to the main activity areas of adjacent buildings</i> <i>(b) so that open spaces associated with the main activity areas face north for exposure to winter sun.</i></p> <p><i>General Section: Energy Efficiency: PDC 2</i></p>	<p><b>Complies</b></p> <p>The main activity areas of the dwellings are oriented west, which should nonetheless receive some northern winter sunlight.</p> <p>As identified in the Overshadowing section of this table, the proposed dwellings are designed and sited to ensure adequate winter sunlight remains available to the main activity areas of adjacent buildings.</p>
<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> <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><b>Complies</b></p> <p>The dwelling incorporates a hipped roof form, with north-facing sections upon which solar collectors could be sited efficiently.</p>

## Visual Privacy

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

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

*General Section: Design & Appearance: PDC 11*

The northern side elevation of the dwelling incorporates a fixed screen to the upper level wall, which extends outwards 750mm with aluminium slats spaced 10mm apart. Further, the front and rear balcony incorporate 1700mm high screens along the side elevations and the southern side elevation incorporates high level windows. It is also acknowledged that existing screening is situated above the shared fence between the subject land and 68 Eyre Street. As a result of the upper level side setback and proposed screenings, line of site diagrams prepared by the applicant have demonstrated views from the proposed additions shall not unreasonably impact on the visual privacy of adjoining land.

### **68 Eyre Street, Seaview Downs**

It is acknowledged that views into the area of private open space of 68 Eyre Street shall be protected through the existing screening atop the fence line and existing garage which disrupts views into the side yard.

### **70 Eyre Street Seaview Downs**

The fixed screen along the northern elevation of the dwelling, along with existing structures on adjoining land are considered to appropriately prevent downwards overlooking of the private open space and habitable room windows of 70 Eyre Street, Seaview Downs. It is acknowledged however, beyond the proposed screen, the area of private open space is only protected from overlooking as a result of the existing verandah structure which blocks views from the upper level addition. As such, in order to protect visual privacy of this portion of the property, the proposal relies on owners of the property to retain this structure.

### **6a Penong Street, Seaview Downs**

It is worth acknowledging that a portion of the dwelling and associated habitable room windows of 6a Penong Street achieve limited separation from the shared rear boundary. This notwithstanding, the proposed verandah will block views into these habitable room windows. Given the subject land sits slightly lower than the property at 6a Penong Street, the extent of separation along with existing fencing along the shared boundary is considered appropriate to maintain an appropriate level of visual privacy for the subject and adjoining land. The western side of the proposed verandah and deck will be enclosed and be situated slightly higher than the existing ground level, which is not considered to result in visual privacy impacts upon adjoining land.

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.

It is also worthy to acknowledge the topography of the locality varies, generally sloping in a north-easterly direction. As such, it is not uncommon for properties within the locality to overlook areas of private open space and/or habitable rooms of adjoining land when sited on the higher side of neighbouring land. This notwithstanding, the proposed screening devices, existing development on adjoining land and level of separation from allotment boundaries is considered to maintain an acceptable level of privacy for occupants of adjacent properties. To this end, the design of the proposal is considered to have appropriately addressed PDC 11, by minimising direct overlooking of habitable rooms and private open space.

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

*General Section: Design & Appearance: PDC 12*

**Complies**

<b>Sloping Land</b>	
<p><i>Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:</i></p> <p><i>(a) minimises their visual impact</i>  <i>(b) reduces the bulk of the buildings and structures</i>  <i>(c) minimises the extent of cut and/or fill</i>  <i>(d) minimises the need for, and the height of, retaining walls</i>  <i>(e) does not cause or contribute to instability of any embankment or cutting</i>  <i>(f) avoids the silting of watercourses</i>  <i>(g) protects development and its surrounds from erosion caused by water runoff.</i></p> <p><i>General Section: Sloping Land: PDC 2</i></p>	<p><b>Partially Complies</b></p> <p>As mentioned within the Desired Character section of this report, the visual bulk of the dwelling additions are exacerbated as a result of the proposed setbacks to the northern boundary. Although the proposal does not to comply with Principle 2, the appropriateness of the proposed bulk/scale and associated visual impacts has been discussed earlier within this report.</p> <p>As such, in my opinion, the application has appropriately addressed the above mentioned Principles of Development Control.</p>
<b>Siting and Visibility</b>	
<p><i>Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:</i></p> <p><i>(a) the profile of buildings should be low and the rooflines should complement the natural form of the land</i>  <i>(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land</i>  <i>(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.</i></p> <p><i>General Section: Siting and Visibility: PDC 4</i></p>	<p><b>Partially Complies</b></p>
<p><i>The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.</i></p> <p><i>General Section: Siting and Visibility: PDC 5</i></p>	<p><b>Complies</b></p>

Whilst the hip-end roof does not entirely follow the natural form of the land, it is acknowledged that the roof form is not necessarily out of character with other dwellings in the locality or the existing dwelling. The mass of the upper level addition has however, been visually reduced through the generous front setbacks, articulation, fenestration and eave overhang. Furthermore, a roof form reflecting the natural slope of the land would likely increase the visual bulk and scale of the dwelling when viewed from adjoining land.

The alterations and additions to the dwelling predominately feature a render finish in natural white with featured stone cladding to the ground and upper level. The proposed colours/materials and varying setbacks assists in visually breaking up the lower and upper stories. The design of the proposed development is not considered to detract from the landscape character and reasonably complies with the Desired Character of the Policy Area.

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## REPRESENTOR'S CONCERNS

The concerns raised by the representors in relation to loss of privacy, upper level side setback and associated overshadowing, visual impact and overlooking impacts, visual impacts of the garage wall being situated along the northern side boundary and bulk and scale of the dwelling additions have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

## ANALYSIS/CONCLUSION

The proposed development generally satisfies the relevant Objectives, Desired Character and Principles of Development Control of the Hills Policy Area 11, by proposing alterations and additions to the existing dwelling on the allotment, thereby maintaining the desired low density.

Assessment of the proposal has demonstrated the proposal satisfies a majority of the applicable quantitative and qualitative provisions of Council's Development Plan. It is acknowledged however; the proposal maintains a significant shortfall in relation to the northern side setbacks at ground level and the upper level. The proposal also relies on an existing structure situated on adjoining land to protect the visual privacy of neighbouring properties. Despite these non-compliances, assessment has demonstrated these failings have some merit.

The proposed development displays two areas of non-compliance with regard to side setbacks. The garage wall is proposed along the northern side setback for a length of 17.8 metres. Whilst it is acknowledged the Development Plan does not anticipate walls along allotment boundaries within the Hills Policy Area 11, consideration is afforded to the existing boundary development and the additional impacts upon adjoining land. When the boundary development is considered in context of the existing development, the proposal incorporates an additional length of approximately 3.8 metres which will generally be situated adjacent a side courtyard/side path of the adjacent dwelling, such that visual impacts upon this area and habitable windows would hold less weighting. Further, the additional wall height proposed (3.0 metres) is not considered to result in a significant increase in amenity impacts, compared to those in existence.

The upper level northern side setback is equal to 1.3 metres, which fails to accord with the Development Plan guidelines. This element of the proposal has been considered in context of existing development within the locality and the anticipated impacts upon adjoining land to the north. A review of the nearby properties has identified a prevailing character of two storey dwellings which provide limited separation from side boundaries. As such, the proposal is not necessarily considered out of character with existing development within the locality. Given the upper level shall not cast shadow upon the adjoining land to the north and that it will generally be screened by the existing verandah on adjoining land, it is my opinion that the amenity of occupants of 70 Eyre Street will not be significantly impacted to the extent where refusal of the application is warranted.

The proposal incorporates clear windows along the upper level northern façade; however, an extended screen has been included which assists in preventing downward overlooking of the private open space and habitable room windows on adjoining land. Whilst it is considered the visual privacy of adjoining land will be protected, it is acknowledged that the proposal partially relies on existing structures on adjoining land to maintain this level of privacy. This notwithstanding, any loss in visual privacy should be considered in context of the subject land and locality, noting the gradient falls in a north-easterly direction. As a result of the topography, properties south of the subject land have the opportunity to overlook rear yards and/or habitable rooms to the north. In this regard, it is considered the proposal maintains an acceptable level of visual privacy for occupants of the subject land and nearby properties.

It is acknowledged that the proposal is finely balanced in relation to the extent of compliance with some of the applicable Development Plan criteria. Although this report has identified a number non-compliances; it is considered that these various shortfalls have some merit and must be considered as a whole and in conjunction with the attributes of the locality.

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

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/15/2017 for Single and two storey additions to the existing dwelling, including an extension to the existing boundary wall and a detached verandah to the rear of the site with associated deck at 2 Fowler Street, Seaview Downs 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. 100/15/2017, except when varied by the following conditions of consent.
2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. 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 upper level.
4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

## 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.**

Attachments

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

**REPORT REFERENCE: CAP170118 – 2.3  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 17 JANUARY 2018**



**Originating Officer:** Nicholas Timotheou  
Development Officer - Planning

**Applicant:** Hurley Hotel Group

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

**Site Location:** 849 Marion Road, Mitchell Park

**Zone:** Neighbourhood Centre Zone

**Application Type:** Category 2 / Consent

**Development Plan:** Consolidated – 28 April 2016

**Application No:** 100/2017/1222

**Recommendation:** That the Council Assessment Panel determine:

- a) The amended plans have adequately addressed Reserved Matters 1 and 2; or
- b) The amended plans have not adequately addressed Reserved Matters 1 and 2 and invites the applicant to consider alternate options; or
- c) That Reserved Matters 1 and 2 have not been adequately addressed; however, is satisfied with the amendments and therefore, invites the applicant to lodge an application to vary the subject application and Reserved Matters, and sub-delegates the granting of consent to the Manager of Development and Regulatory Services.

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**BACKGROUND**

The subject proposal was previously presented to the Council Assessment Panel (CAP) at the meeting held on 6 December 2017 and was issued Development Plan Consent subject to the imposition of a number of conditions and the following two Reserved Matters:

1. Provision of a landscape plan detailing the location, species and projected growing height of additional plantings to be installed throughout the development site. The species of plantings shall have a projected growing height similar to or greater than the trees sought to be removed as part of this application.



2. Provision of an integrated stormwater management plan detailing the capture and reuse of roof water throughout the building and site, to the reasonable satisfaction of Council.

*Refer Attachment I*

The applicant has provided amended plans for consideration in order to address the Reserved Matters. The original report, plans and attachments can be found in the member's agenda from the 6 December 2017 meeting, or by contacting the author of this report.

The revised plans submitted by the applicant incorporates the following amendments to the previous proposal:

1. A revised site plan, detailing the location, species and projected growing height of additional plantings installed throughout the development site.
2. A revised site plan illustrating 4 x 5000L tanks under the eastern verandah of the building, capturing water from the adjacent roof of the hotel (1225sqm).

*Refer Attachment II*

## DEVELOPMENT ASSESSMENT

The proposed plans have attempted to address the Reserved Matters relating to additional landscape plantings throughout the site and the capture and reuse of roof water. The revised plans are assessed in relation to the CAP's Reserved Matters, as detailed below:

1. *Provision of a landscape plan detailing the location, species and projected growing height of additional plantings to be installed throughout the development site. The species of plantings shall have a projected growing height similar to or greater than the trees sought to be removed as part of this application.*

As identified by the applicant, several Claret Ash trees have recently been planted throughout the development site. The revised plans submitted identify the location, species and projected growth height of these plantings. The 12m projected growth height is considered to be similar to the trees proposed for removal as part of the application and shall assist in softening the overall built form and car park area.

2. *Provision of an integrated stormwater management plan detailing the capture and reuse of roof water throughout the building and site, to the reasonable satisfaction of Council.*

The revised site plan indicates a total roof catchment area equal to 1225 square metres (173sqm less than the additional roofed area proposed), connected to 4 x 5000L tanks. These tanks will be connected to one trough urinal, 4 hand basins and 3 toilets. Further water re-use is proposed for irrigation purposes in the south-eastern portion of landscaping area (as shown on plans).

The location of the tanks are situated adjacent the southern end of the eastern elevation of the existing building (generally adjacent the front bar and store room associated with the bottle-shop). The amended plans incorporate timber screening adjacent these tanks, which is considered to improve their appearance when viewed in the immediate area. This section of the building generally presents uninterrupted wall to the surrounding car park and as such, the tank location is not considered to significantly alter the appearance of the building when viewed as a whole. It is acknowledged however, the tanks are situated within an area used as a pedestrian path, linking the car park area to the front bar and vice versa. This path is approximately 2.7m in width and is covered by a protruding verandah. My assessment indicates that between the tanks and verandah posts, an approximate width of 0.9m is available for pedestrians to utilise

the path. This width is considered appropriate as a pedestrian path; however, may limit use of this area for people with disabilities.

It is acknowledged that Reserved Matter 2 seeks for revised plans detailing *the capture and reuse of roof water throughout the building and site*. Given the reuse of roof water is only proposed within a section of the existing building and landscaped area, it is not considered that Reserved Matter 2 has entirely been satisfied. The correspondence prepared by Julie Jansen of Master Plan has identified alternate options have been considered; however, concluded they are not viable pursuits for the proponent.

This report has detailed the additional information and revised plans provided by the applicant in attempt to resolve Reserved Matters 1 and 2. Determination is sought from the Council Assessment Panel as to whether it is their opinion that the Reserved Matters have been adequately addressed.

## RECOMMENDATION

**That the Council Assessment Panel determine:**

- a) The amended plans have adequately addressed Reserved Matters 1 and 2; or**
- b) The amended plans have not adequately addressed Reserved Matters 1 and 2 and invites the applicant to consider alternate options; or**
- c) That Reserved Matters 1 and 2 have not been adequately addressed; however, is satisfied with the amendments and therefore, invites the applicant to lodge an application to vary the subject application and reserved matters, and sub-delegates the granting of consent to the Manager of Development and Regulatory Services.**

Attachments

*Attachment I: Decision Notification Form*

*Attachment II: Revised Proposal Plans and Supporting Documentation*

**REPORT REFERENCE: CAP170118 – 2.4  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 17 JANUARY 2018**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Development Officer - Planning</b>
<b>Applicant:</b>	<b>Mr Mark Piantedosi</b>
<b>Development Description:</b>	<b>Three single storey row dwellings with associated car parking and landscaping</b>
<b>Site Location:</b>	<b>8 Howard Street, Dover Gardens</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1 / Consent</b>
<b>Lodgement Date:</b>	<b>24/05/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2017/919</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

#### CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development pursuant to Schedule 9 (Part 1: 2(a)(ii)) of the Development Regulations 2008, which assigns the construction of single storey dwellings as Category 1 development. The subject application is required to be determined by the Development Assessment Panel by virtue of the proposed new dwelling supporting an allotment area 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.

#### BACKGROUND

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

Amendments Requested	Amendments Made
Site coverage of each dwelling should be reduced to more closely align with Council's Development Plan provision of 40%.	Site coverage reduced from 55.3% to 49.7% for Res. 1, from 54% to 48.5% for Res. 2 and from 53% to 49.4% for Res. 3.

A minimum 20% private open space should be provided for each dwelling.	Private open space increased from 19.3% to 27.1% for Res. 1, from 18.8% to 25.7% for Res. 2 and from 16.5% to 21.7% for Res. 3.
Greater articulation should be provided to the main façade of each dwelling.	Blade walls deleted from each dwelling, two windows provided to Res. 1, feature brick wall provided for Res. 2 and front verandah provided to Res. 3.
Information Requested	Information provided
Landscape plan.	Provided.
Engineered siteworks and drainage plan.	Provided.
Schedule of proposed colours/materials/finishes.	Provided.

## SUBJECT LAND & LOCALITY

The subject land comprises 8 Howard Street, Dover Gardens. The allotment is irregular in shape, incorporating a frontage width of 21.3m, average depth of 39.5m and total site area of 713.5 square metres. The site currently accommodates a detached dwelling in average condition, which is setback approximately 6.0 metres from the allotment boundary.

Vehicular access is currently adjacent the eastern side of the allotment, which leads to an outbuilding situated to the side/rear of the dwelling. The contour of the land is generally flat and there are no regulated or significant trees on the subject land.

The pattern of development in the locality varies, displaying a presence of detached and semi-detached dwellings predominantly single storey in nature, at low to medium densities. Recent development in the locality has increased the variety of dwelling types through the provision of row dwellings and newly built detached dwellings.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The subject application proposes the construction of three, single storey row dwellings with associated car parking and landscaping. Each dwelling proposes a similar floor layout, incorporating two bedrooms bathroom, open plan study and open plan kitchen/living/meals area with direct access to the main area of private open space. Dwelling 1 seeks to utilise the existing crossover whereas Dwelling 2 and 3 propose new access points from Howard Street.

The dwellings incorporate a mixture exposed brick and render to the main facade, panel lift and Colorbond garage doors and Colorbond roofing.

*Refer Attachment III*

## INTERNAL DEPARTMENT COMMENTS

<b>Development Engineer</b>	Council's Development Engineer has reviewed the application plans and advised they raise no objections with regard to the proposed layout/design and finished floor levels/external paving levels.
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<b>Coordinator Arboriculture</b>	Council's Coordinator Arboriculture has advised the existing street tree adjacent the subject land is worthy of retention and any new access point and stormwater pipes require a minimum 1.5 metre setback form the trunk of the tree.
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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

#### **Objectives**

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

### Northern Policy Area 13

#### **Objectives**

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

#### **Desired Character**

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

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

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

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

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

PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> <li>▪ affordable housing</li> <li>▪ dwelling including a residential flat building</li> <li>▪ supported accommodation.</li> </ul>	<b>Complies</b>
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<b>Complies</b>
PDC 3	<p>Minimum Site Area: 250sqm</p>	<p><b>Does Not Comply</b>  D1: 237.4sqm  D2: 234.85sqm  D3: 241.27sqm</p>
	<p>Minimum Frontage: 7m</p>	<p><b>Complies</b>  D2: 7.2m  D3: 7.3m</p> <p><b>Does Not Comply</b>  D1: 6.7m</p>
	<p>Minimum Depth: 20m</p>	<p><b>Complies</b>  D1: 40.11 – 39.6m  D2: 39.6 – 39.2m  D3: 39.2 – 38.9m</p>

## Assessment

The application proposes three dwellings on an allotment which currently accommodates a single storey detached dwelling, increasing the density of the land by two. Whilst the dwellings are sited on undersized allotments, it has been demonstrated that the density of the site is appropriate (discussed throughout this report). It is acknowledged the proposed site areas aren't comparable to other dwellings in the locality, including recent development which has occurred. It is acknowledged however, the proposed development shall contribute to the provision of a variety of dwelling types and accommodation needs in an area which encourages the redevelopment of the existing housing stock and the provision of a variety of dwelling types and is encouraged by the relevant Objectives, Desired Character Statement and Principles of Development Control.

### Site Area and Frontage Width

The site area of each dwelling fails to meet the minimum prescribed for row dwellings within the Northern Policy Area 13 (250 square metres). Dwelling 1 achieves a site area of 237.4 square metres, which represents a 12.6 square metre shortfall (5%). Dwelling 2 proposes a site area of 234.8 square metres, which is equal to a shortfall of 15.2 square metres (6%) and Dwelling 3 achieves a site area of 241.27 square metres, which equals a shortfall of 8.7 square metres (3.5%). Further, Dwelling 1 fails to meet the minimum frontage width sought for row dwellings by 0.3 metres. It is important to determine whether the non-compliance in site areas can be considered out of character with the locality and with the densities anticipated within the Policy Area.

When the non-compliances in site dimensions and area are considered in relation to the design and layout of each dwelling, it has been demonstrated that these failings do not come at the expense of private open space, setbacks to boundaries or the streetscape elevation (discussed throughout this report). Further, it is acknowledged that each dwelling maintains a streetscape presentation that can be anticipated for row dwellings and despite the slight non-compliance in frontage width for Dwelling 1, the undersized nature of the allotments are not considered to be apparent from the street.

Further, it is acknowledged that each dwelling features two bedrooms, thereby increasing the range of housing stock within the locality. Despite the site areas failing to meet the minimum sought, I am of the opinion that the dwellings' will assist in catering for changing demographics and particularly smaller household sizes.

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

## DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

<b>Site Coverage</b>	
<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><b>Site coverage:</b> <b>Does Not Comply</b></p> <p>D1: 118.13sqm (49.7%) D2: 113.89sqm (48.5%) D3: 119.36sqm (49.4%)</p>
<p>The Marion Council Development Plan stipulates that site coverage should not exceed 40% of the site area. The following considerations are noted with regard to the discrepancy in site coverage:</p> <ul style="list-style-type: none"> <li>(a) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.</li> <li>(b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space, landscaping and convenient storage of household waste and recycling receptacles.</li> </ul> <p>The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.</p>	
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <li><i>(a) would not be contrary to the relevant setback and private open space provisions</i></li> <li><i>(b) would not adversely affect the amenity of adjoining properties</i></li> <li><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></li> </ul> <p><i>Residential Zone: PDC 9</i></p>	<p><b>Complies</b></p>



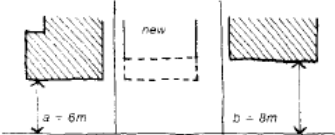
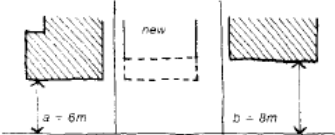
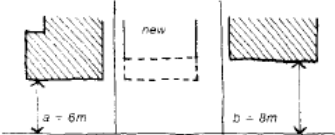
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <li>(a) pedestrian and vehicle access and vehicle parking</li> <li>(b) domestic storage</li> <li>(c) outdoor clothes drying</li> <li>(d) rainwater tanks</li> <li>(e) private open space and landscaping</li> <li>(f) convenient storage of household waste and recycling receptacles.</li> </ul> <p><i>General Section: Residential Development: PDC 14</i></p>	<p><b>Complies</b></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><b>Complies</b></p>						
<p><b>Private Open Space</b></p>							
<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>	<p><b>Complies</b></p> <p>D1: 64.38sqm (27.1%)                  D2: 60.5sqm (25.7%)                  D3: 52.54sqm (21.7%)</p>						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Site area of dwelling</th> <th style="width: 15%;">Minimum area of POS</th> <th style="width: 70%;">Provisions</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">175 square metres or greater</td> <td style="vertical-align: top;">20 per cent of site area</td> <td style="vertical-align: top;">Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</td> </tr> </tbody> </table>		Site area of dwelling	Minimum area of POS	Provisions	175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
Site area of dwelling		Minimum area of POS	Provisions				
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.					
<p><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> <ul style="list-style-type: none"> <li>(a) to be accessed directly from the internal living rooms of the dwelling</li> <li>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</li> <li>(c) to be located to the side or rear of a dwelling and screened for privacy</li> <li>(d) to take advantage of, but not adversely affect, natural features of the site</li> <li>(e) to minimise overlooking from adjacent buildings</li> <li>(f) to achieve separation from bedroom windows on adjacent sites</li> <li>(g) to have a northerly aspect to provide for comfortable year round use</li> <li>(h) to not be significantly shaded during winter by the associated dwelling or adjacent development</li> <li>(i) to be partly shaded in summer</li> <li>(j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality</li> <li>(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.</li> </ul> <p><i>General Section: Residential Development: PDC 16</i></p>	<p><b>Complies</b></p> <ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from the internal living rooms of the dwelling.</li> <li>b) All POS is located at ground level</li> <li>c) All POS is located to the rear of the dwellings and capable of being screened for privacy.</li> <li>d) The subject land does not maintain natural features which warrant preservation.</li> <li>e) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>f) POS areas are not located next to bedrooms of dwellings on adjacent sites.</li> <li>h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.</li> <li>i) POS areas are capable of being shaded during summer.</li> <li>j) Traffic, industry or other business activities should not affect the subject land.</li> <li>k) The POS areas are considered to have sufficient shape and area to be functional.</li> </ul> <p><i>Continued over page.</i></p>						

<p><i>Private open space should not include:</i></p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings          (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas          (c) common areas such as parking areas and communal open spaces          (d) any area at ground level at the front of the dwelling (forward of the building line)          (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p><b>Does Not Comply</b></p> <p>g) The proposed POS areas maintain a southerly aspect as a result of the existing orientation of the site. These areas are nonetheless of suitable dimensions to receive natural light throughout the day.</p>
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<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p><b>Complies</b></p>
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**Building Setbacks from Road Boundaries**

<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality          (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p><b>Complies</b></p> <p>The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5.0 metres is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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<p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p> <table border="1" data-bbox="148 1167 863 1512"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p> </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:	 <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>		Greater than 2 metres	At least the average setback of the adjoining buildings	<p><b>Partially Complies</b></p> <p>Dwellings on adjoining land set back approximately 5m and 8.5 metres, which equals an average setback of 6.75 metres.</p> <p>PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area “where a new character is desired”. The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks. This notwithstanding, it is acknowledged the garage of Dwelling 1 is setback 5.6m, which assists in providing transition to the dwelling on adjoining land. Accordingly, it is my view that sufficient transition is proposed between the dwellings along Howard Street. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p> <p>On balance, the dwellings are considered to achieve a cohesive streetscape as a result of the front setback, design and appearance and front yard landscaping.</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
 <p>When <math>b \leq 2</math>, setback of new dwelling = <math>a</math> or <math>b</math></p>									
Greater than 2 metres	At least the average setback of the adjoining buildings								

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

*Minimum setback from side boundaries:*

*Where the wall height is not greater than 3 metres:  
0.9 metres*

*Residential Zone: PDC 6*

**Complies**

D1: 1.1m at closest point  
D2: Internal boundary  
D3: 0.9m at closest point

*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.*

*Residential Zone: PDC 6*

**Complies**

Dwelling 1 incorporates a garage wall along the boundary which achieves a length of 6.1 metres and 2.6m wall height from top of the footings.

*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**

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).

## 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**

D1: 12m average  
D2: 11.5m average  
D3: 10m average

*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**

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.

## 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 4.5 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	<b>Complies</b>
Maximum wall or post height	3 metres	<b>Complies</b> D1: 2.97m (measured from NGL)
Maximum building height	5 metres	<b>Complies</b>
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.	<b>Complies</b>
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<b>Complies</b> D1: 6.1m
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)	<b>Complies</b> D1: 2.4m (34%) D2: 2.4m (33%) D3: 2.4m (32.7%)

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

General Section: Residential Development: PDC 13

**Complies**

## Vehicle Parking

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

General Section: Transportation & Access: PDC 34

**Complies**

Each dwelling provides two on-site parking spaces, one of which shall be covered.

Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered. 3 per dwelling containing 4 or more bedrooms one of which is to be covered.
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Table Mar/2 - Off-street Vehicle Parking Requirements.

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <ul style="list-style-type: none"> <li><i>(a) the number, nature and size of proposed dwellings</i></li> <li><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></li> <li><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></li> <li><i>(d) availability of on-street car parking</i></li> <li><i>(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></li> </ul> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p> <p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p> <p><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><b>Complies</b></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) Adequate on-site car parking provided to compensate for the sites distance to centre facilities.</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p><b>Does Not Comply</b></p> <p>d) e) The proposal results in the loss of all on-street car parking space adjacent the subject site.</p> <p>It is acknowledged that two additional dwellings will be located on the subject site, which currently accommodates one dwelling. As such, the proposal will likely generate an increased demand for on-street parking, which is not compensated by additional on-site parking.</p> <p>It is acknowledged the proposed access points are located in a way to avoid the existing street infrastructure and although this does not justify the non-compliance in on-street parking, nor is it an ideal outcome, it is my opinion that in isolation, refusal of the application solely on the inability to achieve compliance with PDC 33 (d) &amp; (e) and 22 is not warranted.</p>
<b>Access</b>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <ul style="list-style-type: none"> <li><i>(a) 3 metres wide for a single driveway</i></li> <li><i>(b) 5 metres wide for a double driveway.</i></li> </ul> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></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><b>Complies</b></p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 1.5 metres from the existing street tree.</p>
<b>Design &amp; Appearance</b>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) building height, mass and proportion</i></li> <li><i>(b) external materials, patterns, colours and decorative elements</i></li> <li><i>(c) roof form and pitch</i></li> <li><i>(d) façade articulation and detailing</i></li> <li><i>(e) verandas, eaves, parapets and window screens.</i></li> </ul> <p><i>General Section: Design &amp; 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 &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b></p> <p><i>Assessment discussion over page.</i></p>

The proposed dwellings reflect the desired character of the locality, as they incorporate an anticipated streetscape elevation for single storey row dwellings. The dwelling façades incorporate the following elements to enhance their design and appearance:

- Mixture of brick, and render on the front façade;
- Protruding porch to D3;
- Eave overhang and pitched roof form at 27 degree slope; &
- Fenestration.

The dwellings incorporate a 27 degree Colorbond roof with rendered and exposed brick to the main façade. The garage of each dwelling features Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.

Given the Development Plan does not prescribe wider frontage widths for single storey row dwellings, the proposed streetscape elevation can only be anticipated. Despite Dwelling 1 failing to achieve appropriate frontage width (6.74m), when viewed as a whole, the streetscape presentation is not so dissimilar to Dwelling 2 and Dwelling 3 that an additional 260mm in width would significantly improve the level of articulation. It is acknowledged that greater width of Dwelling 1 would allow for wider habitable room windows presenting to the street.

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

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

*General Section: Residential Development: PDC 8*

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

*General Section: Residential Development: PDC 9*

**Complies**

## Relationship to the Street and Public Realm

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

*General Section: Design & Appearance: PDC 13*

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

*General Section: Design & Appearance: PDC 14*

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

*General Section: Design & Appearance: PDC 15*

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

*General Section: Design & Appearance: PDC 16*

**Complies**

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

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

## 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

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 generally forms the area of private open space of each dwelling, a majority of winter shadow will be cast within the rear yard of the proposed dwellings. However, some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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.

## 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 dwellings are oriented so that their open spaces and main activity areas face south; however, are of an appropriate dimension, which should nonetheless receive some winter sunlight.

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

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

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

*General Section: Energy Efficiency: PDC 3*

### Complies

The dwellings incorporate a hipped roof form set at a 27 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

## Flooding

*Development should not occur on land where the risk of flooding is likely to be harmful to safety or damage property.*

*General Section: Hazards: PDC 4*

*Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:*

- (a) it is developed with a public stormwater system capable of catering for a 1-in-100 year average return interval flood event*
- (b) buildings are designed and constructed to prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.*

*General Section: Hazards: PDC 5*

### Complies

Council's flood survey has identified that the subject land may be subject to inundation in a 1 in 100 ARI flood event. Council's Development Engineer has confirmed that that the proposed finished floor level of 99.9, finished paving level of 99.7 and setbacks from boundaries should prevent the entry of floodwaters in a 1-in-100 year average return interval flood event.

## 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*

### **Complies**

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

*Landscaping should:*

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

*General Section: Landscaping, Fences & Walls: PDC 2*

*Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.*

*General Section: Landscaping, Fences & Walls: PDC 3*

### **Complies**

## ANALYSIS/CONCLUSION

The proposed development is considered to appropriately satisfy the relevant Objectives, Desired Character and Principles of Development Control of the Northern Policy Area 13, being an area which encourages the redevelopment of the existing housing stock at low to low-medium densities and a greater diversity in dwelling types.

Assessment of the proposal has demonstrated that the subject land can accommodate three, single storey row dwellings in the form proposed. It is acknowledged that the allotments fail to meet the site area and Dwelling 1 fails to achieve the frontage width sought for row dwellings in the Northern Policy Area 13. In my view, the main non-compliances attributed with the site dimensions is the inability to provide on-street parking. It is my opinion that when this failing is considered in isolation, refusal of the application is not warranted. Further assessment against the relevant qualitative provisions has shown that the proposed design and layout is compatible with that anticipated by Council's Development Plan and Policy Area. On balance, the overall merit of the proposal is considered to outweigh the identified discrepancies and shall assist in providing a variety of dwelling types for the locality and shall assist in catering for changing demographics.

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: 100/919/2017 for three single storey row dwellings with associated car parking and landscaping at 8 Howard Street, Dover Gardens 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. 100/919/2017, except when varied by the following conditions of consent.
2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

## NOTES

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

## Attachments

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

**REPORT REFERENCE: CAP170118 – 2.5  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 17 JANUARY 2018**



<b>Originating Officer:</b>	<b>Alex Wright Acting Team Leader - Planning</b>
<b>Applicant:</b>	<b>Mr Byron Bai</b>
<b>Development Description:</b>	<b>Land Division Residential Torrens Title 1 into 3 allotments and subsequent construction of three single storey row dwellings, one of which incorporates a wall on the eastern boundary</b>
<b>Site Location:</b>	<b>59 Pildappa Avenue, Park Holme</b>
<b>Zone:</b>	<b>Residential Zone</b>
<b>Policy Area:</b>	<b>Northern Policy Area 13</b>
<b>Application Type:</b>	<b>Category 1/ Consent</b>
<b>Lodgement Date:</b>	<b>10/11/2017</b>
<b>Development Plan:</b>	<b>Consolidated – 28 April 2016</b>
<b>Application No:</b>	<b>100/2017/2129</b>
<b>SCAP No:</b>	<b>100/D263/17</b>
<b>Recommendation:</b>	<b>That Development Plan Consent and Land Division Consent be GRANTED subject to conditions</b>

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## CATEGORISATION & DELEGATION

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

## BACKGROUND

A landuse application (100/2017/1680) was lodged in September 2017 proposing a residential flat-building comprising 3 two storey dwellings. Upon initial consideration Council advised it was unlikely to support the proposal in its proposed form due to significant bulk/scale and built form issues. Subsequently, the applicant lodged a second application for three single storey row dwellings. The original application remains on hold pending the outcome of this application.

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

Amendments Requested	Amendments Made
Boundary to boundary development not supported and a minimum 900mm setback to at least one side boundary must be provided.	900mm setback to western boundary provided.
A greater mixture of colours and materials required to assist in promoting a more attractive form of development and streetscape.	No change to current design provided.
Information Requested	
Fully engineered site works and drainage plan is required to determine the subject application's categorisation	Provided.
Plan of division illustrating the correct location of party wall details	Provided.
Plan of division illustrating the proposed allotment dimensions	Provided.
Correct land use plans uploaded to EDALA and provided to Council.	Provided.
Side and rear elevations required.	Provided.
Floor plan of each dwelling located side by side required.	Provided.

## SUBJECT LAND & LOCALITY

The subject land is located on the southern side of Pildappa Avenue, Park Holme. The site is rectangular in shape and supports a frontage width of 23.16 metres, a depth of 31 metres and an overall allotment area of 721 square metres.

The subject site is relatively flat and contains a 1960's conventional brick home in moderate condition and several outbuildings located to the southwest side of the allotment. The Certificate of Title confirms that the land is clear of any encumbrances or easements. Vehicular access to the site is currently achieved through a crossover located to the western end of the allotment. Access via this crossover will be maintained.

The locality is typically defined by a mixture of single storey detached dwellings on large allotments and recently sub-divided allotments incorporating a variety of modern style single storey dwellings at higher densities. The subject allotment is within 250 metres of the Hendrie Street Reserve and 500 metres of the Oaklands wetlands. The allotment is also within 700 metres of Park Holme District Centre Zone which provides shopping and additional services, and 600 metres from Marion Road which provides Adelaide Metro bus services to Marion Shopping Centre, Flinders University/medical precinct and the Adelaide CBD.

*Refer Attachments I & II*

## PROPOSED DEVELOPMENT

The applicant proposes the demolition of the existing dwelling and associated outbuildings and the construction of three, single storey row dwellings.

Each dwelling incorporates three bedrooms, study, laundry, en-suite, bathroom and a combined kitchen/meals/family room with direct access to the associated area of private open space. Each

dwelling is afforded a single width garage, which has direct access to Pildappa Avenue. Dwelling 1 proposes to gain access through the exiting crossovers, whilst new crossovers are proposed for Dwellings 2 and 3.

A detailed landscape schedule nominating the location and species of plantings throughout the front and rear yards of the dwellings has been provided.

*Refer Attachment III*

## GOVERNMENT AGENCY REFERRAL

**SA Water:** Standard agency response provided.

**State Commission Assessment Panel (SCAP):** Standard agency response provided

*Refer Attachment IV*

## DEVELOPMENT ASSESSMENT

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

Development Plan provisions:

Assessment:

### Residential Zone

#### **Objectives**

- 1 *An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.*
- 2 *Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.*

#### **Complies**

Given that the subject land is located within convenient walking distance of an activity centre, public open space and public transport options, the proposed increased dwelling density is supported by Objective 2.

#### **Principles of Development Control**

- 1 *The following forms of development are envisaged in the zone:*
  - *affordable housing*
  - *outbuilding in association with a dwelling*
  - *domestic structure*
  - *dwelling including a residential flat building*
  - *dwelling addition*
  - *small scale non-residential uses that serve the local community, for example:*
    - *child care facilities*
    - *consulting rooms*
    - *health and welfare services*
    - *offices*
    - *open space*
    - *primary and secondary schools*
    - *recreation areas*
    - *shops*
  - *supported accommodation.*

#### **Complies**

## Northern Policy Area 13

### Objectives

### Complies

- 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

### Complies

*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.*

### Principles of Development Control

### Complies

- 1 The following forms of development are envisaged in the policy area:
  - affordable housing
  - dwelling including a residential flat building
  - supported accommodation.

- 2 *Development should not be undertaken unless it is consistent with the desired character for the policy area.* **Complies**

- 3 *A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:*

*Minimum Site Area: 250m<sup>2</sup>*

**Complies**

Dwelling 3: 259m<sup>2</sup>

**Does Not Comply**

Dwelling 1: 231m<sup>2</sup>

Dwelling 2: 231m<sup>2</sup>

*Minimum Frontage: 7m*

**Complies**

Dwelling 1: 7.42m

Dwelling 2: 7.42m

Dwelling 3: 8.32m

*Minimum Depth: 20m*

**Complies**

Dwelling 1: 31.09m

Dwelling 2: 31.09m

Dwelling 3: 31.09m

## Assessment

The application proposes to replace one dwelling and construct three dwellings in its place. Objective 1 of both the Residential Zone and Northern Policy Area 13 seek to accommodate low-to-medium residential development, whilst Objective 2 of the Zone encourages development of an increased density close to public open space. The proposal is considered to reflect the Objectives and Desired Character of the Residential Zone and Northern Policy Area 13 by replacing the existing housing stock with greater density development, whilst contributing positively to the area with the establishment of modern dwelling types that differ to that typically found within the locality.

The site is located in relatively close proximity to a number of desirable attributes where higher densities are sought. Occupants would be in walking distance to two areas of public open space namely Hendrie Street Reserve and the Oaklands wetlands reserve. Frequent bus transportation is available on Marion Road with services to the City and Flinders University. Additionally, a District Centre which contains Park Holme shopping centre and services is within 700 metres of the allotment.

The proposal does display some numerical shortfalls with respect to the minimum site area of Dwellings 1 and 2.

### Site Area of Dwellings 1 and 2

The site areas of Dwelling 1 and 2 fall 19 metres short, each, of the minimum requirement of 250 square metres. However, I am of the view that this is not fatal to the merits of the proposal. The distribution between the allotments is disproportionate due to Dwelling 3 achieving a larger site area above the minimum allotment size. Over the entire site, the allotments maintain an average site area of 240.3 square metres, which is a minor shortfall of 9.6 square metres per allotment.

Furthermore, it will be illustrated throughout this report that each of the dwellings achieve relative compliance when assessed against the remaining provisions of the Development Plan and in my view, will not adversely affect the amenity of existing neighbouring properties.

Despite the shortfall in area for allotments 1 and 2, the development results in a form of housing consistent with a majority of the Policy Area Objectives, will not have a detrimental impact on adjoining land and will contribute to the residential environment sought within the Policy Area.

## 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><b>Does Not Comply</b></p> <p>Dwelling 1: 122m<sup>2</sup> / 52.8% Dwelling 2: 122m<sup>2</sup> / 52.8% Dwelling 3: 122m<sup>2</sup> / 47.1%</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><b>Complies</b></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><b>Complies</b></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><b>Complies</b></p> <p>178.5m<sup>2</sup> / 24.7%</p>



Site coverage for the proposed development is high, with Dwellings 1, 2 & 3 attaining site coverage of 52.8%, 52.8% and 47.1% respectively, which exceeds the Council's desired 40% maximum. Due to the nature of row dwellings being boundary to boundary, site coverage is generally higher than detached or semi-detached dwellings as the dwellings do not provide separation to at least one side boundary (this being a requisite of row dwellings). Nevertheless, the absence of side setbacks or separation will not result in visual impacts to the adjoining properties on either side of the subject site.

The extent of site coverage, particularly for Dwellings 2 and 3, is high, especially as the dwellings do not incorporate a rear verandah or under main roof alfresco, and the likely inclusion of these structures would result additional site coverage. In my view, this is the largest failure of the proposal. The applicant has sought to maximise the dwellings footprint at the expense of a more conventional allotment configuration. In my opinion, a two storey form of development would result in a more appropriate and functional use of the land and would enable a reduction in the dwellings footprint, an increase in boundary setbacks and the provision of a larger private open space.

Notwithstanding the above, the high site coverage is unlikely to create an adverse visual impact on adjoining properties. It should be noted, a dwelling 'as of right' can achieve site coverage of up to 60% under the Residential Code, and whilst not applicable for a dwelling of this type, this does indicate a degree of flexibility should the dwelling adequately function and meet the likely needs of the occupants. Furthermore, a row dwelling 'as of right' can incorporate site coverage of up to 70% when constructing a verandah or outbuilding under Schedule 1A or 4 of the Development Regulations 2008.

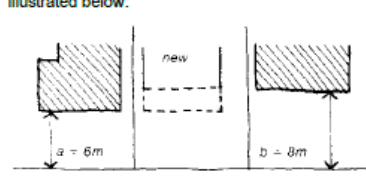
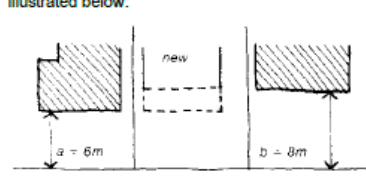
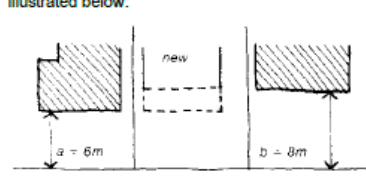
Private Open Space		
<i>Dwellings should include POS that conforms to the requirements identified in the following table:</i>		
<b>Site area of dwelling</b>	<b>Minimum area of POS</b>	<b>Provisions</b>
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
<i>Residential Zone: PDC 7</i>		
<i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i>		
<ul style="list-style-type: none"> <li>(a) to be accessed directly from the internal living rooms of the dwelling</li> <li>(b) to be generally at ground level (other than for dwellings without ground level internal living rooms)</li> <li>(c) to be located to the side or rear of a dwelling and screened for privacy</li> <li>(d) to take advantage of, but not adversely affect, natural features of the site</li> <li>(e) to minimise overlooking from adjacent buildings</li> <li>(f) to achieve separation from bedroom windows on adjacent sites</li> </ul>		
<b>Complies</b>		
Dwelling 1: 54m <sup>2</sup> / 23.3% Dwelling 2: 54m <sup>2</sup> / 23.3% Dwelling 3: 60m <sup>2</sup> / 23.1%		
<b>Complies</b>		
<ul style="list-style-type: none"> <li>a) All POS areas are directly accessible from a habitable room of the associated dwelling.</li> <li>b) All POS is located at ground level to the side and/or rear of the dwellings and capable of being screened for privacy.</li> <li>c) The subject land does not maintain natural features which warrant preservation.</li> <li>d) The POS areas should not be directly overlooked by adjacent buildings.</li> <li>e) POS areas are not located next to</li> </ul>		

<p>(g) to have a northerly aspect to provide for comfortable year round use                  (h) to not be significantly shaded during winter by the associated dwelling or adjacent development                  (i) to be partly shaded in summer                  (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality                  (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 16</p> <p>Private open space should not include:                  (a) any area covered by a dwelling, carport, garage or outbuildings                  (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas                  (c) common areas such as parking areas and communal open spaces                  (d) any area at ground level at the front of the dwelling (forward of the building line)                  (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>	<p>bedrooms of dwellings on adjacent sites.                  g) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.                  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.</p> <p><b>Does Not Comply</b>                  f) Due to the existing north-south orientation of the allotments, the proposed POS areas do not achieve a northerly aspect. The location of POS forward of the dwelling, in order to achieve a northern orientation, would likely result in an unattractive and unacceptable streetscape outcome.</p>
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<p>A minimum of 50 per cent of the private open space provided should be open to the sky and free from verandas.</p> <p>General Section: Residential Development: PDC 22</p>	<p><b>Complies</b></p>
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**Building Setbacks from Road Boundaries**

<p>Except in areas where a new character is desired, the setback of buildings from public roads should:                  (a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality                  (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p>	<p><b>Partially Complies</b>                  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 metres is comparable to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.</p>
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<p>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</p> <table border="1" data-bbox="159 1568 925 1948"> <thead> <tr> <th>Setback difference between buildings on adjoining allotments with the same primary street frontage</th> <th>Setback of new building</th> </tr> </thead> <tbody> <tr> <td>Up to 2 metres</td> <td>The same setback as one of the adjoining buildings, as illustrated below:</td> </tr> <tr> <td colspan="2" style="text-align: center;">  </td> </tr> <tr> <td>Greater than 2 metres</td> <td>At least the average setback of the adjoining buildings</td> </tr> </tbody> </table> <p>General Section: Design and Appearance: PDC 22</p>	Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building	Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:			Greater than 2 metres	At least the average setback of the adjoining buildings	<p><b>Partially Complies</b>                  The proposed 6 metre front setback for each dwelling is significantly less than the 7.7 metre average of the dwellings on adjacent allotments. The adjacent dwellings to the east and west are conventional early 1960's masonry dwellings and maintain front setbacks of approximately 7.7 metres.</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> <p>The garages of Dwellings 1 and 3 are</p>
Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building								
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:								
									
Greater than 2 metres	At least the average setback of the adjoining buildings								

	located to the outer side of the respective dwelling and therefore provide transition in the built form to the adjacent dwelling. The above, and extent of articulation and transition afforded from the proposed built form to the new, is considered acceptable. It should also be noted that newer dwellings within the immediate and wider locality incorporate lesser setback where the original adjacent dwellings maintain a greater setback.
<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><b>Complies</b> Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
<b>Side Setbacks</b>	
<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><b>Does Not Comply</b> Dwelling 1: 900mm Dwelling 3: 900mm</p>
<p><i>Maximum length and height when wall is located on side boundary:</i> <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i> <i>(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><b>Complies</b> Dwelling 1: <u>6.28m wall length</u> 2.7m (wall) + 290mm fill between finished floor level and natural ground level equates to a total boundary <u>wall height of 2.99 metres.</u></p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p><b>Complies</b> 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 such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<b>Rear Setbacks</b>	
<p><i>Minimum setback from rear boundary:</i> <i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i> <i>(b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p><b>Complies</b> Dwelling 1: 7.25m Dwelling 2: 7.25m Dwelling 3: 7.25m</p>

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>		<p><b>Complies</b></p> <p>The separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight. As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
<b>Building Height</b>		
<p><i>Maximum building height (from natural ground level):</i></p> <p><i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p><b>Complies</b></p> <p>The proposed dwellings incorporate a maximum building height of 4.3 metres, which is less than the maximum permitted in the Policy Area.</p>
<b>Garages, Carports, Verandas and Outbuildings</b>		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p><b>Complies</b></p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
<b>Parameter</b>	<b>Value</b>	
Maximum floor area	60 square metres	<p><b>Complies</b></p> <p>Dwelling 1 &amp; 2: 17.4m<sup>2</sup></p> <p>Dwelling 3: 17.4m<sup>2</sup></p>
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.	<p><b>Complies</b></p> <p>Each garage is located a minimum 6.5 metres from the front boundary and 500mm behind the respective dwelling face.</p>
Minimum setback from side or rear boundaries (when not located on the boundary)	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	<p><b>Complies</b></p> <p>Dwelling 3: 900mm</p>

Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<b>Complies</b> 6.28m wall length 2.7m (wall) + 290mm fill between finished floor level and natural ground level equates to a total boundary <u>wall height of 2.99 metres.</u>
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)	<b>Complies</b> Dwelling 1: 2.5m / 33.6% Dwelling 2: 2.5m / 33.6% Dwelling 3: 2.5m / 30.04%
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		<b>Complies</b>
<b>Vehicle Parking</b>		
<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 &amp; Access: PDC 34</i></p>		<b>Complies</b>
<p><i>Detached</i></p> <p><i>Semi-detached</i></p> <p><i>Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
Table Mar/2 - Off-street Vehicle Parking Requirements.		
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation &amp; Access: PDC 42</i></p>		<b>Complies</b>
<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 (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation &amp; Access: PDC 43</i></p>		<p><b>Complies</b></p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>d) 1 on-street car parking spaces shall remain available adjacent the subject land.</p> <p><b>Does Not Comply</b></p> <p>e) The proposal results in the loss of 1 on-street parking space.</p>

<b>Access</b>	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p style="margin-left: 20px;">(a) 3 metres wide for a single driveway (b) 5 metres wide for a double driveway.</p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p><b>Complies</b></p> <p>Each dwelling proposes a 3 metre wide driveway/crossover.</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><b>Complies</b></p> <p>The proposed crossovers are setback a minimum 2.1 and 2.3 metres from the 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><b>Partially Complies</b></p> <p>The access points of Dwellings 2 and 3 are separated by a minimum of 8m.</p> <p>Less than 6m separates the driveways of Dwellings 2 and 3, this is somewhat unavoidable given the redevelopment of the site to accommodate three dwellings and the overall frontage width of 23.16 metres.</p>
<b>Design &amp; Appearance</b>	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p style="margin-left: 20px;">(a) building height, mass and proportion (b) external materials, patterns, colours and decorative elements (c) roof form and pitch (d) façade articulation and detailing (e) verandas, eaves, parapets and window screens.</p> <p><i>General Section: Design &amp; 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 &amp; Appearance: PDC 3</i></p>	<p><b>Complies</b></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"> <li>• Vertical floor to ceiling windows;</li> <li>• Eave overhang and pitched roof form at 25 degree slope;</li> <li>• Porticos that protrude from the main face and incorporate different colours to provide greater visual interest and contrast.</li> </ul> <p>The dwellings incorporate a 25 degree Colorbond roof with rendered facades. The garage of each dwelling features a Colorbond Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>The proposed development is of a suitable mass, proportion and has been provided with acceptable articulation to the street and adjoining residences. Articulation has been provided to the side and rear boundaries to minimise the visual impact of the building and limit the potential of overshadowing.</p> <p>On balance, the design and appearance of the dwellings are considered to appropriately satisfy relevant Development Plan criteria.</p>

<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></li> <li><i>(b) individual entries for ground floor accommodation</i></li> <li><i>(c) opportunities to overlook adjacent public space.</i></li> </ul> <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><b>Complies</b></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>
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**Relationship to the Street and Public Realm**

<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design &amp; 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 &amp; 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 &amp; 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 &amp; Appearance: PDC 16</i></p>	<p><b>Complies</b></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>
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## 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*

### **Does Not Comply**

Due to the existing north-south orientation of the allotments, the proposed POS areas and main living areas of the dwelling do not achieve a northerly aspect.

This notwithstanding, 450mm wide eaves have been provided to all façades of the proposed dwellings to provide some aspect of shade to the windows, particularly during the summer months. Sky lights have been provided to the bathroom and hallway of each dwelling to provide solar access to these areas, reduce lighting costs and improve the future occupant's amenity.

### **Complies**

Due to the single storey nature of the proposed dwellings, it is anticipated natural sunlight will be available throughout the year to the main activity areas of adjacent dwellings. The proposed dwellings have been afforded a 25 degree pitched roof which will facilitate the potential future use of solar hot water services and photovoltaic cells.

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

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

*General Section: Energy Efficiency: PDC 3*

### **Complies**

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.

## Landscaping, Fences and Walls

*Development should incorporate open space and landscaping in order to:*

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

*General Section: Landscaping, Fences & Walls: PDC 1*

*Landscaping should:*

- (a) include the planting of locally indigenous species where appropriate*
- (b) be oriented towards the street frontage*
- (c) result in the appropriate clearance from powerlines and other infrastructure being maintained.*

*General Section: Landscaping, Fences & Walls: PDC 2*

### **Complies**

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



## Land Division

*When land is divided:*

- (a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner*
- (b) a sufficient water supply should be made available for each allotment*
- (c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health*
- (d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.*

General Section: Land Division: PDC 1

### Complies

- a) Stormwater is capable of being drained safely and efficiently from the allotment, subject to recommended conditions of consent 6, 7 and 8.
- b) SA Water have confirmed that water supply is available (subject to conditions).
- c) SA Water have confirmed that sewerage connection is available (subject to conditions).
- d) N/A

*Land should not be divided if any of the following apply:*

- (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 in 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 land within the locality*
- (e) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development*
- (f) the intended use of the land would be contrary to the zone objectives*
- (g) any allotments will straddle more than one zone, policy area or precinct.*

General Section: Land Division: PDC 2

### Complies

- a) The dwellings have been designed in accordance with a majority of design criteria, thereby demonstrating that the allotments are suitable for their intended use.
- b) All allotments will have a frontage to the public road.
- c) Minor cut/fill is required.
- d) Erosion is unlikely.
- e) The area is sewered.
- f) The intended use of the allotments is consistent with the zone objectives.
- g) The allotments are located wholly within the zone and policy area.

### Design and Layout

*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.*

General Section: Land Division: PDC 3

### Does Not Comply

*Allotments should have an orientation, size and configuration to encourage development that:*

- (a) minimises the need for earthworks and retaining walls*
- (b) maintains natural drainage systems*
- (c) faces abutting streets and open spaces*
- (d) does not require the removal of existing native vegetation to facilitate that development*
- (e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.*

General Section: Land Division: PDC 10

### Complies

<p><i>The layout of a land division should provide for efficient solar access.</i></p> <p><i>General Section: Land Division: PDC 11</i></p>	<p><b>Partially Complies</b></p> <p>Despite being situated to the south of each dwelling, the private open space provided is likely to receive direct morning and afternoon sun throughout the year.</p>
<p><b>Roads and Access</b></p> <p><i>The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:</i></p> <p><i>(a) the size of proposed allotments and sites and opportunities for on-site parking</i></p> <p><i>(b) the availability and frequency of public and community transport</i></p> <p><i>(c) on-street parking demand likely to be generated by nearby uses.</i></p> <p><i>General Section: Land Division: PDC 21</i></p>	<p><b>Complies</b></p> <p>a) Adequate on-site parking available</p> <p>b) Public transport services are accessible in the wider locality</p> <p>c) The locality is dominated by residential uses and as such, the availability of on-street parking is considered appropriate.</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><b>Does Not Comply</b></p> <p>1 on-street car parking space is provided for the proposed allotments, which does not satisfy PDC 22 when which requires the provision of 2 on street-parking spaces.</p>

## ANALYSIS/CONCLUSION

Assessment of the proposal identifies shortfalls in site area, front setbacks, excess in site coverage and a shortfall in one on-street parking space.

Whilst Dwellings 1 and 2 do not achieve the required allotment size for row dwellings within the Northern Policy Area 13, as discussed within the report, appropriate setbacks and provision of private space has been afforded to each dwelling and, although undersized, the proposed allotments are considered to be of an acceptable density for the Policy Area. Despite the shortfall in site area, the proposal attains reasonable setbacks to boundaries and acceptable area and dimensions of private open space. As such, in my opinion, the shortfall in site area does not result in an over development of the site nor does it adversely affect the intent of the Policy Area.

The high site coverage of Dwellings 1 and 2 is considerable given the dwellings do not incorporate a rear verandah or under main roof alfresco, and the inclusions of these structures would result in increased site coverage. This notwithstanding the proposal does achieve acceptable setbacks to boundaries and area and dimensions of private open space. As such, the excess in site coverage is not considered to adversely affect the functionality of each dwelling, nor compromise the amenity of future occupants.

Whilst the front setbacks of the dwellings do not meet the quantitative requirements of the Development Plan, they do not result in detrimental impacts upon the adjacent dwellings or adversely affect the streetscape. The setbacks, whilst not the average of adjoining dwellings, are considered to be consistent with more recently constructed dwellings with the locality and are likely to be replicated as more properties are developed in the future.

Whilst there is a shortfall in one on-street parking space, given the provision of acceptable on-site parking and one on-street parking space, the overall shortfall is not considered critical to the overall merits of the proposal.

The proposal is consistent with the intended built form and housing sought for the Northern Policy Area 13 and is reasonably compliant with a number of Council's design criteria.

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

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## RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2129/2017 (DAC: 100/D263/17) for Residential Land Division Torrens Title 1 into 3 allotments and subsequent construction of three single storey row dwellings, one of which incorporating a wall on the eastern boundary at 59 Pildappa Avenue, Park Holme be GRANTED subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2129/2017, being drawings
  - a. 01 of 08 to 08 of 08 (inclusive) prepared by InProperty Design, received by Council 27 December 2017
  - b. Civil Detail – 3 prepared by SCA Engineering, received by Council 27 December 2017
  - c. Plan of Proposed Plan prepared by SKS Surveyors, dated 22 December 2017except when varied by the following conditions of consent.
2. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

8. 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.
9. Party/common wall(s) associated with the development proposed to be built on the land shall be accurately identified on the plan of division prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
10. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
11. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.

#### ***Land Division Consent***

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0066036).

The internal drains shall be altered to the satisfaction of the SA Water Corporation.

SA Water Corporation further advise than an investigation will be carried out to determine if the water and/or sewer connection/s to your development will be costed as standard or non-standard.

2. Payment of \$13660 into the Planning and Development Fund (2 allotments @ \$6830/allotment). Payment may be made by credit card via the internet at [www.edala.sa.gov.au](http://www.edala.sa.gov.au) or by phone (8303 0724), by cheque payable to the Development Assessment Commission marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, at Level 5, 50 Flinders Street, Adelaide.
3. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

#### **NOTES**

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

- 3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
- 4. Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).**
- 5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.**
- 6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.**

#### Attachments

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