

**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

Notice is hereby given that a Council Assessment Panel Meeting will be held:

**Wednesday 20 December 2023**

**Commencing at 6.30 p.m.**

**Council Chamber**

**Council Administration Centre**

**245 Sturt Road, Sturt**

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

A handwritten signature in blue ink, appearing to read "Alex Wright", is positioned above the printed name and title.

Alex Wright  
**ASSESSMENT MANAGER**

13 December 2023

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 20 DECEMBER 2023  
COMMENCING AT 6.30PM**



**1. MEETING PROCEDURES**

**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. GENERAL OPERATIONS**

No items listed for discussion.

**3. DEVELOPMENT ACT 1993 APPLICATIONS**

No items listed for discussion.

**4. PDI ACT APPLICATIONS**

**4.1 DEVELOPMENT NO 22043284**

**934 MARION ROAD, STURT**

Change of use and construction of a mixed-use three-level building for supported accommodation and ground level shop (café), with associated refuse enclosure, car parking, landscaping and below-ground retention tank.

Report Reference: CAP201223 – 4.1.....3

**4.2 DEVELOPMENT NO 22042992**

**293 STURT ROAD, STURT**

Construction of a three-storey residential flat building comprising 7 dwellings as well as associated driveway and landscaping.

Report Reference: CAP201223 – 4.2 .....62

**4.3 DEVELOPMENT NO 23025354**

**3 Arthur Street, Plympton Park**

Second storey dwelling addition and internal alterations.

Report Reference: CAP201223 – 4.3.....123

**5. APPEALS UPDATE**

Verbal update provided.

**6. POLICY OBSERVATIONS**

No items listed for discussion.

**7. OTHER BUSINESS**

No items listed for discussion.

**8. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 20 DECEMBER 2023.**

**9. MEETING CLOSURE**

**2. GENERAL OPERATING PROCEDURES  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**

---



No items listed for discussion.

**3. DEVELOPMENT ACT APPLICATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**

---



No items listed for discussion.

**REPORT REFERENCE: CAP201223 – 4.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**



<b>Originating Officers:</b>	<b>Alex Wright Team Leader Planning / Council Assessment Manager</b>	
<b>Application No:</b>	<b>22043284</b>	
<b>Applicant:</b>	<b>Otello c/o URPS</b>	
<b>Development Description:</b>	<b>Change of use and construction of a mixed-use three-level building for supported accommodation and ground level shop (café), with associated refuse enclosure, car parking, landscaping and below-ground retention tank</b>	
<b>Site Location:</b>	<b>934 Marion Rd, Sturt</b>	
<b>Zone &amp; Policy Area:</b>	<b>Local Activity Centre Zone</b>	
<b>Lodgement Date:</b>	<b>21/02/2023</b>	
<b>Planning and Design Code:</b>	<b>16 February 2023 Version 2023.3</b>	
<b>Elements &amp; Pathway</b>	<b>Supported Accommodation Shop Refuse Enclosure (outbuilding) Below-ground rainwater tank</b>	<b>Performance Assessed Performance Assessed Performance Assessed Accepted Development</b>
<b>External Referrals:</b>	<b>External - Commissioner of Highways (DIT)</b>	
<b>Application Type:</b>	<b>Performance Assessed</b>	
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which:</i> <i>Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>	
<b>Public Notification</b>	<b>Public Notification required</b> <i>An application which involves an element not identified as a class of development excluded from public notification requires public notification unless the authority considers the application minor.</i>	
<b>Recommendation:</b>	<b>That Planning Consent be APPROVED</b>	

---

**Attachments**

<i>Appendix 1:</i>	<i>Planning and Design Code guidelines (shop)</i>
<i>Attachment I:</i>	<i>Plans and supporting documentation</i>
<i>Attachment II:</i>	<i>Statement of Representations</i>
<i>Attachment III:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment IV:</i>	<i>External Referral Response</i>

## SUBJECT LAND

The subject land comprises the property at 934 Marion Road, Sturt. It is square-shaped, with a particularly wide frontage width of 30.48 metres, and a site depth of 30.44 metres, totalling a site area of 928 square metres.

The land fronts onto a one-way service road which runs parallel with Marion Road and obtains access via an existing single width crossover on the southern side of the frontage. A slip lane into the service road from the main carriageway of Marion Road is located 10 to 20 metres south of the property boundary, and an intersection with Macklin Street is located approximately 20 metres north of the property boundary.

The land presently contains a 1950s single storey detached dwelling which is in below-average condition. There is an attached carport on the southern side boundary, and informal shade cloth structures to the rear corner. The street frontage of the land comprises a low masonry fence on the front boundary, with established and overgrown landscaping within the front yard. Vegetation within the subject land or on adjacent properties is not identified as regulated or significant.

Infrastructure pits and a stobie pole are situated adjacent the southern boundary, while a stormwater entry pit, infrastructure pit, and public payphone are located adjacent the northern boundary.

The land is generally flat with a very mild slope of 1-in-50 down to the north-east.





## LOCALITY

The subject land is in Sturt, situated on the western side of Marion Road, which is a major north-south arterial road. The locality comprises a mixed character which is dominated by the wide arterial Marion Road corridor and the nearby Southern Expressway bridge and intersection to the south.

Most existing development within the immediate locality is residential. The residential character of the area is undergoing change from original single storey detached dwellings on large allotments, to a wider variety of new dwellings on a mixture of original and subdivided allotments at higher densities. Despite this changing character, all buildings within the immediate locality remain single storey.





The subject land forms part of an underutilised Local Activity Centre Zone, together with a block of shops to the north and a mostly vacant allotment to the immediate west. The block of shops has a low-scale single storey form with a verandah cantilevered over the footpath to both frontages. It contains five separate tenancies, presently including a massage parlour, takeaway restaurant, and a hairdresser. Its off-street parking is limited to a small 'back-of-house' area which provides two informal spaces and is believed to be used by staff only. As such, customers utilise on-street parking on Macklin Street and the service road. Since approximately the 1960s, the land to the immediate west has been mostly vacant, containing only a shed and informal outdoor storage of a small amount of building materials. As such, the Local Activity Centre Zone is presently underutilised considering the desired outcomes and uses of the Zone.

Opposite Marion Road to the east is an area known as Lot 707, which is presently vacant. While it may appear to have an open space character, it is private property where future development is anticipated. From 2016 to 2019, part of the land was used as a laydown area associated with a nearby road upgrade project. The southernmost portion of Lot 707 (opposite to the subject land) is identified as Lot 501, which is the subject of a privately-led proposed Code Amendment by Bunnings Properties Pty Ltd. The Code Amendment seeks to rezone Lot 501 from Urban Neighbourhood Zone to Employment Zone, as part of their future intention to develop a large format bulky goods outlet/service trade premises at the site. At the time of writing, the Code Amendment is currently in the 'Initiated' stage, with consultation expected to commence in 2024. It should be noted that any future zoning changes or future development which may occur on Lot 707 are subject to the outcomes of the Code Amendment and separate development application processes. An application for an Indigenous Elders Village, proposed to the north-eastern corner of Lot 707, received Planning Consent in July 2023.

Further east (behind Lot 707) are the Sturt River and Warriparinga. These public open space areas are beyond the scope of the locality, but connect through to Marion Road near the subject land via an unsealed pedestrian trail adjacent the Southern Expressway.

At the edge of a 400m radius to the south and east are a wide variety of commercial uses, including fast food outlets, service stations, a hotel, shops, bulky goods outlets, motor repair stations and offices. While these are beyond the immediate locality, they are only a short walk or drive from the subject land and form part of the broader arterial road and commercial character which defines part of the surrounding area.

As aforementioned, the land fronts a one-way northbound service road which runs parallel with the main Marion Road carriageway. Traffic on the service road immediately in front of the land is predominantly local traffic: either travelling to Marion Road from Ralph Street; or entering from Marion Road via the nearby slip lane and then dispersing into the surrounding area via Macklin Street.

The land is within 100 metres of bus stops on Marion Road, however those stops provide only very limited services (5 buses per day). Other bus stops with a wider variety and frequency of services are located 500 metres away on Main South Road or Flagstaff Road, while Flinders Railway Station is approximately a 1.2 kilometre walk to the east.

The subject site and locality can be viewed via this [Google Maps link](#).

## PROPOSED DEVELOPMENT

The proposal seeks to construct a mixed-use three-level building for supported accommodation and shop (café), with associated refuse enclosure, car parking, landscaping and belowground retention tank. The existing use of the land is residential, and so the application also proposes a change of land use accordingly.

The ground level comprises the shop (café) and a lift foyer for the supported accommodation, with car parking and enclosed waste storage areas to the rear which are partly beneath the overhanging structure of the upper two levels above. Internally, the ground level primarily comprises the café, including kitchen, service area, seating areas, an enclosed meeting room, and toilets. The applicant has indicated the café will include a 'shared space' specifically designed to service the occupants and visitors of the supported accommodation. This has been labelled as a 'co-work space'. The café is accessible directly from the footpath via steps to its front door, or via a secondary entrance from a dedicated pedestrian path and ramp adjacent the driveway. This pedestrian path leads to a separate lift foyer immediately behind the café, which provides access to the supported accommodation on the upper levels. The path then leads to the car parking area at the rear of the site. Fire stairs are located immediately behind the lift.

The upper two levels of the building are proposed to be used for supported accommodation. The applicant describes this aspect of the land use as providing, *'accommodation/housing for people who require some level of assistance or care from allied professionals. Residents will have diverse needs that require support from carers. Residents will have access to in-house medical and allied health professionals, who are accommodated in small quarters alongside resident units... The facility is designed to be managed in a way that provides flexible home-like environments, allowing residents to socialise, maintain skills and some degree of independence'*.

The supported accommodation comprises a total of eight 2-bedroom units, with an associated studio carers' studio located on level one to be used only by employed staff/carers for overnight stays (as on-site support is provided to residents on a 24-hour basis). Each unit and carers' quarters has a private balcony, while a common balcony is also proposed to the front of the first level.

Access is proposed via a double-width extension to the existing crossover which is located on the southern side of the frontage. The proposed crossover extension will conflict with an existing stobie pole and two infrastructure pits, and will require relevant service authority approval to relocate. On the land, the double driveway is separated by a landscaped median, with a separate lane for entering and exiting traffic. Permeable paving is proposed to part of the entering lane and beneath parking spaces across the rear. A total of 13 off-street car parking spaces are proposed (including 1 disabled space). A waste storage area at the rear corner of the site is accessible by a medium-rigid vehicle for private on-site waste collection.

Landscaping is proposed at-ground and on upper level balconies. Ground level landscaping strips are proposed along the southern side boundary (500mm wide with ornamental plum tree plantings), the western rear boundary (650mm wide with ornamental pear tree plantings), and in a central island within the driveway (500mm wide with ground covers). The common balcony on the first level of the supported accommodation is proposed to incorporate a raised garden bed.

## PROCEDURAL MATTERS

### Classification

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

### Elements & Categorisation

The proposal is considered to incorporate the following elements;

- Supported Accommodation
- Shop
- Refuse Enclosure (outbuilding)
- Below-ground rainwater tank

The proposal incorporates a building height which exceeds Zone DTS/DPF 3.1's maximum of 2 building levels or 9 metre height. The building also does not satisfy Zone DTS/DPF 3.3 in relation to southern boundary setbacks and building envelope. Local Activity Centre Zone Table 5, Clause 3 (m) lists failure to satisfy the above provisions as a reason for public notification where the proposed development involves a shop.

In any case, 'supported accommodation' is not listed in Local Activity Centre Zone Table 5, and so requires public notification unless considered minor pursuant to Clause 1. Having regard to the built form and intensity of the land use, including the three-storey nature of the development, the surrounding dwellings and locality, and the way the development relates to the locality, administration were of the view that the proposal was not of a minor nature.

The refuse enclosure (outbuilding) is listed within Table 5 as 'exempt' from Public Notification within the Local Activity Centre Zone, whilst the below-ground rainwater tank is listed as an 'Accepted' form of development and does not require Planning Consent.

As such, the Marion Council Assessment Panel was assigned as the Relevant Authority and the development was notified in accordance with the Act.

### External Referrals

#### Commissioner of Highways (DIT)

A referral to the Commissioner of Highways (DIT) was required due to the proposed access arrangements within the Major Urban Transport Routes Overlay. DIT have raised no objection to the proposal subject to the imposition of relevant conditions.

*To minimise the impact of waste collection vehicle movements on the adjacent Marion Road/Service Road connection, waste collection for the site shall only occur outside of the peak traffic periods on the adjacent roads and peak traffic generation periods of the site.*

### Internal Referrals

#### Development Engineer

Reviewed the supplied stormwater management plan and traffic engineer's documentation and has raised no objections, besides advising that relevant service authority is approval is required to relocate the stobie pole.

#### **Coordinator Transport**

Reviewed the supplied traffic engineer's documentation and provided recommendations in relation to the crossover design/width, stobie pole relocation and the possibility to waste collection being timed with waste pick-up to minimise traffic conflicts.

#### **Engineering Assets & Environment / Land & Property**

Council's Manager Engineering Assets & Environment and Team Leader – Property have advised that the proposed verandah encroachment can be supported 'in principle' subject to a separate LMA and Section 221 process (to be undertaken in the event Planning Consent is issued).

#### **Senior Procurement Specialist (Waste)**

Reviewed the proposal's waste management report and raised no objections to the proposed private on-site waste collection arrangement.

#### **Coordinator Arboriculture**

As an absolute basic rule of thumb 1m x 1m is minimum distance required for landscaping strip.

An opportunity to plant trees within the road reserve between the service road and main road is possible but will depend on whether there is road under the traffic island or not.

## PUBLIC NOTIFICATION



### Summary of Representations

Properties Notified: 26

Representations Received: 5

No.	Name	Location	Position	Wish to be heard:
1	T Christopher	5/930 Marion Road	Support, with concerns	No
2	B Suggate	3A Macklin Street	Oppose	No
3	A Nichols	2 Macklin Street	Support, with concerns	No
4	P & M Wakefield	936 Marion Road	Oppose	Yes
5	W Finnis	3 Ralph Street	Support, with concerns	Yes

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



## Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note, 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO – i.e. the outcome can be met in another way:

***In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.***

(underline my emphasis)

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met.

It is with the above approach in mind that I have assessed this development.

## ASSESSMENT

Part 1 - Rules of Interpretation of the Code advises that for each Zone, Table 3 specifies the policies and rules that apply to classes of development within the zone. I note:

***The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable.***

***For the avoidance of doubt, the relevant authority may determine that one or more of the listed policies are not relevant to a particular development.***

Assessment of the shop element is limited to the relevant policies listed in Table 3, however the supported accommodation and outbuilding elements are full Code assessed. The Code policies applicable for the shop element can be reviewed in Appendix 1.

Policies relating to the above planning considerations are found in the Zone, Overlays and General sections of the Code.

## ZONE CONSIDERATIONS

*Local Activity Centre Zone: DO 1, PO 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 3.1, 3.2, 3.3*

## OVERLAY CONSIDERATIONS

*Airport Building Heights (Regulated) Overlay: DO 1, PO 1.1*

*Hazards (Flooding - General) Overlay: DO 1, PO 1.1, 2.1, 3.1*

*Major Urban Transport Routes Overlay: DO 1, 2, PO 1.1, 2.1, 4.1, 5.1, 6.1, 7.1, 8.1, 10.1*

*Traffic Generating Development Overlay: DO 1, 2, PO 1.1, 1.2, 1.3*

## GENERAL DEVELOPMENT POLICIES CONSIDERATIONS

*Clearance from Overhead Powerlines: DO 1, PO 1.1*

*Design in Urban Areas: DO 1, PO 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 8.1, 8.5, 11.1, 11.2, 11.3, 11.4, 11.5, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 13.1, 13.2, 13.3, 13.4, 14.1, 14.2, 16.1, 17.1, 17.2, 18.1, 18.2, 27.1, 28.1, 28.2, 28.3, 28.4, 28.6, 28.7, 30.1, 37.1, 37.2, 38.1, 39.1, 39.2, 39.3, 39.4, 39.5, 39.6, 40.1, 40.2, 40.3, 40.4, 40.5, 40.6, 40.7, 42.1, 42.2, 42.3, 43.1*

*Infrastructure and Renewable Energy Facilities: DO 1, PO 11.1, 11.2, 12.1, 12.2*

*Interface between Land Uses: DO 1, PO 1.1, 1.2, 2.1, 3.1, 3.2, 3.3, 4.1, 4.2, 4.4, 7.1*

*Site Contamination: DO 1, PO 1.1*

*Transport, Access and Parking: DO 1, PO 1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 4.1, 5.1, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 7.1, 10.1*

Key Quantitative Snapshot		
Existing site dimensions: 928sqm (30.48 x 30.44m)		
Supported Accommodation & Shop (café)		Suggested DTS/DPF*
Northern Setbacks - Ground level - First level - Second level	Sited on boundary 1.2m 1.2m	No specified provisions
Eastern Setbacks (street) - Ground level - First level - Second level	On boundary (canopy over footpath) 2.3m 2.4m (to front façade windows)	No specified provisions
Southern Setbacks - Ground level - First level - Second level	10.45m 4.11m 8.2m	No specified setback provisions LAC Zone DTS/DPF 3.3: 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary
Western Setbacks - Ground level - First level - Second level	12.15m 5.81m 5.81m	No specified provisions
Building Footprint	581m <sup>2</sup>	No specified provisions
Building Height (levels)	3 levels	LAC Zone DTS/DPF 3.1: Max 2 levels
Building Height (vertical height)	10.45m (existing NGL to top of roof or 9.6m if measured from proposed floor level.	LAC Zone DTS/DPF 3.1: Max 9 metres
On-site parking	13 spaces	
On-street parking	Nil (existing traffic restrictions)	
Shop Tenancy Area	207.5m <sup>2</sup>	
Unit 1 Floor Area (2 bedroom) Balcony Area	85.5m <sup>2</sup> 13.5m <sup>2</sup>	<b>Private Open Space</b> Design in Urban Areas DTS/DPF: 27.1 Studio: 4m <sup>2</sup> / minimum dimension 1.8m One bedroom dwelling: 8m <sup>2</sup> / minimum dimension 2.1m Two bedroom: 11m <sup>2</sup> / minimum dimension 2.4m
Unit 2 Floor Area (2 bedroom) Balcony Area	87.5m <sup>2</sup> 13.5m <sup>2</sup>	
Unit 3 Floor Area (2 bedroom) Balcony Area	92m <sup>2</sup> 18m <sup>2</sup>	
Unit 4 Floor Area (2 bedroom) Balcony Area	90m <sup>2</sup> 15m <sup>2</sup>	
Unit 5 Floor Area (2 bedroom) Balcony Area	85.5m <sup>2</sup> 13.5m <sup>2</sup>	
Unit 6 Floor Area (2 bedroom) Balcony Area	87.5m <sup>2</sup> 13.5m <sup>2</sup>	
Unit 7 Floor Area (1 bedroom) Balcony Area	97.5m <sup>2</sup> 9.8m <sup>2</sup>	
Unit 8 Floor Area (1 bedroom) Balcony Area	98.4m <sup>2</sup> 8.4m <sup>2</sup>	
Staff Care Quarters Floor Area (studio) Balcony Area	31.5m <sup>2</sup> 8.6m <sup>2</sup>	
Communal Space (1 <sup>st</sup> level)	25.41m <sup>2</sup>	
Stormwater Retention	10,000L (below ground)	None specified
Waste Canopy		
Setbacks	Located on southern & western boundaries	No specified provisions
Height	2.4m, increasing to 2.7m	LAC Zone DTS/DPF 3.1: Max 9 metres
Footprint		No specified provisions

**\*Note: As the application is 'Performance Assessed', satisfaction of the suggested DPF is 'one way' of achieving the corresponding 'Performance Outcomes'.**

In my view the most pertinent planning considerations for this assessment relate to:

- Suitability of Land Uses
- Built Form and Character
  - Building Height
  - Setbacks/Building Envelope
  - Overshadowing
  - Visual Impact
  - Visual Privacy
  - Design and Appearance
  - Landscaping
- Functionality
  - Accessibility
  - Private and Communal Open Spaces
  - Waste Storage and Collection
- Traffic and Parking

### **Suitability of Land Uses**

The intended scheme proposes a mixed-use development, comprising a shop (restaurant/café) on the ground level and supported accommodation on the upper two levels. Surrounding the building on the ground level are car parking, access, waste storage canopy and landscaping areas associated with both uses. A belowground retention tank is also proposed.

The existing use of the land is residential, comprising a single storey detached dwelling. By way of background, the Local Activity Centre Zone which applies to the subject land and two of the adjoining allotments was created in 2019 as part of the Housing Diversity DPA (Part 1), having previously been zoned Residential. The decision to rezone in 2019 reflected the established commercial use of the adjacent block of shops and indicated an aspiration for the local centre to expand into underutilised adjoining land.

Local Activity Centre Zone DO 1 provides guidance to the land uses desired within the Zone, supported by POs 1.1 to 1.5. Local Activity Centre Zone DO 1 seeks:

*'A range of small-scale shops, offices, business, health and community facilities to provide daily services to and support walkable neighbourhoods'.*

The existing low density and solely residential land use is clearly no longer a preferred land use within the Zone, and therefore a change in the uses desirable is anticipated.

The proposed shop (restaurant/café) is of a small scale and is a land use specifically envisaged within the Zone. It will provide daily services (prepared food and beverages) and a walkable local option to the surrounding neighbourhood. The nature of its use, together with its ground-level siting and design across the frontage, will contribute to vibrant and varied streetscape, as desired by Zone PO 1.4 and 1.5.

The supported accommodation component of the proposed development is primarily residential in nature, as its primary purpose is to provide a principal place of residence for occupants with special needs. While the supported accommodation will be administered by a business and includes on-site health support to residents provided by employees, it is nevertheless considered to be primarily residential in nature.

While the Zone primarily envisages non-residential land uses, it contemplates residential development where it *'supports the vitality of underperforming centres'* and *'does not prejudice the operation of [non-residential uses] within the zone'* (Local Activity Centre Zone PO 1.3 and PO 1.2 respectively).

When considering Zone PO 1.2, the supported accommodation element is not considered to prejudice the operation of the proposal's shop component, or the existing adjacent shops within the Zone. The design incorporates sufficient separation between the proposed supported accommodation and shop to mitigate potential impacts or constraints caused by one another's use, whilst the shared areas are suitably designed to reasonably accommodate expected traffic, parking and waste management demands. The supported accommodation is generally well-separated from the adjoining block of shops to the north and will not prejudice its continued use.

Considering Zone PO 1.3, the population and activity introduced by the supported accommodation will help to support the vitality of the presently underperforming centre. It is also noted that the development intends to accommodate a direct relationship between the two proposed uses, as the café is described as including a shared space specifically designed to service the occupants and visitors of the supported accommodation, which is labelled as the 'co-work space'.

The proposed land uses of shop and supported accommodation are considered to be appropriate for the subject land and the Zone. They will expand and augment the existing commercial uses within the Zone, whilst introducing a residential population and activity which will contribute to the vibrancy of the presently underutilised centre.

### **Built Form and Character**

The proposed built form can be summarised as an architecturally designed modern, medium-rise, mixed-use building. This contrasts with the character of the locality, which can be summarised as a low-rise, primarily residential area incorporating a traditional building topology adjacent an arterial road.

The built form and character is considered to be the primary point of contention in the assessment of this application. The key balance to consider is between the development's impacts and contrast upon the existing built form character of the locality, and the development's streetscape design quality and benefit to the centre and the broader community.

### **Building Height**

The proposed building comprises three building levels, with a maximum building height of 10.45 metres (or 9.6 metres if measured from proposed floor level).

The proposed building height, both in vertical height and building levels, exceeds the suggested quantitative guidelines of the relevant Technical and Numeric Variation (TNV) listed within DTS/DPF 3.1. The Code's Rules of Interpretation state that a DTS/DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the associated PO. It is important, therefore, to consider the relevant PO.

Local Activity Centre Zone PO 3.1 seeks:

*'Building height is consistent with [the relevant TNV], and otherwise generally of a low rise that complements the established streetscape and local character'.*



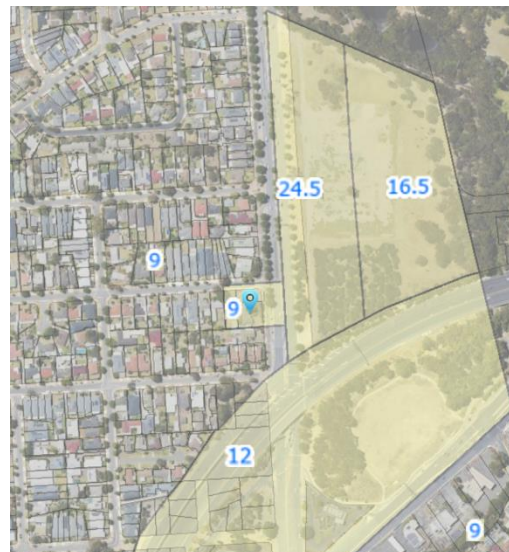
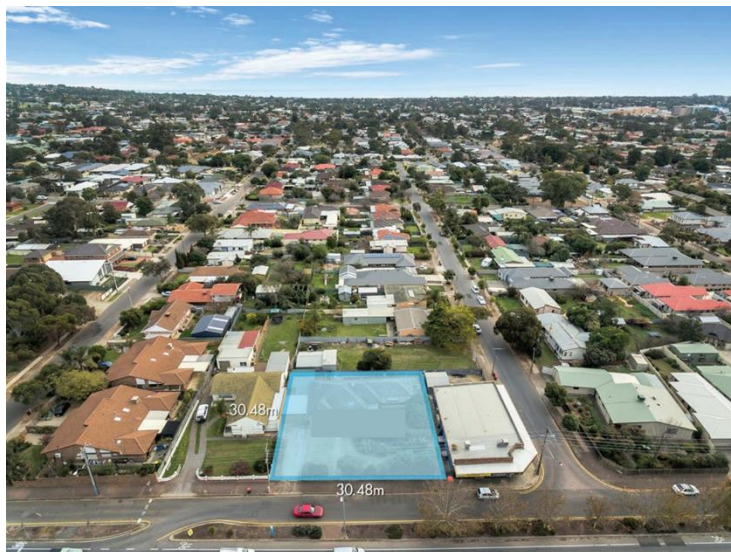
The proposed building is 'medium-rise' (defined within the Planning & Design Code to mean 3 to 6 building levels), which exceeds 'low-rise' form of development sought by the zone (low-rise is defined as up to and including 2 building levels).

The PO seeks that, where buildings are not necessarily 'consistent' with the TNV, they should otherwise be 'generally' low rise. The use of the word 'generally' suggests some degree of flexibility in the assessment of building height is contemplated. The word 'generally' is defined by the Macquarie Dictionary as '*with respect to the larger part, or for the most part*'; and '*usually; commonly; ordinarily*'. It is therefore interpreted that while the Zone seeks primarily for low-rise development, it may contemplate development which is occasionally not low-rise. In any event, a Performance Assessed development must be considered against all relevant provisions of the Code, with a balanced assessment of the proposal as a whole.

This notwithstanding, the PO continues to state that proposed building height should '*complement the established streetscape and local character*'. As such, any potential flexibility afforded to the proposed building height must be considered in context of the streetscape and locality. This is further reinforced by Local Activity Centre Zone PO 2.1, which seeks:

*'Development complements adjacent development within the zone, and mitigates interface impacts on adjoining residential uses in a neighbourhood type zone, through appropriate building siting, scale and design.'*

All existing buildings within the immediate streetscape are single storey. This is unusual, considering that the subject zone and surrounding General Neighbourhood Zone contemplates two storey development. Furthermore, the Urban Neighbourhood Zone located directly opposite the subject land permits development of up to 6 storeys (24.5 metres) adjacent Marion Road, transitioning down to 4 storeys (16.5 metres) further behind.



Left: Drone photograph (facing west) of the immediate Marion Road streetscape with subject land highlighted, circa 2017.  
Source: Realestate.com.au

Right: TNVs (shaded yellow) and Zone criteria for maximum building height (in metres) within the broader area.  
Source: SAPPA

The bulk and scale imposed upon the locality by the nearby Southern Expressway bridge and road signs suspended above Marion Road are also noted. These structures are elevated above

the surrounding roadway, and together form a reasonably dominant feature which bookends the southern end of the locality due to their height and scale.



*Left: View of the Southern Expressway bridge and road signs from adjacent the subject land.  
Source: Google*

In my view, it is most appropriate to consider the locality in the context that it can be developed for two storey development on the western side of Marion Road, with acknowledgement of the nearby bulky road infrastructure and the potential for much taller future development to be situated directly opposite the subject land on the eastern side of Marion Road.

The proposed front elevation attempts to disguise the building's apparent height and number of levels behind the raised front façade of the shop, which partly obscures the base of the second level behind. Despite this, it remains apparent from most aspects that the built form incorporates a total of three building levels, particularly as a result of the upright vertical bulk nature, which is emphasised by the side and rear elevations.

As discussed further in the setback discussion, the southern façade incorporates a stepped setback, which is considered to assist in mitigating interface impacts on the southern adjoining residential property, located in the General Neighbourhood Zone.

The proposed building height of three building levels is not considered to be fundamentally fatal in this instance. The built form has been suitably designed to mitigate its impacts and provides a generous transition to the existing lower-scale development located on the adjacent southern property.

#### Setbacks/Building Envelope

The proposed building's three storey nature is readily apparent when viewed from most aspects because of the vertical bulk presented to side and rear elevations. The southern side elevation is of primary concern in this regard, due to its relationship with the adjacent residential property located within a neighbourhood-type zone.

The Local Activity Centre Zone does not specify desired minimum setbacks to the primary street or to boundaries with other properties which are located within the same Zone. Nevertheless, Zone PO 2.1 seeks that:

*'Development complements adjacent development within the zone, and mitigates interface impacts on adjoining residential uses in a neighbourhood type zone, through appropriate building siting, scale and design.'*

The development proposes an on boundary front setback to the ground floor, with encroachment of a roof canopy above the footpath. This partly satisfies Zone PO 2.1 by complementing the adjacent block of shops, which also provides zero front setback with a comparatively larger verandah encroachment over the footpath and wraps around to Macklin Street. This proximity of the front setback and canopy to the front boundary also satisfy other criteria, including Zone PO 1.4 by contributing to what could be considered a vibrant and interesting streetscape, Zone PO

2.2 by emphasising a direct pedestrian linkage, and Design in Urban Areas PO 1.2 by providing shelter over the footpath.

The upper levels of the proposed building are set behind the ground floor at a minimum front setback of 2.03 metres, with several balconies then providing further variation of wall setbacks and sense of depth across the front façade. These aspects of the proposed front setback help to satisfy the other component of Zone PO 2.1, by mitigating the massing of the upper floor across the front elevation and providing some transition to the greater setback of the southern adjoining dwelling.

The setbacks of the building to its northern side and rear boundaries are of limited importance, given the Zone does not specify minimum desired setbacks to those boundaries due to the non-residential use and zoning of those adjacent properties.

The proposal includes a ground floor boundary wall on the northern side boundary for a length of 21.7 metres and a height of up to 3.5 metres from natural ground level. The boundary wall abuts a narrow service yard at the rear of the adjacent block of shops. This service yard does not provide any amenity to the shops and so the impacts of the proposed wall are considered acceptable.

Both upper levels are setback 1.2 metres from the northern boundary. Whilst the extent of setback is limited, this is of minimal concern given the northern adjoining block of shops is oriented away and is expected to obscure a proportion of the northern elevation from view of surrounding street level to the north.

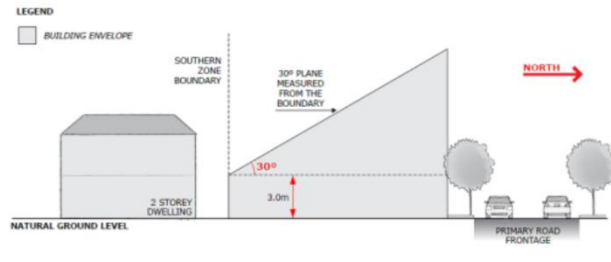
In relation to the built form's interface with the southern boundary, the façade has been stepped setback to assist in reducing the extent of vertical visual mass. The ground floor incorporates the largest setback, set under the upper floors and achieving a setback of 10.45 metres, whilst the first floor achieves a setback of 4.1 metres, with the second floor further set in at 8.2 metres.

Zone POs 3.2 and 3.3, respectively, seek for development to mitigate the visual impacts of massing and overshadowing on residential development located within a neighbourhood-type zone. The southern adjoining property comprises a single storey detached dwelling in the General Neighbourhood Zone, and therefore so should be afforded more protection from visual and overshadowing impacts, than if located within a Local Activity Centre Zone. The associated Zone DTS/DPFs 3.2 and 3.3 suggest 'one way' of mitigating visual massing and overshadowing is through the application of 'building envelopes' which seek greater setbacks in relation to building height. Although both PO's are applicable, only the southern boundary building envelope suggested by DTS/DPF 3.3 is applicable.

As discussed, to mitigate visual impacts of massing and overshadowing onto the adjacent residential property, the southern façade incorporates stepped setbacks, with the second level set further back than the first level.

The proposed building's southern side setback proposes a small encroachment beyond the building envelope suggested by DTS/DPF 3.3, as shown below. The encroachment can mostly be attributed to the third building level (with only the very top of the second building level encroaching).

Based on the building height of 9.6 metres, to completely satisfy the suggested building envelope, a maximum side setback of 11.1 metres would be required, where in this instance a setback of 8.2 metres is proposed. The extent of protrusion lessens as the building height reduces.

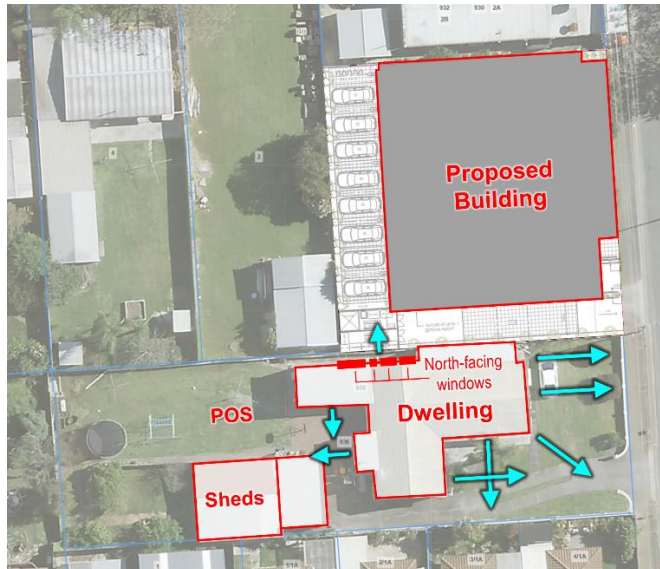


Top left: Zone DTS/DPF 3.3 Building envelope diagram relative to the southern boundary.

Top right: Proposed front elevation with interface setback suggested by DTS/DPF 3.3.

## Visual Impacts

To determine the extent of visual impacts likely to be caused to the southern adjoining property, it is important to understand its susceptibility to such impacts. This is done by reviewing its layout and the direction of its primary outlooks relative to the location of the proposed development.



Above: Footprint of the proposed development relative to the layout of the southern adjoining property, including north-facing windows and direction of outlooks from within the dwelling.

As illustrated in the adjacent diagram, the southern adjoining dwelling's primary orientation faces east/south-east towards Marion Road. It has a boundary wall on the northern boundary with the subject land and a deep area of private open space at the rear. Its site depth is approximately double that of the subject land.

The dwelling's front façade presents four front windows to the east and two windows to the south, which provide an attractive outlook from internal rooms to its landscaped front yard. The rear of the dwelling presents windows to the west and the south, providing an outlook to its private open space. These key outlooks from within the dwelling will not be significantly affected by the proposed development.

The dwelling's northern side elevation towards the subject land comprises a boundary wall and several north-facing windows. These north-facing windows are associated with the dwelling's wet areas (bathroom and toilet) and a secondary room which provides connection between the 'games room' and rumpus room (western most structure). The wet areas are not considered to be high amenity spaces, whilst the secondary room is considered to be a more subservient and transitional space, compared to the primarily used rooms (kitchen, living, rumpus and main bedrooms). These spaces are not currently provided with an overly attractive outlook due to a minimal setback towards the existing boundary fence and outlook disrupted by a shade cloth structure. As a result of the development, the immediate visual outlook from these windows will remain largely the same: i.e. they will present towards a boundary fence with a minimal setback.

The location of the neighbouring dwelling will provide a minimum 10 to 15 metre buffer between its main areas of private open space and the proposed building. A proportion of the proposed building likely to be obscured behind the neighbouring dwelling when viewed from nearby aspects



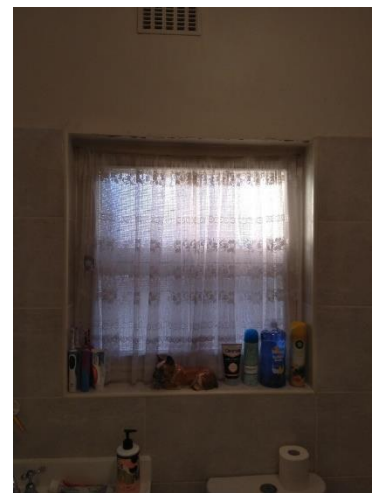
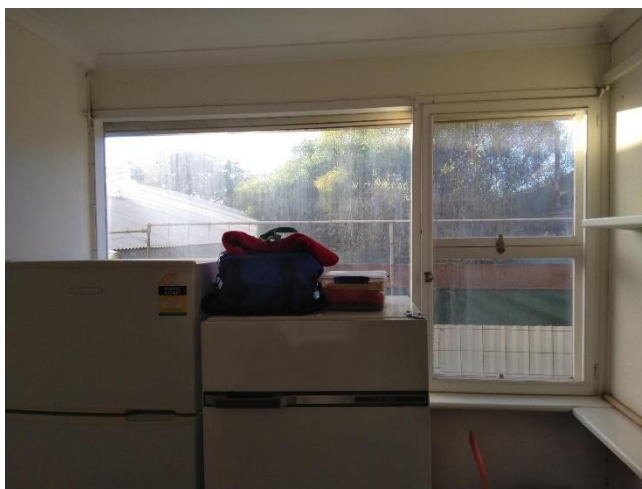
at ground level within its private open space. The size, depth and relative location of the neighbouring private open space will also ensure that attractive outlooks from within it are maintained in most directions.

In summary, the visual impacts caused to the southern adjoining property are not considered fatal, as its dwelling orientation and location provides limited passive outlook towards the subject land. The stepped nature will further alleviate the visual mass of the proposed built form.

### Overshadowing

The supplied shadow diagrams demonstrate the expected overshadowing impacts upon surrounding properties on the summer and winter solstice respectively at 9am, 12pm and 3pm.

The key considerations for overshadowing in this instance are the impacts caused to the southern adjoining property during winter, as instructed primarily by Interface between Land Uses PO 3.1 and 3.2. Those criteria seek for overshadowing of habitable room windows and private open spaces of adjacent residential uses in a neighbourhood-type zone to be *'minimised to maintain access to direct winter sunlight'*. The reasonable satisfaction of the POs are then informed by the measurements provided in their associated DTS/DPF guidelines.



Above: Footprint of the proposed development relative to the layout of the southern adjoining property, including north-facing windows and direction of outlooks from within the dwelling.





The shadow diagrams suggest that some extent of shadow will be cast onto the north-facing habitable room window of the southern adjoining dwelling until at least 12pm on the winter solstice. As such, a minimum of 3 hours direct sunlight between 9am and 3pm to this window on the winter solstice, as suggested by DTS/DPF 3.1, is not attained. Direct sunlight will be available during the afternoon hours.

As discussed, these north-facing windows are associated with the dwelling's wet areas (bathroom and toilet) and a secondary room which provides connection between the 'games room' and rumpus room (westernmost structure). The wet areas are not considered to be high amenity spaces, whilst the secondary room is a more subservient and transitional space, compared to the primarily used rooms (kitchen, living, rumpus and main bedrooms).

It is important to note that the relevant PO seeks overshadowing impacts be 'minimised' not prevented or eliminated and that any structure sited on the southern boundary achieving a height of 3 metres will result in some level of overshadowing onto the adjacent dwelling's northern windows.

The southern adjoining property's other main habitable room windows face east. They will also experience overshadowing during winter months, with shadow cast from approximately 11am onwards.

Whilst the proposal fails to satisfy PO 3.1, I am not of the opinion the extent and subsequent impacts on the occupants is of an egregious nature.

Overshadowing impacts caused to the southern adjoining private open space will be less severe due to the private open space's relative location and depth stretching away to the south-west of the development. As a result, all shadow cast into the neighbouring private open space will subside by midday, and the proposal is considered to satisfy the suggested design outcome posed by DTS/DPF 3.2.

It should be noted that Interface between Land Uses DO 1 and Design in Urban Areas PO 14.1 generally seek such impacts to be mitigated or minimised. The stepped nature of the built form is considered to assist in minimising the extent of its overshadowing impacts.

### Visual Privacy

The development proposes upper level balconies and windows which are oriented towards surrounding residential properties. For medium-rise buildings such as the proposal, Design in Urban Areas PO 16.1 seeks that:

*'Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:*

- (a) appropriate site layout and building orientation*
- (b) off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight*
- (c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms*
- (d) screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.'*

The appropriately mitigate the potential for direct overlooking, all side-facing windows on the upper levels are to incorporate fixed-and-obscure-glazing to a height of 1.8 metres above the upper floor levels, while rear-facing windows on the upper levels which do not present to a balcony will also incorporate fixed-and-obscured-glazing to a height of 1.5 metres. The rear facing balconies will also incorporate obscured glazing to a height of 1.5 metres.

Whilst no DPF is applicable in this instance, the provision of window heights or obscure glazing to a minimum height of 1.5 metres reflects the general accepted industry standard and is considered to ensure persons behind the window/balcony can obtain limited outward horizontal views, but are restricted and unable to obtain diagonal downward views. The obscure glazing is integrated into the window and balcony design and will have minimal negative effect on future occupant amenity, as it will maintain access to natural light whilst mitigating direct overlooking of neighbours.

The balconies and windows on the front elevation of the building are not proposed to incorporate privacy treatments. This is acceptable given these windows and balconies present to the streetscape at a front setback of 2 metres and so will not be capable of overlooking private areas of adjoining residential properties. Furthermore, it is desirable for the front elevation of the development to overlook the streetscape for design and passive surveillance purposes.

### Design and Appearance

Generally, the proposed streetscape design and appearance of the proposed development is of reasonably high architectural quality and is well-detailed with various built form elements.

At street level, the café presents several large windows and a prominent entry immediately onto the footpath, beneath a verandah-like canopy which is cantilevered above. This aspect of the building design ties the proposed building in with the northern adjoining block of shops by continuing its design language, as sought by Zone PO 2.1. The design and setback facilitates a close relationship between the café and the street, contributing to a vibrant and interesting streetscape as sought by Zone PO 1.4.

The difference in colours, materials and setbacks between the front elevation of the ground and upper levels provide articulation and visual interest, helping to satisfy Design in Urban Areas PO 1.1.

The side and rear elevations of the building are comparatively less detailed than the front elevation. The building height along these elevations, particularly to the north and west, is particularly apparent due to the building height and upright design. These merits were previously discussed in the 'Built Form and Character' section of the report.

### Landscaping

Design in Urban Areas Performance Outcomes 13.1, 13.2 and 13.3, generally, seek the provision of deep soil zones to the front and side of the allotment which accommodate trees of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings. In addition, these zones should be provided with natural light to assist in maintaining vegetation health. Design in Urban Areas DTS/DPF 13.2 suggests a site between 300-1500m<sup>2</sup> should achieve a minimum 7% deep soil area that incorporates a minimum dimension of 3 metres. A 30m<sup>2</sup> area that accommodates a 'medium' tree is desirable.

Design in Urban Areas Performance Outcome 13.4 further suggests development adjacent a zone that has a primary purpose of accommodating low-rise residential development incorporates a deep soil zone along the common boundary to enable medium to large trees be established to assist in screening new buildings of 3 or more building levels in height.

The Zone provisions take precedence over General provisions, and therefore when considering the relevant assessment provisions those within the Local Activity Centre Zone should hold higher weight than the general Design in Urban Area provisions.

The application proposes limited landscaping, primarily 500mm wide planting areas along the southern (side) and western (rear) boundaries, with additional landscaping spread throughout the site. In total the site comprises approximately 48m<sup>2</sup> landscaping (5.1% of the site), none of which could be considered 'deep soil space'.

The Planning & Design Code does not prescribe boundary setbacks (aside from where adjacent a Neighbourhood type zone). In this instance the lack of landscaping/deep soil space to the front of the built form is not inappropriate given the setback as proposed is considered to improve streetscape presentation and provide an attractive outlook. It is also worth noting that the northern portion of the adjacent road reserve contains well established Adelaide plain trees which will assist in softening the appearance of the built form. Council's Coordinator Arboriculture has advised an opportunity to plant trees additional trees within the road reserve, between the service road and main road, is possible.

500mm wide landscaping bays along the southern and western boundaries are proposed to incorporate ornamental Manchurian pears and plumbs which, if grown to their suggested growing height of 6-8 metres, would provide sheltered areas and assist in screening the built form. It is noted Council's Coordinator Arboriculture has suggested a landscape strip, to adequately support the health and vitality of the intended plantings, should achieve a minimum width of 1 metre.

The proposal lacks adequate provision of deep soil space and associated landscaping and does not reflect the outcomes sought by the applicable Performance Outcomes.

As previously discussed, the Local Activity Centre Zone does not provide guidance in relation to boundary setbacks, other than to boundaries adjacent Neighbourhood Type Zones. In the absence of minimum setbacks and site coverage provisions it is my opinion that the Local Activity Centre Zone, in envisioning a range of uses, anticipates a built form outcome which seeks to maximise the developable area.

This notwithstanding, it should not, in my opinion, come at the expense of achieving appropriate environmental outcomes, such as the provision of landscaping, stormwater retention/detention and sustainability outcomes.

I am not convinced however that, when considering the proposal on balance, the inability to appropriately satisfy Performance Outcomes 13.1, 13.2, 13.3 & 13.4 warrants refusal. Whilst the landscaping outcome is not fantastic, a suitable range of plantings of various heights and species is nonetheless proposed.

## **Functionality**

### **Supported Accommodation**

The residential component of the building (levels 2 and 3) proposes supported accommodation in the form of 8 two (2) bedroom units, a studio style staff quarters located on the first floor in addition and a communal balcony. The applicant describes this aspect of the land use as providing, *‘accommodation/housing for people who require some level of assistance or care from allied professionals. Residents will have diverse needs that require support from carers. Residents will have access to in-house medical and allied health professionals, who are accommodated in small quarters alongside resident units... The facility is designed to be managed in a way that provides flexible home-like environments, allowing residents to socialise, maintain skills and some degree of independence’.*

The supported accommodation component is accessed via lift through the ground floor foyer. The carpark and foyer will be designed to provide for wheelchair manoeuvrability and ease of use.

Each unit is considered to provide sufficient internal dimensions to support the intended use and accommodate the likely occupants.

The upper two levels of the building are proposed to be used for supported accommodation.

#### Private and Communal Open Spaces

Each unit is provided with a suitable area (dimensions and area) of usable private open space which is considered to meet the likely needs of occupants. The rear facing balconies incorporate obscure glazing to ensure ambient light is maintained whilst providing privacy for both the occupants and adjacent residential allotments. Balconies to the front façade have been left unobscured to allow views and casual surveillance of the street.

The first-floor unit balconies are separated by the communal balcony and cares quarter units, whilst the second-floor unit balconies are separated by extrusion of the built form. Each balcony is recessed into the respective façade, which will assist in minimise wind disturbance and maximise occupant comfort and privacy.

Whilst the private open space for the carers unit lacks depth, this space is not intended to be continuously habited and will act as more of a transitional/rest space.

The communal balcony will provide opportunities for residents to mingle in a safe, secure and pleasant environment. Landscaping and seating have been provided to maintain an attractive environment and encourage on-going use.

#### Café (shop)

The ground level comprises the shop (café) and a lift foyer for the supported accommodation, with car parking and enclosed waste storage areas to the rear which are partly beneath the overhanging structure of the upper two levels above.

Internally, the ground level primarily comprises the café, including kitchen, service area, seating areas, an enclosed meeting room, and toilets. The applicant has indicated the café will include a ‘shared space’ specifically designed to service the occupants and visitors of the supported accommodation. This has been labelled as a ‘co-work space’.

The café is accessible directly from the footpath via steps to its front door, or via a secondary entrance from a dedicated pedestrian path and ramp adjacent the driveway. This pedestrian path leads to a separate lift foyer immediately behind the café, which provides access to the supported

accommodation on the upper levels. The path then leads to the car parking area at the rear of the site. Fire stairs are located immediately behind the lift.

### Waste Storage and Collection

An enclosed waste storage canopy is located to the south-western corner of the site, adjacent the southern and western boundaries. The structure presents as a typical ancillary outbuilding and will accommodate both the supported accommodation and shop waste.

Design in Urban Areas Performance Outcome 40.5 seeks waste and recyclable material storage areas be located away from dwellings, with the corresponding DPF suggesting a setback of at least 3 metres from any habitable room windows. The DPF does not provide any guidance as to whether the 3 metre setback considers an 'open' or 'enclosed' storage area.

In this instance, although sited within close proximity to the north facing habitable room window of the adjacent dwelling, the enclosed nature of the structure will assist in mitigating potential odour impacts. A wash bay has also been incorporated into the structure to assist with minimising potential odour and nuisance issues.

The storage area and driveway have been designed to allow collection vehicles to reverse into the site and leave in a forward direction.

As part of the mandatory referral, the Commissioner of Highways has attached a condition of consent requiring that waste collection 'only occur outside of the peak traffic periods on the adjacent roads and peak traffic generation periods of the site'. The applicant has advised this is more likely between 9.00am and midday on a weekday; it is therefore suggested a condition be attached to any consent that waste be collected between the hours of 9am to 12pm.

### Hours of Operation

The shop component proposes hours of operation of 7 am - 9 pm (Sunday - Monday) and 7 am - 10 pm (Friday & Saturday).

Interface Between Land Use Performance Outcome 2.1 suggests;

*Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to*

- (a) the nature of the development*
- (b) measures to mitigate off-site impacts*
- (c) the extent to which the development is desired in the zone*
- (d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.*

The corresponding DPF suggests a shop should maintained hours of 7am to 9pm Monday to Friday and 8am to 5pm Saturday and Sunday. A 'restaurant' is however excluded from the suggested DPF hours and fully assessed against the PO.

Whilst the proposed hours are not reflective of those illustrated in the respective DPF it is acknowledged a 'shop' use could have many different and diverse uses and a small suburban



café such as the one proposed is likely to result in less impacts than a restaurant or even takeaway shop (such as Sturt Pizza Shop)

Sturt Pizza shop, located within the building immediately to the north of the subject site (also within the Local Activity Centre Zone) maintains hours ranging from 4:30pm to 10pm most days per week, with 2am closure on Friday and Saturday.

As previously discussed within the report, the Local Activity Centre Zone encourages non-residential uses, with a shop a specifically envisioned use. It is also worthy to note the Environmental Protection (Commercial and Industrial Noise) Policy 2023 specifies 'day' hours as between 7am and 10pm, therefore allowing/anticipating a higher noise threshold within those hours.

In my opinion, the proposed hours of 7 am - 9 pm (Sunday - Monday) and 7 am - 10 pm (Friday & Saturday) are not considered to be unreasonable given the Zone anticipates uses of this nature and extended hours are generally anticipated for a commercial food business. Furthermore, given the mixed use nature of the proposal, it is unlikely one use will intentionally prejudice the operation of the other.

A condition of consent is proposed to ensure the specified hours are maintained.

## **Traffic and Parking**

### **Location & Access**

13 on-site parking spaces are proposed to the rear of the site and accessed via a two way driveway located adjacent the southern boundary. Two bike racks are also proposed.

The subject site's western boundary (rear of carpark) backs onto a vacant allotment which is also located within the Local Activity Centre Zone. The proposed parking location to the rear of the site is not considered to result in detrimental noise or amenity impacts on adjacent allotments, will be screened via landscaping and offers separation to the associated built form.

Access to the site will require the relocation of an existing stobie pole, and in-ground Telstra infrastructure. Both SAPN and Telstra have confirmed that the infrastructure can be relocated, however, Telstra is unwilling to provide formal correspondence until a Planning Consent has been issued. It is therefore suggested a Reserve Matter be attached requesting that prior to the issuing of Development Approval the applicant will provide, to the Council Assessment Manager, written confirmation from the relevant asset owner that the infrastructure (in-ground infrastructure) has been formally approved for removal. This is consistent with Section 102 (3)(c) the Planning Development and Infrastructure Act 2016. SAPN has confirmed that in order to service the development the pole in question requires replacement and that given the structure requires replacement, its relocation can occur at the same time.

An independent traffic consultant, Phil Weaver, has reviewed the proposal and advised the driveway and parking area has been designed to accommodate both domestic vehicles and waste collection trucks. Turning path drawings identifying the ability for the design to accommodate such movements have been provide and illustrate turning path diagrams showing the swept paths of both:

- A Medium Rigid Vehicle (MRV) with a length of 8.8 m being reversed into the entry lane of the above proposed development, and

- A 10 m long rigid body truck also being reversed into the entry lane of the above proposed development, given that this length of vehicle is more likely to reflect the actual length of the vehicle anticipated to be used by waste contractors servicing the potential development.

It is proposed that collection of waste and recyclables will be undertaken by a private waste contractor with vehicles reversed into the subject land from the adjoining service roadway of Marion Road and therefore exit in a forward direction. The site is not large enough to facilitate service vehicles entering and exiting the site in a forward direction.

As a result, for a short period of time, patron access to and front the site will be prevent whilst waste collection occurs. To minimise conflict between waste collection vehicles, patrons accessing the site and the Marion Road slip lane function, it is suggested waste collection be limited to specific times, twice a week.

Whilst Council's Coordinator Transport & Parking has advised Council does not support a 'no stopping sign' in front of the proposed use, it does support the inclusion of a restricted parking sign to the north of the entry to allow improved waste truck movement. In addition, to provide improve egress a splay has been added to the north side of the access point, as requested by Council's Coordinator Transport & Parking.

In my view the proposed waste collection is considered reasonable and does not adversely impact occupants of the site or users of the surrounding road network.

#### Vehicular Parking

Transport, Access and Parking PO 5.1 seeks sufficient on-site vehicle parking to meet the needs of the development, with the corresponding DPF 5.1 providing a guide to the applicable parking rates, being 5.1 spaces for the supported accommodation element and 9.2 spaces for the shop (based on 23 nominated seats). A total of 15 spaces would therefore be required (noting the DPF is a guide only and 'one way' of achieving the PO). The applicant has indicated the café will include a 'shared space' specifically designed to service the occupants and visitors of the supported accommodation and has been labelled as a 'co-work space'. Consideration of these seats have not been included within the suggested applicable parking requirements.

As previously discussed, the intention of 'supported accommodation' is to provide housing for persons who require some level of assistance and support. Generally, it is unlikely that persons utilising supported accommodation will own or operate a vehicle and the provision of parking would typically be utilised by the associated carers.

The shop component is of moderate size, and given the lack of commercial uses within the locality, will more than likely service the local community rather than be a 'destination' use (such a café in highly urbanised, precinct or tourist based locality). This should encourage alternate modes of transportation such as walking or cycling.

In my opinion, the number of on-site parking spaces is considered sufficient to meet the needs of the development.

## CONCLUSION

The application proposes a somewhat unique form of development for the locality, albeit one which is contemplated within the Local Activity Centre Zone.

The proposal's merits are finally balanced, with the building's height/levels and associated contributory impacts the most significant shortcoming when considered against the applicable Planning & Design Code criteria.

The supported accommodation and shop uses are contemplated within the Zone, with the residential type uses considered appropriate provided they do not prejudice the operation of [non-residential uses] within the zone. The supported accommodation element is not considered to prejudice the operation of the proposal's shop component, or the existing adjacent commercial uses within the Zone. Sufficient separation between the proposed supported accommodation and shop is considered to be provided to mitigate potential impacts or constraints caused by one another's use, whilst the shared areas are suitably designed to reasonably accommodate expected traffic, parking and waste management demands. Likewise, the small-scale nature of the shop use, combined with appropriate hours of operation, will ensure its ongoing operations do not adversely affect the amenity of future or adjacent occupants.

Each use is considered to function appropriately, with the supported accommodation provided with appropriate access, open space and internal amenity. The shop is of sufficient size to maintain commercial viability without being too large that it has negative noise and traffic impacts on existing uses.

The built form and character are considered to be the primary point of contention in the assessment of this application. The key balance to consider is between the development's impacts and contrast upon the existing built form character of the locality, and the development's streetscape design quality and benefit to the centre and the broader community. Whilst the proposed building height is considered to be 'medium-rise' rather than 'low-rise' as sought by the Zone, the relevant PO seeks that, where buildings are not necessarily 'consistent' with the TNV, they should otherwise be 'generally' low rise. The use of the word 'generally' suggests some degree of flexibility in the assessment of building height is contemplated.

As discussed within the report, the proposed building height is not considered to be fundamentally fatal to the overall merits of the application given the built form has been suitably designed to mitigate its impacts and is provided with a generous transition to the existing lower-scale development located on the adjacent southern property. Whilst it is acknowledged the outlook experienced by occupants of the adjacent southern dwelling will change, the overall visual impacts caused are not considered fatal, as it's dwelling orientation and location provides limited passive outlook towards the subject land. Given the siting of existing buildings to the north and west, limited impact on these is anticipated.

The proposed built form design will considerably improve the streetscape, with the development proposing a reasonably high architectural quality with multiple built form elements. At street level, the café presents several large windows and a prominent entry immediately onto the footpath, beneath a verandah-like canopy which is cantilevered above which promotes a vibrant and interesting streetscape.

Whilst some provision of landscaping is proposed, the proposal lacks adequate provision of deep soil space and associated landscaping and does not reflect the outcomes sought by the applicable Performance Outcomes. Whilst the landscaping outcome is not fantastic, a suitable range of

plantings of various heights and species is nonetheless proposed and on balance not considered sufficient to warrant refusal.

The use is considered to provide appropriate waste management and collection, car parking numbers and circulation and hours of operation/delivery. These will be reinforced through appropriate conditions of consent.

As discussed throughout the report the proposal is finely balanced, with the additional building level the greatest departure from the Planning & Design Code policies. The proposal has, in my view, reasonably addressed impacts associated with the increased building height through the provision of greater transition/setbacks to the upper levels, articulation to the built form and incorporation of high-quality building materials.

Generally, the use will assist in activating the locality and provide a high quality built form outcome. The use, landscaping, transport and waste management are considered to reasonably satisfy the applicable provisions.

Planning Consent is warranted, subject to appropriate conditions.

## RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance<sup>1</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 22043284 seeking a change of use and construction of a mixed-use three-level building for supported accommodation and ground level shop (café), with associated refuse enclosure, car parking, landscaping and below-ground retention tank at 934 MARION ROAD, STURT be APPROVED, subject to the following RESERVED MATTERS and CONDITIONS:

## RESERVED MATTER(S)

1. Prior to the issuing of Development Approval, the applicant will provide to the Council Assessment Manager written confirmation from the relevant asset owner that the infrastructure (in-ground infrastructure) has been formally approved for removal.

## CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Hours of operation of the shop (café) are limited to the following:
  - 7 am - 9 pm (Sunday - Monday)
  - 7 am - 10 pm (Friday & Saturday)
3. Waste collection shall be limited to the following days and times:
  - Tuesday 9am to 12pm
  - Thursday 9am to 12pm
4. Site deliveries are limited to the following:
  - 7 am - 5 pm (Monday - Saturday)

---

<sup>1</sup> Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

- 9 am – 5 pm (Sunday)
5. All waste and other rubbish shall be stored in a manner so that it does not, in the reasonable opinion of the Council, create:
    - insanitary conditions on or off the site;
    - an unreasonable nuisance off the site; or
    - pollution to the environment (including by pollution caused by substances, materials or things entering the stormwater system either by wind or water).
  6. All waste and other rubbish shall be stored in the designated areas and screened from public view in accordance with the approved plans.
  7. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.
  8. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
  9. A stormwater trap shall be installed as part of the site's stormwater system to prevent grease, oil, sediment, litter and other substances capable of contaminating stormwater from entering the Council's stormwater drainage system. The trap shall be regularly cleaned and maintained in good working order to the reasonable satisfaction of the Council.
  10. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
  11. Wheel stopping devices shall be placed and maintained within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping in accordance with Australian Standards (AS/NZS 2890.1:2004 and AS/NZS 2890.6.2009).
  12. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
  13. Designated accessible (disabled) car parking spaces shall be designed, constructed and maintained in accordance with Australian Standards (AS/NZS 2890.6.2009).
  14. All car parking areas, driveways and vehicle manoeuvring areas must be constructed in accordance with the approved plans and recognised engineering practices prior to the occupation of the premises or the use of the development herein approved and maintained in a good condition at all times.

#### **Commissioner of Highways**

15. To minimise the impact of waste collection vehicle movements on the adjacent Marion Road/Service Road connection, waste collection for the site shall only occur outside of the peak traffic periods on the adjacent roads and peak traffic generation periods of the site.



## **Notes**

- 1. The proposed verandah encroachment is subject to a separate LMA and Section 221 process. In the event of Development Approval please contact the City of Marion Land & Property Team to commence the LMA/ Section 221 process.**
- 2. To satisfy the requirements of the Food Act 2001 the premises will need to be constructed, designed and fitted out to ensure the safe preparation, production, packaging and storage of food and be operated and maintained in a clean and hygienic manner. It is therefore recommended that the applicant contact Council's Environmental Health Section on Ph: 8375 6600 to discuss requirements as soon as possible.**

934 MARION RD STURT SA 5047

**Address:**Click to view a detailed interactive [SAILIS](#) in SAILIS

To view a detailed interactive property map in SAPPA click on the map below

**Property Zoning Details****Zone**

Local Activity Centre

**Overlay**

Airport Building Heights (Regulated) (*All structures over 110 metres*)  
 Advertising Near Signalised Intersections  
 Hazards (Bushfire - Urban Interface)  
 Hazards (Flooding - General)  
 Major Urban Transport Routes  
 Prescribed Wells Area  
 Regulated and Significant Tree  
 Traffic Generating Development

**Local Variation (TNV)**

Maximum Building Height (Metres) (*Maximum building height is 9m*)  
 Maximum Building Height (Levels) (*Maximum building height is 2 levels*)

**Selected Development(s)**

Shop

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.

If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

**Property Policy Information for above selection**

## Shop - Code Assessed - Performance Assessed

### Part 2 - Zones and Sub Zones

#### Local Activity Centre Zone

**Assessment Provisions (AP)****Desired Outcome (DO)**

## Desired Outcome

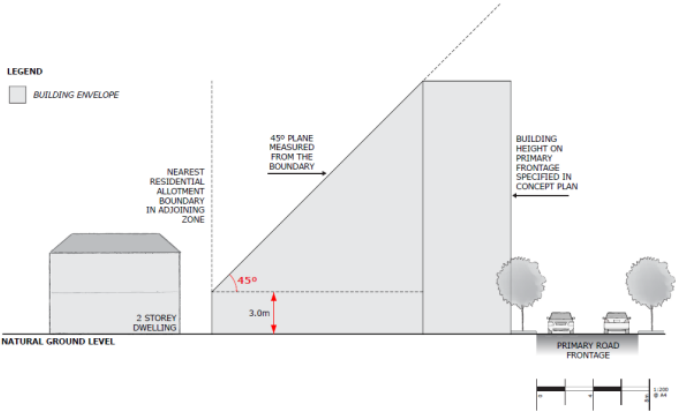
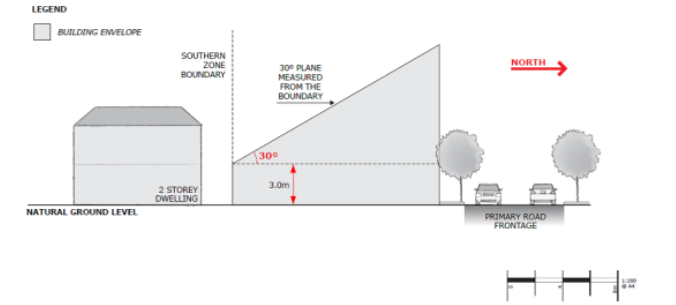
DO 1

A range of small-scale shops, offices, business, health and community facilities to provide daily services to and support walkable

neighbourhoods.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature				
Land Use and Intensity					
PO 1.1  Retail, office, health and community facilities, services and other businesses provide a range of goods and services to the local community.	DTS/DPF 1.1  Development comprises one or more of the following:  (a) Advertisement (b) Community facility (c) Consulting room (d) Dwelling (e) Office (f) Pre-school (g) Shop				
PO 1.4  Development sited and designed to achieve vibrant and interesting streetscapes.	DTS/DPF 1.4  None are applicable.				
Built Form and Character					
PO 2.1  Development complements adjacent development within the zone, and mitigates interface impacts on adjoining residential uses in a neighbourhood type zone, through appropriate building siting, scale and design.	DTS/DPF 2.1  None are applicable.				
PO 2.2  Buildings are sited and designed to create pedestrian, vehicular and visual linkages between the various built-form elements within the zone and adjoining main roads.	DTS/DPF 2.2  None are applicable.				
Building height and setbacks					
PO 3.1  Building height is consistent with the form expressed in any relevant <i>Maximum Building Height Levels Technical and Numeric Variation</i> and <i>Maximum Building Height Metres Technical and Numeric Variation</i> , and otherwise generally of a low rise that complements the established streetscape and local character.	DTS/DPF 3.1  Building height is not greater than: (a) the following: <table><tr><th>Maximum Building Height (Metres)</th></tr><tr><td>Maximum building height is 9m</td></tr><tr><th>Maximum Building Height (Levels)</th></tr><tr><td>Maximum building height is 2 levels</td></tr></table>  (b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 8m.  In relation to DTS/DPF 3.1, in instances where:  (c) more than one value is returned in the same field for DTS/DPF 3.1(a), refer to the <i>Maximum Building Height (Metres) Technical and Numeric Variation layer</i> or <i>Maximum Building Height (Levels) Technical and Numeric Variation layer</i> in the SA planning database to determine the applicable value relevant to the site of the proposed development  (d) only one value is returned for DTS/DPF 3.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.	Maximum Building Height (Metres)	Maximum building height is 9m	Maximum Building Height (Levels)	Maximum building height is 2 levels
Maximum Building Height (Metres)					
Maximum building height is 9m					
Maximum Building Height (Levels)					
Maximum building height is 2 levels					
PO 3.2  Buildings mitigate visual impacts of massing on residential development within a neighbourhood-type zone.	DTS/DPF 3.2  Buildings are constructed within a building envelope provided by a 45 degree plane measured from a height of 3m above natural ground level at the boundary of an allotment used for residential purposes in a neighbourhood-type zone as shown in the following diagram (except where this boundary is a				

	<p>southern boundary or where this boundary is the primary street boundary):</p> 
<p>PO 3.3</p> <p>Buildings mitigate overshadowing of residential development within a neighbourhood-type zone.</p>	<p>DTS/DPF 3.3</p> <p>Buildings on sites with a southern boundary adjoining an allotment used for residential purposes in a neighbourhood-type zone are constructed within a building envelope provided by a 30 degree plane grading north measured from a height of 3m above natural ground level at the southern boundary, as shown in the following diagram:</p> 
<p>PO 3.4</p> <p>Buildings on an allotment fronting a road that is not a State maintained road, and where land on the opposite side of the road is within a neighbourhood-type zone, provides an orderly transition to the built form scale envisaged in the adjacent zone to complement the streetscape character.</p>	<p>DTS/DPF 3.4</p> <p>None are applicable.</p>
Concept Plans	
<p>PO 5.1</p> <p>Development is compatible with the outcomes sought by any relevant Concept Plan contained within Part 12 - Concept Plans of the Planning and Design Code to support the orderly development of land through staging of development and provision of infrastructure.</p>	<p>DTS/DPF 5.1</p> <p>The site of the development is wholly located outside any relevant Concept Plan boundary. The following Concept Plans are relevant:</p> <p>In relation to DTS/DPF 5.1, in instances where:</p> <ol style="list-style-type: none"> <li>one or more Concept Plan is returned, refer to Part 12 - Concept Plans in the Planning and Design Code to determine if a Concept Plan is relevant to the site of the proposed development. Note: multiple concept plans may be relevant.</li> <li>in instances where 'no value' is returned, there is no relevant concept plan and DTS/DPF 5.1 is met.</li> </ol>

### Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

#### Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is <b>not</b> adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> <li>the demolition of a State or Local Heritage Place</li> <li>the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li> </ol>
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> <li>advertisement</li> <li>air handling unit, air conditioning system or exhaust fan</li> <li>building work on railway land</li> <li>community facility</li> <li>consulting room</li> <li>deck</li> <li>dwelling</li> <li>fence</li> <li>land division</li> <li>office</li> <li>retaining wall</li> <li>shade sail</li> <li>shop</li> <li>solar photovoltaic panels (roof mounted)</li> <li>verandah</li> <li>water tank.</li> </ol>	Except development that exceeds the maximum building height specified in Local Activity Centre Zone DTS/DPF 3.1 or does not satisfy any of the following: <ol style="list-style-type: none"> <li>Local Activity Centre Zone DTS/DPF 3.2</li> <li>Local Activity Centre Zone DTS/DPF 3.3.</li> </ol>
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> <li>internal building works</li> <li>replacement building</li> <li>temporary accommodation in an area affected by bushfire</li> <li>tree damaging activity.</li> </ol>	None specified.
5. Demolition.	Except any of the following: <ol style="list-style-type: none"> <li>the demolition of a State or Local Heritage Place</li> <li>the demolition of a building (except an ancillary building) in a Historic Area Overlay.</li> </ol>

#### Placement of Notices - Exemptions for Performance Assessed Development

None specified.

#### Placement of Notices - Exemptions for Restricted Development

None specified.

## Part 3 - Overlays

### Airport Building Heights (Regulated) Overlay

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas.  In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.

#### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development:  (a) building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the <i>Airport Building Heights (Regulated) Overlay</i>  (b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the <i>Airport Building Heights (Regulated) Overlay</i> .	The airport-operator company for the relevant airport within the meaning of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

### Hazards (Flooding – General) Overlay

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Impacts on people, property, infrastructure and the environment from general flood risk are minimised through the appropriate siting and

design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Flood Resilience	
PO 2.1  Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 2.1  Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished ground and floor level not less than:  In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% AEP flood event.
Environmental Protection	
PO 3.1  Buildings and structures used either partly or wholly to contain or store hazardous materials are designed to prevent spills or leaks leaving the confines of the building during a 1% AEP flood event to avoid potential environmental harm.	DTS/DPF 3.1  Development involving the storage or disposal of hazardous materials is wholly located outside of the 1% AEP flood plain or flow path.

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

## Major Urban Transport Routes Overlay

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from Major Urban Transport Routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

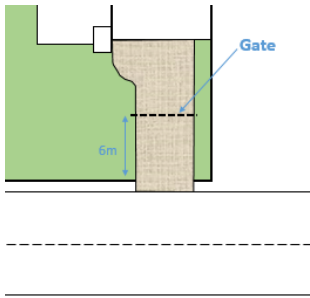
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Access - Safe Entry and Exit (Traffic Flow)	
PO 1.1  Access is designed to allow safe entry and exit to and from a site to meet the needs of	DTS/DPF 1.1  An access point satisfies (a), (b) or (c):  (a) where servicing a single (1) residential dwelling / residential allotment:



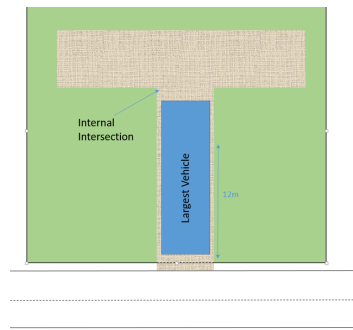
## Policy24

development and minimise traffic flow interference associated with access movements along adjacent State Maintained Roads.	<ul style="list-style-type: none"> <li>(i) it will not result in more than one access point</li> <li>(ii) vehicles can enter and exit the site in a forward direction</li> <li>(iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees</li> <li>(iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road</li> <li>(v) have a width of between 3m and 4m (measured at the site boundary).</li> </ul> <p>(b) where the development will result in 2 and up to 6 dwellings:</p> <ul style="list-style-type: none"> <li>(i) it will not result in more than one access point servicing the development site</li> <li>(ii) entry and exit movements are left turn only</li> <li>(iii) vehicles can enter and exit the site in a forward direction</li> <li>(iv) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees;</li> <li>(v) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road</li> <li>(vi) have a width of between 5.8m to 6m (measured at the site boundary) and an access depth of 6m (measured from the site boundary into the site).</li> </ul> <p>(c) where the development will result in over 7 dwellings, or is a non-residential land use:</p> <ul style="list-style-type: none"> <li>(i) it will not result in more than one access point servicing the development site</li> <li>(ii) vehicles can enter and exit the site using left turn only movements</li> <li>(iii) vehicles can enter and exit the site in a forward direction</li> <li>(iv) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees</li> <li>(v) have a width of between 6m and 7m (measured at the site boundary), where the development is expected to accommodate vehicles with a length of 6.4m or less</li> <li>(vi) have a width of between 6m and 9m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 6.4m to 8.8m</li> <li>(vii) have a width of between 9m and 12m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 8.8m to 12.5m</li> <li>(viii) provides for simultaneous two-way vehicle movements at the access; <ul style="list-style-type: none"> <li>A. with entry and exit movements for vehicles with a length up to 5.2m vehicles being fully within the kerbside lane of the road</li> <li>and</li> <li>B. with entry movements of 8.8m vehicles (where relevant) being fully within the kerbside lane of the road and the exit movements of 8.8m vehicles do not cross the centreline of the road.</li> </ul> </li> </ul>
--	---

## Access - On-Site Queuing

<p>PO 2.1</p> <p>Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption of the functional performance of the road and maintain safe vehicle movements.</p>	<p>DTS/DPF 2.1</p> <p>An access point in accordance with one of the following:</p> <p>(a) will not service, or is not intended to service, more than 6 dwellings and there are no internal driveways, intersections, car parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site) as shown in the following diagram:</p>  <p>(b) will service, or is intended to service, development that will generate less than 60 vehicle movements per day and:</p> <ul style="list-style-type: none"> <li>(i) is expected to be serviced by vehicles with a length no greater than 6.4m</li> <li>(ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site).</li> </ul> <p>(c) will service, or is intended to service, development that will generate less than 60 vehicle movements per day and:</p> <ul style="list-style-type: none"> <li>(i) is expected to be serviced by vehicles with a length greater than a 6.4m small rigid vehicle</li> <li>(ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site)</li> <li>(iii) any termination of, or change in priority of movement within the main car park aisle is located far enough into the site so that the largest vehicle expected on-site can store fully within the site before being required</li> </ul>
--	--

- to stop
- (iv) all parking or manoeuvring areas for commercial vehicles are located a minimum of 12m or the length of the largest vehicle expected on site from the access (measured from the site boundary into the site) as shown in the following diagram:



## Access – Location (Spacing) - Existing Access Points

PO 3.1

Existing access points designed to accommodate the type and volume of traffic likely to be generated by the development.

DTS/DPF 3.1

An existing access point satisfies (a), (b) or (c):

- (a) it will not service, or is not intended to service, more than 6 dwellings
- (b) it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access
- (c) it is not located on a Controlled Access Road and development constitutes:
  - (i) change of use between an office less than 500m<sup>2</sup> gross leasable floor area and a consulting room less than 500m<sup>2</sup> gross leasable floor area or vice versa
  - (ii) change in use from a shop to an office, consulting room or personal or domestic services establishment
  - (iii) change of use from a consulting room or office less than 250m<sup>2</sup> gross leasable floor area to shop less than 250m<sup>2</sup> gross leasable floor area
  - (iv) change of use from a shop less than 500m<sup>2</sup> gross leasable floor area to a warehouse less than 500m<sup>2</sup> gross leasable floor area
  - (v) an office or consulting room with a gross leasable floor area less than 500m<sup>2</sup>.

## Access – Location (Spacing) – New Access Points

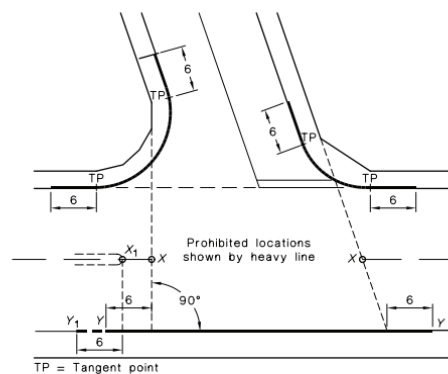
PO 4.1

New access points are spaced apart from any existing access point or public road junction to manage impediments to traffic flow and maintain safe and efficient operating conditions on the road.

DTS/DPF 4.1

A new access point satisfies (a), (b) or (c):

- (a) where a development site is intended to serve between 1 and 6 dwellings and has frontage to a local road (not being a Controlled Access Road) with a speed environment of 60km/h or less, the new access point is provided on the local road and located a minimum of 6.0m from the tangent point as shown in the following diagram:



NOTE:

The points marked  $X_1$  and  $X$  are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension  $Y-Y_1$  extends to Point  $Y_1$ .

- (b) where the development site is intended to serve between 1 and 6 dwellings and access from a local road (being a road that is not a State Maintained Road) is not available, the new access:
- (i) is not located on a Controlled Access Road
  - (ii) is not located on a section of road affected by double barrier lines
  - (iii) will be on a road with a speed environment of 70km/h or less
  - (iv) is located outside of the bold lines on the diagram shown in the diagram following part (a)
  - (v) located minimum of 6m from a median opening or pedestrian crossing.
- (c) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the

State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

Speed Limit	Separation between access points	Separation from public road junctions and merging/terminating lanes
50 km/h or less	No spacing requirement	20m
60 km/h	40m	123m
70 km/h	55m	151m
80 km/h	70m	181m
90 km/h	90m	214m
100 km/h	110m	248m
110 km/h	135m	285m

## Access - Location (Sight Lines)

PO 5.1

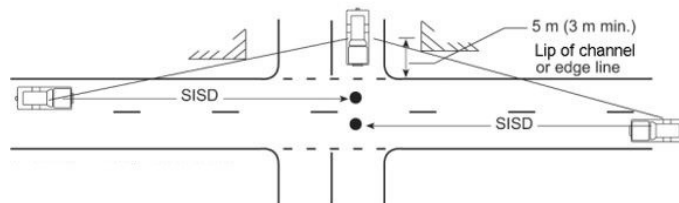
Access points are located and designed to accommodate sight lines that enable drivers and pedestrians to navigate potential conflict points with roads in a controlled and safe manner.

DTS/DPF 5.1

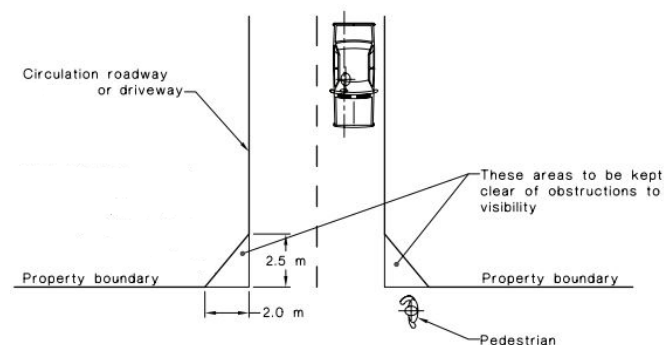
An access point satisfies (a) or (b):

- (a) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):

Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	40m	73m
50 km/h	55m	97m
60 km/h	73m	123m
70 km/h	92m	151m
80 km/h	114m	181m
90 km/h	139m	214m
100 km/h	165m	248m
110km/h	193m	285m



- (b) pedestrian sightlines in accordance with the following diagram:



## Access - Mud and Debris

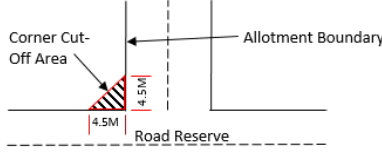
PO 6.1

Access points constructed to minimise mud or other debris being carried or transferred onto the road to ensure safe road operating conditions.

DTS/DPF 6.1

Where the road has an unsealed shoulder and the road is not kerbed the access way is sealed from the edge of seal on the road for a minimum of 10m or to the property boundary (whichever is closer)

## Access - Stormwater

Policy24	
PO 7.1 Access points designed to minimise negative impact on roadside drainage of water.	DTS/DPF 7.1 Development does not:  (a) decrease the capacity of an existing drainage point (b) restrict or prevent the flow of stormwater to an existing drainage point and system.
Building on Road Reserve	
PO 8.1 Buildings or structures that encroach onto, above or below road reserves designed and sited to minimise impact on safe movements by all road users.	DTS/DPF 8.1 No encroachment of buildings or structures onto, above or below the road reserve.
Public Road Junctions	
PO 9.1 New junctions with public roads (including the opening of unmade public road junctions) or modifications to existing road junctions located and designed to ensure safe and efficient road operating conditions are maintained on the State Maintained Road.	DTS/DPF 9.1 Development does not comprise any of the following:  (a) creating a new junction with a public road (b) opening an unmade public road junction (c) modifying an existing public road junction.
Corner Cut-Offs	
PO 10.1 Development is located and designed to maintain sightlines for drivers turning into and out of public road junctions to contribute to driver safety.	DTS/DPF 10.1 Development does not involve building work, or building work is located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram:  

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except where all of the relevant deemed-to-satisfy criteria are met, development (including the division of land) that involves any of the following to/on a State Maintained Road or within 25 metres of an intersection with any such road:</p> <ul style="list-style-type: none"> <li>(a) creation of a new access or junction</li> <li>(b) alterations to an existing access or public road junction (except where deemed to be minor in the opinion of the relevant authority)</li> <li>(c) development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access (except where deemed to be minor in the opinion of the relevant authority).</li> </ul>	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

## Traffic Generating Development Overlay

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Traffic Generating Development	
<p>PO 1.1</p> <p>Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.</p>	<p>DTS/DPF 1.1</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m<sup>2</sup> or more</li> <li>(c) retail development with a gross floor area of 2,000m<sup>2</sup> or more</li> <li>(d) a warehouse or transport depot with a gross leasable floor area of 8,000m<sup>2</sup> or more</li> <li>(e) industry with a gross floor area of 20,000m<sup>2</sup> or more</li> <li>(f) educational facilities with a capacity of 250 students or more.</li> </ul>
<p>PO 1.2</p> <p>Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.</p>	<p>DTS/DPF 1.2</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m<sup>2</sup> or more</li> <li>(c) retail development with a gross floor area of 2,000m<sup>2</sup> or more</li> <li>(d) a warehouse or transport depot with a gross leasable floor area of 8,000m<sup>2</sup> or more</li> <li>(e) industry with a gross floor area of 20,000m<sup>2</sup> or more</li> <li>(f) educational facilities with a capacity of 250 students or more.</li> </ul>
<p>PO 1.3</p> <p>Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the State Maintained Road network.</p>	<p>DTS/DPF 1.3</p> <p>Access is obtained directly from a State Maintained Road where it involves any of the following types of development:</p> <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m<sup>2</sup> or more</li> <li>(c) retail development with a gross floor area of 2,000m<sup>2</sup> or more</li> <li>(d) a warehouse or transport depot with a gross leasable floor area of 8,000m<sup>2</sup> or more</li> <li>(e) industry with a gross floor area of 20,000m<sup>2</sup> or more</li> <li>(f) educational facilities with a capacity of 250 students or more.</li> </ul>

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road:</p> <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m<sup>2</sup> or more</li> <li>(c) retail development with a gross floor area of 2,000m<sup>2</sup> or more</li> <li>(d) a warehouse or transport depot with a gross leasable floor area of 8,000m<sup>2</sup> or more</li> <li>(e) industry with a gross floor area of 20,000m<sup>2</sup> or more</li> <li>(f) educational facilities with a capacity of 250 students or more.</li> </ul>	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

## Part 4 - General Development Policies

### Clearance from Overhead Powerlines

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> <li>(a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i></li> <li>(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</li> </ul>

### Design in Urban Areas

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> <li>(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively</li> </ul>

	<p>contributing to the character of the locality</p> <p>(b) durable - fit for purpose, adaptable and long lasting</p> <p>(c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</p> <p>(d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</p>
--	---

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
External Appearance	
PO 1.1 Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).	DTS/DPF 1.1 None are applicable.
PO 1.2 Where zero or minor setbacks are desirable, development provides shelter over footpaths (in the form of verandahs, awnings, canopies and the like, with adequate lighting) to positively contribute to the walkability, comfort and safety of the public realm.	DTS/DPF 1.2 None are applicable.
PO 1.3 Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.	DTS/DPF 1.3 None are applicable.
PO 1.4 Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by: <ul style="list-style-type: none"> <li>(a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces</li> <li>(b) screening rooftop plant and equipment from view</li> <li>(c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.</li> </ul>	DTS/DPF 1.4 Development does not incorporate any structures that protrude beyond the roofline.
PO 1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.	DTS/DPF 1.5 None are applicable.
Safety	
PO 2.1 Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is designed to differentiate public, communal and private areas.	DTS/DPF 2.2 None are applicable.
PO 2.3 Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.	DTS/DPF 2.3 None are applicable.



PO 2.4	DTS/DPF 2.4
Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.	None are applicable.
PO 2.5	DTS/DPF 2.5
Common areas and entry points of buildings (such as the foyer areas of residential buildings) and non-residential land uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.	None are applicable.
Landscaping	
PO 3.1	DTS/DPF 3.1
Soft landscaping and tree planting are incorporated to:	None are applicable.
<ul style="list-style-type: none"> <li>(a) minimise heat absorption and reflection</li> <li>(b) maximise shade and shelter</li> <li>(c) maximise stormwater infiltration</li> <li>(d) enhance the appearance of land and streetscapes.</li> </ul>	
Environmental Performance	
PO 4.1	DTS/DPF 4.1
Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.	None are applicable.
PO 4.2	DTS/DPF 4.2
Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.	None are applicable.
PO 4.3	DTS/DPF 4.3
Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.	None are applicable.
On-site Waste Treatment Systems	
PO 6.1	DTS/DPF 6.1
Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	Effluent disposal drainage areas do not: <ul style="list-style-type: none"> <li>(a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space</li> <li>(b) use an area also used as a driveway</li> <li>(c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.</li> </ul>
Car parking appearance	
PO 7.1	DTS/DPF 7.1
Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as:	None are applicable.
<ul style="list-style-type: none"> <li>(a) limiting protrusion above finished ground level</li> <li>(b) screening through appropriate planting, fencing and mounding</li> <li>(c) limiting the width of openings and integrating them into the building structure.</li> </ul>	
PO 7.2	DTS/DPF 7.2
Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.	None are applicable.

PO 7.3 Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.	DTS/DPF 7.3 None are applicable.
PO 7.4 Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.	DTS/DPF 7.4 Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.
PO 7.5 Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.	DTS/DPF 7.5 Vehicle parking areas comprising 10 or more car parking spaces include soft landscaping with a minimum dimension of:  (a) 1m along all public road frontages and allotment boundaries (b) 1m between double rows of car parking spaces.
PO 7.6 Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.	DTS/DPF 7.6 None are applicable.
PO 7.7 Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.	DTS/DPF 7.7 None are applicable.
Earthworks and sloping land	
PO 8.1 Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.	DTS/DPF 8.1 Development does not involve any of the following:  (a) excavation exceeding a vertical height of 1m (b) filling exceeding a vertical height of 1m (c) a total combined excavation and filling vertical height of 2m or more.
PO 8.2 Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.	DTS/DPF 8.2 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):  (a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway (b) are constructed with an all-weather trafficable surface.
PO 8.3 Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8):  (a) do not contribute to the instability of embankments and cuttings (b) provide level transition areas for the safe movement of people and goods to and from the development (c) are designed to integrate with the natural topography of the land.	DTS/DPF 8.3 None are applicable.
PO 8.4 Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.	DTS/DPF 8.4 None are applicable.
PO 8.5 Development does not occur on land at risk of landslide or increase the potential for landslide or land surface instability.	DTS/DPF 8.5 None are applicable.
Overlooking / Visual Privacy (low rise buildings)	
PO 10.1 Development mitigates direct overlooking from upper level windows to	DTS/DPF 10.1 Upper level windows facing side or rear boundaries shared with a residential

habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.	use in a neighbourhood-type zone: (a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm (b) have sill heights greater than or equal to 1.5m above finished floor level (c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.
PO 10.2 Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.	DTS/DPF 10.2 One of the following is satisfied: (a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace or (b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: (i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land or (ii) 1.7m above finished floor level in all other cases
Site Facilities / Waste Storage (excluding low rise residential development)	
PO 11.1 Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.	DTS/DPF 11.1 None are applicable.
PO 11.2 Communal waste storage and collection areas are located, enclosed and designed to be screened from view from the public domain, open space and dwellings.	DTS/DPF 11.2 None are applicable.
PO 11.3 Communal waste storage and collection areas are designed to be well ventilated and located away from habitable rooms.	DTS/DPF 11.3 None are applicable.
PO 11.4 Communal waste storage and collection areas are designed to allow waste and recycling collection vehicles to enter and leave the site without reversing.	DTS/DPF 11.4 None are applicable.
PO 11.5 For mixed use developments, non-residential waste and recycling storage areas and access provide opportunities for on-site management of food waste through composting or other waste recovery as appropriate.	DTS/DPF 11.5 None are applicable.
All Development - Medium and High Rise	
External Appearance	
PO 12.1 Buildings positively contribute to the character of the local area by responding to local context.	DTS/DPF 12.1 None are applicable.
PO 12.2 Architectural detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.	DTS/DPF 12.2 None are applicable.
PO 12.3 Buildings are designed to reduce visual mass by breaking up building elevations into distinct elements.	DTS/DPF 12.3 None are applicable.
PO 12.4 Boundary walls visible from public land include visually interesting treatments to break up large blank elevations.	DTS/DPF 12.4 None are applicable.

PO 12.5	DTS/DPF 12.5																								
External materials and finishes are durable and age well to minimise ongoing maintenance requirements.	Buildings utilise a combination of the following external materials and finishes:  (a) masonry (b) natural stone (c) pre-finished materials that minimise staining, discolouring or deterioration.																								
PO 12.6	DTS/DPF 12.6																								
Street-facing building elevations are designed to provide attractive, high quality and pedestrian-friendly street frontages.	Building street frontages incorporate:  (a) active uses such as shops or offices (b) prominent entry areas for multi-storey buildings (where it is a common entry) (c) habitable rooms of dwellings (d) areas of communal public realm with public art or the like, where consistent with the zone and/or subzone provisions.																								
PO 12.7	DTS/DPF 12.7																								
Entrances to multi-storey buildings are safe, attractive, welcoming, functional and contribute to streetscape character.	Entrances to multi-storey buildings are:  (a) oriented towards the street (b) clearly visible and easily identifiable from the street and vehicle parking areas (c) designed to be prominent, accentuated and a welcoming feature if there are no active or occupied ground floor uses (d) designed to provide shelter, a sense of personal address and transitional space around the entry (e) located as close as practicable to the lift and / or lobby access to minimise the need for long access corridors (f) designed to avoid the creation of potential areas of entrapment.																								
PO 12.8	DTS/DPF 12.8																								
Building services, plant and mechanical equipment are screened from the public realm.	None are applicable.																								
Landscaping																									
PO 13.1	DTS/DPF 13.1																								
Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.	Buildings provide a 4m by 4m deep soil space in front of the building that accommodates a medium to large tree, except where no building setback from front property boundaries is desired.																								
PO 13.2	DTS/DPF 13.2																								
Deep soil zones are provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings.	Multi-storey development provides deep soil zones and incorporates trees at not less than the following rates, except in a location or zone where full site coverage is desired. <table><tr><th>Site area</th><th>Minimum deep soil area</th><th>Minimum dimension</th><th>Tree / deep soil zones</th></tr><tr><td>&lt;300 m<sup>2</sup></td><td>10 m<sup>2</sup></td><td>1.5m</td><td>1 small tree / 10 m<sup>2</sup></td></tr><tr><td>300-1500 m<sup>2</sup></td><td>7% site area</td><td>3m</td><td>1 medium tree / 30 m<sup>2</sup></td></tr><tr><td>&gt;1500 m<sup>2</sup></td><td>7% site area</td><td>6m</td><td>1 large or medium tree / 60 m<sup>2</sup></td></tr><tr><td colspan="4">Tree size and site area definitions</td></tr><tr><td>Small tree</td><td colspan="3">4-6m mature height and 2-4m canopy spread</td></tr></table>	Site area	Minimum deep soil area	Minimum dimension	Tree / deep soil zones	<300 m <sup>2</sup>	10 m <sup>2</sup>	1.5m	1 small tree / 10 m <sup>2</sup>	300-1500 m <sup>2</sup>	7% site area	3m	1 medium tree / 30 m <sup>2</sup>	>1500 m <sup>2</sup>	7% site area	6m	1 large or medium tree / 60 m <sup>2</sup>	Tree size and site area definitions				Small tree	4-6m mature height and 2-4m canopy spread		
Site area	Minimum deep soil area	Minimum dimension	Tree / deep soil zones																						
<300 m <sup>2</sup>	10 m <sup>2</sup>	1.5m	1 small tree / 10 m <sup>2</sup>																						
300-1500 m <sup>2</sup>	7% site area	3m	1 medium tree / 30 m <sup>2</sup>																						
>1500 m <sup>2</sup>	7% site area	6m	1 large or medium tree / 60 m <sup>2</sup>																						
Tree size and site area definitions																									
Small tree	4-6m mature height and 2-4m canopy spread																								

	Medium tree	6-12m mature height and 4-8m canopy spread
	Large tree	12m mature height and >8m canopy spread
	Site area	The total area for development site, not average area per dwelling
PO 13.3	DTS/DPF 13.3	
Deep soil zones with access to natural light are provided to assist in maintaining vegetation health.	None are applicable.	
PO 13.4	DTS/DPF 13.4	
Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low-rise residential development incorporate a deep soil zone along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more building levels in height.	Building elements of 3 or more building levels in height are set back at least 6m from a zone boundary in which a deep soil zone area is incorporated.	
Environmental		
PO 14.1	DTS/DPF 14.1	
Development minimises detrimental micro-climatic impacts on adjacent land and buildings.	None are applicable.	
PO 14.2	DTS/DPF 14.2	
Development incorporates sustainable design techniques and features such as window orientation, eaves and shading structures, water harvesting and use, green walls and roof designs that enable the provision of rain water tanks (where they are not provided elsewhere on site), green roofs and photovoltaic cells.	None are applicable.	
PO 14.3	DTS/DPF 14.3	
Development of 5 or more building levels, or 21m or more in height (as measured from natural ground level and excluding roof-mounted mechanical plant and equipment) is designed to minimise the impacts of wind through measures such as:  (a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street (b) substantial verandahs around a building to deflect downward travelling wind flows over pedestrian areas (c) the placement of buildings and use of setbacks to deflect the wind at ground level (d) avoiding tall shear elevations that create windy conditions at street level.	None are applicable.	
Car Parking		
PO 15.1	DTS/DPF 15.1	
Multi-level vehicle parking structures are designed to contribute to active street frontages and complement neighbouring buildings.	Multi-level vehicle parking structures within buildings:  (a) provide land uses such as commercial, retail or other non-car parking uses along ground floor street frontages (b) incorporate facade treatments in building elevations facing along major street frontages that are sufficiently enclosed and detailed to complement adjacent buildings.	
PO 15.2	DTS/DPF 15.2	
Multi-level vehicle parking structures within buildings complement the surrounding built form in terms of height, massing and scale.	None are applicable.	
Overlooking/Visual Privacy		
PO 16.1	DTS/DPF 16.1	

Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:	None are applicable.
All non-residential development	
Water Sensitive Design	
PO 42.1 Development likely to result in risk of export of sediment, suspended solids, organic matter, nutrients, oil and grease include stormwater management systems designed to minimise pollutants entering stormwater.	DTS/DPF 42.1 None are applicable.
PO 42.2 Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.	DTS/DPF 42.2 None are applicable.
PO 42.3 Development includes stormwater management systems to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that development does not increase peak flows in downstream systems.	DTS/DPF 42.3 None are applicable.
Wash-down and Waste Loading and Unloading	
PO 43.1 Areas for activities including loading and unloading, storage of waste refuse bins in commercial and industrial development or wash-down areas used for the cleaning of vehicles, plant or equipment are:	DTS/DPF 43.1 None are applicable.
<ul style="list-style-type: none"> <li>(a) designed to contain all wastewater likely to pollute stormwater within a bunded and roofed area to exclude the entry of external surface stormwater run-off</li> <li>(b) paved with an impervious material to facilitate wastewater collection</li> <li>(c) of sufficient size to prevent 'splash-out' or 'over-spray' of wastewater from the wash-down area</li> <li>(d) are designed to drain wastewater to either: <ul style="list-style-type: none"> <li>(i) a treatment device such as a sediment trap and coalescing plate oil separator with subsequent disposal to a sewer, private or Community Wastewater Management Scheme or</li> <li>(ii) a holding tank and its subsequent removal off-site on a regular basis.</li> </ul> </li> </ul>	
Laneway Development	
Infrastructure and Access	
PO 44.1 Development with a primary street comprising a laneway, alley, lane, right of way or similar minor thoroughfare only occurs where:	DTS/DPF 44.1 Development with a primary street frontage that is not an alley, lane, right of way or similar public thoroughfare.
<ul style="list-style-type: none"> <li>(a) existing utility infrastructure and services are capable of accommodating the development</li> <li>(b) the primary street can support access by emergency and regular service vehicles (such as waste collection)</li> <li>(c) it does not require the provision or upgrading of infrastructure on public land (such as footpaths and stormwater management systems)</li> <li>(d) safety of pedestrians or vehicle movement is maintained</li> </ul>	

(e) any necessary grade transition is accommodated within the site of the development to support an appropriate development intensity and orderly development of land fronting minor thoroughfares.	
---	--

## Infrastructure and Renewable Energy Facilities

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
PO 11.1 Development is connected to an appropriate water supply to meet the ongoing requirements of the intended use.	DTS/DPF 11.1 Development is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the on-going requirements of the development.
Wastewater Services	
PO 12.1 Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following: <ul style="list-style-type: none"> <li>(a) it is wholly located and contained within the allotment of the development it will service</li> <li>(b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources</li> <li>(c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.</li> </ul>	DTS/DPF 12.1 Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following: <ul style="list-style-type: none"> <li>(a) the system is wholly located and contained within the allotment of development it will service; and</li> <li>(b) the system will comply with the requirements of the South Australian Public Health Act 2011.</li> </ul>
PO 12.2 Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

## Interface between Land Uses

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome
-----------------



DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.
------	--

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature								
Hours of Operation									
<p>PO 2.1</p> <p>Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature of the development</li> <li>(b) measures to mitigate off-site impacts</li> <li>(c) the extent to which the development is desired in the zone</li> <li>(d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.</li> </ul>	<p>DTS/DPF 2.1</p> <p>Development operating within the following hours:</p> <table> <tr> <th>Class of Development</th><th>Hours of operation</th></tr> <tr> <td>Consulting room</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td>Office</td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday</td></tr> <tr> <td>Shop, other than any one or combination of the following: <ul style="list-style-type: none"> <li>(a) restaurant</li> <li>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</li> </ul></td><td>7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday</td></tr> </table>	Class of Development	Hours of operation	Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday	Shop, other than any one or combination of the following: <ul style="list-style-type: none"> <li>(a) restaurant</li> <li>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</li> </ul>	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday
Class of Development	Hours of operation								
Consulting room	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Office	7am to 9pm, Monday to Friday 8am to 5pm, Saturday								
Shop, other than any one or combination of the following: <ul style="list-style-type: none"> <li>(a) restaurant</li> <li>(b) cellar door in the Productive Rural Landscape Zone, Rural Zone or Rural Horticulture Zone</li> </ul>	7am to 9pm, Monday to Friday 8am to 5pm, Saturday and Sunday								
Overshadowing									
<p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <ul style="list-style-type: none"> <li>a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<p>DTS/DPF 3.1</p> <p>North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</p>								
<p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <ul style="list-style-type: none"> <li>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<p>DTS/DPF 3.2</p> <p>Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <ul style="list-style-type: none"> <li>a. for ground level private open space, the smaller of the following: <ul style="list-style-type: none"> <li>i. half the existing ground level open space</li> <li>or</li> <li>ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</li> </ul> </li> <li>b. for ground level communal open space, at least half of the existing ground level open space.</li> </ul>								
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <ul style="list-style-type: none"> <li>(a) the form of development contemplated in the zone</li> <li>(b) the orientation of the solar energy facilities</li> <li>(c) the extent to which the solar energy facilities are already</li> </ul>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>								

overshadowed.					
Activities Generating Noise or Vibration					
PO 4.1 Development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.				
PO 4.2 Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers due to noise and vibration by adopting techniques including: <ul style="list-style-type: none"> <li>(a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</li> <li>(b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers</li> <li>(c) housing plant and equipment within an enclosed structure or acoustic enclosure</li> <li>(d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.</li> </ul>	DTS/DPF 4.2 None are applicable.				
PO 4.5 Outdoor areas associated with licensed premises (such as beer gardens or dining areas) are designed and/or sited to not cause unreasonable noise impact on existing adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 4.5 None are applicable.				
PO 4.6 Development incorporating music achieves suitable acoustic amenity when measured at the boundary of an adjacent sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers.	DTS/DPF 4.6 Development incorporating music includes noise attenuation measures that will achieve the following noise levels: <table border="1"> <thead> <tr> <th>Assessment location</th><th>Music noise level</th></tr> </thead> <tbody> <tr> <td>Externally at the nearest existing or envisaged noise sensitive location</td><td>Less than 8dB above the level of background noise (<math>L_{90,15min}</math>) in any octave band of the sound spectrum (<math>LOCT_{10,15} &lt; LOCT_{90,15} + 8dB</math>)</td></tr> </tbody> </table>	Assessment location	Music noise level	Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ( $L_{90,15min}$ ) in any octave band of the sound spectrum ( $LOCT_{10,15} < LOCT_{90,15} + 8dB$ )
Assessment location	Music noise level				
Externally at the nearest existing or envisaged noise sensitive location	Less than 8dB above the level of background noise ( $L_{90,15min}$ ) in any octave band of the sound spectrum ( $LOCT_{10,15} < LOCT_{90,15} + 8dB$ )				
Air Quality					
PO 5.2 Development that includes chimneys or exhaust flues (including cafes, restaurants and fast food outlets) is designed to minimise nuisance or adverse health impacts to sensitive receivers (or lawfully approved sensitive receivers) by: <ul style="list-style-type: none"> <li>(a) incorporating appropriate treatment technology before exhaust emissions are released</li> <li>(b) locating and designing chimneys or exhaust flues to maximise the dispersion of exhaust emissions, taking into account the location of sensitive receivers.</li> </ul>	DTS/DPF 5.2 None are applicable.				
Light Spill					
PO 6.1 External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).	DTS/DPF 6.1 None are applicable.				
Solar Reflectivity / Glare					

PO 7.1	DTS/DPF 7.1
Development is designed and comprised of materials and finishes that do not unreasonably cause a distraction to adjacent road users and pedestrian areas or unreasonably cause heat loading and micro-climatic impacts on adjacent buildings and land uses as a result of reflective solar glare.	None are applicable.

## Site Contamination

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
PO 1.1 Ensure land is suitable for use when land use changes to a more sensitive use.	DTS/DPF 1.1 Development satisfies (a), (b), (c) or (d):  (a) does not involve a change in the use of land (b) involves a change in the use of land that does not constitute a change to a more sensitive use (c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form) (d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: (i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- A. site contamination does not exist (or no longer exists) at the land or B. the land is suitable for the proposed use or range of uses (without the need for any further remediation) or C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development) and (ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).

## Transport, Access and Parking

### Assessment Provisions (AP)

Desired Outcome (DO)

## Desired Outcome

DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.
------	--

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Movement Systems	
PO 1.4 Development is sited and designed so that loading, unloading and turning of all traffic avoids interrupting the operation of and queuing on public roads and pedestrian paths.	DTS/DPF 1.4 All vehicle manoeuvring occurs onsite.
Sightlines	
PO 2.1 Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.	DTS/DPF 2.1 None are applicable.
PO 2.2 Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.	DTS/DPF 2.2 None are applicable.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is:  (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
PO 3.2 Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.	DTS/DPF 3.2 None are applicable.
PO 3.3 Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.	DTS/DPF 3.3 None are applicable.
PO 3.4 Access points are sited and designed to minimise any adverse impacts on neighbouring properties.	DTS/DPF 3.4 None are applicable.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads

	(iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
PO 3.6 Driveways and access points are separated and minimised in number to optimise the provision of on-street visitor parking (where on-street parking is appropriate).	DTS/DPF 3.6 Driveways and access points:  (a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided (b) for sites with a frontage to a public road greater than 20m: (i) a single access point no greater than 6m in width is provided or (ii) not more than two access points with a width of 3.5m each are provided.
PO 3.7 Access points are appropriately separated from level crossings to avoid interference and ensure their safe ongoing operation.	DTS/DPF 3.7 Development does not involve a new or modified access or cause an increase in traffic through an existing access that is located within the following distance from a railway crossing:  (a) 80 km/h road - 110m (b) 70 km/h road - 90m (c) 60 km/h road - 70m (d) 50km/h or less road - 50m.
PO 3.8 Driveways, access points, access tracks and parking areas are designed and constructed to allow adequate movement and manoeuvrability having regard to the types of vehicles that are reasonably anticipated.	DTS/DPF 3.8 None are applicable.
PO 3.9 Development is designed to ensure vehicle circulation between activity areas occurs within the site without the need to use public roads.	DTS/DPF 3.9 None are applicable.
Access for People with Disabilities	
PO 4.1 Development is sited and designed to provide safe, dignified and convenient access for people with a disability.	DTS/DPF 4.1 None are applicable.
Vehicle Parking Rates	
PO 5.1 Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:  (a) availability of on-street car parking (b) shared use of other parking areas (c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared (d) the adaptive reuse of a State or Local Heritage Place.	DTS/DPF 5.1 Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:  (a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements (b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas (c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.
Vehicle Parking Areas	
PO 6.1 Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.	DTS/DPF 6.1 Movement between vehicle parking areas within the site can occur without the need to use a public road.
PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.	DTS/DPF 6.2 None are applicable.

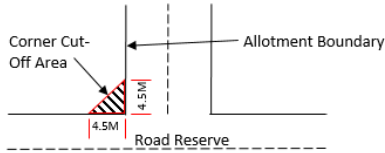
Undercroft and Below Ground Garaging and Parking of Vehicles	
PO 6.3 Vehicle parking areas are designed to provide opportunity for integration and shared-use of adjacent car parking areas to reduce the total extent of vehicle parking areas and access points.	DTS/DPF 6.3 None are applicable.
PO 6.4 Pedestrian linkages between parking areas and the development are provided and are safe and convenient.	DTS/DPF 6.4 None are applicable.
PO 6.5 Vehicle parking areas that are likely to be used during non-daylight hours are provided with sufficient lighting to entry and exit points to ensure clear visibility to users.	DTS/DPF 6.5 None are applicable.
PO 6.6 Loading areas and designated parking spaces for service vehicles are provided within the boundary of the site.	DTS/DPF 6.6 Loading areas and designated parking spaces are wholly located within the site.
Undercroft and Below Ground Garaging and Parking of Vehicles	
PO 7.1 Undercroft and below ground garaging of vehicles is designed to enable safe entry and exit from the site without compromising pedestrian or cyclist safety or causing conflict with other vehicles.	DTS/DPF 7.1 None are applicable.
Bicycle Parking in Designated Areas	
PO 9.1 The provision of adequately sized on-site bicycle parking facilities encourages cycling as an active transport mode.	DTS/DPF 9.1 Areas and / or fixtures are provided for the parking and storage of bicycles at a rate not less than the amount calculated using Transport, Access and Parking Table 3 - Off Street Bicycle Parking Requirements.
PO 9.2 Bicycle parking facilities provide for the secure storage and tethering of bicycles in a place where casual surveillance is possible, is well lit and signed for the safety and convenience of cyclists and deters property theft.	DTS/DPF 9.2 None are applicable.
PO 9.3 Non-residential development incorporates end-of-journey facilities for employees such as showers, changing facilities and secure lockers, and signage indicating the location of the facilities to encourage cycling as a mode of journey-to-work transport.	DTS/DPF 9.3 None are applicable.
Corner Cut-Offs	
PO 10.1 Development is located and designed to ensure drivers can safely turn into and out of public road junctions.	DTS/DPF 10.1 Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram: 

Table 1 - General Off-Street Car Parking Requirements

Class of Development	Car Parking Rate (unless varied by
----------------------	------------------------------------

Table 2 onwards)	
Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.	
Commercial Uses	
Shop (no commercial kitchen)	<p>5.5 spaces per 100m<sup>2</sup> of gross leasable floor area where not located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p> <p>5 spaces per 100m<sup>2</sup> of gross leasable floor area where located in an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.</p>
Shop (in the form of a bulky goods outlet)	2.5 spaces per 100m <sup>2</sup> of gross leasable floor area.
Shop (in the form of a restaurant or involving a commercial kitchen)	<p>Premises with a dine-in service only (which may include a take-away component with no drive-through) - 0.4 spaces per seat.</p> <p>Premises with take-away service but with no seats - 12 spaces per 100m<sup>2</sup> of total floor area plus a drive-through queue capacity of ten vehicles measured from the pick-up point.</p> <p>Premises with a dine-in and drive-through take-away service - 0.3 spaces per seat plus a drive through queue capacity of 10 vehicles measured from the pick-up point.</p>

Table 2 - Off-Street Car Parking Requirements in Designated Areas

Class of Development	Car Parking Rate		Designated Areas
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		
	Minimum number of spaces	Maximum number of spaces	
Non-residential development			
Non-residential development excluding tourist accommodation	3 spaces per 100m2 of gross leasable floor area.	5 spaces per 100m2 of gross leasable floor area.	City Living Zone  Urban Corridor (Boulevard) Zone  Urban Corridor (Business) Zone  Urban Corridor (Living) Zone  Urban Corridor (Main Street ) Zone  Urban Neighbourhood Zone

Table 2 - CriteriaThe following criteria are used in conjunction with Table 2. The 'Exception' column identifies locations where the criteria do not apply and the car parking rates in Table 2 are applicable.

Policy24		
Criteria	Exceptions	
<p><b>The designated area is wholly located within Metropolitan Adelaide and any part of the development site satisfies one or more of the following:</b></p> <p>(a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service<sup>(2)</sup></p> <p>(b) is within 400 metres of a bus interchange<sup>(1)</sup></p> <p>(c) is within 400 metres of an O-Bahn interchange<sup>(1)</sup></p> <p>(d) is within 400 metres of a passenger rail station<sup>(1)</sup></p> <p>(e) is within 400 metres of a passenger tram station<sup>(1)</sup></p> <p>(f) is within 400 metres of the Adelaide Parklands.</p>	<p>(a) All zones in the City of Adelaide</p> <p>(b) Strategic Innovation Zone in the following locations:</p> <p>(i) City of Burnside</p> <p>(ii) City of Marion</p> <p>(iii) City of Mitcham</p> <p>(c) Urban Corridor (Boulevard) Zone</p> <p>(d) Urban Corridor (Business) Zone</p> <p>(e) Urban Corridor (Living) Zone</p> <p>(f) Urban Corridor (Main Street ) Zone</p> <p>(g) Urban Neighbourhood Zone</p>	

[NOTE(S): (1)Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]

**Table 3 - Off-Street Bicycle Parking Requirements**

The bicycle parking rates apply within designated areas located within parts of the State identified in the Schedule to Table 3.

Class of Development	Bicycle Parking Rate	
	<p><b>Where a development comprises more than one development type, then the overall bicycle parking rate will be taken to be the sum of the bicycle parking rates for each development type.</b></p>	
Consulting room	1 space per 20 employees plus 1 space per 20 consulting rooms for customers.	
Educational establishment	<p>For a secondary school - 1 space per 20 full-time time employees plus 10 percent of the total number of employee spaces for visitors.</p> <p>For tertiary education - 1 space per 20 employees plus 1 space per 10 full time students.</p>	
Hospital	1 space per 15 beds plus 1 space per 30 beds for visitors.	
Indoor recreation facility	1 space per 4 employees plus 1 space per 200m <sup>2</sup> of gross leasable floor area for visitors.	
Licensed Premises	1 per 20 employees, plus 1 per 60 square metres total floor area, plus 1 per 40 square metres of bar floor area, plus 1 per 120 square metres lounge and beer garden floor area, plus 1 per 60 square metres dining floor area, plus 1 per 40 square metres gaming room floor area.	
Office	1 space for every 200m <sup>2</sup> of gross leasable floor area plus 2 spaces plus 1 space per 1000m <sup>2</sup> of gross leasable floor area for visitors.	
Pre-school	1 space per 20 full time employees plus 1 space per 40 full time children.	
Recreation area	1 per 1500 spectator seats for employees plus 1 per 250 visitor and customers.	
Residential flat building	Within the City of Adelaide 1 for every dwelling for residents with a total floor area less than 150 square metres, 2 for every dwelling for residents with a total floor area greater than 150 square metres, plus 1 for every 10 dwellings for visitors, and in all other cases 1 space for every 4 dwellings for residents plus 1 for every 10 dwellings for visitors.	
Residential component of a multi-storey building	Within the City of Adelaide 1 for every dwelling for residents with a total floor area less than 150 square metres, 2 for every dwelling for residents with a total floor area greater than 150 square metres, plus 1 for every 10 dwellings for visitors, and in all other cases 1 space for every 4 dwellings for residents plus 1 space for every 10 dwellings for visitors.	
Shop	1 space for every 300m <sup>2</sup> of gross leasable floor area plus 1 space for every 600m <sup>2</sup> of gross leasable floor area for customers.	
Tourist accommodation	1 space for every 20 employees plus 2 for the first 40 rooms and 1 for every additional 40 rooms for visitors.	
Schedule to Table 3	Designated Area	Relevant part of the State
	All zones	The bicycle parking rate applies to a designated area located in a relevant part of the State described below.
		City of Adelaide



	Business Neighbourhood Zone	Metropolitan Adelaide
	Strategic Innovation Zone	
	Suburban Activity Centre Zone	
	Suburban Business Zone	
	Suburban Main Street Zone	
	Urban Activity Centre Zone	
	Urban Corridor (Boulevard) Zone	
	Urban Corridor (Business) Zone	
	Urban Corridor (Living) Zone	
	Urban Corridor (Main Street ) Zone	
	Urban Neighbourhood Zone	

**REPORT REFERENCE: CAP201223 – 4.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**



<b>Originating Officer:</b>	<b>Kristen Sheffield Senior Urban Planner – Planning</b>
<b>Application No:</b>	<b>22042992</b>
<b>Applicant:</b>	<b>Mr Demetrios Diamanti</b>
<b>Development Description:</b>	<b>Construction of a three-storey residential flat building comprising 7 dwellings as well as associated driveway and landscaping.</b>
<b>Site Location:</b>	<b>293 Sturt Road, Sturt</b>
<b>Zone:</b>	<b>Urban Renewal Neighbourhood Zone</b>
<b>Lodgement Date:</b>	<b>21/04/2023</b>
<b>Planning and Design Code:</b>	<b>30 March 2023 Version 2023.5</b>
<b>Elements and Pathway:</b>	<b>Residential Flat Building- Performance Assessed</b>
<b>Referrals:</b>	<b>Commissioner of Highways (DIT)</b>
<b>Application Type:</b>	<b>Performance Assessed</b>
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
<b>Public Notification</b>	<b>Public Notification required</b> <i>A 'Residential Flat Building' is excluded from Public Notification within the Urban Renewal Neighbourhood Zone (Table 5, Clause 3(d)) EXCEPT development that involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary and the length of the proposed wall (or structure) exceeds 11.5 metres.</i>
<b>Recommendation:</b>	<b>That Planning Consent be GRANTED subject to conditions</b>

**Attachments**

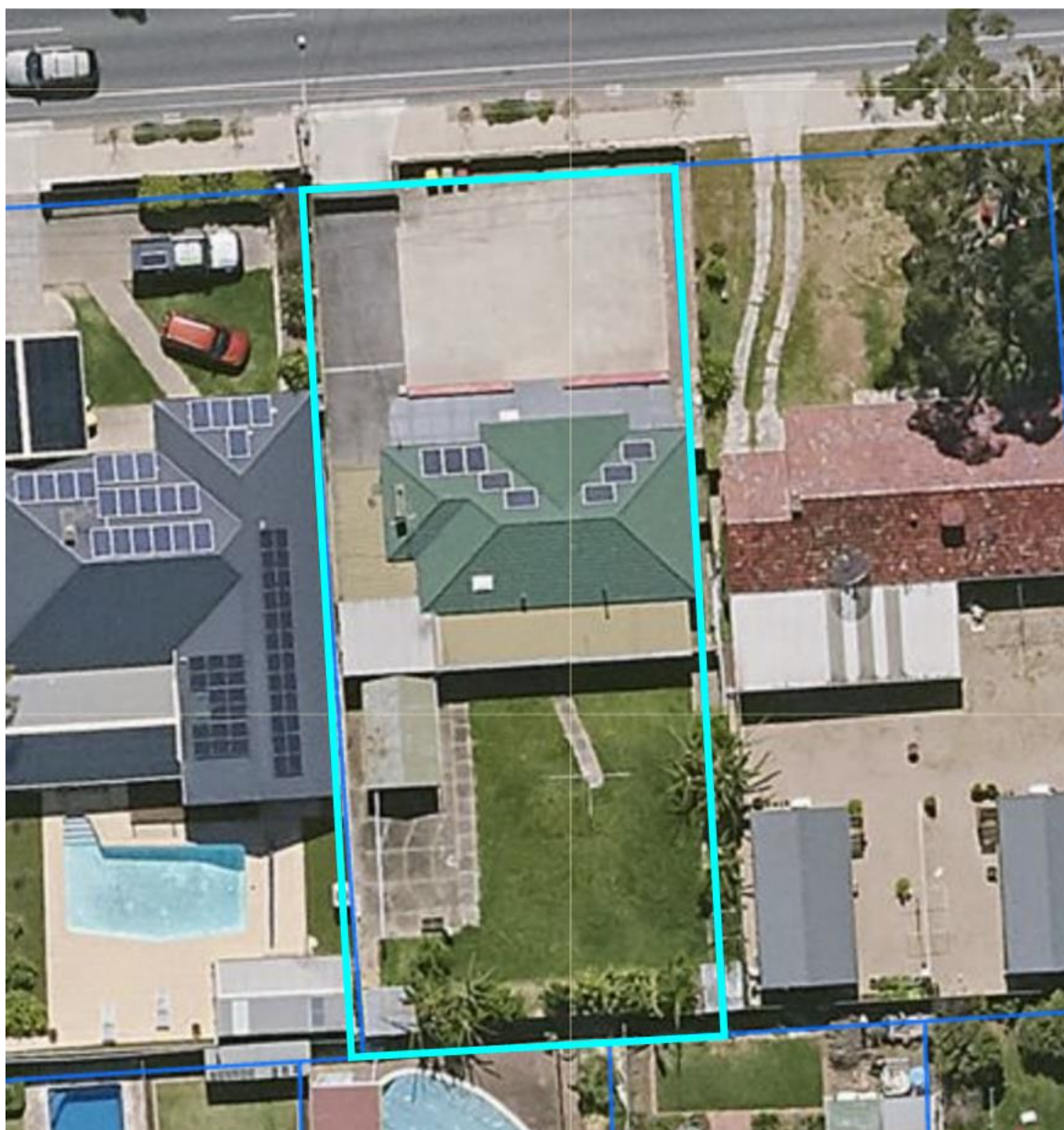
<i>Appendix 1:</i>	<i>Planning and Design Code guidelines</i>
<i>Attachment I:</i>	<i>Proposal Plans and Supporting Documentation</i>
<i>Attachment II:</i>	<i>Statement of Representations</i>
<i>Attachment III:</i>	<i>Applicant's Response to Representations</i>
<i>Attachment IV:</i>	<i>Commissioner of Highways Referral Response</i>

## SUBJECT LAND

The subject land is located at 293 Sturt Road, Sturt, and comprises a frontage width of 18.9 metres, a site depth of 43.6 metres and a total site area of 824.1 square metres. The land is located on the southern side of Sturt Road, which is classified as an arterial road.

The site currently accommodates a single-storey detached dwelling and attached carport in average condition and includes several other ancillary structures to the rear (verandah, sheds etc). Vehicular access to the site is available via a single width crossover sited adjacent the western side property boundary. The contour of the land is flat and devoid of any Regulated Trees.

The Sturt Road Streetscape Project, completed in 2021, included an upgrade to footpath paving, verge and median treatments, and the installation of rain gardens and street tree plantings. As a result, a rain garden and three street trees are located within the verge forward of the subject land.





## LOCALITY

Land on the southern side of Sturt Road (and south of the subject land) is generally characterised by single-storey detached dwellings at low densities, mostly representative of the original housing stock. To the north of Sturt Road, exists a mixture of commercial and residential properties, including the Old Council Chambers, the Sunrise Christian School, and a group of South Australian Housing Authority (SAHA) units.

The subject site abuts Sturt Road, an arterial road under the care, control, and management of the Commissioner of Highways. At this location, Sturt Road carries approximately 39,000 vehicles per day and has a posted speed limit of 60 km/h.

Within the wider locality, the Warriparinga Wetlands, a 3.5-hectare open space reserve, is located 300 metres to the east of the site at the intersection of Sturt and Marion Roads. Further open space and recreation opportunities are available at the Marion Sports and Community Club located 200 metres to the west of the site, on the northern side of Sturt Road.

Sturt Road provides public transport opportunities, with a bus stop on the southern side of the road (for buses heading west) within 25 metres of the subject land, and another on the northern side of Sturt Road some 60 metres from the site. The Urban Activity Centre Zone (Westfield Marion) is located 650 metres to the west of the site.

The subject site and locality can be viewed via this [google maps link](#).



## PROPOSED DEVELOPMENT

### Background

The application was originally lodged for the construction of a three-storey residential flat building comprising eight dwellings with associated driveway and landscaping. The proposal sought for the removal of all three street trees and the rain garden recently located forward of the subject land as part of the Sturt Road Streetscape Project, in order to accommodate a proposed double width crossover adjacent the eastern side boundary, as well as space for 16 bins (2 per dwelling) to be placed on the verge for kerbside waste collection.

Following assessment of the application in its original form, including referral to Council's Open Space team, the applicant was advised that the proposal could not be supported for a number of reasons, namely density (and subsequent shortfalls in setbacks and provision of private open space), external appearance, and the street tree removal required for the proposed crossover and kerbside waste collection (which was not supported by Council's Open Space team). It was suggested within this correspondence that in addition to addressing the numerous concerns with the proposed development, the applicant may wish to consider utilising/widening the existing crossover adjacent the western side boundary and may need to consider on-site waste collection.

In response, the applicant supplied amended plans which reduced the number of dwellings proposed within the residential flat building from eight to seven, which resulted in subsequent increases to setbacks and private open space. Further articulation and material/colour variations were provided to the side and rear façades of the building, and the proposal was 'flipped' so as to utilise the existing crossover adjacent to the western side boundary. The amended proposal was supported by a Waste Management Report, and now provided for shared waste receptacles, such that a maximum of 8 bins would be required for kerbside collection. As a result, the proposal sought to retain two of the street trees and the rain garden forward of the subject land.

Thereafter however, as the application had been referred to the Commissioner of Highways in accordance with Schedule 9 of the PDI Regulations 2017, DIT provided correspondence advising that the proposal could not be supported in its amended form, and that specifically, despite the existing crossover being located in this position, the amended crossover adjacent to the western side boundary did not satisfy requirements of the Major Urban Transport Routes Overlay. DIT sought that the proposal be 're-flipped' to once again accommodate the crossover/driveway adjacent the eastern side boundary.

This was met with contention from Council's Open Space team, given such an outcome would still result in the loss of two street trees which formed part of the Streetscape Project. Following a meeting with DIT, Council's Open Space team conceded that the two western most street trees could be removed, subject to payment of fees for removal/replacement of the trees.

The applicant once again provided amended plans of the proposal now comprising seven dwellings, 're-flipped' to gain access from a crossover adjacent the eastern side boundary and illustrating removal of two of the street trees, with the amended proposal then placed on Notification and the forming subject of this report.

## **Proposed Development (in its amended form)**

The proposed development seeks for the construction of a three-storey residential flat building comprising seven dwellings with associated driveway and landscaping.

Each dwelling includes a single-width garage with tandem visitor parking space accessed via a common driveway and double-width crossover adjacent the eastern side boundary. In addition to the garaging/parking, a laundry and small outdoor courtyard for clothes drying and rainwater tanks is located on the ground level. The first floor incorporates an open plan kitchen/dining/living area and balcony, while two bedrooms (master with ensuite) and bathroom are provided to the second floor of each dwelling. Unit 7 also includes a larger area of private open space to the rear of the building.

A variety of landscaping, including seven small trees, is provided at the front and rear of the site and along the eastern side boundary of the land. The proposed driveway is comprised of permeable paving, with a pergola is featured over a majority of the common driveway, to be planted with decorative climbers.

Three sets of shared waste receptacles are proposed to be located between the visitor car parking spaces of Units 1 and 2, 3 and 4 and 5 and 6 respectively, with unit 7 maintaining its own waste receptacles, able to be stored within the private yard to the rear.

The proposed three-storey building includes a mixture of colours and materials including render, timber infill cladding, glass balustrade, stone veneer, vertical timber fins and fenestration. A protruding timber pergola adjacent to Unit 1 is featured at the front of the site.

The proposed development does not conflict with the Regulated Tree on the adjacent property to the east, being sited some 16 metres away from the shared boundary.

## **PROCEDURAL MATTERS**

### **Classification**

The subject land is in the Urban Renewal Neighbourhood Zone of the Planning & Design Code (the Code) as of 30 March 2023.

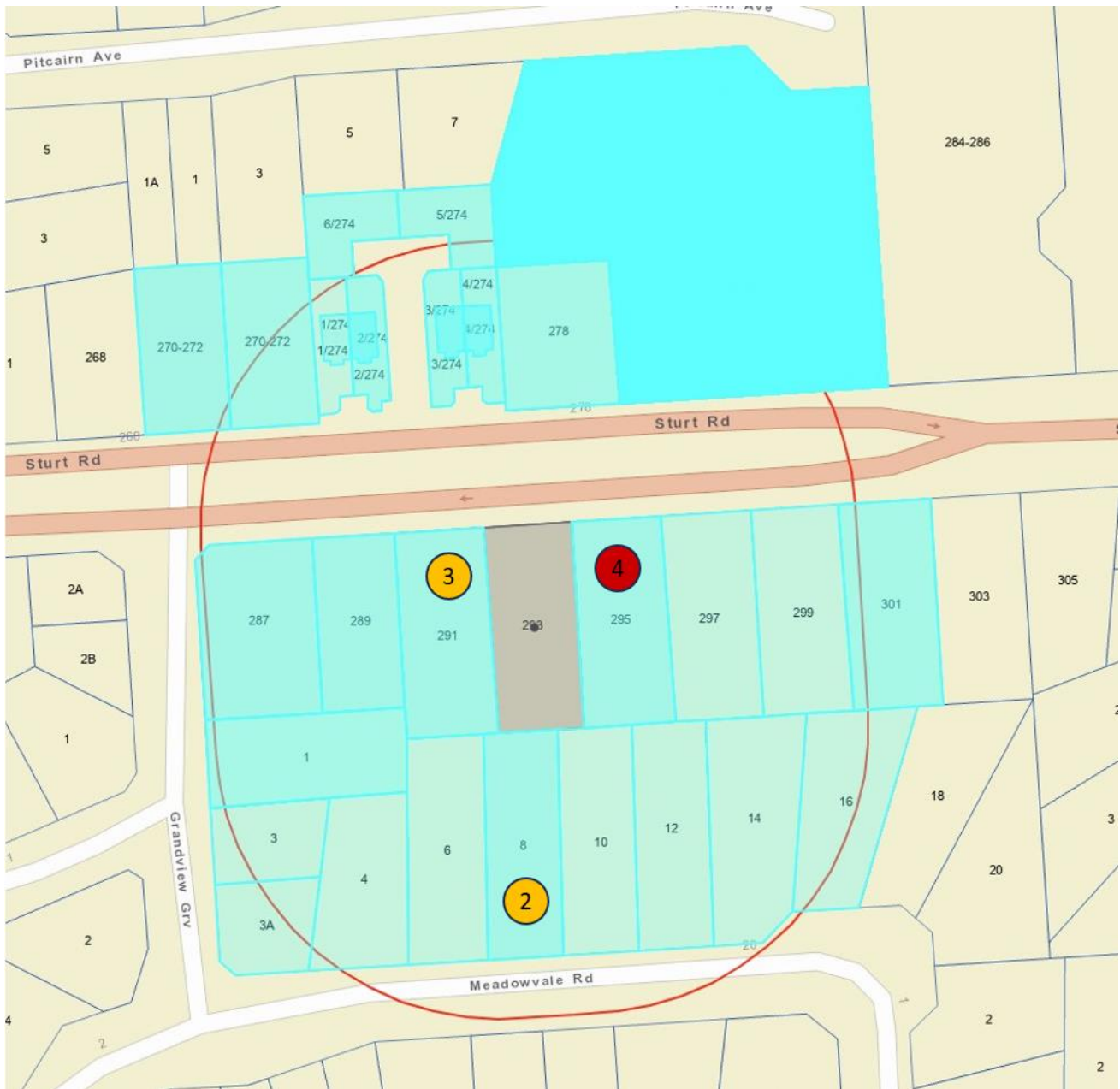
The proposed development is not prescribed as 'accepted', 'deemed to satisfy' or 'restricted' development in the Zone. The proposal is therefore 'performance assessed' pursuant to Section 107 the Planning, Development and Infrastructure Act 2016 and will be assessed on its merits against the various provisions of the Code.

### **Notification**

The proposal is for a residential flat building within the Urban Renewal Neighbourhood Zone which involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary and the length of the proposed wall (or structure) exceeds 11.5 metres. Hence the proposal required notification in accordance with the URNZ, Table 5, Clause 3(d) exception 2.

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

## PUBLIC NOTIFICATION



### Summary of Representations

Properties Notified: 50

Representations Received: 4

No.	Name	Location	Position	Wish to be heard:
1	C Yan	No address provided	Oppose	No
2	P O'Connor	8 Meadowvale Road	Support, with concerns	Yes
3	D Snodgrass	291 Sturt Road	Support, with concerns	Yes
4	X Xu	295 Sturt Road	Oppose	Yes

## Referrals

### External

**Commissioner of Highways (DIT):** No objection, with comments (conditions).

### Internal

**Development Engineer:** Council's Development Engineer has confirmed that the proposed finished floor levels and external paving levels are appropriate to mitigate potential flooding impacts, that the proposed stormwater collection satisfies Council's requirements, and that the car parking dimensions and manoeuvring areas are satisfactory.

**Arborist & Coordinator Streetscape and Design:** Council's Arborist and Coordinator Streetscape and Design have both reviewed the proposal in light of the Sturt Road Streetscape project, and confirmed acceptance of removal of the two western most street trees in order to accommodate the proposed crossover.

**Senior Procurement Specialist (Waste):** Reviewed the proposal's waste management report and raised no objections to the proposed waste receptable capacities or shared bin arrangement.

## Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e. the outcome can be met in another way:

***In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome, and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.*** (My underlining added)

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met.

It is with the above approach in mind that I have assessed this development.



## ASSESSMENT

Part 1 - Rules of Interpretation of the Code advises that for each Zone Table 3 specifies the policies and rules that apply to classes of development within the zone. I note:

***The policies specified in Table 3 constitute the policies applicable to the particular class of development within the zone to the exclusion of all other policies within the Code, and no other policies are applicable. For the avoidance of doubt, the relevant authority may determine that one or more of the listed policies are not relevant to a particular development.***

The code policies can be reviewed in Appendix 1, noting that not all policies within the 'code rules' document are applicable to the proposed development. The applicable policies relating to the planning considerations of the proposed development below are found in the Zone, Overlays and General sections of the Code.

## ZONE CONSIDERATIONS

*Urban Renewal Neighbourhood Zone: DO 1, PO 1.1, 2.1, 3.1, 6.1, 7.1, 8.1, 8.2*

## OVERLAY CONSIDERATIONS

*Airport Building Heights (Regulated) Overlay: DO 1, PO 1.1  
Hazards (Flooding - General) Overlay: DO 1, PO 2.1  
Major Urban Transport Routes Overlay: DO 1, 2, PO 1.1, 2.1, 4.1, 5.1, 6.1, 7.1, 10.1  
Noise and Air Emissions Overlay: DO 1, PO 1.1, 1.2, 1.3  
Stormwater Management Overlay: DO 1, PO 1.1  
Traffic Generating Development Overlay: DO 1, 2, PO 1.1, 1.2, 1.3  
Urban Tree Canopy Overlay: DO 1, PO 1.1*

## GENERAL DEVELOPMENT POLICIES CONSIDERATIONS

*Clearance from Overhead Powerlines: DO 1, PO 1.1  
Design in Urban Areas: DO 1, PO 1.1, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 3.1, 4.1, 4.2, 4.3, 7.1, 7.2, 7.3, 7.6, 7.7, 8.1, 8.5, 10.1, 10.2, 11.2, 11.3, 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, 12.7, 12.8, 13.1, 13.2, 13.3, 13.4, 14.1, 14.2, 16.1, 17.1, 17.2, 18.1, 18.2, 27.1, 28.1, 28.2, 28.3, 28.4, 28.6, 28.7, 31.1, 31.2, 31.3, 31.4, 32.1, 32.2, 32.3, 32.4, 32.5, 33.1, 33.2, 33.3, 33.4, 33.5, 34.1, 34.2, 35.1, 35.2, 35.3, 35.4, 35.6, 36.1, 36.2.  
Infrastructure and Renewable Energy Facilities: DO 1, PO 11.2, 12.1, 12.2  
Interface between Land Uses: DO 1, PO 1.1, 3.1, 3.2, 3.3  
Site Contamination: DO 1, PO 1.1  
Transport, Access and Parking: DO 1, PO 2.1, 3.1, 3.3, 3.4, 3.5, 3.6, 4.1, 5.1, 6.1, 6.2*

## Quantitative snapshot

Existing site dimensions		
Site area	824.1m <sup>2</sup>	
Frontage width	18.9m	
Site depth	43.6m	
Proposed Development		
Density/Site dimensions	<p><b>Medium Density:</b> Up to 70 dw/ha (142.8m<sup>2</sup> per dwelling)</p> <p><b>High Density:</b> Greater than 70dw/ha on sites with minimum site area of 1200m2 and frontage width of 35m.</p>	85 dw/ha (117.8m <sup>2</sup> per dwelling)
Building height	Three-storey < 12.5m	Three-storey: 9.9m (to front pier only). 9.5m for the remainder of the building.
Front setback	3m	5m
Side setback	Ground: 0.9m	Eastern side: 5.8m Western side: 1.2m
	First floor: 1.9m	Eastern side: 1.815m (to the balconies) increasing to 5m (to the building wall) Western side: 3m
	Second floor: 3m	Eastern side: 5.09m Western side: 3m
Rear setback	Ground: 3m	6.25m
	First floor: 5m	6.25m
	Second floor: 7.5m	6.25m
POS	24m <sup>2</sup> per dwelling	Unit 1: 14.5m <sup>2</sup> Units 2-6: 14m <sup>2</sup> Unit 7: 58.5m <sup>2</sup> Communal open space: 35m <sup>2</sup>
Soft landscaping	10%	20% (165m <sup>2</sup> )
On-site car parking	1 resident space per dwelling + 0.33 visitor spaces per dwelling = 10 on-site spaces	1 resident space + 1 visitor per space per dwelling = 14 on-site spaces

## **Assessment Discussion**

In my view, the most pertinent planning considerations for this assessment relate to suitability of the subject land for the proposed density, the provision of private open space, setbacks as well as the external appearance of the built form and potential amenity impacts on neighbours and the public realm. The following discussion considers the proposed development against provisions of the Planning and Design Code relating to:

- Zone assessment
  - Land Use and Intensity
  - Site Dimensions / Density
  - Building Height
  - Setbacks
- Amenity Considerations
  - Neighbours' amenity
    - Visual impacts
    - Overshadowing
    - Visual privacy
  - Residents' amenity
    - Private Open Space
    - Functionality
- On-site vehicle parking and traffic
- Waste collection and capacities
- Stormwater Management and Environmental Performance
- Landscaping

### **Zone Assessment**

#### *Land use and Intensity*

Performance Outcome (PO) 1.1 of the Urban Renewal Zone seeks for 'Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable urban neighbourhood', with the corresponding Designated Performance Feature (DPF) specifically listing Residential Flat Buildings as a form of development envisaged within the Zone. PO's 8.1 and 8.2 provide further context to the intended intensity of residential development within the Zone as discussed below.

#### *Site Dimensions / Density*

PO 8.1 of the Zone seeks for allotments/sites created for residential purposes to accommodate a diverse range of medium density housing, with the corresponding DPF seeking for a net residential density of 70 dwellings per hectare. PO 8.2 provides that high density residential development should be located on sites of a suitable size and dimension to achieve a high standard of amenity for occupants and neighbours', with the corresponding DPF outlining that development with a net residential density over 70 dwellings per hectare should be located on sites with a minimum area of 1200 square metres and a minimum frontage width of 35 metres.

The proposed development proposes a high net residential density (85 dwellings per hectare). As outlined within the approach to the assessment, the DPF is not a minimum to be achieved, however it is nonetheless acknowledged that the subject land, which comprises a site area of 824.1 square metres, and frontage width of 18.9 metres falls notably short of the site dimensions expected by the DPF for high density development.

By way of comparison, other recent development approved and/or under construction within the Zone achieves similar (slightly higher) densities each on sites of similar dimension to the subject land, as outlined within the table below. It is acknowledged that each of these developments were approved prior to the introduction of the Planning and Design Code, with assessment against a Zone which did not specify maximum densities or minimum site areas/frontage widths to accommodate a particular density. Nonetheless, the dimensions of the subject land in relation to the proposed density remains reflective of high-density development approved or constructed elsewhere in the Zone.

Address	Net Residential Density	Site Area	Frontage Width
301 Sturt Road	97 dw/ha	841.3m <sup>2</sup>	19.3m
244 Sturt Road	92 dw/ha	877.2m <sup>2</sup>	21.1m
215 Sturt Road	95 dw/ha	841.3m <sup>2</sup>	19.3m

This notwithstanding, as considered within *Parkins v Adelaide Hills Council Assessment Manager [2022] SAERDC 12* 'a DPF is a relevant policy and must therefore form part of the assessment'. Commissioner Dyer found that '*whilst quantum departure from the terms of a DPF is not, of itself, grounds for refusal, I am not convinced that quantum departure can be completely ignored. It will, if nothing else, be a flag to the relevant authority to carefully ensure that, by way of alternative or the specific facts and circumstances of the matter, the performance outcome is met*'. Accordingly, the proposal's ability to achieve a high standard of amenity for occupants and neighbours as sought by PO 8.2 is considered to be of importance in determining the suitability of the subject land for the proposed density.

#### *Building Height*

PO 2.1 of the Urban Renewal Neighbourhood Zone seeks buildings of generally 2-3 levels, with taller buildings to be located on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential developments. Discussion in relation to visual impacts and massing is found within the 'Amenity Considerations' section of this report below. It is nonetheless noted that the proposed building height of 9.5 metres remains considerably below the maximum specified by DPF 2.1 of 12.5 metres.

#### *Setbacks*

PO 3.1 of the Zone seeks for buildings to be set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape. The adjacent dwelling to the east comprises a generous front setback of approximately 14 metres, while the dwelling to the west incorporates a setback of some 11.5 metres, albeit a carport structure is located forward of the dwelling with a front setback of 6.5 metres. Other existing dwellings on the southern side of Sturt Road generally maintain similarly generous front setbacks. Accordingly, the proposed front setback of 5 metres is considerably less than the existing pattern of setbacks within the streetscape. However, it is noted that this setback exceeds the minimum 3 metres sought by the DPF, and contributes to the desired and newly emerging pattern of setbacks in the wider locality, with other new three-storey development nearby either approved, or under construction, with front setbacks of 3 metres.

PO's 6.1 and 7.1 of the Urban Renewal Neighbourhood Zone seek for buildings to be set back from side and rear boundaries to provide separation between buildings to minimise visual impact and to provide access to natural light and ventilation for neighbours. It is noted that the development generally satisfies side setback DPF criteria, with exception of the first-floor eastern side setback to the balconies at 1.815 metres falling 0.85 metres short of the minimum 1.9 metre sought. The 6.25 metre rear setback also falls short of the required 7.5 metres for the second floor. Visual and overshadowing impacts of the proposal are discussed within the 'Amenity Considerations' section of this report.

## **Amenity Considerations**

### Neighbours Amenity

#### *Visual impacts:*

The proposal will result in visual impacts upon occupants of adjacent dwellings via the introduction of a three-storey built form and substantial footprint in what is currently an otherwise relatively low-rise and low built-form density locality.

The majority of dwellings surrounding the subject land on the southern side of Sturt Road are single-storey in nature and maintain generous setbacks from boundaries. Limited examples of two-storey development exist in locality, including those on the northern side of Sturt Road, which only comprise a height of approximately 6 – 6.5 metres, as well as a modest footprint. It is noted however that two, three-storey, developments comprising similar building heights to that proposed, as well as generous footprints, have received approval within close proximity of the subject land, at 301 Sturt Road, and 278 Sturt Road. Nonetheless, as these are yet to be constructed and to some degree remain hypothetical, the proposed development represents the first incursion of three-storey development within this section of Sturt Road, contrasting to the existing character of the locality. However, as a Zone which specifically seeks renewal, contrast with the existing character of the locality is to be expected during the early stages of the Zone establishing the character desired.

It is accepted that the introduction of a three-storey building is going to be visible from adjoining land, this is largely unavoidable. It is therefore to be considered whether the proposed setbacks, design and appearance and landscaping appropriately manage massing and visual impacts upon adjoining residential development.

Numerically, the proposed side and rear setbacks for the most part appear appropriate when having regard to DPF criteria, noting that despite a shortfall in the rear setback of the second-floor, the ground and first floors nonetheless maintain rear setbacks greater than anticipated, somewhat balancing the impacts. Similarly, the slight shortfall in the first-floor eastern side setback, is somewhat compensated for by the more generous second-floor setback to this boundary, which provides variation and stepping, and reduces the overall visual impact.

The design of the proposed development includes a mixture of colours and materials including render, timber infill cladding, glass balustrade, stone veneer, vertical timber fins as well as fenestration and stepping such that visual interest is provided, particularly to the front and side elevations of the building. While the rear elevation is not provided with the same level of mixed materials and interest, there is sufficient fenestration provided to prevent large areas of uninterrupted blank wall. This, together with a generous dimension of landscaped area along the rear boundary may adequately soften the appearance of the proposed development as seen from adjacent land to the rear.

The visual prominence of the proposed development is likely to result in amenity and visual impacts upon neighbours. However, compliance with quantitative guidelines contained within the DPF's demonstrates the zone anticipates a specific (and renewed) built form outcome. The building is also considered to achieve a high-quality design and appearance. Nonetheless the visual impacts arising from the proposal are noted and considered accordingly with the overall merit of the proposal.

## Overshadowing

PO's 3.1 and 3.2 (Interface between land uses) seek for overshadowing of habitable room windows and primary areas of private open space of adjacent residential land uses in a neighbourhood-type zone to be minimised to maintain access to direct winter sunlight. The corresponding DPF's seeks for north-facing windows of habitable rooms of adjacent dwellings to receive at least 3 hours of direct sunlight, and for either half the area of private open space or 35 square metres of private open space (whichever is the lesser) of adjacent dwellings to maintain at least 2 hours of direct sunlight, between 9am and 3pm on 21 June.

The applicant has provided shadow diagrams demonstrating the extent of shadows cast between 9:00am and 3:00pm on the 21 June. These diagrams demonstrate that north-facing windows of the adjacent dwelling at 6 Meadowvale Road may experience some overshadowing during morning hours, however that this should subside by approximately 10-11am. Overshadowing of north-facing habitable room windows of the dwellings at 8 and 10 Meadowvale Road remain largely unaffected by the proposed development, largely due to their own substantial rear setbacks. Similarly, the areas of POS associated with each of these dwellings is generous in proportion, such that overshadowing impacts upon these spaces are somewhat minimised. The POS of the adjacent dwelling to the west, while considerably overshadowed during morning hours, is virtually free of shadows by midday, while the adjacent dwelling to the west only begins to be overshadowed during afternoon hours.

It is noted that the extent of shadows cast within the adjacent property to the east fall over a building to the rear of that property which is utilised for 'ancillary accommodation'. The representor of that land has raised concern with the overshadowing impacts upon the ancillary accommodation. Whilst the only north facing window on that building will be in shadow for the majority of the afternoon during winter months, it is considered that the larger, east-facing windows of this structure remain largely unaffected, with the north-facing windows of the primary dwelling on that land also maintaining adequate solar access. Accordingly, I am of the view that the overshadowing impacts upon one north-facing window are not considered unreasonable.



It is to be noted that the Zone seeks for three-storey buildings up to 12.5 metres in height, which despite requiring greater setbacks, would arguably result in greater overshadowing impacts. The extent of shadow cast onto habitable windows and private open spaces of adjacent properties is considered adequately minimised through a lesser building height than permitted within the Zone.

PO 3.3 seeks for development to not unduly reduce the generating capacity of adjacent rooftop energy facilities, taking into account:

- (a) the form of development contemplated in the zone
- (b) The orientation of the solar energy facilities
- (c) The extent to which the solar energy facilities are already overshadowed.

Concern was raised by the representor of the adjacent land to the west regarding overshadowing of their solar panels. It is acknowledged that during winter months, the proposed development may overshadow some of the solar panels of the adjacent dwelling (those oriented towards the east in particular) and somewhat reduce their generating capacity during morning hours. However, the north-facing solar panels should be free of shadow relatively early in the day, and certainly outside of winter months, these should remain unimpacted. Taking into account the form of development contemplated within the zone, including greater building heights as noted above, I am of the opinion that the proposed development does not unduly reduce the generating capacity of adjacent rooftop energy facilities to an unreasonable degree.

#### *Visual Privacy*

Each dwelling incorporates 1.7 metre high window sills, screening or fixed and obscured glazing above floor level for balconies and windows on the eastern and western side and southern rear elevations. Upper storey windows on the front elevation remain unobscured to provide surveillance to the street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

The dwellings have therefore been designed to mitigate direct overlooking from upper level windows and balconies of habitable rooms and private open spaces of adjacent dwellings as sought by PO's 10.1 and 10.2 (Design in Urban Areas).

#### Residents' amenity

##### *Private Open Space*

Design in Urban Areas (DiUA) PO 27.1 seeks for dwellings to be provided with suitably sized areas of usable private open space to meet the needs of the occupants. DiUA Table 1- Private Open Space suggests a minimum requirement of 24 square metres, with a minimum 16 square metres directly accessible from a living room with a dimension of 3 metres for dwellings in this instance (being dwellings at ground level).

The private open space afforded to Units 1-6 fails to satisfy the minimum requirements of Table 1, with some 14 square metres provided to the balcony of each of these dwellings. It is acknowledged that the dimensions of the balconies satisfy PO 28.3 (DiUA) in being of sufficient size and depth to accommodate outdoor seating and accessed via the open plan kitchen/meals/living area to promote indoor/outdoor living. It is noted that this area remains uninhibited by rainwater tanks, waste receptacles and clothesline facilities, which are all located outside of the main entertaining area (albeit the definition of Private Open Space within the Planning and Design Code already explicitly excludes these areas).

It is considered that POS plays an integral role in achieving a high standard of amenity for residents, and it is again noted that the amenity afforded to residents is of importance in considering whether the subject land is suitable for the proposed density. While the numeric shortfall in POS against the requirements of ground level dwellings in Table 1 is not ideal, it is nonetheless noted that Table 1 provides a lesser amount of POS required for dwellings in a residential flat building which incorporate above ground level dwellings, with two-bedroom dwellings in that instance requiring 11 square metres of POS with a minimum dimension of 2.4 metres. While the proposed dwellings each have access to ground level, and as such are not 'above ground level dwellings', it is considered that the majority of

functional areas of each dwelling are indeed above ground level, and that the dwellings for the most part function similarly to those of above ground level apartment dwellings, with the added benefit of ground level parking beneath the dwelling. Accordingly, the proposed 14 square metres of POS, with usable dimensions directly accessible from the internal living areas, may in fact be sufficient to meet the needs of the occupants of a higher density development where such POS outcomes are envisaged.

DiUA PO 32.1 highlights that private open space provision may be substituted for communal open space which is designed and sited to meet the recreation and amenity needs of residents. In this regard, it is noted that the application includes an area of communal open space to the rear of the building. It is acknowledged that the amenity of this space is somewhat compromised by its location south of the proposed three-storey built form, and that this space will remain overshadowed by the associated development for the majority of the day during winter months. Nonetheless, this space provides an area of open space able to be utilized by occupants of the dwellings.

In addition, it is noted that the subject land is within walking distance of large areas of public open space at both the Marion Sports and Community Club 200 metres to the west and Warriparinga Wetlands some 300 metres to the east. The availability of large areas of public open space and recreational sporting and community facilities, in my view, somewhat compensates for the shortfall in POS provision on-site.

Ultimately, despite the numeric shortfall in POS, I am of the view that the amenity provided by the proposed balconies, together with access available to communal open space as well as large areas of public open space and recreational and community facilities, is adequate to meet the likely needs of occupants.

### *Functionality*

The proposed dwellings include an internal floor area of 130 square metres, and are of a suitable size to provide a high standard of amenity for occupants as sought by PO 31.1 (DiUA), substantially exceeding the minimum floor area requirement of 65 square metres provided by the DPF for two bedroom dwellings. The dwellings are provided with sufficient space for storage to meet likely occupant needs through the inclusion of built in robes in both bedrooms, and provision is made for suitable external clothes drying facilities, satisfying PO's 28.4 and 35.2 (DiUA). Shared waste receptacles (as discussed further below) are conveniently located in proximity to both dwellings sharing their use. An Acoustic Design Report prepared by Resonate Consultants concludes that the façade noise mitigation treatments are suitable to attenuate intrusion from traffic on Sturt Road in accordance with the Ministerial Building Standard 010 *Construction Requirements for the Control of External Sound*, and accordingly the proposal is considered to satisfy DO 1 and PO 1.1 of the Noise and Air Emissions overlay which seeks to protect amenity from adverse impacts of noise and air emissions. Overall, the dwellings are considered functional and to provide a high standard of living amenity for future occupants.

### **On-site vehicle parking and traffic**

PO 5.1 (Transport, Access and Parking) seeks for sufficient on-site vehicle parking to meet the needs of the development having regard to factors that may support a reduced on-site rate. Table 1- General Off-Street Car Parking Requirements of the Planning and Design code specifies an on-site car parking rate of 1 space per dwelling, where the development incorporates up to 2 bedrooms plus 0.33 spaces per dwelling for visitor parking. Accordingly, a total of 10 spaces are required to be maintained on-site. The development provides a total of 14 on-site car parking spaces (2 per dwelling), hence satisfying the requirements of Table 1 (as sought by DPF 5.1) as well as PO 5.1 (Transport, Access, and Parking).



Additional traffic movements generated by the proposed development are not expected to compromise the safety or function of the surrounding road network. The modified access/egress point along Sturt Road will maintain the flow of traffic within the site and the arterial road. The carpark dimensions and overall layout meet the relevant Australian Standards, which has been reviewed by Council's Development Engineer and DIT, who have formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

The proposal will result in a notable increase in vehicle movements to/from the site from that of the existing (single) dwelling; however, it is my opinion that any noise generated from the location of the parking area will not cause unreasonable impacts upon nearby these properties. Vehicle movements and traffic generated from the site can be catered for by the surrounding road network and any noise generated by vehicles will unlikely exceed that currently emitted by vehicles utilising the arterial road.

### **Waste collection and capacities**

In response to a lack of kerbside presentation space available forward of the subject land for waste collection, the application proposes a shared waste receptacle outcome, with a standard set of three Council bins to be shared by Units 1 and 2, 3 and 4, 5 and 6, with Unit 7 maintaining its own set of bins. The shared bin outcome results in a maximum of 8 bins being presented for kerbside waste collection each week.

A Waste Management Plan prepared by Colby Phillips Advisory outlines the proposed waste capacities, which are based on the Waste Resource Generation Rates in the South Australian Better Practice Guide- Waste Management in Residential or Mixed Use developments, produced by Zero Waste SA.

In the absence of waste receptacle capacity requirements within the Planning and Design Code, the Waste Management Plan provided is the only form of guidance in relation to the capacities required. The proposed capacities satisfy the minimum requirements established for two-bedroom medium density dwellings of the Practice Guide. The application and WMP was referred to Council's Strategic Procurement department who did not raise concern in relation to the proposed capacities.

### **Stormwater Management and Environmental Performance**

Council's Development Engineer has confirmed that the proposed finished floor levels and external paving levels are appropriate to mitigate potential flooding impacts, and that the proposed stormwater collection satisfies Council's requirements.

Each proposed dwelling comprises an east-facing balcony and POS, which shall nonetheless benefit from morning hours of sunlight during winter months. West facing windows feature lightweight canopies to provide appropriate shadowing of living room windows during summer months, enhancing the energy efficiency of the dwellings. The proposed development will nonetheless need to accord with energy efficient requirements under the National Construction Code and will be considered as part of the Building Rules assessment of the proposal.

### **Landscaping**

Landscaping is provided along the street frontage of the building presenting to Sturt Road as well as along the eastern side boundary and rear boundary of the subject land, with soft landscaping equating to some 20% of the site, substantially exceeding the 10% criteria set by DPF 22.1. The landscaped area adjacent the road frontage achieves a 55 square metre deep soil zone area which will be planted with three *Magnolia Grandiflora* enhancing the appearance of the building. The area adjacent the eastern side boundary will introduce a landscaping element to soften the visual impact of the three - storey building when viewed from adjacent land to the east, as does the generous dimension of

landscaped area along the rear boundary (including four tree plantings) which is considered to soften the appearance of the proposed development as seen from adjacent land to the rear.

The position of the building limits opportunities for landscaping along the western boundary of the land, however, the adjacent dwelling to the west features a side path with limited outlook in this direction. It is nonetheless acknowledged that the lack of landscaping along this boundary does little to soften the appearance of the building from the POS area of this dwelling.

The proposal otherwise generally satisfies PO's 13.1, 13.2 and 13.3 and DPF 13.2 (DiUA) in providing more than 7% of the site area to be maintained as a deep soil zone, 4 medium tree plantings forward and rear of the building, adequately softens the appearance of the built form as viewed from the streetscape and from adjacent properties to the eastern side and rear.

## Conclusion

Residential flat buildings are a form of development envisaged within the Urban Renewal Neighbourhood Zone, however given the high density proposed, importance is placed on a high standard of amenity being provided for occupants and neighbours in determining the suitability of the subject land for the proposed density.

In considering amenity impacts upon neighbouring residential development, it is acknowledged that considerable visual impacts arise from the proposed three-storey building. The quantitative guidelines contained within the DPF's demonstrate the zone anticipates a specific (and renewed) built form outcome, and contrast with the existing character of the locality is to be expected during the early stages in establishing such a Zone. The proposal nonetheless achieves a relatively high-quality design outcome such that visual impacts upon adjacent residences may be tolerable. Further consideration of amenity impacts upon neighbouring properties found the proposal adequately addresses potential visual privacy impacts and that overshadowing of adjacent habitable room windows and private open spaces is appropriately minimised.

It is considered that the proposed development provides an appropriate standard of amenity for future occupants. Despite the numeric shortfall in POS, the functional dimensions of the proposed balconies which maintain direct access from the internal living area and remain unencumbered by rainwater tanks, clothes drying facilities or bin storage, together with access available to communal open space as well as large areas of public open space and recreational and community facilities within reasonable walking distance, is adequate to meet the likely needs of occupants and satisfy the relevant Performance Outcome.

The proposal generally provides sufficient on-site car parking to meet the needs of the development. The carpark dimensions and overall layout meet the relevant Australian Standards, which has been reviewed by Council's Development Engineer and DIT, who have formed the opinion that from a traffic safety point of view, the proposal is satisfactory.

The proposal generally aligns with that envisaged for the Zone, but contrasts against the existing context and as a result, naturally will appear somewhat out of character and impose upon adjacent occupants of a currently low built form density locality. Conversely, the proposal achieves an appropriate standard of amenity for residents, achieves a high-quality design outcome, provides sufficient on-site car parking, facilities and landscaping. The Desired Outcome of the Zone specifically seeks for renewal, with older housing which no longer meets community preferences to be replaced with new diverse housing options taking advantage of well-located urban land. It is on this basis that whilst being finely balanced in relation to the proposed density relative to the dimensions of the site, I consider the merits of the proposal to slightly outweigh the discrepancies, and that Planning Consent is warranted.

## RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance<sup>1</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 22042992 for construction of a three-storey residential flat building comprising 7 dwellings as well as associated driveway and landscaping at 293 Sturt Road, Sturt, be GRANTED subject to the following Conditions.

## CONDITIONS

- 1. The development granted Development Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below.
- 2. Rainwater tank(s) must be installed in accordance with DTS/DPF 1.1 of the Stormwater Management Overlay in the Planning and Design Code (as at the date of lodgement of the application) within 12 months of occupation of the dwelling(s).
- 3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details, with on-site water retention systems connected to collect roof stormwater from each dwelling, prior to the occupation of the premises to the reasonable satisfaction of the Council.
- 4. 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 and maintained in a good condition at all times.
- 5. Tree(s) must be planted and/or retained in accordance with DTS/DPF 1.1 of the Urban Tree Canopy Overlay in the Planning and Design Code (as at the date of the application). New trees must be planted within 12 months of occupation of the dwelling(s) and maintained.
- 6. Landscaping shall be planted and maintained in accordance with the plans and details forming part of the development authorisation.

---

<sup>1</sup> Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a “development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code” (or the Development Plan if under the Development Act).

What is ‘seriously at variance’ is not a defined legislative term and is not synonymous with a proposal that is merely ‘at variance’ with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

7. Landscaping shall provide clear sightlines at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath, in accordance with Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004
8. All devices/treatments proposed and nominated on the approved plans, and forming part of the Development Application, to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises and maintained for the life of the building.

#### Commissioner of Highways

9. All access to/from the development shall be gained in accordance with the Site Plan (Ground) produced by Diamanti Design, Rev. G, dated 25.10.2023. The crossover shall be generously flared to on the eastern side to accommodate simultaneous movements.
10. The redundant crossover on Sturt Road shall be closed and reinstated to Council's kerb and gutter standards at the applicant's expense prior to habitation of the dwellings.
11. Clear sightlines, as shown in Figure 3.3 'Minimum Sight Lines for Pedestrian Safety' in AS/NZS 2890.1:2004, shall be provided at the property line to ensure adequate visibility between vehicles leaving the site and pedestrians on the adjacent footpath.
12. All vehicles shall enter and exit the site in a forward direction.
13. Stormwater run-off shall be collected on-site and discharged without impacting the safety and integrity of the adjacent road network. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

#### NOTES

1. Street tree removal requires further action from you (the applicant). Council's Open Space team will send you a letter explaining the process associated with payment, street tree removal and street tree replacement. Following Development Approval, please contact Council's Open Space team to arrange for payment to be made. Please note that removal/replacement may only be undertaken by Council, and removal/replacement will not occur until after payment has been received. Please see Council's 'Development and Street Trees' Factsheet for further information.
2. The Fences Act 1975 details certain requirements and procedures in order to remove, replace or repair boundary fencing. If you intend to remove or repair an existing boundary fence, you are obligated to give other affected neighbours 30 days notice to comment and respond as per a "Form 2". If a fence is removed (even if only temporarily) by a neighbour without the consent of the adjoining owner, or without following procedure under the Fences Act, you may be liable to compensate the other owner.

For more information, please refer to the Legal Services Commission brochure titled "Fences and the Law". Copies are available at Council's Administration Centre, or online at <http://www.lawhandbook.sa.gov.au/ch31s02.php>.

3. As the proposal involves work on or near the boundary, it is recommended that the boundaries are clearly defined by a Licensed Surveyor prior to the commencement of any building work.

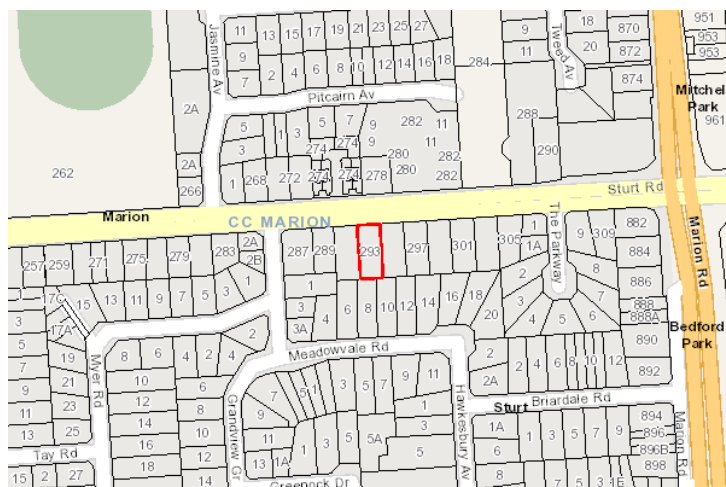
- 4. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly.**
- 5. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system (acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).**
- 6. Measures to prevent silt and mud from vehicle tyres and machinery being transported onto the road shall be installed and maintained at all times during the construction phase of the development (a suggested measure is to install a gravelled construction exit with wash down facilities).**
- 7. 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.**
- 8. 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.**

293 STURT RD STURT SA 5047

## Address:

Click to view a detailed interactive [SAILIS](#) in SAILIS

To view a detailed interactive property map in SAPPA click on the map below



## Property Zoning Details

## Zone

Urban Renewal Neighbourhood

## Overlay

Airport Building Heights (Regulated) (*All structures over 110 metres*)  
 Advertising Near Signalised Intersections  
 Affordable Housing  
 Hazards (Flooding - General)  
 Major Urban Transport Routes  
 Noise and Air Emissions  
 Prescribed Wells Area  
 Regulated and Significant Tree  
 Stormwater Management  
 Traffic Generating Development  
 Urban Tree Canopy

## Local Variation (TNV)

Maximum Building Height (Metres) (*Maximum building height is 12.5m*)  
 Minimum Building Height (Levels) (*Minimum building height is 2 levels*)  
 Maximum Building Height (Levels) (*Maximum building height is 3 levels*)

## Selected Development(s)

Residential flat building

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards.

If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

## Property Policy Information for above selection

Residential flat building - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Urban Renewal Neighbourhood Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Housing and other land uses which no longer meet community preferences are replaced with new diverse housing options. Housing density increases, taking advantage of well-located urban land. Employment and community services will improve access to jobs, goods and services without compromising residential amenity.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature				
Land Use and Intensity					
<p>PO 1.1</p> <p>Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable urban neighbourhood.</p>	<p>DTS/DPF 1.1</p> <p>Development comprises one or more of the following:</p> <ul style="list-style-type: none"><li>(a) Ancillary accommodation</li><li>(b) Community facility</li><li>(c) Consulting room</li><li>(d) Dwelling</li><li>(e) Educational establishment</li><li>(f) Office</li><li>(g) Place of Worship</li><li>(h) Pre-school</li><li>(i) Recreation area</li><li>(j) Residential flat building</li><li>(k) Retirement facility</li><li>(l) Shop</li><li>(m) Student accommodation</li><li>(n) Supported accommodation.</li></ul>				
Building Height					
<p>PO 2.1</p> <p>Buildings generally 2-3 levels with taller buildings located on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential development.</p>	<p>DTS/DPF 2.1</p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <table><tr><td>Maximum Building Height (Metres)</td></tr><tr><td>Maximum building height is 12.5m</td></tr><tr><td>Maximum Building Height (Levels)</td></tr><tr><td>Maximum building height is 3 levels</td></tr></table> <p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)):</p> <ul style="list-style-type: none"><li>(i) 4 building levels and 15m where the site:<ul style="list-style-type: none"><li>A. is at least 1200m<sup>2</sup> in area and</li><li>B. has a frontage of 35 metres</li></ul></li><li>or</li><li>(ii) 3 building levels and 12m in all other circumstances.</li></ul> <p>In relation to DTS/DPF 2.1, in instances where:</p>	Maximum Building Height (Metres)	Maximum building height is 12.5m	Maximum Building Height (Levels)	Maximum building height is 3 levels
Maximum Building Height (Metres)					
Maximum building height is 12.5m					
Maximum Building Height (Levels)					
Maximum building height is 3 levels					



	<p>(c) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation layer and Maximum Building Height (Metres) Technical and Numeric Variation</i> layer in the SA planning database to determine the applicable value relevant to the site of the proposed development</p> <p>(d) only one value is returned for DTS/DPF 2.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.</p>
<p>PO 2.2</p> <p>Buildings on an allotment at the interface with a different neighbourhood-type zone are sited and designed to provide an orderly transition to the built form scale envisaged in that zone to mitigate impacts on adjacent residential uses.</p>	<p>DTS/DPF 2.2</p> <p>None are applicable.</p>
Primary Street Setback	
<p>PO 3.1</p> <p>Buildings are set back from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape and integrate development with public open space.</p>	<p>DTS/DPF 3.1</p> <p>The building line of a building is set back from the primary street boundary:</p> <p>(a) not less than 1.5m where the allotment adjoins a public reserve greater than 2000m<sup>2</sup> (including where the allotment would adjoin a reserve if not separated by a public road), the dwelling faces that reserve and access is provided to the rear of the allotment</p> <p>or</p> <p>(b) not less than 3m in all other cases.</p>
Secondary Street Setback	
<p>PO 4.1</p> <p>Buildings are set back from secondary street boundaries to achieve a pattern of separation between building walls and public streets and reinforce a streetscape character.</p>	<p>DTS/DPF 4.1</p> <p>Building walls are set back at least 900mm from the boundary of the allotment with the secondary street frontage.</p>
Boundary Walls	
<p>PO 5.1</p> <p>Dwelling boundary walls are limited in height and length to manage visual and overshadowing impacts on adjoining properties.</p>	<p>DTS/DPF 5.1</p> <p>Except where the dwelling is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (a) or (b) below:</p> <p>(a) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height</p> <p>(b) side boundary walls do not:</p> <ul style="list-style-type: none"> <li>(i) exceed 3m in height from the top of footings</li> <li>(ii) exceed 11.5 metres in length</li> <li>(iii) when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary</li> <li>(iv) encroach within 3 metres of any other existing or proposed boundary walls on the subject land</li> </ul>
Side Boundary Setback	
<p>PO 6.1</p> <p>Buildings are set back from side boundaries to provide:</p> <p>(a) separation between buildings to minimise visual impact</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p>DTS/DPF 6.1</p> <p>Building walls not sited on side boundaries are set back from side boundaries:</p> <p>(a) 0.9m for a wall height less than 3m</p> <p>(b) 0.9m plus 1/3 of the wall height above 3m for walls greater than 3m in height.</p>
Rear Boundary Setback	
<p>PO 7.1</p> <p>Buildings are set back from rear boundaries to provide:</p>	<p>DTS/DPF 7.1</p> <p>Building walls are set back from the rear boundary at least:</p>

<ul style="list-style-type: none"> <li>(a) separation between dwellings to minimise visual impact</li> <li>(b) access to natural light and ventilation for neighbours</li> <li>(c) open space recreational opportunities</li> <li>(d) space for landscaping and vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>(a) 3m for the first building level or 0m where the rear boundary abuts a laneway</li> <li>(b) 5m for any second building level</li> <li>(c) 5m plus any increase in wall height over 7m for buildings of 3 building levels and above.</li> </ul>
Site Dimensions and Land Division	
<p>PO 8.1</p> <p>Allotments/sites created for residential purposes accommodate a diverse range of medium density housing.</p>	<p>DTS/DPF8.1</p> <p>Development will not result in more than 1 dwelling on an existing allotment</p> <p>or</p> <p>Allotments/sites for residential purposes achieve a net density of up to 70 dwellings per hectare.</p>
<p>PO 8.2</p> <p>High density residential development located on sites of a suitable size and dimension to achieve a high standard of amenity for occupants and neighbours.</p>	<p>DTS/DPF 8.2</p> <p>Development with a net residential density over 70 dwellings per hectare on sites with a minimum area of 1200m<sup>2</sup> and minimum frontage width of 35m.</p>

## Part 3 - Overlays

### Affordable Housing Overlay

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Affordable housing is integrated with residential and mixed use development.
DO 2	Affordable housing caters for a variety of household structures.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Land Division	
<p>PO 1.1</p> <p>Development comprising 20 or more dwellings / allotments incorporates affordable housing.</p>	<p>DTS/DPF 1.1</p> <p>Development results in 0-19 additional allotments / dwellings.</p>
<p>PO 1.2</p> <p>Development comprising 20 or more dwellings or residential allotments provides housing suited to a range of incomes including households with low to moderate incomes.</p>	<p>DTS/DPF 1.2</p> <p>Development comprising 20 or more dwellings / or residential allotments includes a minimum of 15% affordable housing except where:</p> <ul style="list-style-type: none"> <li>(a) it can be demonstrated that any shortfall in affordable housing has been provided in a previous stage of development</li> <li>or</li> <li>(b) it can be demonstrated that any shortfall in affordable housing will be accommodated in a subsequent stage or stages of development.</li> </ul>
PO 1.3	DTS/DPF 1.3

Affordable housing is distributed throughout the development to avoid an overconcentration.	None are applicable.
Built Form and Character	
PO 2.1  Affordable housing is designed to complement the design and character of residential development within the locality.	DTS/DPF 2.1  None are applicable.
Affordable Housing Incentives	
PO 3.1  To support the provision of affordable housing, minimum allotment sizes may be reduced below the minimum allotment size specified in a zone while providing allotments of a suitable size and dimension to accommodate dwellings with a high standard of occupant amenity.	DTS/DPF 3.1  The minimum site area specified for a dwelling can be reduced by up to 20%, or the maximum density per hectare increased by up to 20%, where it is to be used to accommodate affordable housing except where the development is located within the Character Area Overlay or Historic Area Overlay.
PO 3.2  To support the provision of affordable housing, building heights may be increased above the maximum specified in a zone.	DTS/DPF 3.2  Where a building incorporates dwellings above ground level and includes at least 15% affordable housing, the maximum building height specified in any relevant zone policy can be increased by 1 building level in the: <ul style="list-style-type: none"> <li>(a) Business Neighbourhood Zone</li> <li>(b) City Living Zone</li> <li>(c) Established Neighbourhood Zone</li> <li>(d) General Neighbourhood Zone</li> <li>(e) Hills Neighbourhood Zone</li> <li>(f) Housing Diversity Neighbourhood Zone</li> <li>(g) Neighbourhood Zone</li> <li>(h) Master Planned Neighbourhood Zone</li> <li>(i) Master Planned Renewal Zone</li> <li>(j) Master Planned Township Zone</li> <li>(k) Rural Neighbourhood Zone</li> <li>(l) Suburban Business Zone</li> <li>(m) Suburban Neighbourhood Zone</li> <li>(n) Township Neighbourhood Zone</li> <li>(o) Township Zone</li> <li>(p) Urban Renewal Neighbourhood Zone</li> <li>(q) Waterfront Neighbourhood Zone</li> </ul> and up to 30% in any other zone, except where: <ul style="list-style-type: none"> <li>(a) the development is located within the Character Area Overlay or Historic Area Overlay or</li> <li>(b) other height incentives already apply to the development.</li> </ul>
Movement and Car Parking	
PO 4.1  Sufficient car parking is provided to meet the needs of occupants of affordable housing.	DTS/DPF 4.1  Dwellings constituting affordable housing are provided with car parking in accordance with the following: <ul style="list-style-type: none"> <li>(a) 0.3 carpark per dwelling within a building which incorporates dwellings located above ground level within either:               <ul style="list-style-type: none"> <li>(i) 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service<sup>(2)</sup></li> <li>(ii) is within 400 metres of a bus interchange<sup>(1)</sup></li> <li>(iii) is within 400 metres of an O-Bahn interchange<sup>(1)</sup></li> <li>(iv) is within 400 metres of a passenger rail station<sup>(1)</sup></li> <li>(v) is within 400 metres of a passenger tram station<sup>(1)</sup></li> <li>(vi) is within 400 metres of the Adelaide Parklands.</li> </ul> </li> <li>or</li> <li>(b) 1 carpark per dwelling for any other dwelling.</li> </ul>

[NOTE(S): (1) Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Development for the purposes of the provision of affordable housing (applying the criteria determined under regulation 4 of the <i>South Australian Housing Trust Regulations 2010</i> ).	Minister responsible for administering the <i>South Australian Housing Trust Act 1995</i> .	To provide direction on the conditions required to secure the provision of dwellings or allotments for affordable housing.	Development of a class to which Schedule 9 clause 3 item 20 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

## Airport Building Heights (Regulated) Overlay

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas.  In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.
PO 1.2	DTS/DPF 1.2

Exhaust stacks are designed and sited to minimise plume impacts on aircraft movements associated with a certified or registered aerodrome.	Development does not include exhaust stacks.
--	--

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development:  (a) building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the <i>Airport Building Heights (Regulated) Overlay</i>  (b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the <i>Airport Building Heights (Regulated) Overlay</i> .	The airport-operator company for the relevant airport within the meaning of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

### Hazards (Flooding – General) Overlay

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Impacts on people, property, infrastructure and the environment from general flood risk are minimised through the appropriate siting and design of development.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Flood Resilience	
PO 2.1  Development is sited, designed and constructed to prevent the entry of floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	DTS/DPF 2.1  Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished ground and floor level not less than:  In instances where no finished floor level value is specified, a building incorporates a finished floor level at least 300mm above the height of a 1% AEP flood event.

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory
---------------------------------	---------------	---------------------	-----------

			Reference
None	None	None	None

## Major Urban Transport Routes Overlay

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from Major Urban Transport Routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Access - Safe Entry and Exit (Traffic Flow)	
<p>PO 1.1</p> <p>Access is designed to allow safe entry and exit to and from a site to meet the needs of development and minimise traffic flow interference associated with access movements along adjacent State Maintained Roads.</p>	<p>DTS/DPF 1.1</p> <p>An access point satisfies (a), (b) or (c):</p> <ul style="list-style-type: none"> <li>(a) where servicing a single (1) residential dwelling / residential allotment: <ul style="list-style-type: none"> <li>(i) it will not result in more than one access point</li> <li>(ii) vehicles can enter and exit the site in a forward direction</li> <li>(iii) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees</li> <li>(iv) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road</li> <li>(v) have a width of between 3m and 4m (measured at the site boundary).</li> </ul> </li> <li>(b) where the development will result in 2 and up to 6 dwellings: <ul style="list-style-type: none"> <li>(i) it will not result in more than one access point servicing the development site</li> <li>(ii) entry and exit movements are left turn only</li> <li>(iii) vehicles can enter and exit the site in a forward direction</li> <li>(iv) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees;</li> <li>(v) passenger vehicles (with a length up to 5.2m) can enter and exit the site wholly within the kerbside lane of the road</li> <li>(vi) have a width of between 5.8m to 6m (measured at the site boundary) and an access depth of 6m (measured from the site boundary into the site).</li> </ul> </li> <li>(c) where the development will result in over 7 dwellings, or is a non-residential land use: <ul style="list-style-type: none"> <li>(i) it will not result in more than one access point servicing the development site</li> <li>(ii) vehicles can enter and exit the site using left turn only movements</li> <li>(iii) vehicles can enter and exit the site in a forward direction</li> <li>(iv) vehicles can cross the property boundary at an angle between 70 degrees and 90 degrees</li> <li>(v) have a width of between 6m and 7m (measured at the site boundary), where the development is expected to accommodate vehicles with a length of 6.4m or less</li> <li>(vi) have a width of between 6m and 9m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 6.4m to 8.8m</li> <li>(vii) have a width of between 9m and 12m (measured at the site boundary), where the development is expected to accommodate vehicles with a length from 8.8m to 12.5m</li> <li>(viii) provides for simultaneous two-way vehicle movements at the access; <ul style="list-style-type: none"> <li>A. with entry and exit movements for vehicles with a length up to 5.2m vehicles being fully within the kerbside lane of the road</li> </ul> </li> </ul> </li> </ul>

and

- B. with entry movements of 8.8m vehicles (where relevant) being fully within the kerbside lane of the road and the exit movements of 8.8m vehicles do not cross the centreline of the road.

## Access - On-Site Queuing

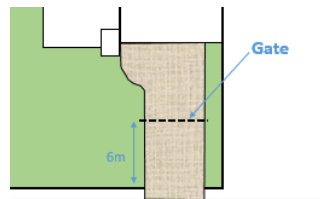
PO 2.1

Sufficient accessible on-site queuing adjacent to access points is provided to meet the needs of development so that all vehicle queues can be contained fully within the boundaries of the development site, to minimise interruption of the functional performance of the road and maintain safe vehicle movements.

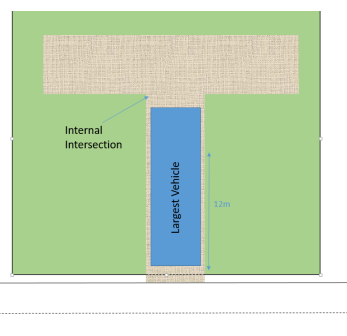
DTS/DPF 2.1

An access point in accordance with one of the following:

- (a) will not service, or is not intended to service, more than 6 dwellings and there are no internal driveways, intersections, car parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site) as shown in the following diagram:



- (b) will service, or is intended to service, development that will generate less than 60 vehicle movements per day and:
- (i) is expected to be serviced by vehicles with a length no greater than 6.4m
  - (ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site).
- (c) will service, or is intended to service, development that will generate less than 60 vehicle movements per day and:
- (i) is expected to be serviced by vehicles with a length greater than a 6.4m small rigid vehicle
  - (ii) there are no internal driveways, intersections, parking spaces or gates within 6.0m of the access point (measured from the site boundary into the site)
  - (iii) any termination of, or change in priority of movement within the main car park aisle is located far enough into the site so that the largest vehicle expected on-site can store fully within the site before being required to stop
  - (iv) all parking or manoeuvring areas for commercial vehicles are located a minimum of 12m or the length of the largest vehicle expected on site from the access (measured from the site boundary into the site) as shown in the following diagram:



## Access - Location (Spacing) - Existing Access Points

PO 3.1

Existing access points

DTS/DPF 3.1

An existing access point satisfies (a), (b) or (c):

designed to accommodate the type and volume of traffic likely to be generated by the development.

- (a) it will not service, or is not intended to service, more than 6 dwellings
- (b) it is not located on a Controlled Access Road and will not service development that will result in a larger class of vehicle expected to access the site using the existing access
- (c) it is not located on a Controlled Access Road and development constitutes:
  - (i) change of use between an office less than 500m<sup>2</sup> gross leasable floor area and a consulting room less than 500m<sup>2</sup> gross leasable floor area or vice versa
  - (ii) change in use from a shop to an office, consulting room or personal or domestic services establishment
  - (iii) change of use from a consulting room or office less than 250m<sup>2</sup> gross leasable floor area to shop less than 250m<sup>2</sup> gross leasable floor area
  - (iv) change of use from a shop less than 500m<sup>2</sup> gross leasable floor area to a warehouse less than 500m<sup>2</sup> gross leasable floor area
  - (v) an office or consulting room with a gross leasable floor area less than 500m<sup>2</sup>.

#### Access - Location (Spacing) - New Access Points

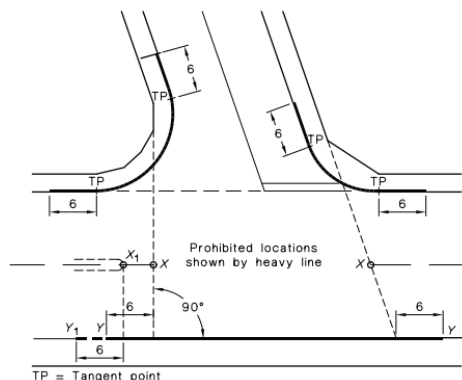
PO 4.1

New access points are spaced apart from any existing access point or public road junction to manage impediments to traffic flow and maintain safe and efficient operating conditions on the road.

DTS/DPF 4.1

A new access point satisfies (a), (b) or (c):

- (a) where a development site is intended to serve between 1 and 6 dwellings and has frontage to a local road (not being a Controlled Access Road) with a speed environment of 60km/h or less, the new access point is provided on the local road and located a minimum of 6.0m from the tangent point as shown in the following diagram:



NOTE:

The points marked  $X_1$  and  $X$  are respectively at the median end on a divided road and at the intersection of the main road centre-line and the extensions of the side road property lines shown as dotted lines, on an undivided road. On a divided road, dimension Y-Y' extends to Point  $Y_1$ .

- (b) where the development site is intended to serve between 1 and 6 dwellings and access from a local road (being a road that is not a State Maintained Road) is not available, the new access:
  - (i) is not located on a Controlled Access Road
  - (ii) is not located on a section of road affected by double barrier lines
  - (iii) will be on a road with a speed environment of 70km/h or less
  - (iv) is located outside of the bold lines on the diagram shown in the diagram following part (a)
  - (v) located minimum of 6m from a median opening or pedestrian crossing.
- (c) where DTS/DPF 4.1 part (a) and (b) do not apply and access from an alternative local road at least 25m from the State Maintained Road is not available, and the access is not located on a Controlled Access Road, the new access is separated in accordance with the following:

Speed Limit	Separation between access points	Separation from public road junctions and merging/terminating lanes
50 km/h or less	No spacing requirement	20m
60 km/h	40m	123m
70 km/h	55m	151m
80 km/h	70m	181m
90 km/h	90m	214m
100 km/h	110m	248m
110 km/h	135m	285m

#### Access - Location (Sight Lines)

PO 5.1

Access points are located

DTS/DPF 5.1

An access point satisfies (a) or (b):

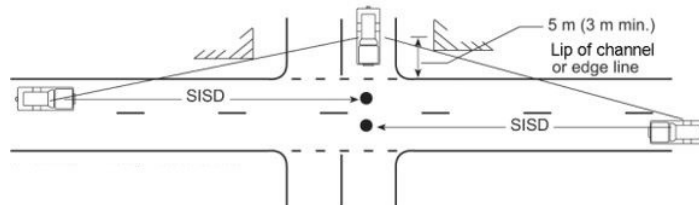


## Policy24

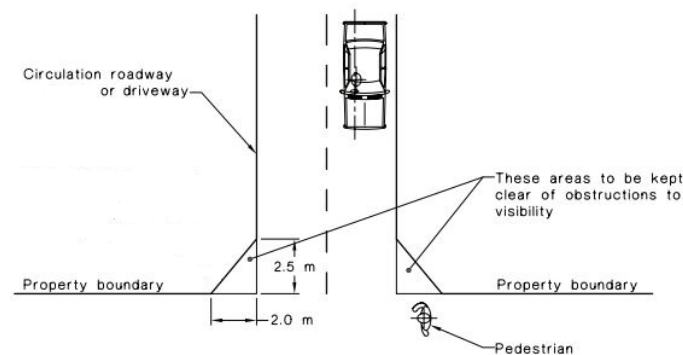
and designed to accommodate sight lines that enable drivers and pedestrians to navigate potential conflict points with roads in a controlled and safe manner.

- (a) drivers approaching or exiting an access point have an unobstructed line of sight in accordance with the following (measured at a height of 1.1m above the surface of the road):

Speed Limit	Access Point serving 1-6 dwellings	Access point serving all other development
40 km/h or less	40m	73m
50 km/h	55m	97m
60 km/h	73m	123m
70 km/h	92m	151m
80 km/h	114m	181m
90 km/h	139m	214m
100 km/h	165m	248m
110km/h	193m	285m



- (b) pedestrian sightlines in accordance with the following diagram:



## Access - Mud and Debris

PO 6.1

Access points constructed to minimise mud or other debris being carried or transferred onto the road to ensure safe road operating conditions.

DTS/DPF 6.1

Where the road has an unsealed shoulder and the road is not kerbed the access way is sealed from the edge of seal on the road for a minimum of 10m or to the property boundary (whichever is closer)

## Access - Stormwater

PO 7.1

Access points designed to minimise negative impact on roadside drainage of water.

DTS/DPF 7.1

Development does not:

- (a) decrease the capacity of an existing drainage point
- (b) restrict or prevent the flow of stormwater to an existing drainage point and system.

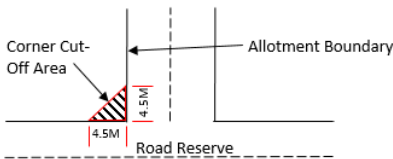
## Building on Road Reserve

PO 8.1

Buildings or structures that encroach onto, above or below road reserves designed and sited to minimise impact on safe movements by all road users.

DTS/DPF 8.1

No encroachment of buildings or structures onto, above or below the road reserve.

Public Road Junctions	
<p>PO 9.1</p> <p>New junctions with public roads (including the opening of unmade public road junctions) or modifications to existing road junctions located and designed to ensure safe and efficient road operating conditions are maintained on the State Maintained Road.</p>	<p>DTS/DPF 9.1</p> <p>Development does not comprise any of the following:</p> <ul style="list-style-type: none"> <li>(a) creating a new junction with a public road</li> <li>(b) opening an unmade public road junction</li> <li>(c) modifying an existing public road junction.</li> </ul>
Corner Cut-Offs	
<p>PO 10.1</p> <p>Development is located and designed to maintain sightlines for drivers turning into and out of public road junctions to contribute to driver safety.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram:</p> 

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
<p>Except where all of the relevant deemed-to-satisfy criteria are met, development (including the division of land) that involves any of the following to/on a State Maintained Road or within 25 metres of an intersection with any such road:</p> <ul style="list-style-type: none"> <li>(a) creation of a new access or junction</li> <li>(b) alterations to an existing access or public road junction (except where deemed to be minor in the opinion of the relevant authority)</li> <li>(c) development that changes the nature of vehicular movements or increase the number or frequency of movements through an existing access (except where deemed to be minor in the opinion of the relevant authority).</li> </ul>	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

## Noise and Air Emissions Overlay

### Assessment Provisions (AP)

Desired Outcome (DO)

## Desired Outcome

DO 1	Community health and amenity is protected from adverse impacts of noise and air emissions.
------	--

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Siting and Design	
<p>PO 1.1</p> <p>Sensitive receivers adjoining high noise and/or air pollution sources are designed and sited to shield sensitive receivers from the emission source using measures such as:</p> <ul style="list-style-type: none"> <li>(a) placing buildings containing non-sensitive receivers (such as retail and commercial) between the emission source and sensitive receivers</li> <li>(b) within individual buildings, placing rooms more sensitive to air quality and noise impacts (such as living rooms and bedrooms) further away from the emission source</li> <li>(c) providing appropriate separation or erecting noise attenuation barriers, provided the requirements for safety, urban design and access can be met</li> <li>(d) the use of building design elements such as podiums and jutting, deep or enclosed balconies (including with solid balustrades).</li> </ul>	<p>DTS/DPF 1.1</p> <p>Sensitive receivers satisfy all of the following:</p> <ul style="list-style-type: none"> <li>(a) do not adjoin a: <ul style="list-style-type: none"> <li>(i) Designated Road: Type A</li> <li>(ii) Designated Road Corridor: Type B</li> <li>(iii) Designated Road: Type R</li> <li>(iv) Train Corridor</li> <li>(v) Tram Corridor</li> </ul> </li> <li>(b) adjoining development incorporating music includes noise attenuation measures to achieve a noise level in any bedroom exposed to music noise (L10) less than: <ul style="list-style-type: none"> <li>(i) 8 dB above the level of background noise (L90,15 min) in any octave band of the sound spectrum; and</li> <li>(ii) 5 dB(A) above the level of background noise (LA90,15 min) for the overall (sum of all octave bands) A-weighted levels.</li> </ul> </li> </ul>
<p>PO 1.2</p> <p>Development incorporating a sensitive receiver adjoining high air pollution sources use building design elements such as varying building heights, widths, articulation, setbacks and shapes to increase wind turbulence and the dispersion of air pollutants.</p>	<p>DTS/DPF 1.2</p> <p>Sensitive receivers do not adjoin any of the following:</p> <ul style="list-style-type: none"> <li>(a) Designated Road: Type A</li> <li>(b) Designated Road: Type B</li> <li>(c) Designated Road: Type R</li> <li>(d) Train Corridor</li> <li>(e) Tram Corridor.</li> </ul>
<p>PO 1.3</p> <p>Development incorporating a sensitive receiver adjoining high noise and/or air pollution sources locates private open space (including ground level courtyards and balconies), common open space and outdoor play areas within educational establishments and pre-schools away from the emission source.</p>	<p>DTS/DPF 1.3</p> <p>Open space associated with a sensitive receiver is not adjoining any of the following:</p> <ul style="list-style-type: none"> <li>(a) Designated Road: Type A</li> <li>(b) Designated Road: Type B</li> <li>(c) Designated Road: Type R</li> <li>(d) Train Corridor</li> <li>(e) Tram Corridor</li> <li>(f) Development incorporating music.</li> </ul>

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory
---------------------------------	---------------	---------------------	-----------

Policy24		CAP201223 Page 96 of 162	P&D Code (in effect) Version 2023.5 30/03/2023
			Reference
None	None	None	None

## Stormwater Management Overlay

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development incorporates water sensitive urban design techniques to capture and re-use stormwater.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature												
<p>PO 1.1</p> <p>Residential development is designed to capture and re-use stormwater to:</p> <ul style="list-style-type: none"><li>(a) maximise conservation of water resources</li><li>(b) manage peak stormwater runoff flows and volume to ensure the carrying capacities of downstream systems are not overloaded</li><li>(c) manage stormwater runoff quality.</li></ul>	<p>DTS/DPF 1.1</p> <p>Residential development comprising detached, semi-detached or row dwellings, or less than 5 group dwellings or dwellings within a residential flat building:</p> <ul style="list-style-type: none"><li>(a) includes rainwater tank storage:<ul style="list-style-type: none"><li>(i) connected to at least:<ul style="list-style-type: none"><li>A. in relation to a detached dwelling (not in a battle-axe arrangement), semi-detached dwelling or row dwelling, 60% of the roof area</li><li>B. in all other cases, 80% of the roof area</li></ul></li><li>(ii) connected to either a toilet, laundry cold water outlets or hot water service for sites less than 200m<sup>2</sup></li><li>(iii) connected to one toilet and either the laundry cold water outlets or hot water service for sites of 200m<sup>2</sup> or greater</li><li>(iv) with a minimum total capacity in accordance with Table 1</li><li>(v) where detention is required, includes a 20-25 mm diameter slow release orifice at the bottom of the detention component of the tank</li></ul></li><li>(b) incorporates dwelling roof area comprising at least 80% of the site's impervious area</li></ul> <p>Table 1: Rainwater Tank</p> <table><tr><th>Site size (m<sup>2</sup>)</th><th>Minimum retention volume (Litres)</th><th>Minimum detention volume (Litres)</th></tr><tr><td>&lt;200</td><td>1000</td><td>1000</td></tr><tr><td>200-400</td><td>2000</td><td>Site perviousness &lt;30%: 1000  Site perviousness ≥30%: N/A</td></tr><tr><td>&gt;401</td><td>4000</td><td>Site perviousness</td></tr></table>	Site size (m <sup>2</sup> )	Minimum retention volume (Litres)	Minimum detention volume (Litres)	<200	1000	1000	200-400	2000	Site perviousness <30%: 1000  Site perviousness ≥30%: N/A	>401	4000	Site perviousness
Site size (m <sup>2</sup> )	Minimum retention volume (Litres)	Minimum detention volume (Litres)											
<200	1000	1000											
200-400	2000	Site perviousness <30%: 1000  Site perviousness ≥30%: N/A											
>401	4000	Site perviousness											

				<35%: 1000 Site perviousness ≥35%: N/A	
--	--	--	--	--	--

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

## Traffic Generating Development Overlay

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Safe and efficient operation of Urban Transport Routes and Major Urban Transport Routes for all road users.
DO 2	Provision of safe and efficient access to and from urban transport routes and major urban transport routes.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Traffic Generating Development	
PO 1.1 Development designed to minimise its potential impact on the safety, efficiency and functional performance of the State Maintained Road network.	DTS/DPF 1.1 Access is obtained directly from a State Maintained Road where it involves any of the following types of development: <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m2 or more</li> <li>(c) retail development with a gross floor area of 2,000m2 or more</li> <li>(d) a warehouse or transport depot with a gross leasable floor area of 8,000m2 or more</li> <li>(e) industry with a gross floor area of 20,000m2 or more</li> <li>(f) educational facilities with a capacity of 250 students or more.</li> </ul>
PO 1.2 Access points sited and designed to accommodate the type and volume of traffic likely to be generated by development.	DTS/DPF 1.2 Access is obtained directly from a State Maintained Road where it involves any of the following types of development: <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m2 or more</li> <li>(c) retail development with a gross floor area of 2,000m2 or more</li> </ul>

	(d) a warehouse or transport depot with a gross leasable floor area of 8,000m <sup>2</sup> or more (e) industry with a gross floor area of 20,000m <sup>2</sup> or more (f) educational facilities with a capacity of 250 students or more.
PO 1.3  Sufficient accessible on-site queuing provided to meet the needs of the development so that queues do not impact on the State Maintained Road network.	DTS/DPF 1.3  Access is obtained directly from a State Maintained Road where it involves any of the following types of development: <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m<sup>2</sup> or more</li> <li>(c) retail development with a gross floor area of 2,000m<sup>2</sup> or more</li> <li>(d) a warehouse or transport depot with a gross leasable floor area of 8,000m<sup>2</sup> or more</li> <li>(e) industry with a gross floor area of 20,000m<sup>2</sup> or more</li> <li>(f) educational facilities with a capacity of 250 students or more.</li> </ul>

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Except where all of the relevant deemed-to-satisfy criteria are met, any of the following classes of development that are proposed within 250m of a State Maintained Road: <ul style="list-style-type: none"> <li>(a) land division creating 50 or more additional allotments</li> <li>(b) commercial development with a gross floor area of 10,000m<sup>2</sup> or more</li> <li>(c) retail development with a gross floor area of 2,000m<sup>2</sup> or more</li> <li>(d) a warehouse or transport depot with a gross leasable floor area of 8,000m<sup>2</sup> or more</li> <li>(e) industry with a gross floor area of 20,000m<sup>2</sup> or more</li> <li>(f) educational facilities with a capacity of 250 students or more.</li> </ul>	Commissioner of Highways.	To provide expert technical assessment and direction to the Relevant Authority on the safe and efficient operation and management of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	Development of a class to which Schedule 9 clause 3 item 7 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

### Urban Tree Canopy Overlay

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Residential development preserves and enhances urban tree canopy through the planting of new trees and retention of existing mature trees where practicable.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature																																																
PO 1.1  Trees are planted or retained to contribute to an urban tree canopy.	DTS/DPF 1.1  Tree planting is provided in accordance with the following: <table><tr><th>Site size per dwelling (m<sup>2</sup>)</th><th>Tree size* and number required per dwelling</th></tr><tr><td>&lt;450</td><td>1 small tree</td></tr><tr><td>450-800</td><td>1 medium tree or 2 small trees</td></tr><tr><td>&gt;800</td><td>1 large tree or 2 medium trees or 4 small trees</td></tr></table> *refer Table 1 Tree Size <table><tr><th colspan="4">Table 1 Tree Size</th></tr><tr><th>Tree size</th><th>Mature height (minimum)</th><th>Mature spread (minimum)</th><th>Soil area around tree within development site (minimum)</th></tr><tr><td>Small</td><td>4 m</td><td>2m</td><td>10m<sup>2</sup> and min. dimension of 1.5m</td></tr><tr><td>Medium</td><td>6 m</td><td>4 m</td><td>30m<sup>2</sup> and min. dimension of 2m</td></tr><tr><td>Large</td><td>12 m</td><td>8m</td><td>60m<sup>2</sup> and min. dimension of 4m</td></tr></table> The discount in Column D of Table 2 discounts the number of trees required to be planted in DTS/DPF 1.1 where existing tree(s) are retained on the subject land that meet the criteria in Columns A, B and C of Table 2, and are not a species identified in Regulation 3F(4)(b) of the Planning Development and Infrastructure (General) Regulations 2017. <table><tr><th colspan="4">Table 2 Tree Discounts</th></tr><tr><th>Retained tree height (Column A)</th><th>Retained tree spread (Column B)</th><th>Retained soil area around tree within development site (Column C)</th><th>Discount applied (Column D)</th></tr><tr><td>4-6m</td><td>2-4m</td><td>10m<sup>2</sup> and min. dimension of 1.5m</td><td>2 small trees (or 1 medium tree)</td></tr><tr><td>6-12m</td><td>4-8m</td><td>30m<sup>2</sup> and min. dimension of 3m</td><td>2 medium trees (or 4 small trees)</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>	Site size per dwelling (m <sup>2</sup> )	Tree size* and number required per dwelling	<450	1 small tree	450-800	1 medium tree or 2 small trees	>800	1 large tree or 2 medium trees or 4 small trees	Table 1 Tree Size				Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)	Small	4 m	2m	10m <sup>2</sup> and min. dimension of 1.5m	Medium	6 m	4 m	30m <sup>2</sup> and min. dimension of 2m	Large	12 m	8m	60m <sup>2</sup> and min. dimension of 4m	Table 2 Tree Discounts				Retained tree height (Column A)	Retained tree spread (Column B)	Retained soil area around tree within development site (Column C)	Discount applied (Column D)	4-6m	2-4m	10m <sup>2</sup> and min. dimension of 1.5m	2 small trees (or 1 medium tree)	6-12m	4-8m	30m <sup>2</sup> and min. dimension of 3m	2 medium trees (or 4 small trees)				
Site size per dwelling (m <sup>2</sup> )	Tree size* and number required per dwelling																																																
<450	1 small tree																																																
450-800	1 medium tree or 2 small trees																																																
>800	1 large tree or 2 medium trees or 4 small trees																																																
Table 1 Tree Size																																																	
Tree size	Mature height (minimum)	Mature spread (minimum)	Soil area around tree within development site (minimum)																																														
Small	4 m	2m	10m <sup>2</sup> and min. dimension of 1.5m																																														
Medium	6 m	4 m	30m <sup>2</sup> and min. dimension of 2m																																														
Large	12 m	8m	60m <sup>2</sup> and min. dimension of 4m																																														
Table 2 Tree Discounts																																																	
Retained tree height (Column A)	Retained tree spread (Column B)	Retained soil area around tree within development site (Column C)	Discount applied (Column D)																																														
4-6m	2-4m	10m <sup>2</sup> and min. dimension of 1.5m	2 small trees (or 1 medium tree)																																														
6-12m	4-8m	30m <sup>2</sup> and min. dimension of 3m	2 medium trees (or 4 small trees)																																														

	>12m	>8m	60m <sup>2</sup> and min. dimension of 6m	2 large trees (or 4 medium trees, or 8 small trees)
<p>Note: In order to satisfy DTS/DPF 1.1, payment may be made in accordance with a relevant off-set scheme established by the Minister under section 197 of the Planning, Development and Infrastructure Act 2016, provided the provisions and requirements of that scheme are satisfied. For the purposes of section 102(4) of the Planning, Development and Infrastructure Act 2016, an applicant may elect for any of the matters in DTS/DPF 1.1 to be reserved.</p>				

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

## Part 4 - General Development Policies

### Clearance from Overhead Powerlines

#### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> <li>(a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i></li> <li>(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</li> </ul>

### Design in Urban Areas



## Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> <li>(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality</li> <li>(b) durable - fit for purpose, adaptable and long lasting</li> <li>(c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li> <li>(d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li> </ul>

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
External Appearance	
PO 1.1 Buildings reinforce corners through changes in setback, articulation, materials, colour and massing (including height, width, bulk, roof form and slope).	DTS/DPF 1.1 None are applicable.
PO 1.2 Where zero or minor setbacks are desirable, development provides shelter over footpaths (in the form of verandahs, awnings, canopies and the like, with adequate lighting) to positively contribute to the walkability, comfort and safety of the public realm.	DTS/DPF 1.2 None are applicable.
PO 1.3 Building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.	DTS/DPF 1.3 None are applicable.
PO 1.4 Plant, exhaust and intake vents and other technical equipment are integrated into the building design to minimise visibility from the public realm and negative impacts on residential amenity by: <ul style="list-style-type: none"> <li>(a) positioning plant and equipment discretely, in unobtrusive locations as viewed from public roads and spaces</li> <li>(b) screening rooftop plant and equipment from view</li> <li>(c) when located on the roof of non-residential development, locating the plant and equipment as far as practicable from adjacent sensitive land uses.</li> </ul>	DTS/DPF 1.4 Development does not incorporate any structures that protrude beyond the roofline.
PO 1.5 The negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view (such as fencing, landscaping and built form), taking into account the form of development contemplated in the relevant zone.	DTS/DPF 1.5 None are applicable.
Safety	

PO 2.1 Development maximises opportunities for passive surveillance of the public realm by providing clear lines of sight, appropriate lighting and the use of visually permeable screening wherever practicable.	DTS/DPF 2.1 None are applicable.
PO 2.2 Development is designed to differentiate public, communal and private areas.	DTS/DPF 2.2 None are applicable.
PO 2.3 Buildings are designed with safe, perceptible and direct access from public street frontages and vehicle parking areas.	DTS/DPF 2.3 None are applicable.
PO 2.4 Development at street level is designed to maximise opportunities for passive surveillance of the adjacent public realm.	DTS/DPF 2.4 None are applicable.
PO 2.5 Common areas and entry points of buildings (such as the foyer areas of residential buildings) and non-residential land uses at street level, maximise passive surveillance from the public realm to the inside of the building at night.	DTS/DPF 2.5 None are applicable.
Landscaping	
PO 3.1 Soft landscaping and tree planting are incorporated to:  (a) minimise heat absorption and reflection (b) maximise shade and shelter (c) maximise stormwater infiltration (d) enhance the appearance of land and streetscapes.	DTS/DPF 3.1 None are applicable.
Environmental Performance	
PO 4.1 Buildings are sited, oriented and designed to maximise natural sunlight access and ventilation to main activity areas, habitable rooms, common areas and open spaces.	DTS/DPF 4.1 None are applicable.
PO 4.2 Buildings are sited and designed to maximise passive environmental performance and minimise energy consumption and reliance on mechanical systems, such as heating and cooling.	DTS/DPF 4.2 None are applicable.
PO 4.3 Buildings incorporate climate responsive techniques and features such as building and window orientation, use of eaves, verandahs and shading structures, water harvesting, at ground landscaping, green walls, green roofs and photovoltaic cells.	DTS/DPF 4.3 None are applicable.
On-site Waste Treatment Systems	
PO 6.1 Dedicated on-site effluent disposal areas do not include any areas to be used for, or could be reasonably foreseen to be used for, private open space, driveways or car parking.	DTS/DPF 6.1 Effluent disposal drainage areas do not:  (a) encroach within an area used as private open space or result in less private open space than that specified in Design in Urban Areas Table 1 - Private Open Space (b) use an area also used as a driveway

	(c) encroach within an area used for on-site car parking or result in less on-site car parking than that specified in Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements or Table 2 - Off-Street Car Parking Requirements in Designated Areas.
Car parking appearance	
<p>PO 7.1</p> <p>Development facing the street is designed to minimise the negative impacts of any semi-basement and undercroft car parking on streetscapes through techniques such as:</p> <ul style="list-style-type: none"> <li>(a) limiting protrusion above finished ground level</li> <li>(b) screening through appropriate planting, fencing and mounding</li> <li>(c) limiting the width of openings and integrating them into the building structure.</li> </ul>	<p>DTS/DPF 7.1</p> <p>None are applicable.</p>
<p>PO 7.2</p> <p>Vehicle parking areas appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced and the like.</p>	<p>DTS/DPF 7.2</p> <p>None are applicable.</p>
<p>PO 7.3</p> <p>Safe, legible, direct and accessible pedestrian connections are provided between parking areas and the development.</p>	<p>DTS/DPF 7.3</p> <p>None are applicable.</p>
<p>PO 7.4</p> <p>Street-level vehicle parking areas incorporate tree planting to provide shade, reduce solar heat absorption and reflection.</p>	<p>DTS/DPF 7.4</p> <p>Vehicle parking areas that are open to the sky and comprise 10 or more car parking spaces include a shade tree with a mature canopy of 4m diameter spaced for each 10 car parking spaces provided and a landscaped strip on any road frontage of a minimum dimension of 1m.</p>
<p>PO 7.5</p> <p>Street level parking areas incorporate soft landscaping to improve visual appearance when viewed from within the site and from public places.</p>	<p>DTS/DPF 7.5</p> <p>Vehicle parking areas comprising 10 or more car parking spaces include soft landscaping with a minimum dimension of:</p> <ul style="list-style-type: none"> <li>(a) 1m along all public road frontages and allotment boundaries</li> <li>(b) 1m between double rows of car parking spaces.</li> </ul>
<p>PO 7.6</p> <p>Vehicle parking areas and associated driveways are landscaped to provide shade and positively contribute to amenity.</p>	<p>DTS/DPF 7.6</p> <p>None are applicable.</p>
<p>PO 7.7</p> <p>Vehicle parking areas and access ways incorporate integrated stormwater management techniques such as permeable or porous surfaces, infiltration systems, drainage swales or rain gardens that integrate with soft landscaping.</p>	<p>DTS/DPF 7.7</p> <p>None are applicable.</p>
Earthworks and sloping land	
<p>PO 8.1</p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p>DTS/DPF 8.1</p> <p>Development does not involve any of the following:</p> <ul style="list-style-type: none"> <li>(a) excavation exceeding a vertical height of 1m</li> <li>(b) filling exceeding a vertical height of 1m</li> <li>(c) a total combined excavation and filling vertical height of 2m or more.</li> </ul>
<p>PO 8.2</p> <p>Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.</p>	<p>DTS/DPF 8.2</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):</p>

	<ul style="list-style-type: none"> <li>(a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway</li> <li>(b) are constructed with an all-weather trafficable surface.</li> </ul>
<p>PO 8.3</p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8):</p> <ul style="list-style-type: none"> <li>(a) do not contribute to the instability of embankments and cuttings</li> <li>(b) provide level transition areas for the safe movement of people and goods to and from the development</li> <li>(c) are designed to integrate with the natural topography of the land.</li> </ul>	<p>DTS/DPF 8.3</p> <p>None are applicable.</p>
<p>PO 8.4</p> <p>Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.</p>	<p>DTS/DPF 8.4</p> <p>None are applicable.</p>
<p>PO 8.5</p> <p>Development does not occur on land at risk of landslide or increase the potential for landslide or land surface instability.</p>	<p>DTS/DPF 8.5</p> <p>None are applicable.</p>
Overlooking / Visual Privacy (low rise buildings)	
<p>PO 10.1</p> <p>Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.</p>	<p>DTS/DPF 10.1</p> <p>Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone:</p> <ul style="list-style-type: none"> <li>(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm</li> <li>(b) have sill heights greater than or equal to 1.5m above finished floor level</li> <li>(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.</li> </ul>
<p>PO 10.2</p> <p>Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.</p>	<p>DTS/DPF 10.2</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> <li>(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace or</li> <li>(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: <ul style="list-style-type: none"> <li>(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land</li> <li>or</li> <li>(ii) 1.7m above finished floor level in all other cases</li> </ul> </li> </ul>
Site Facilities / Waste Storage (excluding low rise residential development)	
<p>PO 11.1</p> <p>Development provides a dedicated area for on-site collection and sorting of recyclable materials and refuse, green organic waste and wash bay facilities for the ongoing maintenance of bins that is adequate in size considering the number and nature of the activities they will serve and the frequency of collection.</p>	<p>DTS/DPF 11.1</p> <p>None are applicable.</p>
<p>PO 11.2</p> <p>Communal waste storage and collection areas are located, enclosed and designed to be screened from view from the public domain, open space and dwellings.</p>	<p>DTS/DPF 11.2</p> <p>None are applicable.</p>
<p>PO 11.3</p>	<p>DTS/DPF 11.3</p>

Communal waste storage and collection areas are designed to be well ventilated and located away from habitable rooms.	None are applicable.
PO 11.4 Communal waste storage and collection areas are designed to allow waste and recycling collection vehicles to enter and leave the site without reversing.	DTS/DPF 11.4 None are applicable.
PO 11.5 For mixed use developments, non-residential waste and recycling storage areas and access provide opportunities for on-site management of food waste through composting or other waste recovery as appropriate.	DTS/DPF 11.5 None are applicable.
All Development - Medium and High Rise	
External Appearance	
PO 12.1 Buildings positively contribute to the character of the local area by responding to local context.	DTS/DPF 12.1 None are applicable.
PO 12.2 Architectural detail at street level and a mixture of materials at lower building levels near the public interface are provided to reinforce a human scale.	DTS/DPF 12.2 None are applicable.
PO 12.3 Buildings are designed to reduce visual mass by breaking up building elevations into distinct elements.	DTS/DPF 12.3 None are applicable.
PO 12.4 Boundary walls visible from public land include visually interesting treatments to break up large blank elevations.	DTS/DPF 12.4 None are applicable.
DTS/DPF 12.5 Buildings utilise a combination of the following external materials and finishes:  (a) masonry (b) natural stone (c) pre-finished materials that minimise staining, discolouring or deterioration.	PO 12.6 Street-facing building elevations are designed to provide attractive, high quality and pedestrian-friendly street frontages.
DTS/DPF 12.6 Building street frontages incorporate:  (a) active uses such as shops or offices (b) prominent entry areas for multi-storey buildings (where it is a common entry) (c) habitable rooms of dwellings (d) areas of communal public realm with public art or the like, where consistent with the zone and/or subzone provisions.	PO 12.7 Entrances to multi-storey buildings are safe, attractive, welcoming, functional and contribute to streetscape character.
DTS/DPF 12.7 Entrances to multi-storey buildings are:  (a) oriented towards the street (b) clearly visible and easily identifiable from the street and vehicle parking areas (c) designed to be prominent, accentuated and a welcoming feature if there are no active or occupied ground floor uses (d) designed to provide shelter, a sense of personal address and transitional space around the entry (e) located as close as practicable to the lift and / or lobby access to minimise the need for long access corridors (f) designed to avoid the creation of potential areas of entrapment.	PO 12.8 Building services, plant and mechanical equipment are screened from the public realm.
DTS/DPF 12.8	Landscaping

None are applicable.				
PO 13.1  Development facing a street provides a well landscaped area that contains a deep soil space to accommodate a tree of a species and size adequate to provide shade, contribute to tree canopy targets and soften the appearance of buildings.	DTS/DPF 13.1  Buildings provide a 4m by 4m deep soil space in front of the building that accommodates a medium to large tree, except where no building setback from front property boundaries is desired.			
PO 13.2  Deep soil zones are provided to retain existing vegetation or provide areas that can accommodate new deep root vegetation, including tall trees with large canopies to provide shade and soften the appearance of multi-storey buildings.	DTS/DPF 13.2  Multi-storey development provides deep soil zones and incorporates trees at not less than the following rates, except in a location or zone where full site coverage is desired.			
	Site area	Minimum deep soil area	Minimum dimension	Tree / deep soil zones
	<300 m <sup>2</sup>	10 m <sup>2</sup>	1.5m	1 small tree / 10 m <sup>2</sup>
	300-1500 m <sup>2</sup>	7% site area	3m	1 medium tree / 30 m <sup>2</sup>
	>1500 m <sup>2</sup>	7% site area	6m	1 large or medium tree / 60 m <sup>2</sup>
	Tree size and site area definitions			
	Small tree	4-6m mature height and 2-4m canopy spread		
	Medium tree	6-12m mature height and 4-8m canopy spread		
	Large tree	12m mature height and >8m canopy spread		
Site area	The total area for development site, not average area per dwelling			
PO 13.3  Deep soil zones with access to natural light are provided to assist in maintaining vegetation health.	DTS/DPF 13.3  None are applicable.			
PO 13.4  Unless separated by a public road or reserve, development sites adjacent to any zone that has a primary purpose of accommodating low-rise residential development incorporate a deep soil zone along the common boundary to enable medium to large trees to be retained or established to assist in screening new buildings of 3 or more building levels in height.	DTS/DPF 13.4  Building elements of 3 or more building levels in height are set back at least 6m from a zone boundary in which a deep soil zone area is incorporated.			
Environmental				
PO 14.1  Development minimises detrimental micro-climatic impacts on adjacent land and buildings.	DTS/DPF 14.1  None are applicable.			
PO 14.2  Development incorporates sustainable design techniques and features such as window orientation, eaves and shading structures, water harvesting and use, green walls and roof designs that enable the provision of rain water tanks (where they are not provided elsewhere on site).	DTS/DPF 14.2  None are applicable.			

green roofs and photovoltaic cells.	
<p>PO 14.3</p> <p>Development of 5 or more building levels, or 21m or more in height (as measured from natural ground level and excluding roof-mounted mechanical plant and equipment) is designed to minimise the impacts of wind through measures such as:</p> <ul style="list-style-type: none"> <li>(a) a podium at the base of a tall tower and aligned with the street to deflect wind away from the street</li> <li>(b) substantial verandahs around a building to deflect downward travelling wind flows over pedestrian areas</li> <li>(c) the placement of buildings and use of setbacks to deflect the wind at ground level</li> <li>(d) avoiding tall shear elevations that create windy conditions at street level.</li> </ul>	<p>DTS/DPF 14.3</p> <p>None are applicable.</p>
Overlooking/Visual Privacy	
<p>PO 16.1</p> <p>Development mitigates direct overlooking of habitable rooms and private open spaces of adjacent residential uses in neighbourhood-type zones through measures such as:</p> <ul style="list-style-type: none"> <li>(a) appropriate site layout and building orientation</li> <li>(b) off-setting the location of balconies and windows of habitable rooms or areas with those of other buildings so that views are oblique rather than direct to avoid direct line of sight</li> <li>(c) building setbacks from boundaries (including building boundary to boundary where appropriate) that interrupt views or that provide a spatial separation between balconies or windows of habitable rooms</li> <li>(d) screening devices that are integrated into the building design and have minimal negative effect on residents' or neighbours' amenity.</li> </ul>	<p>DTS/DPF 16.1</p> <p>None are applicable.</p>
All residential development	
Front elevations and passive surveillance	
<p>PO 17.1</p> <p>Dwellings incorporate windows facing primary street frontages to encourage passive surveillance and make a positive contribution to the streetscape.</p>	<p>DTS/DPF 17.1</p> <p>Each dwelling with a frontage to a public street:</p> <ul style="list-style-type: none"> <li>(a) includes at least one window facing the primary street from a habitable room that has a minimum internal room dimension of 2.4m</li> <li>(b) has an aggregate window area of at least 2m<sup>2</sup> facing the primary street.</li> </ul>
<p>PO 17.2</p> <p>Dwellings incorporate entry doors within street frontages to address the street and provide a legible entry point for visitors.</p>	<p>DTS/DPF 17.2</p> <p>Dwellings with a frontage to a public street have an entry door visible from the primary street boundary.</p>
Outlook and Amenity	
<p>PO 18.1</p> <p>Living rooms have an external outlook to provide a high standard of amenity for occupants.</p>	<p>DTS/DPF 18.1</p> <p>A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.</p>
<p>PO 18.2</p> <p>Bedrooms are separated or shielded from active communal recreation areas, common access areas and vehicle parking areas and access ways to mitigate noise and artificial light intrusion.</p>	<p>DTS/DPF 18.2</p> <p>None are applicable.</p>
Residential Development - Low Rise	
External appearance	

PO 20.1 Garaging is designed to not detract from the streetscape or appearance of a dwelling.	DTS/DPF 20.1 Garages and carports facing a street:  (a) are situated so that no part of the garage or carport will be in front of any part of the building line of the dwelling (b) are set back at least 5.5m from the boundary of the primary street (c) have a garage door / opening width not exceeding 7m (d) have a garage door / opening width not exceeding 50% of the site frontage unless the dwelling has two or more building levels at the building line fronting the same public street.				
PO 20.2 Dwelling elevations facing public streets and common driveways make a positive contribution to the streetscape and the appearance of common driveway areas.	DTS/DPF 20.2 Each dwelling includes at least 3 of the following design features within the building elevation facing a primary street, and at least 2 of the following design features within the building elevation facing any other public road (other than a laneway) or a common driveway:  (a) a minimum of 30% of the building wall is set back an additional 300mm from the building line (b) a porch or portico projects at least 1m from the building wall (c) a balcony projects from the building wall (d) a verandah projects at least 1m from the building wall (e) eaves of a minimum 400mm width extend along the width of the front elevation (f) a minimum 30% of the width of the upper level projects forward from the lower level primary building line by at least 300mm (g) a minimum of two different materials or finishes are incorporated on the walls of the front building elevation, with a maximum of 80% of the building elevation in a single material or finish.				
PO 20.3 The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.	DTS/DPF 20.3 None are applicable				
Private Open Space					
PO 21.1 Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	DTS/DPF 21.1 Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.				
PO 21.2 Private open space is positioned to provide convenient access from internal living areas.	DTS/DPF 21.2 Private open space is directly accessible from a habitable room.				
Landscaping					
PO 22.1 Soft landscaping is incorporated into development to:  (a) minimise heat absorption and reflection (b) contribute shade and shelter (c) provide for stormwater infiltration and biodiversity (d) enhance the appearance of land and streetscapes.	DTS/DPF 22.1 Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):  (a) a total area as determined by the following table:  <table border="1"> <thead> <tr> <th>Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m<sup>2</sup>)</th><th>Minimum percentage of site</th></tr> </thead> <tbody> <tr> <td></td><td></td></tr> </tbody> </table>	Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m <sup>2</sup> )	Minimum percentage of site		
Dwelling site area (or in the case of residential flat building or group dwelling(s), average site area) (m <sup>2</sup> )	Minimum percentage of site				



		<150	10%
		150-200	15%
		>200-450	20%
		>450	25%
	(b)	at least 30% of any land between the primary street boundary and the primary building line.	
Car parking, access and manoeuvrability			
PO 23.1	DTS/DPF 23.1		
Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.	Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any waste storage area):  (a) single width car parking spaces: (i) a minimum length of 5.4m per space (ii) a minimum width of 3.0m (iii) a minimum garage door width of 2.4m  (b) double width car parking spaces (side by side): (i) a minimum length of 5.4m (ii) a minimum width of 5.4m (iii) minimum garage door width of 2.4m per space.		
PO 23.2	DTS/DPF 23.2		
Uncovered car parking space are of dimensions to be functional, accessible and convenient.	Uncovered car parking spaces have:  (a) a minimum length of 5.4m (b) a minimum width of 2.4m (c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5m.		
PO 23.3	DTS/DPF 23.3		
Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, domestic waste collection, landscaped street frontages and on-street parking.	Driveways and access points satisfy (a) or (b):  (a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site  (b) sites with a frontage to a public road greater than 10m: (i) have a maximum width of 5m measured at the property boundary and are the only access point provided on the site; (ii) have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.		
PO 23.4	DTS/DPF 23.4		
Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.	Vehicle access to designated car parking spaces satisfy (a) or (b):  (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land  (b) where newly proposed, is set back: (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance		

	<ul style="list-style-type: none"> <li>(iii) 6m or more from the tangent point of an intersection of 2 or more roads</li> <li>(iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.</li> </ul>
<p>PO 23.5</p> <p>Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.</p>	<p>DTS/DPF 23.5</p> <p>Driveways are designed and sited so that:</p> <ul style="list-style-type: none"> <li>(a) the gradient from the place of access on the boundary of the allotment to the finished floor level at the front of the garage or carport is not steeper than 1-in-4 on average</li> <li>(b) they are aligned relative to the street so that there is no more than a 20 degree deviation from 90 degrees between the centreline of any dedicated car parking space to which it provides access (measured from the front of that space) and the road boundary.</li> <li>(c) if located so as to provide access from an alley, lane or right of way - the alley, lane or right of way is at least 6.2m wide along the boundary of the allotment / site</li> </ul>
<p>PO 23.6</p> <p>Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.</p>	<p>DTS/DPF 23.6</p> <p>Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>(a) minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest whole number)</li> <li>(b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly</li> <li>(c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.</li> </ul>
Waste storage	
<p>PO 24.1</p> <p>Provision is made for the convenient storage of waste bins in a location screened from public view.</p>	<p>DTS/DPF 24.1</p> <p>Where dwellings abut both side boundaries a waste bin storage area is provided behind the building line of each dwelling that:</p> <ul style="list-style-type: none"> <li>(a) has a minimum area of 2m<sup>2</sup> with a minimum dimension of 900mm (separate from any designated car parking spaces or private open space); and</li> <li>(b) has a continuous unobstructed path of travel (excluding moveable objects like gates, vehicles and roller doors) with a minimum width of 800mm between the waste bin storage area and the street.</li> </ul>
Residential Development - Medium and High Rise (including serviced apartments)	
Outlook and Visual Privacy	
<p>PO 26.1</p> <p>Ground level dwellings have a satisfactory short range visual outlook to public, communal or private open space.</p>	<p>DTS/DPF 26.1</p> <p>Buildings:</p> <ul style="list-style-type: none"> <li>(a) provide a habitable room at ground or first level with a window facing toward the street</li> <li>(b) limit the height / extent of solid walls or fences facing the street to 1.2m high above the footpath level or, where higher, to 50% of the site frontage.</li> </ul>
<p>PO 26.2</p> <p>The visual privacy of ground level dwellings within multi-level buildings is protected.</p>	<p>DTS/DPF 26.2</p> <p>The finished floor level of ground level dwellings in multi-storey developments is raised by up to 1.2m.</p>
Private Open Space	
<p>PO 27.1</p>	<p>DTS/DPF 27.1</p>

Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	Private open space provided in accordance with Design in Urban Areas Table 1 - Private Open Space.
Residential amenity in multi-level buildings	
<p>PO 28.1</p> <p>Residential accommodation within multi-level buildings have habitable rooms, windows and balconies designed and positioned to be separated from those of other dwellings and accommodation to provide visual and acoustic privacy and allow for natural ventilation and the infiltration of daylight into interior and outdoor spaces.</p>	<p>DTS/DPF 28.1</p> <p>Habitable rooms and balconies of independent dwellings and accommodation are separated by at least 6m from one another where there is a direct line of sight between them and 3m or more from a side or rear property boundary.</p>
<p>PO 28.2</p> <p>Balconies are designed, positioned and integrated into the overall architectural form and detail of the development to:</p> <ul style="list-style-type: none"> <li>(a) respond to daylight, wind, and acoustic conditions to maximise comfort and provide visual privacy</li> <li>(b) allow views and casual surveillance of the street while providing for safety and visual privacy of nearby living spaces and private outdoor areas.</li> </ul>	<p>DTS/DPF 28.2</p> <p>Balconies utilise one or a combination of the following design elements:</p> <ul style="list-style-type: none"> <li>(a) sun screens</li> <li>(b) pergolas</li> <li>(c) louvres</li> <li>(d) green facades</li> <li>(e) openable walls.</li> </ul>
<p>PO 28.3</p> <p>Balconies are of sufficient size and depth to accommodate outdoor seating and promote indoor / outdoor living.</p>	<p>DTS/DPF 28.3</p> <p>Balconies open directly from a habitable room and incorporate a minimum dimension of 2m.</p>
<p>PO 28.4</p> <p>Dwellings are provided with sufficient space for storage to meet likely occupant needs.</p>	<p>DTS/DPF 28.4</p> <p>Dwellings (not including student accommodation or serviced apartments) are provided with storage at the following rates with at least 50% or more of the storage volume to be provided within the dwelling:</p> <ul style="list-style-type: none"> <li>(a) studio: not less than 6m<sup>3</sup></li> <li>(b) 1 bedroom dwelling / apartment: not less than 8m<sup>3</sup></li> <li>(c) 2 bedroom dwelling / apartment: not less than 10m<sup>3</sup></li> <li>(d) 3+ bedroom dwelling / apartment: not less than 12m<sup>3</sup>.</li> </ul>
<p>PO 28.5</p> <p>Dwellings that use light wells for access to daylight, outlook and ventilation for habitable rooms, are designed to ensure a reasonable living amenity is provided.</p>	<p>DTS/DPF 28.5</p> <p>Light wells:</p> <ul style="list-style-type: none"> <li>(a) are not used as the primary source of outlook for living rooms</li> <li>(b) up to 18m in height have a minimum horizontal dimension of 3m, or 6m if overlooked by bedrooms</li> <li>(c) above 18m in height have a minimum horizontal dimension of 6m, or 9m if overlooked by bedrooms.</li> </ul>
<p>PO 28.6</p> <p>Attached or abutting dwellings are designed to minimise the transmission of sound between dwellings and, in particular, to protect bedrooms from possible noise intrusions.</p>	<p>DTS/DPF 28.6</p> <p>None are applicable.</p>
<p>PO 28.7</p> <p>Dwellings are designed so that internal structural columns correspond with the position of internal walls to ensure that the space within the dwelling/apartment is useable.</p>	<p>DTS/DPF 28.7</p> <p>None are applicable.</p>
Dwelling Configuration	
<p>PO 29.1</p> <p>Buildings containing in excess of 10 dwellings provide a variety of dwelling sizes and a range in the number of bedrooms per dwelling to contribute to housing diversity.</p>	<p>DTS/DPF 29.1</p> <p>Buildings containing in excess of 10 dwellings provide at least one of each of the following:</p> <ul style="list-style-type: none"> <li>(a) studio (where there is no separate bedroom)</li> <li>(b) 1 bedroom dwelling / apartment with a floor area of at least 50m<sup>2</sup></li> </ul>

	<p>(c) 2 bedroom dwelling / apartment with a floor area of at least 65m<sup>2</sup></p> <p>(d) 3+ bedroom dwelling / apartment with a floor area of at least 80m<sup>2</sup>, and any dwelling over 3 bedrooms provides an additional 15m<sup>2</sup> for every additional bedroom.</p>										
<p>PO 29.2</p> <p>Dwellings located on the ground floor of multi-level buildings with 3 or more bedrooms have the windows of their habitable rooms overlooking internal courtyard space or other public space, where possible.</p>	<p>DTS/DPF 29.2</p> <p>None are applicable.</p>										
Common Areas											
<p>PO 30.1</p> <p>The size of lifts, lobbies and corridors is sufficient to accommodate movement of bicycles, strollers, mobility aids and visitor waiting areas.</p>	<p>DTS/DPF 30.1</p> <p>Common corridor or circulation areas:</p> <p>(a) have a minimum ceiling height of 2.7m</p> <p>(b) provide access to no more than 8 dwellings</p> <p>(c) incorporate a wider section at apartment entries where the corridors exceed 12m in length from a core.</p>										
Group Dwellings, Residential Flat Buildings and Battle axe Development											
Amenity											
<p>PO 31.1</p> <p>Dwellings are of a suitable size to provide a high standard of amenity for occupants.</p>	<p>DTS/DPF 31.1</p> <p>Dwellings have a minimum internal floor area in accordance with the following table:</p> <table border="1"> <thead> <tr> <th>Number of bedrooms</th><th>Minimum internal floor area</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>35m<sup>2</sup></td></tr> <tr> <td>1 bedroom</td><td>50m<sup>2</sup></td></tr> <tr> <td>2 bedroom</td><td>65m<sup>2</sup></td></tr> <tr> <td>3+ bedrooms</td><td>80m<sup>2</sup> and any dwelling over 3 bedrooms provides an additional 15m<sup>2</sup> for every additional bedroom</td></tr> </tbody> </table>	Number of bedrooms	Minimum internal floor area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	65m <sup>2</sup>	3+ bedrooms	80m <sup>2</sup> and any dwelling over 3 bedrooms provides an additional 15m <sup>2</sup> for every additional bedroom
Number of bedrooms	Minimum internal floor area										
Studio	35m <sup>2</sup>										
1 bedroom	50m <sup>2</sup>										
2 bedroom	65m <sup>2</sup>										
3+ bedrooms	80m <sup>2</sup> and any dwelling over 3 bedrooms provides an additional 15m <sup>2</sup> for every additional bedroom										
<p>PO 31.2</p> <p>The orientation and siting of buildings minimises impacts on the amenity, outlook and privacy of occupants and neighbours.</p>	<p>DTS/DPF 31.2</p> <p>None are applicable.</p>										
<p>PO 31.3</p> <p>Development maximises the number of dwellings that face public open space and public streets and limits dwellings oriented towards adjoining properties.</p>	<p>DTS/DPF 31.3</p> <p>None are applicable.</p>										
<p>PO 31.4</p> <p>Battle-axe development is appropriately sited and designed to respond to the existing neighbourhood context.</p>	<p>DTS/DPF 31.4</p> <p>Dwelling sites/allotments are not in the form of a battle-axe arrangement.</p>										
Communal Open Space											
<p>PO 32.1</p> <p>Private open space provision may be substituted for communal open space which is designed and sited to meet the recreation and amenity needs of residents.</p>	<p>DTS/DPF 32.1</p> <p>None are applicable.</p>										
PO 32.2	DTS/DPF 32.2										

Communal open space is of sufficient size and dimensions to cater for group recreation.	Communal open space incorporates a minimum dimension of 5 metres.
PO 32.3 Communal open space is designed and sited to:  (a) be conveniently accessed by the dwellings which it services (b) have regard to acoustic, safety, security and wind effects.	DTS/DPF 32.3 None are applicable.
PO 32.4 Communal open space contains landscaping and facilities that are functional, attractive and encourage recreational use.	DTS/DPF 32.4 None are applicable.
PO 32.5 Communal open space is designed and sited to:  (a) in relation to rooftop or elevated gardens, minimise overlooking into habitable room windows or onto the useable private open space of other dwellings (b) in relation to ground floor communal space, be overlooked by habitable rooms to facilitate passive surveillance.	DTS/DPF 32.5 None are applicable.
Car parking, access and manoeuvrability	
PO 33.1 Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.	DTS/DPF 33.1 Where on-street parking is available directly adjacent the site, on-street parking is retained adjacent the subject site in accordance with the following requirements:  (a) minimum 0.33 on-street car parks per proposed dwelling (rounded up to the nearest whole number) (b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly (c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.
PO 33.2 The number of vehicular access points onto public roads is minimised to reduce interruption of the footpath and positively contribute to public safety and walkability.	DTS/DPF 33.2 Access to group dwellings or dwellings within a residential flat building is provided via a single common driveway.
PO 33.3 Residential driveways that service more than one dwelling are designed to allow safe and convenient movement.	DTS/DPF 33.3 Driveways that service more than 1 dwelling or a dwelling on a battle-axe site:  (a) have a minimum width of 3m (b) for driveways servicing more than 3 dwellings: (i) have a width of 5.5m or more and a length of 6m or more at the kerb of the primary street (ii) where the driveway length exceeds 30m, incorporate a passing point at least every 30 metres with a minimum width of 5.5m and a minimum length of 6m.
PO 33.4 Residential driveways that service more than one dwelling or a dwelling on a battle-axe site are designed to allow passenger vehicles to enter and exit and manoeuvre within the site in a safe and convenient manner.	DTS/DPF 33.4 Driveways providing access to more than one dwelling, or a dwelling on a battle-axe site, allow a B85 passenger vehicle to enter and exit the garages or parking spaces in no more than a three-point turn manoeuvre.
PO 33.5 Dwellings are adequately separated from common driveways and manoeuvring areas.	DTS/DPF 33.5 Dwelling walls with entry doors or ground level habitable room windows are set back at least 1.5m from any driveway or area designated for the movement and manoeuvring of vehicles.
Soft landscaping	
PO 34.1	DTS/DPF 34.1

Soft landscaping is provided between dwellings and common driveways to improve the outlook for occupants and appearance of common areas.	Other than where located directly in front of a garage or building entry, soft landscaping with a minimum dimension of 1m is provided between a dwelling and common driveway.
PO 34.2  Battle-axe or common driveways incorporate landscaping and permeability to improve appearance and assist in stormwater management.	DTS/DPF 34.2  Battle-axe or common driveways satisfy (a) and (b):  (a) are constructed of a minimum of 50% permeable or porous material (b) where the driveway is located directly adjacent the side or rear boundary of the site, soft landscaping with a minimum dimension of 1m is provided between the driveway and site boundary (excluding along the perimeter of a passing point).
Site Facilities / Waste Storage	
PO 35.1  Provision is made for suitable mailbox facilities close to the major pedestrian entry to the site or conveniently located considering the nature of accommodation and mobility of occupants.	DTS/DPF 35.1  None are applicable.
PO 35.2  Provision is made for suitable external clothes drying facilities.	DTS/DPF 35.2  None are applicable.
PO 35.3  Provision is made for suitable household waste and recyclable material storage facilities which are:  (a) located away, or screened, from public view, and (b) conveniently located in proximity to dwellings and the waste collection point.	DTS/DPF 35.3  None are applicable.
PO 35.4  Waste and recyclable material storage areas are located away from dwellings.	DTS/DPF 35.4  Dedicated waste and recyclable material storage areas are located at least 3m from any habitable room window.
PO 35.5  Where waste bins cannot be conveniently collected from the street, provision is made for on-site waste collection, designed to accommodate the safe and convenient access, egress and movement of waste collection vehicles.	DTS/DPF 35.5  None are applicable.
PO 35.6  Services including gas and water meters are conveniently located and screened from public view.	DTS/DPF 35.6  None are applicable.
Water sensitive urban design	
PO 36.1  Residential development creating a common driveway / access includes stormwater management systems that minimise the discharge of sediment, suspended solids, organic matter, nutrients, bacteria, litter and other contaminants to the stormwater system, watercourses or other water bodies.	DTS/DPF 36.1  None are applicable.
PO 36.2  Residential development creating a common driveway / access includes a stormwater management system designed to mitigate peak flows and manage the rate and duration of stormwater discharges from the site to ensure that the development does not increase the peak flows in downstream systems.	DTS/DPF 36.2  None are applicable.
Laneway Development	

## Infrastructure and Access

PO 44.1	DTS/DPF 44.1
Development with a primary street comprising a laneway, alley, lane, right of way or similar minor thoroughfare only occurs where:	Development with a primary street frontage that is not an alley, lane, right of way or similar public thoroughfare.
<ul style="list-style-type: none"> <li>(a) existing utility infrastructure and services are capable of accommodating the development</li> <li>(b) the primary street can support access by emergency and regular service vehicles (such as waste collection)</li> <li>(c) it does not require the provision or upgrading of infrastructure on public land (such as footpaths and stormwater management systems)</li> <li>(d) safety of pedestrians or vehicle movement is maintained</li> <li>(e) any necessary grade transition is accommodated within the site of the development to support an appropriate development intensity and orderly development of land fronting minor thoroughfares.</li> </ul>	

Table 1 - Private Open Space

Dwelling Type	Dwelling / Site Configuration	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes above ground dwellings)		<p>Total private open space area:</p> <ul style="list-style-type: none"> <li>(a) Site area &lt;301m<sup>2</sup>: 24m<sup>2</sup> located behind the building line.</li> <li>(b) Site area ≥ 301m<sup>2</sup>: 60m<sup>2</sup> located behind the building line.</li> </ul> <p>Minimum directly accessible from a living room: 16m<sup>2</sup> / with a minimum dimension 3m.</p>
Cabin or caravan (permanently fixed to the ground) in a residential park or caravan and tourist park		Total area: 16m <sup>2</sup> , which may be used as second car parking space, provided on each site intended for residential occupation.
Dwelling in a residential flat building or mixed use building which incorporate above ground level dwellings	Dwellings at ground level:	15m <sup>2</sup> / minimum dimension 3m
	Dwellings above ground level:	
	Studio (no separate bedroom)	4m <sup>2</sup> / minimum dimension 1.8m
	One bedroom dwelling	8m <sup>2</sup> / minimum dimension 2.1m
	Two bedroom dwelling	11m <sup>2</sup> / minimum dimension 2.4m
	Three + bedroom dwelling	15 m <sup>2</sup> / minimum dimension 2.6m

## Infrastructure and Renewable Energy Facilities

## Assessment Provisions (AP)

Desired Outcome (DO)

## Desired Outcome

DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.
------	---

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Water Supply	
<p>PO 11.2</p> <p>Dwellings are connected to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the intended use. Where this is not available an appropriate rainwater tank or storage system for domestic use is provided.</p>	<p>DTS/DPF 11.2</p> <p>A dwelling is connected, or will be connected, to a reticulated water scheme or mains water supply with the capacity to meet the requirements of the development. Where this is not available it is serviced by a rainwater tank or tanks capable of holding at least 50,000 litres of water which is:</p> <ul style="list-style-type: none"> <li>(a) exclusively for domestic use</li> <li>(b) connected to the roof drainage system of the dwelling.</li> </ul>
Wastewater Services	
<p>PO 12.1</p> <p>Development is connected to an approved common wastewater disposal service with the capacity to meet the requirements of the intended use. Where this is not available an appropriate on-site service is provided to meet the ongoing requirements of the intended use in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) it is wholly located and contained within the allotment of the development it will service</li> <li>(b) in areas where there is a high risk of contamination of surface, ground, or marine water resources from on-site disposal of liquid wastes, disposal systems are included to minimise the risk of pollution to those water resources</li> <li>(c) septic tank effluent drainage fields and other wastewater disposal areas are located away from watercourses and flood prone, sloping, saline or poorly drained land to minimise environmental harm.</li> </ul>	<p>DTS/DPF 12.1</p> <p>Development is connected, or will be connected, to an approved common wastewater disposal service with the capacity to meet the requirements of the development. Where this is not available it is instead capable of being serviced by an on-site waste water treatment system in accordance with the following:</p> <ul style="list-style-type: none"> <li>(a) the system is wholly located and contained within the allotment of development it will service; and</li> <li>(b) the system will comply with the requirements of the South Australian Public Health Act 2011.</li> </ul>
<p>PO 12.2</p> <p>Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.</p>	<p>DTS/DPF 12.2</p> <p>Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.</p>

## Interface between Land Uses

### Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)



Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
General Land Use Compatibility	
<p>PO 1.1</p> <p>Sensitive receivers are designed and sited to protect residents and occupants from adverse impacts generated by lawfully existing land uses (or lawfully approved land uses) and land uses desired in the zone.</p>	<p>DTS/DPF 1.1</p> <p>None are applicable.</p>
Overshadowing	
<p>PO 3.1</p> <p>Overshadowing of habitable room windows of adjacent residential land uses in:</p> <p>a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight</p> <p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>DTS/DPF 3.1</p> <p>North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.</p>
<p>PO 3.2</p> <p>Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:</p> <p>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</p> <p>b. other zones is managed to enable access to direct winter sunlight.</p>	<p>DTS/DPF 3.2</p> <p>Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:</p> <p>a. for ground level private open space, the smaller of the following:</p> <p>i. half the existing ground level open space</p> <p>or</p> <p>ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</p> <p>b. for ground level communal open space, at least half of the existing ground level open space.</p>
<p>PO 3.3</p> <p>Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account:</p> <p>(a) the form of development contemplated in the zone</p> <p>(b) the orientation of the solar energy facilities</p> <p>(c) the extent to which the solar energy facilities are already overshadowed.</p>	<p>DTS/DPF 3.3</p> <p>None are applicable.</p>
Activities Generating Noise or Vibration	
<p>PO 4.3</p> <p>Fixed plant and equipment in the form of pumps and/or filtration systems for a swimming pool or spa are positioned and/or housed to not cause unreasonable noise nuisance to adjacent sensitive receivers (or lawfully approved sensitive receivers).</p>	<p>DTS/DPF 4.3</p> <p>The pump and/or filtration system ancillary to a dwelling erected on the same site is:</p> <p>(a) enclosed in a solid acoustic structure located at least 5m from the nearest habitable room located on an adjoining allotment</p> <p>or</p> <p>(b) located at least 12m from the nearest habitable room located on an adjoining allotment.</p>
<p>PO 4.4</p> <p>External noise into bedrooms is minimised by separating or shielding these rooms from service equipment areas and fixed noise sources located on the same or an adjoining allotment.</p>	<p>DTS/DPF 4.4</p> <p>Adjacent land is used for residential purposes.</p>

## Site Contamination

## Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Ensure land is suitable for the proposed use in circumstances where it is, or may have been, subject to site contamination.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Ensure land is suitable for use when land use changes to a more sensitive use.</p>	<p>DTS/DPF 1.1</p> <p>Development satisfies (a), (b), (c) or (d):</p> <ul style="list-style-type: none"> <li>(a) does not involve a change in the use of land</li> <li>(b) involves a change in the use of land that does not constitute a change to a more sensitive use</li> <li>(c) involves a change in the use of land to a more sensitive use on land at which site contamination is unlikely to exist (as demonstrated in a site contamination declaration form)</li> <li>(d) involves a change in the use of land to a more sensitive use on land at which site contamination exists, or may exist (as demonstrated in a site contamination declaration form), and satisfies both of the following: <ul style="list-style-type: none"> <li>(i) a site contamination audit report has been prepared under Part 10A of the <i>Environment Protection Act 1993</i> in relation to the land within the previous 5 years which states that- <ul style="list-style-type: none"> <li>A. site contamination does not exist (or no longer exists) at the land</li> <li>or</li> <li>B. the land is suitable for the proposed use or range of uses (without the need for any further remediation)</li> <li>or</li> <li>C. where remediation is, or remains, necessary for the proposed use (or range of uses), remediation work has been carried out or will be carried out (and the applicant has provided a written undertaking that the remediation works will be implemented in association with the development)</li> </ul> </li> <li>and</li> <li>(ii) no other class 1 activity or class 2 activity has taken place at the land since the preparation of the site contamination audit report (as demonstrated in a site contamination declaration form).</li> </ul> </li> </ul>

## Transport, Access and Parking

## Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Sightlines	
PO 2.1 Sightlines at intersections, pedestrian and cycle crossings, and crossovers to allotments for motorists, cyclists and pedestrians are maintained or enhanced to ensure safety for all road users and pedestrians.	DTS/DPF 2.1 None are applicable.
PO 2.2 Walls, fencing and landscaping adjacent to driveways and corner sites are designed to provide adequate sightlines between vehicles and pedestrians.	DTS/DPF 2.2 None are applicable.
Vehicle Access	
PO 3.1 Safe and convenient access minimises impact or interruption on the operation of public roads.	DTS/DPF 3.1 The access is:  (a) provided via a lawfully existing or authorised driveway or access point or an access point for which consent has been granted as part of an application for the division of land or (b) not located within 6m of an intersection of 2 or more roads or a pedestrian activated crossing.
PO 3.2 Development incorporating vehicular access ramps ensures vehicles can enter and exit a site safely and without creating a hazard to pedestrians and other vehicular traffic.	DTS/DPF 3.2 None are applicable.
PO 3.3 Access points are sited and designed to accommodate the type and volume of traffic likely to be generated by the development or land use.	DTS/DPF 3.3 None are applicable.
PO 3.4 Access points are sited and designed to minimise any adverse impacts on neighbouring properties.	DTS/DPF 3.4 None are applicable.
PO 3.5 Access points are located so as not to interfere with street trees, existing street furniture (including directional signs, lighting, seating and weather shelters) or infrastructure services to maintain the appearance of the streetscape, preserve local amenity and minimise disruption to utility infrastructure assets.	DTS/DPF 3.5 Vehicle access to designated car parking spaces satisfy (a) or (b): (a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land (b) where newly proposed, is set back: (i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner (ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance (iii) 6m or more from the tangent point of an intersection of 2 or more roads (iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.
PO 3.6 Driveways and access points are separated and minimised in number to	DTS/DPF 3.6 Driveways and access points:

optimise the provision of on-street visitor parking (where on-street parking is appropriate).	<ul style="list-style-type: none"> <li>(a) for sites with a frontage to a public road of 20m or less, one access point no greater than 3.5m in width is provided</li> <li>(b) for sites with a frontage to a public road greater than 20m: <ul style="list-style-type: none"> <li>(i) a single access point no greater than 6m in width is provided</li> <li>or</li> <li>(ii) not more than two access points with a width of 3.5m each are provided.</li> </ul> </li> </ul>
<p>PO 3.7</p> <p>Access points are appropriately separated from level crossings to avoid interference and ensure their safe ongoing operation.</p>	<p>DTS/DPF 3.7</p> <p>Development does not involve a new or modified access or cause an increase in traffic through an existing access that is located within the following distance from a railway crossing:</p> <ul style="list-style-type: none"> <li>(a) 80 km/h road - 110m</li> <li>(b) 70 km/h road - 90m</li> <li>(c) 60 km/h road - 70m</li> <li>(d) 50km/h or less road - 50m.</li> </ul>
Access for People with Disabilities	
<p>PO 4.1</p> <p>Development is sited and designed to provide safe, dignified and convenient access for people with a disability.</p>	<p>DTS/DPF 4.1</p> <p>None are applicable.</p>
Vehicle Parking Rates	
<p>PO 5.1</p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> <li>(a) availability of on-street car parking</li> <li>(b) shared use of other parking areas</li> <li>(c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared</li> <li>(d) the adaptive reuse of a State or Local Heritage Place.</li> </ul>	<p>DTS/DPF 5.1</p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> <li>(a) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements</li> <li>(b) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas</li> <li>(c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.</li> </ul>
Vehicle Parking Areas	
<p>PO 6.1</p> <p>Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.</p>	<p>DTS/DPF 6.1</p> <p>Movement between vehicle parking areas within the site can occur without the need to use a public road.</p>
<p>PO 6.2</p> <p>Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they are attractively developed and landscaped, screen fenced, and the like.</p>	<p>DTS/DPF 6.2</p> <p>None are applicable.</p>
Corner Cut-Offs	
<p>PO 10.1</p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p>DTS/DPF 10.1</p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p>

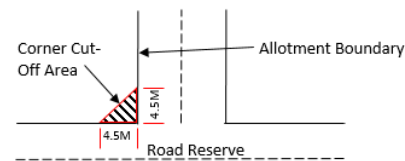


Table 1 - General Off-Street Car Parking Requirements

Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.
Residential Development	
Residential Flat Building	<p>dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.</p> <p>Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.</p> <p>0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.</p>

Table 2 - Off-Street Car Parking Requirements in Designated Areas

Class of Development	Car Parking Rate		Designated Areas
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		
	Minimum number of spaces	Maximum number of spaces	
Residential development			
Residential component of a multi-storey building	<p>Dwelling with no separate bedroom - 0.25 spaces per dwelling</p> <p>1 bedroom dwelling - 0.75 spaces per dwelling</p>	None specified.	<p>City Living Zone</p> <p>Strategic Innovation Zone</p> <p>Urban Activity Centre Zone</p>

	2 bedroom dwelling - 1 space per dwelling  3 or more bedroom dwelling - 1.25 spaces per dwelling  0.25 spaces per dwelling for visitor parking.		Urban Corridor (Boulevard) Zone  Urban Corridor (Business) Zone  Urban Corridor (Living) Zone  Urban Corridor (Main Street ) Zone  Urban Neighbourhood Zone
Residential flat building	Dwelling with no separate bedroom -0.25 spaces per dwelling  1 bedroom dwelling - 0.75 spaces per dwelling  2 bedroom dwelling - 1 space per dwelling  3 or more bedroom dwelling - 1.25 spaces per dwelling  0.25 spaces per dwelling for visitor parking.	None specified.	City Living Zone  Urban Activity Centre Zone  Urban Corridor (Boulevard) Zone  Urban Corridor (Business) Zone  Urban Corridor (Living) Zone  Urban Corridor (Main Street ) Zone  Urban Neighbourhood Zone

Table 2 - CriteriaThe following criteria are used in conjunction with Table 2. The 'Exception' column identifies locations where the criteria do not apply and the car parking rates in Table 2 are applicable.

Criteria	Exceptions
<p><b>The designated area is wholly located within Metropolitan Adelaide and any part of the development site satisfies one or more of the following:</b></p> <p>(a) is within 200 metres of any section of road reserve along which a bus service operates as a high frequency public transit service<sup>(2)</sup></p> <p>(b) is within 400 metres of a bus interchange<sup>(1)</sup></p> <p>(c) is within 400 metres of an O-Bahn interchange<sup>(1)</sup></p> <p>(d) is within 400 metres of a passenger rail station<sup>(1)</sup></p> <p>(e) is within 400 metres of a passenger tram station<sup>(1)</sup></p> <p>(f) is within 400 metres of the Adelaide Parklands.</p>	<p>(a) All zones in the City of Adelaide</p> <p>(b) Strategic Innovation Zone in the following locations:</p> <p>(i) City of Burnside</p> <p>(ii) City of Marion</p> <p>(iii) City of Mitcham</p> <p>(c) Urban Corridor (Boulevard) Zone</p> <p>(d) Urban Corridor (Business) Zone</p> <p>(e) Urban Corridor (Living) Zone</p> <p>(f) Urban Corridor (Main Street ) Zone</p> <p>(g) Urban Neighbourhood Zone</p>

[NOTE(S): (1)Measured from an area that contains any platform(s), shelter(s) or stop(s) where people congregate for the purpose waiting to board a bus, tram or train, but does not include areas used for the parking of vehicles. (2) A high frequency public transit service is a route serviced every 15 minutes between 7.30am and 6.30pm Monday to Friday and every 30 minutes at night, Saturday, Sunday and public holidays until 10pm.]

**REPORT REFERENCE: CAP201223 – 4.3  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**



<b>Originating Officer:</b>	<b>Matt Falconer</b> <b>Consulting Development Officer – Planning</b>	
<b>Application No:</b>	<b>23025354</b>	
<b>Applicant:</b>	<b>Mr Brett Taylor</b>	
<b>Development Description:</b>	<b>Second storey dwelling addition and internal alterations</b>	
<b>Site Location:</b>	<b>3 Arthur Street, Plympton Park</b>	
<b>Zone &amp; Policy Area:</b>	<b>Established Neighbourhood Zone</b>	
<b>Lodgement Date:</b>	<b>01/09/2023</b>	
<b>Planning and Design Code:</b>	<b>31 August 2023 Version 2023.13</b>	
<b>Elements &amp; Pathway</b>	<b>Dwelling Addition</b> <b>Building Alterations</b>	<b>Performance Assessed</b> <b>Accepted</b>
<b>External Referrals:</b>	<b>Nil</b>	
<b>Application Type:</b>	<b>Performance Assessed</b>	
<b>Delegations Policy:</b>	<b>Instrument of Delegation – CAP, Clause 5.1.1.1</b> <i>The delegation of the power to grant or refuse planning consent pursuant to Section 102(1)(a) of the Act is limited to applications in relation to which: Any Performance Assessed application that has undergone Public Notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>	
<b>Public Notification</b>	<b>Public Notification required</b> <i>The proposal is not expressly exempt from public notification within Table 5 – Procedural Matters – Notification and is not considered to be within the ‘Minor’ classification under Table 5, Item 1.</i>	
<b>Recommendation:</b>	<b>That Planning Consent be GRANTED</b>	

---

**Attachments**

<i>Appendix 1:</i>	<i>Planning and Design Code guidelines</i>
<i>Attachment I:</i>	<i>Proposal Plan and supporting documentation</i>
<i>Attachment II:</i>	<i>Statement of Representations</i>
<i>Attachment III:</i>	<i>Applicant’s Response to Representations</i>



## SUBJECT LAND

The subject land is located at 3 Arthur Street, Plympton Park. The allotment is regular in shape with a frontage of 15.15 metres and depth of 39 metres. The site has an overall area of approximately 590 square metres.

The subject land is currently occupied by a post war conventional style home with later gable ended carport addition to the northern side of the dwelling. A 2 metre high modern aluminium horizontal slated fence extends across the frontage of the property. A later single storey addition and associated ancillary structures are sited to the rear of the dwelling.

The subject land has frontage to Arthur Street and is positioned to the south of the Glenelg to City Tram line.

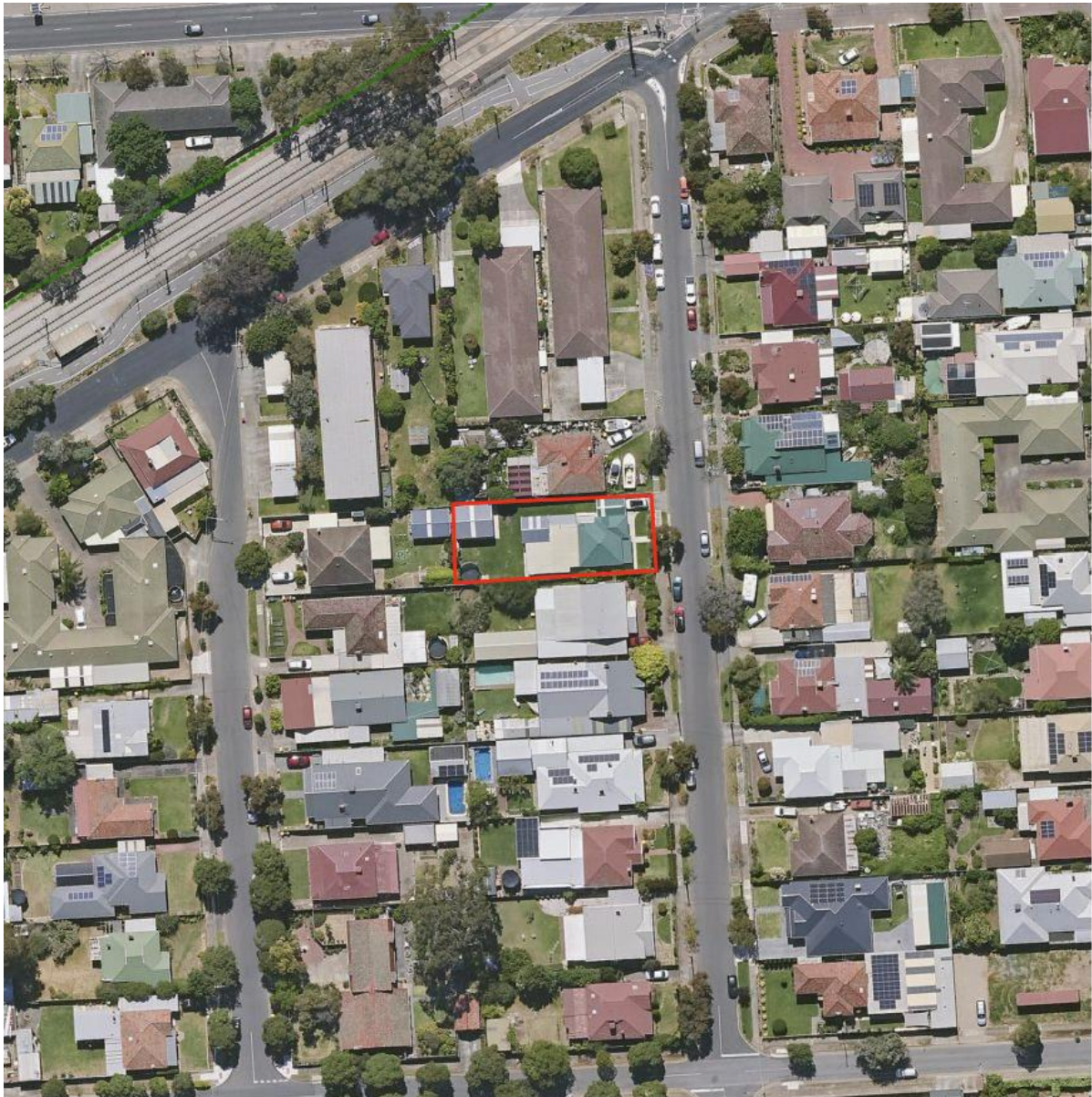
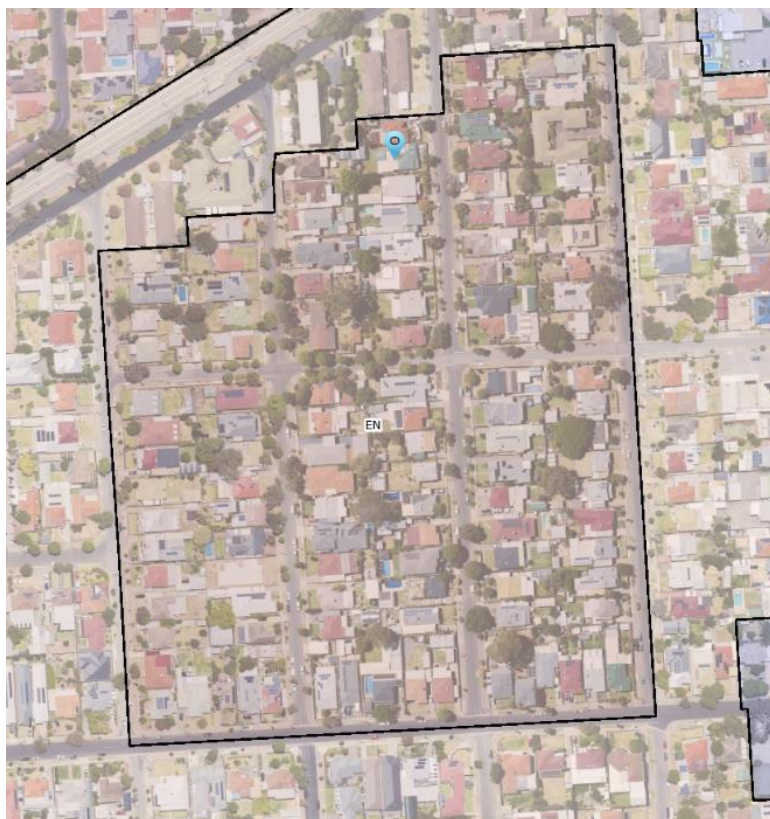


Fig 1 showing the subject land edged in red.



## LOCALITY

The subject land is located within the Established Neighbourhood Zone where a Character Overlay applies. The Established Neighbourhood Zone within this locality extends from Herbert Street to the East, South Terrace to the South and Acacia Street to the West. To the north, the Zone follows the rear property boundaries of properties sited south of the tramline. The Established Neighbourhood Zone as highlighted below is surrounded by the General Neighbourhood Zone.



*Subject land highlighted by blue pin.*

The subject land has frontage to Arthur Street and is positioned to the south of the Glenelg to City Tram line.

The dwellings in the immediate locality are a mixed of housing styles which have varying degrees of amenity, some incorporating solid front fencing and others with lesser examples of ancillary structures sited either to the side or forward of the building line.

When driving through the streets within the Established Neighbourhood Zone, there is evidence of newer single and double storey homes and upper-level dwelling additions. The two storey dwellings and additions are likely to have been approved prior to the Planning and Design Code being implemented in March of 2021 and possibly before the Zoning changed from the Residential Zone (Northern Policy Area 15) to Residential Character Area some 10 years earlier.

Photos of dwellings in the immediate locality have been provided below.



1 Arthur Street



3 Arthur Street – **Subject land** – Solid front fence to 2 m (approx.)



5 Arthur Street



7 Arthur Street – solid front fence to 2 m (approx.)



2 Arthur Street – carport forward of dwelling



4 Arthur Street





6 Arthur Street – 2 storey dwelling  
(mostly contained in roof)



8 Arthur Street



10 Arthur Street – carport forward of dwelling



12 Arthur Street – solid fence to 1.8 m high  
(approx.)

It is noted that the single storey built form is the consistent and prevailing character of the locality, with only one other dwelling identified in the immediate locality to incorporate a second level. In this instance, the upper level is predominantly contained within the roofline.

Dwellings in the locality incorporate varied front, side and rear setbacks, in addition to a number of ancillary structures sited forward of the associated dwellings (2 & 10 Arthur Street), resulting in an inconsistent pattern of development. Solid front fencing on the front property boundaries is evident on a number of properties including the subject land. This significantly impacts the streetscape character whereby the view of the dwellings is restricted.

The subject site and locality can be viewed via this [google maps link](#).

## PROPOSED DEVELOPMENT

The proposed development seeks to internal alterations and construction of a second storey dwelling addition.

The upper storey dwelling addition is sited to the rear of the dwelling above a more recent addition and is setback 13.9 metres from the front property boundary, 5 metres from the northern (side) boundary, 2.3 metres from the southern (side) boundary and 15.2 metres from the rear boundary. The addition comprises of a main bedroom with walk in robe, retreat and office and bathroom.

The addition, in response to the representations was altered to achieve a greater setback to the northern boundary, windows presenting to the street and the floor to ceiling height reduced from 2.7 metres to 2.5 metres.

The applicant was asked by the author of this report to consider reducing the upper-level bulk and scale further by creating a flat roof and increasing the setback of the stairwell adjacent the southern boundary. The applicant however they sought this scheme to be considered by the Council Assessment Panel.

Overall, the height of the dwelling with the addition increase to 6.17 metres when measured to the finished floor level. All upper-level windows set at 1.6 metres above the upper finished floor level.

## **PROCEDURAL MATTERS**

### **Classification**

The subject application is Performance Assessed by virtue of the proposed addition not being listed within an Accepted, or Restricted classification under the Planning and Design Code and failing to satisfy the relevant Deemed to Satisfy provisions. It is noted that the building alterations which is limited to the internal layout of the ground level is classified as Accepted development.

### **Categorisation**

The proposal is not a form of Development excluded from Public Notification in Table 5 of the applicable zone as the development seeks to construct an addition that results in a building height greater than greater than

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

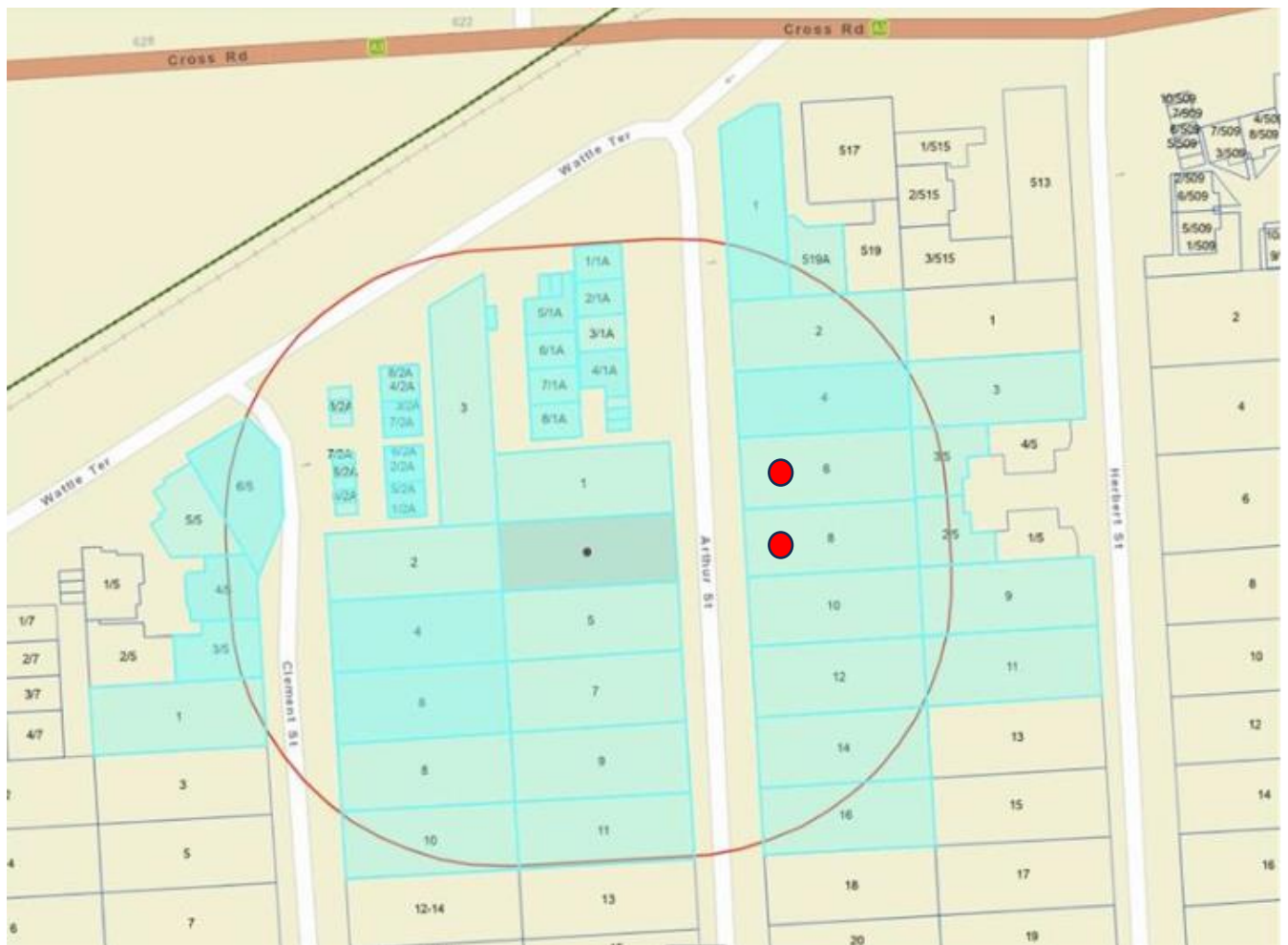
As such, the development was processed in accordance with the Act.

### **Referrals**

#### **Statutory Referrals**

The proposal does not trigger any statutory referrals.

## PUBLIC NOTIFICATION



### Summary of Representations

Properties Notified: 48

Representations Received: 2

No.	Name	Location	Position	Wish to be heard:
1	N Sim	6 Arthur Street, Plympton Park	Oppose	Yes
2	C Legg	8 Arthur Street, Plympton Park	Oppose	No

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

## Approach to Assessment

Part 1 – Rules of Interpretation of the Planning and Design Code (the Code) provides clarity on how to interpret the policies in the Code. Of particular note 'Designated Performance Features' (DPF) assist Councils to interpret Performance Outcomes (PO).

The Rules of Interpretation clearly state that a DPF provides a guide but does not need to necessarily be satisfied in order for a certain development to meet the PO i.e., the outcome can be met in another way:

***In order to assist a relevant authority to interpret the performance outcomes, in some cases the policy includes a standard outcome which will generally meet the corresponding performance outcome (a designated performance feature or DPF). A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily be satisfied to meet the performance outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from the need to assess development on its merits against all relevant policies.***

(underline my emphasis)

A DPF provision should not be interpreted as quantitative requirements, instead they simply present one way in achieving the corresponding PO. There can be variation from DPF policies, and not just in a minor way. Emphasis should be placed on satisfying the qualitative Performance Outcome in the circumstances where a specified DPF is not met.

It is with the above approach in mind that I have assessed this development.

In my view the most pertinent planning considerations for this assessment relate to:

- Built Form
  - Streetscape impact
  - Design & appearance
- Impact on adjoining properties
  - Overshadowing

## ASSESSMENT

The proposed development relates to internal alterations and an upper-level dwelling addition. The elements of the proposal is assessed against the Established Neighbourhood Zone policies and provisions of the Planning and Design Code considered applicable for this form of development are building alterations and dwelling addition.

The following Planning and Design Code criteria have been identified as relevant to the assessment of the subject application. These criteria are listed in full (together with their associated DPFs) in Appendix 1:

## ZONE CONSIDERATIONS

**Established Neighbourhood Zone** DO 1, DO 2, PO 3.1, PO 4.1, PO 4.2, PO 7.1, PO 7.2, PO 8.1, PO 9.1, PO 10.2

## RELEVANT OVERLAY CONSIDERATIONS

### Overlays:

*Airport Building Heights (Regulated) Overlay* DO 1, PO 1.1

*Building Near Airfields Overlay* DO 1, PO 1.3

*Character Area Overlay* DO 1, PO 1.1, PO 2.1, PO 2.2, PO 2.3, PO 2.4, PO 2.5, PO 3.1, PO 3.2, PO 6.2

## GENERAL DEVELOPMENT POLICIES CONSIDERATIONS

*Clearance of Overhead Powerlines* DO 1, PO 1.1

*Design in Urban Areas* DO 1, PO 8.1, PO 10.1, PO 10.2, PO 18.1, PO 20.3, PO 21.1, PO 21.2, PO 22.1,

*Interface between the Land Uses* DO 1, PO 3.1, PO 3.2, PO 3.3

## ASSESSMENT

As highlighted earlier, the subject land is located within the Established Neighbourhood Zone and subject to the Character Area Overlay.

The Character Area Overlay provisions are the most important when undertaking the assessment of the proposed development. The Desired Outcome for the Character Area Overlay is highlighted below.

### ENZ DO 1

***Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.***

My reading of the above Desired Outcome, with consideration of other relevant provisions within the Character Overlay, is that new development should reinforce the existing established character. New buildings, which includes additions, should be sympathetic in design through consideration of wall heights, roof forms and pitch, setbacks and materials, in addition to other design features present within the locality such as front verandah elements. The intent is to ensure the streetscape character is maintained.

As detailed above, the proposed development incorporates a second storey dwelling addition. In the case of the proposed development, the addition has been designed such that the original built form is to be retained and the addition is sited above a more recent single storey addition to the rear of the existing dwelling. The proposed addition is setback behind the existing dwellings single storey roofline.

When considering whether an upper-level addition is appropriate within the Character Area Overlay, it is worth noting that the existing dwelling could be demolished without any necessary Consent. An

alternative design solution involving a replacement dwelling that makes a lesser streetscape contribution than the existing dwelling could conceivably be constructed, noting it's unlikely a newer dwelling would make the same character contribution as the original dwelling. Further, it is noted that front fencing does not require any special consideration within the Zone or Character Area Overlay. As such a 2.1 metre high colourbond fence could be constructed without approval, significantly diminishing the streetscape presentation.

In undertaking this assessment, I am conscious that demolition and front fencing can occur without consent and these elements can severely impact the streetscape character in a negative way with limited regard to the existing streetscape character.

When considering Desired Outcome 1 of the Character Area Overlay, it speaks of adaptive reuse that responds to the attributes outlined in the Character Area statement. Whilst the Character Area Statement seeks single storey dwellings or second storey additions to be contained within the roofscape, I consider the preservation of the existing dwelling (and therefore continuing the streetscape presence) to hold greater importance in the overall assessment.

The proposed dwelling addition is positioned to the rear of the existing dwelling and behind the original roof form and preserves the original facade. It has a setback of 13.9 metres from the front property boundary. The upper level has been designed with a reduced roof pitch of 15 degrees and includes 450 mm eaves. The external walls to be rendered Hebel and rendered in surfmist whilst the roof and gutters are finished in Basalt.

The changes in materials and colours are considered reasonable on the basis that are not seeking to replicate the existing dwelling. Instead, they are of neutral tones that do not compete with the existing dwelling. The roof, gutters and facias shall be finished in basalt whilst the external upper walls shall be painted in surfmist. The windows are to be aluminium and finished in black.

Performance Outcome 2.1, 2.2, 2.3, 2.4 and 2.5, Character Area Overlay all seek new buildings that present to the street to be consistent with the building and wall heights, roof pitch and forms, openings, front and side setbacks of other houses within the Character Area. The retention of the existing home is key to addressing the relevant provisions relating to built form contained in the Character Area Overlay.

The relevant provisions of the Character Area Overlay when considering the proposed additions are PO 3.1 and 3.2. These two provisions are highlighted below.

**PO 3.1**

***Additions and alterations do not adversely impact on the streetscape character.***

**PO 3.2**

***Adaptive reuse and revitalisation of buildings to retain local character consistent with the Character Area Statement.***

I form the view that the proposed addition will not have an adverse impact on the streetscape character, firstly due to the retention of the existing dwelling and secondly, due to the fact the addition is suitably setback behind the existing dwelling and achieves a setback of 13.9 metres from the street boundary. The original dwellings façade and roof form shall be maintained with a smaller addition setback behind, which contributes in minimising the overall bulk and scale of the building.

Further, it is noted that the locality is certainly not one where there is a strong sense of character derived from a consistent streetscape. The original character has somewhat been eroded through the construction of ancillary structures forward of the building line and construction of newer 'mock heritage homes.'



In addition to the above, the proposed additions shall ensure the adaptive reuse of the existing building and guarantee its longevity. The preservation of the existing dwelling in my view, shall ensure the streetscape character is adequately retained, notwithstanding the introduction of an upper-level addition. As such, PO 3.1 and 3.2 are addressed.

On balance, when considering the locality, pattern of development, and design, I form the opinion that the addition is a reasonable form of development on the subject land and sufficiently satisfies the relevant provisions of the Character Area Overlay. An assessment of the relevant provisions of the Established Neighbourhood Zone and Design in Urban Areas is provided below.

### **Site Coverage**

The proposed development satisfies DPF 3.1 which seeks no more than 40% site coverage. It is noted that whilst the proposed development results in 40% site coverage, the fact that the upper level does not result in any increase in the building footprint, Performance Outcome 3.1 has no work to do in the assessment of the proposal.

#### **ENZ PO 3.1**

***Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.***

### **Building Height**

As the proposed development includes an upper-level addition, the development fails to satisfy DPF 4.1 which seeks buildings to be no greater than 1 level. Performance Outcome 4.1 of the Zone is highlighted below.

#### **ENZ PO 4.1**

***Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.***

#### **ENZ PO 4.2**

***Additions and alterations do not adversely impact on the streetscape character.***

Whilst a simplistic approach to addressing PO 4.1 would be to construct a single storey addition as opposed to an upper-level addition, it is noted throughout the Character Area Overlay provisions that the clear intent is to maintain the streetscape character. The provisions I am referring to are Character Area Overlay PO 2.1, 2.3, 2.4, 3.1 and 3.2.

The subject owners seek to maintain as much private open space as possible for the enjoyment of the family. A single storey addition, whilst cheaper to construct, would result in a significant loss of private open space and soft landscaping. It is acknowledge the addition is two storey and not consistent with the surrounding built form. I form the view however that the proposed upper-level addition is sufficiently setback from the street, and behind the roof line of the original dwelling, to appropriately minimise impacts on the streetscape and wider locality. Furthermore, the addition is setback sufficient distance to assist in preserving the streetscape character.

It is acknowledged the proposed development does not complement the height of nearby buildings, as sought by PO 4.1 Established Neighbourhood Zone. I am of the view however that when considering the extent of setback to the street and location behind the existing roofline, the streetscape character is not adversely impacted, and the proposal is considered to satisfy PO 4.2. The preservation of the existing streetscape character is considered to outweigh the failure to satisfy the desired building height.

### **Side Boundary Setback**

The proposed development seeks 5 metre setbacks to the northern property boundary and 2.3 metres setbacks to the southern property boundary. Zone DPF 8.1 provides some guidelines for setbacks to assist with compliance of PO 8.1. DPF 8.1 pat (b), (ii) and (iii) are most relevant where suggested upper-level setbacks are calculated on the wall heights and whether the adjacent boundary is south facing or not. The suggested setback by DPF 8.1, based on the wall heights, is 1.6 metres from the northern property boundary and 2.6 metres from the southern property boundary. It is therefore suggested the proposal, in a numerical sense, proposes a southern setback shortfall of 300mm.

Whilst noting the above, the development is required to be assessed against Performance Outcome 8.1 of the Zone. Performance Outcomes 3.1 and 3.2, Interface between Land Uses are also important to the assessment of side boundary setbacks to determine the level of impact on adjoining properties.

#### **ENZ PO 8.1**

***Buildings are set back from side boundaries to provide:***

- (a) separation between buildings in a way that complements the established character of the locality***
- (b) access to natural light and ventilation for neighbours***

#### **Interface between Land Uses PO 3.1**

***Overshadowing of habitable room windows of adjacent residential land uses in:***

- a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight***
- b) other zones is managed to enable access to direct winter sunlight.***

#### **Interface between Land Uses PO 3.2**

***Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in:***

- a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight***
- b) other zones is managed to enable access to direct winter sunlight.***

I am of the opinion the proposed development satisfactorily addresses PO 8.1 of the Zone. Whilst an increase in the upper-level side setback of the stairwell to reduce some of the upper-level built form presenting to the street was sought, the failure to do so is not considered fatal to achieving compliance with the above-mentioned provisions.

The proposed setbacks of the addition are no closer to that of the existing dwelling and although the setbacks relate to an upper level, considering the setback from the street and maintenance of setbacks to the original built form, I form the opinion the addition complements the existing character of the locality.

The upper-level setback of 2.3 metres to the southern side property boundary is considered reasonable on the basis that it shall not result in unreasonable overshadowing impacts onto adjacent habitable room windows and private open space.

Upon review of historical records, the dwelling immediately to the south has three windows on its northern elevation. The rooms are non-habitable rooms and comprise of a kitchen, bathroom and toilet.

Given the upper-level addition does not extend beyond more than 1 metres past the rear wall of the dwelling to the south there will be no overshadowing impacts on the private open space. The neighbour shall have unrestricted access to sunlight from late morning until the end of the day noting the shadow cast on the rear yard will be from their own trees.

Given the above, the proposed development achieves compliance with PO 3.1 and 3.2, Interface between Land Uses.

## **Rear Setbacks**

Similar to the assessment of the side setbacks, the relevant DPF provides guidance for rear setbacks to assist in achieving compliance with PO 9.1 of the Zone. The rear setbacks suggested in DPF 9.1 are 4 metres to the single storey portion of the building and 6 metres for an upper level. As noted previously, the upper-level is setback 15.3 metres from the rear property boundary.

### **ENZ PO 9.1**

***Buildings are set back from rear boundaries to provide:***

- a) separation between buildings in a way that complements the established character of the locality***
- b) access to natural light and ventilation for neighbours***
- c) private open space***
- d) space for landscaping and vegetation.***

I am of the opinion the upper-level satisfies PO 9.1, Established Neighbourhood Zone. The separation between buildings is maintained which complements the rear setback pattern within the locality, access to natural light and ventilation for the neighbouring properties is preserve and the addition does not result in any change to the extent of private open space or soft landscaping.

## **Overlooking**

In accordance with PO 10.1, Design in Urban Areas, the proposed upper-level has all side and rear windows set a minimum of above 1.5 metres above the finished floor level of the upper level. The plans indicate all upper-level windows to have the sill height positioned 1.6 metres from the relevant floor level.

### **Design in Urban Areas PO 10.1**

***Development mitigates direct overlooking from upper-level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.***

There is no assessment required for private open space, soft landscaping or car parking and access as the dwelling addition does not have any impact on these aspects of the development.

## **Clearance from Overhead Powerlines**

The applicant has provided a declaration that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996. There are overhead powerlines that extend along the eastern side of Arthur Street and enter the site via a stobie pole locate on the street verge adjacent the common boundary of 3 and 5 Arthur Street. The proposal does not include any additional structures or amendments to existing ones and will not impact on powerlines.

Based on the above, the proposal satisfies DO 1 and PO 1.1, clearance from overhead powerlines.

## CONCLUSION

The proposed development is considered to satisfy many of the relevant provisions of the Planning and Design Code. As detailed within the report, the Character Area Overlay has an emphasis on maintaining the streetscape character. In my view, the character within the broader and immediate locality has been eroded by the through the demolition of original housing stock and replaced with 'mock heritage homes', the introduction of poor examples of ancillary structures forward of the associated dwelling's main façade and provision of solid front fencing. Furthermore, given there are no demolition or front fencing controls this allows for further degradation of the localities character without any Council intervention.

The proposed dwelling addition retains the existing dwelling and makes improvements to the property that will ensure the longevity of the existing building and maintain the streetscape character. Further, the addition has been designed to ensure there is no impact on the neighbouring properties by virtue of overlooking or overshadowing.

The assessment of the proposed upper-level addition is one which is finely balanced, however I form the view the development is reasonable for the reasons outlined above. It is considered that the development exhibits sufficient merit when assessed on balance against the relevant Desired Outcomes and Performance Outcomes to warrant Planning Consent subject to the conditions and notes listed below.

## RECOMMENDATION

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

- (a) The Panel notes this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concurs that the proposed development is not seriously at variance<sup>1</sup> to the Planning and Design Code, in accordance with Section 126(1) of the Planning, Development and Infrastructure Act 2016; and
- (c) That Planning Consent for Development Application ID: 23025354 for the construction of an upper-level dwelling addition and internal alterations, at 3 Arthur Street, Plympton Park, be GRANTED subject to the following Conditions.

## CONDITIONS

1. The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Prior to the use and/or occupation of the structure(s), all stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details.
3. All new building work shall be finished in a professional manner with all materials and finishes consistent with the stamped plans.

## NOTES

1. The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the Court if wishing to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).
2. If you are a developer or owner-builder, there are important Commonwealth telecommunications rules you need to comply with. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
3. 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.

---

<sup>1</sup> Pursuant to Section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016* (or Section 35(2) of the *Development Act 1993* for applications under that Act), a "development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code" (or the Development Plan if under the Development Act).

What is 'seriously at variance' is not a defined legislative term and is not synonymous with a proposal that is merely 'at variance' with certain provisions of the Code (or Plan), which many applications will be. Instead, it has been interpreted to be an important or grave departure in either quantity or degree from the Code (or Plan) and accordingly not worthy of consent under any circumstances and having the potential to undermine the objectives of the Code (or Plan) for the land or the Zone.

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

3 ARTHUR ST PLYMPTON PARK SA 5038

Address:

Click to view a detailed interactive [SAILIS](#) in SAILIS

To view a detailed interactive property map in SAPPA click on the map below



## Property Zoning Details

### Zone

Established Neighbourhood

### Overlay

Airport Building Heights (Regulated) (*All structures over 15 metres*)  
 Advertising Near Signalised Intersections  
 Affordable Housing  
 Building Near Airfields  
 Character Area (*MarC1*)  
 Hazards (Flooding - Evidence Required)  
 Key Railway Crossings  
 Prescribed Wells Area  
 Regulated and Significant Tree  
 Stormwater Management  
 Traffic Generating Development  
 Urban Tree Canopy

### Local Variation (TNV)

Minimum Frontage (*Minimum frontage for a detached dwelling is 15m*)  
 Minimum Site Area (*Minimum site area for a detached dwelling is 420 sqm*)  
 Maximum Building Height (Levels) (*Maximum building height is 1 level*)  
 Site Coverage (*Maximum site coverage is 40 per cent*)

## Selected Development(s)

Dwelling addition

## Part 2 - Zones and Sub Zones

### Established Neighbourhood Zone

#### Assessment Provisions (AP)

#### Desired Outcome (DO)

Desired Outcome	
DO 1	A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.
DO 2	Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

#### Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature		
Site coverage			
<p><b>PO 3.1</b></p> <p>Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.</p>	<p><b>DTS/DPF 3.1</b></p> <p>Development does not result in site coverage exceeding:</p> <table><tr><th>Site Coverage</th></tr><tr><td>Maximum site coverage is 40 per cent</td></tr></table> <p>In instances where:</p> <p>(a) no value is returned (i.e. there is a blank field), then a maximum 50% site coverage applies</p> <p>(b) more than one value is returned in the same field, refer to the Site Coverage Technical and Numeric Variation layer in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p>	Site Coverage	Maximum site coverage is 40 per cent
Site Coverage			
Maximum site coverage is 40 per cent			
Building Height			
<p><b>PO 4.1</b></p> <p>Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.</p>	<p><b>DTS/DPF 4.1</b></p> <p>Building height (excluding garages, carports and outbuildings) is no greater than:</p> <p>(a) the following:</p> <table><tr><th>Maximum Building Height (Levels)</th></tr><tr><td>Maximum building height is 1 level</td></tr></table> <p>(b) in all other cases (i.e. there are blank fields for both maximum building height (metres) and maximum building height (levels)) - 2 building levels up to a height of 9m.</p> <p>In relation to DTS/DPF 4.1, in instances where:</p> <p>(c) more than one value is returned in the same field, refer to the <i>Maximum Building Height (Levels) Technical and Numeric Variation layer or Maximum Building Height (Meters) Technical and Numeric Variation layer</i> in the SA planning database to determine the applicable value relevant to the site of the proposed development.</p>	Maximum Building Height (Levels)	Maximum building height is 1 level
Maximum Building Height (Levels)			
Maximum building height is 1 level			



	(d) only one value is returned for DTS/DPF 4.1(a) (i.e. there is one blank field), then the relevant height in metres or building levels applies with no criteria for the other.
<b>PO 4.2</b>  Additions and alterations do not adversely impact on the streetscape character.	<b>DTS/DPF 4.2</b>  Additions and alterations: <ul style="list-style-type: none"> <li>(a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street</li> <li>or</li> <li>(b) meet all of the following: <ul style="list-style-type: none"> <li>(i) do not include any development forward of the front façade building line</li> <li>(ii) where including a second or subsequent building level addition, does not project beyond a 45 degree angle measured from ground level at the building line of the existing building.</li> </ul> </li> </ul>
Secondary Street Setback	
<b>PO 6.1</b>  Buildings are set back from secondary street boundaries (not being a rear laneway) to maintain the established pattern of separation between buildings and public streets and reinforce streetscape character.	<b>DTS/DPF 6.1</b>  Building walls are set back from the secondary street boundary (other than a rear laneway): <ul style="list-style-type: none"> <li>(a) no less than: <ul style="list-style-type: none"> <li>or</li> </ul> </li> <li>(b) 900mm, whichever is greater <ul style="list-style-type: none"> <li>or</li> </ul> </li> <li>(c) if a building (except for ancillary buildings and structures) on any adjoining allotment is closer to the secondary street, not less than the distance of that building from the boundary with the secondary street.</li> </ul> <p>In instances where no value is returned in DTS/DPF 6.1(a) (i.e. there is a blank field), then it is taken that the value for DTS/DPF 6.1(a) is zero.</p>
Boundary Walls	
<b>PO 7.1</b>  Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.	<b>DTS/DPF 7.1</b>  Dwellings do not incorporate side boundary walls where a side boundary setback value is returned in (a) below: <ul style="list-style-type: none"> <li>(a) <ul style="list-style-type: none"> <li>or</li> </ul> </li> <li>(b) where no side boundary setback value is returned in (a) above, and except where the building is a dwelling and is located on a central site within a row dwelling or terrace arrangement, side boundary walls occur only on one side boundary and satisfy (i) or (ii) below: <ul style="list-style-type: none"> <li>(i) side boundary walls adjoin or abut a boundary wall of a building on adjoining land for the same or lesser length and height</li> <li>(ii) side boundary walls do not: <ul style="list-style-type: none"> <li>A. exceed 3.2m in wall height from the lower of the natural or finished ground level</li> <li>B. exceed 8m in length</li> <li>C. when combined with other walls on the boundary of the subject development site, exceed a maximum 45% of the length of the boundary</li> <li>D. encroach within 3m of any other existing or proposed boundary walls on the subject land.</li> </ul> </li> </ul> </li> </ul>

Side Boundary Setback	
<p><b>PO 7.2</b></p> <p>Dwellings in a semi-detached, row or terrace arrangement maintain space between buildings consistent with a low density suburban streetscape character.</p>	<p><b>DTS/DPF 7.2</b></p> <p>Dwellings in a semi-detached, row or terrace arrangement are setback from side boundaries shared with allotments outside the development site at least the minimum distance identified in Established Neighbourhood Zone DTS/DPF 8.1.</p>
Rear Boundary Setback	
<p><b>PO 8.1</b></p> <p>Buildings are set back from side boundaries to provide:</p> <p>(a) separation between buildings in a way that complements the established character of the locality</p> <p>(b) access to natural light and ventilation for neighbours.</p>	<p><b>DTS/DPF 8.1</b></p> <p>Other than walls located on a side boundary in accordance with Established Neighbourhood Zone DTS/DPF 7.1, building walls are set back from the side boundary:</p> <p>(a) no less than:</p> <p>(b) in all other cases (i.e., there is a blank field), then:</p> <p>(i) where the wall height does not exceed 3m measured from the lower of natural or finished ground level - at least 900mm</p> <p>(ii) for a wall that is not south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 900mm from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level</p> <p>(iii) for a wall that is south facing and the wall height exceeds 3m measured from the lower of natural or finished ground level - at least 1.9m from the boundary of the site plus a distance of 1/3 of the extent to which the height of the wall exceeds 3m from the lower of natural or finished ground level.</p>
Appearance	
<p><b>PO 9.1</b></p> <p>Buildings are set back from rear boundaries to provide:</p> <p>(a) separation between buildings in a way that complements the established character of the locality</p> <p>(b) access to natural light and ventilation for neighbours</p> <p>(c) private open space</p> <p>(d) space for landscaping and vegetation.</p>	<p><b>DTS/DPF 9.1</b></p> <p>Other than in relation to an access lane way, buildings are set back from the rear boundary at least:</p> <p>(a) 4m for the first building level</p> <p>(b) 6m for any second building level.</p>
<p><b>PO 10.1</b></p> <p>Garages and carports are designed and sited to be discreet and not dominate the appearance of the associated dwelling when viewed from the street.</p>	<p><b>DTS/DPF 10.1</b></p> <p>Garages and carports facing a street (other than an access lane way):</p> <p>(a) are set back at least 0.5m behind the building line of the associated dwelling</p> <p>(b) are set back at least 5.5m from the boundary of the primary street</p> <p>(c) have a total garage door / opening width not exceeding 30% of the allotment or site frontage, to a maximum width of 7m.</p>
<p><b>PO 10.2</b></p> <p>The appearance of development as viewed from public roads is sympathetic to the wall height, roof forms and roof pitches of the predominant housing stock in the locality.</p>	<p><b>DTS/DPF 10.2</b></p> <p>None are applicable.</p>

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

### Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. All development undertaken by: (a) the South Australian Housing Trust either individually or jointly with other persons or bodies or (b) a provider registered under the Community Housing National Law participating in a program relating to the renewal of housing endorsed by the South Australian Housing Trust.	Except development involving any of the following:  1. residential flat building(s) of 3 or more building levels 2. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 3. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
3. Any development involving any of the following (or of any combination of any of the following): (a) ancillary accommodation (b) dwelling (c) dwelling addition (d) residential flat building.	Except development that:  1. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 2. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
4. Any development involving any of the following (or of any combination of any of the following): (a) consulting room (b) office (c) shop.	Except development that:  1. does not satisfy Established Neighbourhood Zone DTS/DPF 1.2 or 2. exceeds the maximum building height specified in Established Neighbourhood Zone DTS/DPF 4.1 or 3. involves a building wall (or structure) that is proposed to be situated on (or abut) an allotment boundary (not being a boundary with a primary street or secondary street or an excluded boundary) and: (a) the length of the proposed wall (or structure) exceeds 8m (other than where the proposed wall abuts an existing wall or structure of greater length on the adjoining allotment) or (b) the height of the proposed wall (or post height) exceeds 3.2m

	measured from the lower of the natural or finished ground level (other than where the proposed wall abuts an existing wall or structure of greater height on the adjoining allotment).
<p>5. Any of the following (or of any combination of any of the following):</p> <ul style="list-style-type: none"> <li>(a) air handling unit, air conditioning system or exhaust fan</li> <li>(b) carport</li> <li>(c) deck</li> <li>(d) fence</li> <li>(e) internal building works</li> <li>(f) land division</li> <li>(g) outbuilding</li> <li>(h) pergola</li> <li>(i) private bushfire shelter</li> <li>(j) recreation area</li> <li>(k) replacement building</li> <li>(l) retaining wall</li> <li>(m) shade sail</li> <li>(n) solar photovoltaic panels (roof mounted)</li> <li>(o) swimming pool or spa pool and associated swimming pool safety features</li> <li>(p) temporary accommodation in an area affected by bushfire</li> <li>(q) tree damaging activity</li> <li>(r) verandah</li> <li>(s) water tank.</li> </ul>	None specified.
6. Demolition.	<p>Except any of the following:</p> <ul style="list-style-type: none"> <li>1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building)</li> <li>2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).</li> </ul>
7. Railway line.	Except where located outside of a rail corridor or rail reserve.
<b>Placement of Notices - Exemptions for Performance Assessed Development</b>	
None specified.	
<b>Placement of Notices - Exemptions for Restricted Development</b>	
None specified.	

## Part 3 - Overlays

### Airport Building Heights (Regulated) Overlay

#### Assessment Provisions (AP)

#### Desired Outcome (DO)

Desired Outcome	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

#### Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
<b>PO 1.1</b>  Building height does not pose a hazard to the operation of a certified or registered aerodrome.	<b>DTS/DPF 1.1</b>  Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas.  In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development:  <b>(a)</b> building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the <i>Airport Building Heights (Regulated) Overlay</i>  <b>(b)</b> building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the <i>Airport Building Heights (Regulated) Overlay</i> .	The airport-operator company for the relevant airport within the meaning of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

## Building Near Airfields Overlay

### Assessment Provisions (AP)

### Desired Outcome (DO)

Desired Outcome	
DO 1	Maintain the operational and safety requirements of certified commercial and military airfields, airports, airstrips and helicopter landing sites through management of non-residential lighting, turbulence and activities that may attract or result in the congregation of wildlife.

### Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<b>PO 1.3</b>  Buildings are adequately separated from runways and other take-off and landing facilities within certified or registered aerodromes to minimise the potential for building-generated turbulence and windshear that may pose a safety hazard to aircraft flight movement.	<b>DTS/DPF 1.3</b>  The distance from any part of a runway centreline to the closest point of the building is not less than 35 times the building height.

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

## Character Area Overlay

### Assessment Provisions (AP)

### Desired Outcome (DO)

Desired Outcome	
DO 1	Valued streetscape characteristics and development patterns are reinforced through contextually responsive development, design and adaptive reuse that responds to the attributes expressed in the Character Area Statement.

### Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
<b>PO 1.1</b>  All development is undertaken having consideration to the valued attributes expressed in the Character Area Statement.	<b>DTS/DPF 1.1</b>  None are applicable.
Built Form	
<b>PO 2.1</b>  The form of new buildings and structures that are visible from the public realm are consistent with the valued streetscape characteristics of the character area.	<b>DTS/DPF 2.1</b>  None are applicable.
<b>PO 2.2</b>  Development is consistent with the prevailing building and wall heights in the character area.	<b>DTS/DPF 2.2</b>  None are applicable.
<b>PO 2.3</b>  Design and architectural detailing of street-facing buildings (including but not limited to roof pitch and form, openings, chimneys and verandahs) are consistent with the prevailing characteristics in the character area.	<b>DTS/DPF 2.3</b>  None are applicable.
<b>PO 2.4</b>  Development is consistent with the prevailing front and side boundary setback pattern in the character area.	<b>DTS/DPF 2.4</b>  None are applicable.

<b>PO 2.5</b>  Materials are either consistent with or complement those within the character area.	<b>DTS/DPF 2.5</b>  None are applicable.
Alterations and Additions	
<b>PO 3.1</b>  Additions and alterations do not adversely impact on the streetscape character.	<b>DTS/DPF 3.1</b>  Additions and alterations: <ul style="list-style-type: none"> <li>(a) are fully contained within the roof space of a building with no external alterations made to the building elevation facing the primary street or</li> <li>(b) meet all of the following: <ul style="list-style-type: none"> <li>(i) do not include any development forward of the front façade building line</li> <li>(ii) any side or rear extensions are no closer to the side boundary than the existing building</li> <li>(iii) do not involve the construction or alteration of a second or subsequent building level.</li> </ul> </li> </ul>
<b>PO 3.2</b>  Adaptive reuse and revitalisation of buildings to retain local character consistent with the Character Area Statement.	<b>DTS/DPF 3.2</b>  None are applicable.
Context and Streetscape Amenity	
<b>PO 6.1</b>  The width of driveways and other vehicle access ways are consistent with the prevalent width of existing driveways in the character area.	<b>DTS/DPF 6.1</b>  None are applicable.
<b>PO 6.2</b>  Development maintains the valued landscape pattern and characteristics that contribute to the character area, except where they compromise safety, create nuisance, or impact adversely on existing buildings or infrastructure.	<b>DTS/DPF 6.2</b>  None are applicable.

## Character Area Statements

Statement#	Statement		
Character Areas affecting City of Marion			
	<b>Edwardstown, Glandore, Glengowrie and Plympton Park Character Area Statement (Mar-C1)</b>  The Character Area Overlay identifies localities that comprise valued character attributes. They can be characterised by a consistent rhythm of allotment patterns, building setting and spacing, landscape or natural features and the scale, proportion and form of buildings and their key elements.  These attributes have been identified in the below table. In some cases State and / or Local Heritage Places within the locality contribute to the attributes of a Character Area.  The preparation of a Contextual Analysis can assist in determining potential additional attributes of a Character Area where these are not identified in the below table.		
	<table> <tr> <td>Eras, themes and</td><td>1920s to 1950.</td></tr> </table>	Eras, themes and	1920s to 1950.
Eras, themes and	1920s to 1950.		

## Policy24

Statement#	Statement	
MarC1	context	
	Allotments, subdivision and built form patterns	<p>Conventional grid type pattern of streets.</p> <p>Large allotments.</p> <p>Predominantly detached dwellings.</p> <p>Some examples of semi-detached dwellings in Glandore and Glengowrie.</p>
	Architectural styles, detailing and built form features	<p>Single storey detached dwellings.</p> <p>Occasional single storey semi-detached dwellings.</p> <p>Mixture of Bungalow, Art Deco, Spanish Mission, Tudor.</p> <p>Articulated roof forms (gable, Dutch gable, hips).</p> <p>Chimneys, projecting front verandahs, porches, porticos.</p> <p>Garages and carports located behind main face of dwelling.</p>
	Building height	<p>Single storey.</p> <p>2nd storey in roofline.</p>
	Materials	<p>Timber frame windows.</p> <p>External walls constructed of mixture of red brick, painted brick, stone and rendered masonry.</p> <p>Roofing - galvanised iron/replaced with colorbond, terracotta tiles.</p>
	Fencing	Low height - rendered masonry, timber picket, post and wire, tubular.
	Setting, landscaping, streetscape and public realm features	<p>Tree lined streets.</p> <p>Well maintained traditional gardens.</p> <p>Mature vegetation in private properties.</p> <p>Low scale dwellings.</p> <p>Housing well setback from street.</p>
	Representative Buildings	<i>[Not identified]</i>

## Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

## Hazards (Flooding - Evidence Required) Overlay



## Assessment Provisions (AP)

## Desired Outcome (DO)

Desired Outcome	
DO 1	Development adopts a precautionary approach to mitigate potential impacts on people, property, infrastructure and the environment from potential flood risk through the appropriate siting and design of development.

## Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Flood Resilience	
<b>PO 1.1</b>  Development is sited, designed and constructed to minimise the risk of entry of potential floodwaters where the entry of flood waters is likely to result in undue damage to or compromise ongoing activities within buildings.	<b>DTS/DPF 1.1</b>  Habitable buildings, commercial and industrial buildings, and buildings used for animal keeping incorporate a finished floor level at least 300mm above: <ul style="list-style-type: none"> <li>(a) the highest point of top of kerb of the primary street</li> <li>or</li> <li>(b) the highest point of natural ground level at the primary street boundary where there is no kerb</li> </ul>

## Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

## Key Railway Crossings Overlay

## Assessment Provisions (AP)

## Desired Outcome (DO)

Desired Outcome	
DO 1	Safe, efficient and uninterrupted operation of key railway crossings.

## Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Access, Design and Function	

<b>PO 1.1</b>  Site access does not interfere or impact on the safe operation of a railway crossing.	<b>DTS/DPF 1.1</b>  Development does not involve a new or modified access or cause an increase in traffic through an existing access that is located within the following distance from a railway crossing: <ul style="list-style-type: none"> <li>(a) 110 km/h road - 190m</li> <li>(b) 100 km/h road - 165m</li> <li>(c) 90 km/h road - 140m</li> <li>(d) 80 km/h road - 110m</li> <li>(e) 70 km/h road - 90m</li> <li>(f) 60 km/h road - 70m</li> <li>(g) 50km/h or less road - 50m</li> </ul>
--	---

### Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
None	None	None	None

## Part 4 - General Development Policies

### Clearance from Overhead Powerlines

#### Assessment Provisions (AP)

#### Desired Outcome (DO)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

#### Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<b>PO 1.1</b>  Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.	<b>DTS/DPF 1.1</b>  One of the following is satisfied: <ul style="list-style-type: none"> <li>(a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i></li> <li>(b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.</li> </ul>

### Design in Urban Areas

#### Assessment Provisions (AP)

## Desired Outcome (DO)

Desired Outcome	
DO 1	<p>Development is:</p> <ul style="list-style-type: none"> <li>(a) contextual - by considering, recognising and carefully responding to its natural surroundings or built environment and positively contributing to the character of the locality</li> <li>(b) durable - fit for purpose, adaptable and long lasting</li> <li>(c) inclusive - by integrating landscape design to optimise pedestrian and cyclist usability, privacy and equitable access and promoting the provision of quality spaces integrated with the public realm that can be used for access and recreation and help optimise security and safety both internally and within the public realm, for occupants and visitors</li> <li>(d) sustainable - by integrating sustainable techniques into the design and siting of development and landscaping to improve community health, urban heat, water management, environmental performance, biodiversity and local amenity and to minimise energy consumption.</li> </ul>

## Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
All Development	
Earthworks and sloping land	
<p><b>PO 8.1</b></p> <p>Development, including any associated driveways and access tracks, minimises the need for earthworks to limit disturbance to natural topography.</p>	<p><b>DTS/DPF 8.1</b></p> <p>Development does not involve any of the following:</p> <ul style="list-style-type: none"> <li>(a) excavation exceeding a vertical height of 1m</li> <li>(b) filling exceeding a vertical height of 1m</li> <li>(c) a total combined excavation and filling vertical height of 2m or more.</li> </ul>
<p><b>PO 8.2</b></p> <p>Driveways and access tracks designed and constructed to allow safe and convenient access on sloping land.</p>	<p><b>DTS/DPF 8.2</b></p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8) satisfy (a) and (b):</p> <ul style="list-style-type: none"> <li>(a) do not have a gradient exceeding 25% (1-in-4) at any point along the driveway</li> <li>(b) are constructed with an all-weather trafficable surface.</li> </ul>
<p><b>PO 8.3</b></p> <p>Driveways and access tracks on sloping land (with a gradient exceeding 1 in 8):</p> <ul style="list-style-type: none"> <li>(a) do not contribute to the instability of embankments and cuttings</li> <li>(b) provide level transition areas for the safe movement of people and goods to and from the development</li> <li>(c) are designed to integrate with the natural topography of the land.</li> </ul>	<p><b>DTS/DPF 8.3</b></p> <p>None are applicable.</p>
<p><b>PO 8.4</b></p> <p>Development on sloping land (with a gradient exceeding 1 in 8) avoids the alteration of natural drainage lines and includes on site drainage systems to minimise erosion.</p>	<p><b>DTS/DPF 8.4</b></p> <p>None are applicable.</p>
<p><b>PO 8.5</b></p> <p>Development does not occur on land at risk of landslide or increase the potential for landslide or land surface instability.</p>	<p><b>DTS/DPF 8.5</b></p> <p>None are applicable.</p>

Overlooking / Visual Privacy (low rise buildings)	
<b>PO 10.1</b>  Development mitigates direct overlooking from upper level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.	<b>DTS/DPF 10.1</b>  Upper level windows facing side or rear boundaries shared with a residential use in a neighbourhood-type zone: <ul style="list-style-type: none"> <li>(a) are permanently obscured to a height of 1.5m above finished floor level and are fixed or not capable of being opened more than 125mm</li> <li>(b) have sill heights greater than or equal to 1.5m above finished floor level</li> <li>(c) incorporate screening with a maximum of 25% openings, permanently fixed no more than 500mm from the window surface and sited adjacent to any part of the window less than 1.5 m above the finished floor level.</li> </ul>
<b>PO 10.2</b>  Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.	<b>DTS/DPF 10.2</b>  One of the following is satisfied: <ul style="list-style-type: none"> <li>(a) the longest side of the balcony or terrace will face a public road, public road reserve or public reserve that is at least 15m wide in all places faced by the balcony or terrace</li> <li>or</li> <li>(b) all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of: <ul style="list-style-type: none"> <li>(i) 1.5m above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land</li> <li>or</li> <li>(ii) 1.7m above finished floor level in all other cases</li> </ul> </li> </ul>
All residential development	
Outlook and Amenity	
<b>PO 18.1</b>  Living rooms have an external outlook to provide a high standard of amenity for occupants.	<b>DTS/DPF 18.1</b>  A living room of a dwelling incorporates a window with an external outlook of the street frontage, private open space, public open space, or waterfront areas.
Residential Development - Low Rise	
External appearance	
<b>PO 20.3</b>  The visual mass of larger buildings is reduced when viewed from adjoining allotments or public streets.	<b>DTS/DPF 20.3</b>  None are applicable
Private Open Space	
<b>PO 21.1</b>  Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.	<b>DTS/DPF 21.1</b>  Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.
<b>PO 21.2</b>  Private open space is positioned to provide convenient access from internal living areas.	<b>DTS/DPF 21.2</b>  Private open space is directly accessible from a habitable room.

## Landscaping

**PO 22.1**

Soft landscaping is incorporated into development to:

- (a) minimise heat absorption and reflection
- (b) contribute shade and shelter
- (c) provide for stormwater infiltration and biodiversity
- (d) enhance the appearance of land and streetscapes.

**DTS/DPF 22.1**

Residential development incorporates soft landscaping with a minimum dimension of 700mm provided in accordance with (a) and (b):

- (a) a total area for the entire development site, including any common property, as determined by the following table:

Site area (or in the case of residential flat building or group dwelling(s), average site area) (m <sup>2</sup> )	Minimum percentage of site
<150	10%
150-200	15%
>200-450	20%
>450	25%

- (b) at least 30% of any land between the primary street boundary and the primary building line.

## Car parking, access and manoeuvrability

**PO 23.1**

Enclosed car parking spaces are of dimensions to be functional, accessible and convenient.

**DTS/DPF 23.1**

Residential car parking spaces enclosed by fencing, walls or other structures have the following internal dimensions (separate from any waste storage area):

- (a) single width car parking spaces:
  - (i) a minimum length of 5.4m per space
  - (ii) a minimum width of 3.0m
  - (iii) a minimum garage door width of 2.4m
- (b) double width car parking spaces (side by side):
  - (i) a minimum length of 5.4m
  - (ii) a minimum width of 5.4m
  - (iii) minimum garage door width of 2.4m per space.

**PO 23.2****DTS/DPF 23.2**

<p>Uncovered car parking space are of dimensions to be functional, accessible and convenient.</p>	<p>Uncovered car parking spaces have:</p> <ul style="list-style-type: none"> <li>(a) a minimum length of 5.4m</li> <li>(b) a minimum width of 2.4m</li> <li>(c) a minimum width between the centre line of the space and any fence, wall or other obstruction of 1.5m.</li> </ul>
<p><b>PO 23.3</b></p> <p>Driveways and access points are located and designed to facilitate safe access and egress while maximising land available for street tree planting, pedestrian movement, domestic waste collection, landscaped street frontages and on-street parking.</p>	<p><b>DTS/DPF 23.3</b></p> <p>Driveways and access points satisfy (a) or (b):</p> <ul style="list-style-type: none"> <li>(a) sites with a frontage to a public road of 10m or less, have a width between 3.0 and 3.2 metres measured at the property boundary and are the only access point provided on the site</li> <li>(b) sites with a frontage to a public road greater than 10m: <ul style="list-style-type: none"> <li>(i) have a maximum width of 5m measured at the property boundary and are the only access point provided on the site;</li> <li>(ii) have a width between 3.0 metres and 3.2 metres measured at the property boundary and no more than two access points are provided on site, separated by no less than 1m.</li> </ul> </li> </ul>
<p><b>PO 23.4</b></p> <p>Vehicle access is safe, convenient, minimises interruption to the operation of public roads and does not interfere with street infrastructure or street trees.</p>	<p><b>DTS/DPF 23.4</b></p> <p>Vehicle access to designated car parking spaces satisfy (a) or (b):</p> <ul style="list-style-type: none"> <li>(a) is provided via a lawfully existing or authorised access point or an access point for which consent has been granted as part of an application for the division of land</li> <li>(b) where newly proposed, is set back: <ul style="list-style-type: none"> <li>(i) 0.5m or more from any street furniture, street pole, infrastructure services pit, or other stormwater or utility infrastructure unless consent is provided from the asset owner</li> <li>(ii) 2m or more from the base of the trunk of a street tree unless consent is provided from the tree owner for a lesser distance</li> <li>(iii) 6m or more from the tangent point of an intersection of 2 or more roads</li> <li>(iv) outside of the marked lines or infrastructure dedicating a pedestrian crossing.</li> </ul> </li> </ul>
<p><b>PO 23.5</b></p> <p>Driveways are designed to enable safe and convenient vehicle movements from the public road to on-site parking spaces.</p>	<p><b>DTS/DPF 23.5</b></p> <p>Driveways are designed and sited so that:</p> <ul style="list-style-type: none"> <li>(a) the gradient of the driveway does not exceed a grade of 1 in 4 and includes transitions to ensure a maximum grade change of 12.5% (1 in 8) for summit changes, and 15% (1 in 6.7) for sag changes, in accordance with AS 2890.1:2004 to prevent vehicles bottoming or scraping</li> <li>(b) the centreline of the driveway has an angle of no less than 70 degrees and no more than 110 degrees from the street boundary to which it takes its access as shown in the following diagram:</li> </ul>

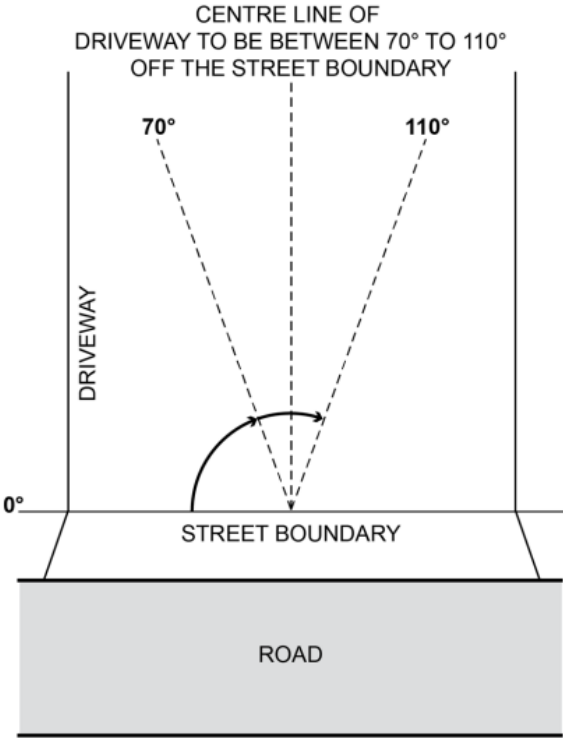
	 <p>(c) if located to provide access from an alley, lane or right of way - the alley, land or right of way is at least 6.2m wide along the boundary of the allotment / site.</p>
<p><b>PO 23.6</b></p> <p>Driveways and access points are designed and distributed to optimise the provision of on-street visitor parking.</p>	<p><b>DTS/DPF 23.6</b></p> <p>Where on-street parking is available abutting the site's street frontage, on-street parking is retained in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>(a) minimum 0.33 on-street spaces per dwelling on the site (rounded up to the nearest whole number)</li> <li>(b) minimum car park length of 5.4m where a vehicle can enter or exit a space directly</li> <li>(c) minimum carpark length of 6m for an intermediate space located between two other parking spaces or to an end obstruction where the parking is indented.</li> </ul>
Waste storage	
<p><b>PO 24.1</b></p> <p>Provision is made for the convenient storage of waste bins in a location screened from public view.</p>	<p><b>DTS/DPF 24.1</b></p> <p>Where dwellings abut both side boundaries a waste bin storage area is provided behind the building line of each dwelling that:</p> <ul style="list-style-type: none"> <li>(a) has a minimum area of 2m<sup>2</sup> with a minimum dimension of 900mm (separate from any designated car parking spaces or private open space); and</li> <li>(b) has a continuous unobstructed path of travel (excluding moveable objects like gates, vehicles and roller doors) with a minimum width of 800mm between the waste bin storage area and the street.</li> </ul>

Table 1 - Private Open Space

Dwelling Type	Dwelling / Site Configuration	Minimum Rate
Dwelling (at ground level, other than a residential flat building that includes		<p>Total private open space area:</p> <p>(a) Site area &lt;301m<sup>2</sup>: 24m<sup>2</sup> located behind the building line.</p>

above ground dwellings)		(b) Site area $\geq 301\text{m}^2$ : $60\text{m}^2$ located behind the building line.  Minimum directly accessible from a living room: $16\text{m}^2$ / with a minimum dimension 3m.
Cabin or caravan (permanently fixed to the ground) in a residential park or caravan and tourist park		Total area: $16\text{m}^2$ , which may be uses as second car parking space, provided on each site intended for residential occupation.
Dwelling in a residential flat building or mixed use building which incorporate above ground level dwellings	Dwellings at ground level:	$15\text{m}^2$ / minimum dimension 3m
	Dwellings above ground level:	
	Studio (no separate bedroom)	$4\text{m}^2$ / minimum dimension 1.8m
	One bedroom dwelling	$8\text{m}^2$ / minimum dimension 2.1m
	Two bedroom dwelling	$11\text{m}^2$ / minimum dimension 2.4m
	Three + bedroom dwelling	$15\text{m}^2$ / minimum dimension 2.6m

## Infrastructure and Renewable Energy Facilities

### Assessment Provisions (AP)

### Desired Outcome (DO)

Desired Outcome	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

### Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Wastewater Services	
<b>PO 12.2</b>  Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	<b>DTS/DPF 12.2</b>  Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.

## Interface between Land Uses

### Assessment Provisions (AP)



## Desired Outcome (DO)

Desired Outcome	
DO 1	Development is located and designed to mitigate adverse effects on or from neighbouring and proximate land uses.

## Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Overshadowing	
<b>PO 3.1</b> Overshadowing of habitable room windows of adjacent residential land uses in: <ul style="list-style-type: none"> <li>a. a neighbourhood-type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<b>DTS/DPF 3.1</b> North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on 21 June.
<b>PO 3.2</b> Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in: <ul style="list-style-type: none"> <li>a. a neighbourhood type zone is minimised to maintain access to direct winter sunlight</li> <li>b. other zones is managed to enable access to direct winter sunlight.</li> </ul>	<b>DTS/DPF 3.2</b> Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following: <ul style="list-style-type: none"> <li>a. for ground level private open space, the smaller of the following: <ul style="list-style-type: none"> <li>i. half the existing ground level open space</li> <li>or</li> <li>ii. 35m<sup>2</sup> of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)</li> </ul> </li> <li>b. for ground level communal open space, at least half of the existing ground level open space.</li> </ul>
<b>PO 3.3</b> Development does not unduly reduce the generating capacity of adjacent rooftop solar energy facilities taking into account: <ul style="list-style-type: none"> <li>(a) the form of development contemplated in the zone</li> <li>(b) the orientation of the solar energy facilities</li> <li>(c) the extent to which the solar energy facilities are already overshadowed.</li> </ul>	<b>DTS/DPF 3.3</b> None are applicable.

## Transport, Access and Parking

## Assessment Provisions (AP)

## Desired Outcome (DO)

Desired Outcome	
DO 1	

A comprehensive, integrated and connected transport system that is safe, sustainable, efficient, convenient and accessible to all users.

## Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

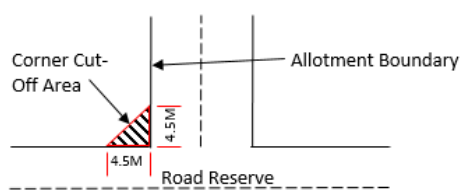
Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Vehicle Parking Rates	
<p><b>PO 5.1</b></p> <p>Sufficient on-site vehicle parking and specifically marked accessible car parking places are provided to meet the needs of the development or land use having regard to factors that may support a reduced on-site rate such as:</p> <ul style="list-style-type: none"> <li>(a) availability of on-street car parking</li> <li>(b) shared use of other parking areas</li> <li>(c) in relation to a mixed-use development, where the hours of operation of commercial activities complement the residential use of the site, the provision of vehicle parking may be shared</li> <li>(d) the adaptive reuse of a State or Local Heritage Place.</li> </ul>	<p><b>DTS/DPF 5.1</b></p> <p>Development provides a number of car parking spaces on-site at a rate no less than the amount calculated using one of the following, whichever is relevant:</p> <ul style="list-style-type: none"> <li>(a) Transport, Access and Parking Table 2 - Off-Street Vehicle Parking Requirements in Designated Areas if the development is a class of development listed in Table 2 and the site is in a Designated Area</li> <li>(b) Transport, Access and Parking Table 1 - General Off-Street Car Parking Requirements where (a) does not apply</li> <li>(c) if located in an area where a lawfully established carparking fund operates, the number of spaces calculated under (a) or (b) less the number of spaces offset by contribution to the fund.</li> </ul>
Corner Cut-Offs	
<p><b>PO 10.1</b></p> <p>Development is located and designed to ensure drivers can safely turn into and out of public road junctions.</p>	<p><b>DTS/DPF 10.1</b></p> <p>Development does not involve building work, or building work is located wholly outside the land shown as Corner Cut-Off Area in the following diagram:</p> 

Table 1 - General Off-Street Car Parking Requirements

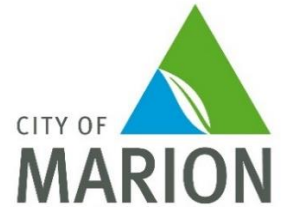
Class of Development	Car Parking Rate (unless varied by Table 2 onwards)
	<p><b>Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.</b></p>
Residential Development	
Detached Dwelling	Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.

	Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.
Group Dwelling	Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.  Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.  0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.
Residential Flat Building	Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.  Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.  0.33 spaces per dwelling for visitor parking where development involves 3 or more dwellings.
Row Dwelling where vehicle access is from the primary street	Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.  Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.
Row Dwelling where vehicle access is not from the primary street (i.e. rear-loaded)	Dwelling with 1 or 2 bedrooms (including rooms capable of being used as a bedroom) - 1 space per dwelling.  Dwelling with 3 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.
Semi-Detached Dwelling	Dwelling with 1 bedroom (including rooms capable of being used as a bedroom) - 1 space per dwelling.  Dwelling with 2 or more bedrooms (including rooms capable of being used as a bedroom) - 2 spaces per dwelling, 1 of which is to be covered.

Table 2 - Off-Street Car Parking Requirements in Designated Areas

Class of Development	Car Parking Rate		Designated Areas
	Where a development comprises more than one development type, then the overall car parking rate will be taken to be the sum of the car parking rates for each development type.		
	Minimum number of spaces	Maximum number of spaces	
Development generally			
All classes of development	No minimum.	No maximum except in the Primary Pedestrian Area identified in the Primary Pedestrian Area Concept Plan, where the maximum is:  1 space for each dwelling with a total floor area less than 75 square metres  2 spaces for each dwelling with a total floor area between 75 square metres and 150 square metres  3 spaces for each dwelling with a total floor area greater than 150 square metres.  Residential flat building or Residential component of a multi-storey building: 1 visitor space for each 6 dwellings.	Capital City Zone  City Main Street Zone  City Riverbank Zone  Adelaide Park Lands Zone  Business Neighbourhood Zone (within the City of Adelaide)  The St Andrews Hospital Precinct Subzone and Women's and Children's Hospital Precinct Subzone of the Community Facilities Zone

**5. APPEALS UPDATE  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**



**APPEALS AGAINST PANEL DECISIONS**

***New Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
---------------	----------------	--------------------------	-----------------------	-----------------	---------------------------

Nil.

***On-going Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
---------------	----------------	--------------------------	-----------------------	-----------------	---------------------------

Nil.

**6. POLICY OBSERVATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**

---



No items listed for discussion.

**7. OTHER BUSINESS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 20 DECEMBER 2023**

---



No items listed for discussion.