

**DEVELOPMENT ASSESSMENT PANEL
AGENDA FOR MEETING TO BE HELD ON
WEDNESDAY 1 FEBRUARY 2017**

1.1 PRESENT

1.2 APOLOGIES

1.3 IN ATTENDANCE

1.4 COMMENCEMENT

2. APPLICATIONS:

2.1 38, 40-42 THIRZA AVENUE, 21 WALTER AVENUE AND 28 PERCY AVENUE, MITCHELL PARK
Removal of a Regulated Tree (*Eucalyptus camaldulensis*) and construction of outdoor sports courts, chain wire mesh fencing (achieving a maximum height of 3.6 metres), storage shed and verandah
DAP010217 – 2.1.....1

2.2 14 FINNISS STREET, MARION
Change of use of existing dwellings (Dwellings 1 and 2) from supported accommodation to residential flat dwellings and to construct two, two storey dwellings and eight, single storey dwellings, with associated car parking, fencing and landscaping
DAP010217 – 2.2.....44

2.3 52 PILDAPPA AVENUE, PARK HOLME
Four single storey row dwellings, including 1.5 metre-high masonry front fence
DAP010217 – 2.3.....85

2.4 16 CONDADA AVENUE, PARK HOLME
Single-storey detached dwelling and a single-storey residential flat building comprising two dwellings
DAP010217 – 2.4.....115

2.5 6 BUTLER CRESCENT, GLENGOWRIE
Freestanding carport and verandah
DAP010217 – 2.5.....141

3. OTHER BUSINESS:

3.1 CONFIDENTIAL ITEM
DAP010217 – 3.1.....159

**3.2 CONFIDENTIAL ITEM
DAP010217 – 3.2.....224**

3.2 APPEALS UPDATE

3.3 POLICY OBSERVATIONS

**4. CONFIRMATION OF THE DEVELOPMENT ASSESSMENT PANEL
HELD ON 1 FEBRUARY 2017**

5. CLOSURE

DEVELOPMENT ASSESSMENT PANEL

Wednesday 1 February 2017

Agenda Ref No:	DAP010217 – 2.1
Originating Officer:	Rhiannon Hardy Development Officer - Planning
Applicant:	Edge Architects
Development Description:	Removal of a Regulated Tree (<i>Eucalyptus camaldulensis</i>) and construction of outdoor sports courts, chain wire mesh fencing (achieving a maximum height of 3.6 metres), storage shed and verandah
Site Location:	38, 40-42 Thirza Avenue, 21 Walter Avenue and 28 Percy Avenue, Mitchell Park
Zone:	Residential Zone
Policy Area:	Medium Density Policy Area 12
Application Type:	Category 3 / Consent
Lodgement Date:	08/11/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/2066
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

The subject application is a Category 3 form of development given that it does not fall within Category 1 or 2 forms of development prescribed by the Marion Council Development Plan nor Development Regulations 2008. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

The proposed outdoor sports courts are part of a future Master Plan for the Mitchell Park Campus of Sacred Heart College, which includes a gymnasium south of the proposed courts, football oval, soccer pitch, and several new buildings on the southern and south-eastern portion of the school site. This Master Plan remains in draft form and has not been lodged with Council as yet, but has been provided to staff for reference in assessment of the subject application. If Panel members wish to view a copy of the draft Master Plan, it is available online at: www.shc.sa.edu.au/middle/ms-master-plan.html

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

Amendments Requested	Amendments Made
<p>Council is of the opinion the tree does not meet the relevant criteria to warrant removal, and a suitably qualified Arborist should be engaged to provide an expert opinion on the health of the tree and provide justifiable reasons as to why removal should occur.</p>	<p>Report not provided. Applicant advised that <i>“the College’s preference is to remove the tree and plant four new similar trees on the eastern side of the site. The health of the tree is not the issue for removal, as the new sports courts need to go in that location to suit future development at the College... As can be seen on [the] Master Plan, we need to locate a new two storey classroom building and additional car parking... on the existing courts on the western boundary. This means we need a new location for the existing courts and there are no other areas suitable on site...”</i></p>
<p>Please confirm the setback of the chain wire fence and the storage shed from western boundary. Please note, under the Development Plan requirements, a solid wall must either be setback 900mm or sited on the property boundary.</p>	<p>Applicant advised that shed will be set back 900mm from western side boundary, but the chain wire fence will be located on the boundary, with the existing Colorbond fencing to be maintained on the neighbour’s side.</p>

SUBJECT LAND & LOCALITY

The subject land encompasses allotments 121, 122 and 123 in Filed Plan 12397 (38-42 Thirza Avenue). The southern end of the proposed courts also extends onto 21 Walter Avenue. All of these allotments form part of the greater school grounds of Sacred Heart College Middle School Mitchell Park Campus located at 28 Percy Avenue, Mitchell Park.

Sacred Heart College Middle School caters for approximately 688 male students from Years 6 to 9.

The school grounds maintain an area of approximately 63,000 square metres. The school’s ovals are located on allotments of approximately 33,440 square metres. The proposed courts are located on a development area of approximately 2780 square metres.

The development area currently comprises open space associated with the school, and features several soccer goals. Cricket pitches are located immediately east of the proposed development area.

1 regulated tree (*Eucalyptus camaldulensis*) is located in the development area, which is proposed for removal. The remaining trees located in the development area are not regulated as they maintain a trunk circumference less than 2 metres (measured at 1 metre from ground level).

The locality is dominated by the subject school grounds. Clovelly Park Primary School is located immediately south of the subject land. The remainder of the locality is residential in nature and comprises a range of low-to-medium density dwellings.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to install sports courts in the north-western corner of the school grounds, adjacent the Thirza Avenue street frontage. The courts include 3 netball courts / 4 tennis courts. As part of the court installation, the following forms of development are proposed:

- Removal of a regulated Eucalyptus camaldulensis tree;
- Construction of 3.6-metre-high chain wire mesh fencing surrounding the courts; and
- Construction of a storage shed and verandah in the north-western corner of the site.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	144 properties were notified during the Category 3 public notification process.
Representations:	7 representations were received by Council: 5 against the application, and 2 in favour of the application.
Persons wishing to be heard:	<ol style="list-style-type: none"> 1. Mrs Kathleen Power of 41B Thirza Avenue 2. Mr Antonio Caruso of 37 Thirza Avenue 3. Mrs Justyna Hyrycz and Miss Anna Hyrycz of 35 Thirza Avenue 4. Mr Lachlan and Mrs Alana Calder of 8/39 Thirza Avenue
Summary of representations:	<p>In favour</p> <ul style="list-style-type: none"> • Very beneficial to the neighbourhood <p>Against</p> <ul style="list-style-type: none"> • Traffic congestion and parking these new facilities will bring – would like to see a traffic management plan or updated parking facilities provided by the school on site to accommodate the extra traffic. • The school has enough sporting courts. Why do they have to build right on top of the houses? It will be unsightly and noisy. If they want netball courts, then put them on top of the tennis courts they already have. • This application for tennis/netball courts is going to affect my peace and enjoyment immensely - more noise, more traffic, less car parking. Is it only student use during regular school daylight hours? Are lights, gates to Thirza Avenue being used? Removal of trees is a big concern. • Will devalue our property, create excess traffic and noise, and beautiful trees and grass will be removed to create an ugly eyesore. Questions: if the school needs netball courts, the school can integrate them with the tennis courts they already have; why do they have to build on top of our homes with all the land they have; do they have plans to build a car park on the existing tennis courts? • We have enough disruption with weekend football and cricket (noise and no parking for our visitors). We propose the courts to be located adjacent the existing courts, which will then allow the existing parking to be utilised. The school would be better to put in on-site parking to better manage the disruption to residents. <p><i>Refer Attachment IV</i></p>

<p>Applicant's response:</p>	<ul style="list-style-type: none"> • The existing sports courts on the western side of the college are to be removed, firstly as they have gone past their use-by date and need replacing, but also to make way for future development on the existing courts site, which includes new on-site car parking. • Fencing will be black wire mesh to try and reduce any visual impact. • There will be no additional traffic or noise as the sports courts are only being shifted to a new location. • The courts are for daytime student use and no lights are proposed. • Unfortunately trees will be removed, but the college is happy to replace with new trees around the oval. There is one regulated tree in this area and the college's preference is to remove that tree and plant four new similar trees on the eastern side of the oval. • This is an educational establishment and the new sports courts are just a different form of existing use in a new area of the college. We are not changing the car parking, but please be advised traffic/car parking is an issue at all school sites at certain times of the day, but any future planning will allow for more on site car parking. <p style="text-align: right;"><i>Refer Attachment V</i></p>
-------------------------------------	---

INTERNAL DEPARTMENT COMMENTS

<p>Open Space:</p>	<p>The regulated <i>Eucalyptus camaldulensis</i> (River Red Gum) tree proposed for removal maintains a trunk circumference of 2.4 metres at 1 metre above ground level, with an approximate height of 15 metres and canopy spread of 15 metres. The tree provides an important aesthetic and environmental benefit and is indigenous to the local area, providing an important habitat for native fauna. The tree is not diseased and has an estimated useful life expectancy greater than 10 years.</p> <p>The tree displays good overall health and structure and is not considered to represent a high potential for branch failure. The tree is located in a low-traffic area, significantly reducing the chances of a target being struck in the instance of branch failure.</p> <p>The tree was attributed a risk rating of "low".</p> <p>The tree displays generally good health for its species, vigorous growth free of typical pests and diseases. The tree has a lengthy life expectancy.</p> <p>The tree's condition is such that retention is recommended. The justifications provided by the applicant for tree removal have not considered alternative measures such as changing land use at the base of the tree to alleviate mower damage/trip hazard to retain the tree.</p>
---------------------------	--

DEVELOPMENT ASSESSMENT

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

Development Plan Provisions:

Assessment:

Residential Zone	
<p>Objectives</p> <p>1 <i>An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p>2 <i>Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>	<p>The proposed sport courts do not specifically align with the objectives of the Residential Zone, however it is noted that the land maintains existing use rights as a primary/secondary school with associated open space and sporting facilities.</p>
<p>Principles of Development Control</p> <p>1 <i>The following forms of development are envisaged in the zone:</i></p> <ul style="list-style-type: none"> ▪ <i>affordable housing</i> ▪ <i>outbuilding in association with a dwelling</i> ▪ <i>domestic structure</i> ▪ <i>dwelling including a residential flat building</i> ▪ <i>dwelling addition</i> ▪ <i><u>small scale non-residential uses that serve the local community, for example:</u></i> <ul style="list-style-type: none"> - <i>child care facilities</i> - <i>consulting rooms</i> - <i>health and welfare services</i> - <i>offices</i> - <i><u>open space</u></i> - <i><u>primary and secondary schools</u></i> - <i><u>recreation areas</u></i> - <i>shops</i> ▪ <i>supported accommodation.</i> 	<p>Complies</p> <p>The proposed sport courts fall into the category of several different land uses envisaged in the Residential Zone: open space, primary/secondary school and recreation area.</p> <p>The proposed sporting courts, and the school's land use as a whole, has the ability to serve the local community (although it is acknowledged that many students are likely to reside outside what would be considered the 'local community').</p>
<p>2 <i>Development listed as non-complying is generally inappropriate.</i></p>	<p>Complies</p> <p>The proposed development and its components are not listed as non-complying.</p>
<p>4 <i>Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:</i></p> <p>(a) <i>primarily serves the needs of the local community</i></p> <p>(b) <i>is consistent with the character of the locality</i></p> <p>(c) <i>does not detrimentally impact on the amenity of nearby residents.</i></p>	<p>Partially Complies</p> <p>a) The subject school can serve the needs of the local community, although it is acknowledged that many students are likely to reside outside what would be considered the 'local community'.</p> <p>b) The school was established in 1967, and therefore forms an established land use in the locality. The courts are relatively consistent with the character of the locality, as sporting facilities are located elsewhere on the school grounds, and cricket nets/pitches are located immediately adjacent to the proposed courts.</p> <p>c) The proposed courts may have some impact on the amenity of nearby residents. This impact is discussed further in this report under "Interface Between Land Uses".</p>

Medium Density Policy Area 12

<p>Objectives</p> <ol style="list-style-type: none"> 1 A residential policy area comprising a range of medium-density dwellings designed to integrate with areas of open space, neighbouring centres or public transport nodes. 3 Development that supports the viability of community services and infrastructure and reflects good residential design principles. 4 Development that contributes to the desired character of the policy area. 	<p>Generally Complies</p> <p>The proposed sport courts should enhance the viability of the school.</p>
<p>Desired Character</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, subject to the impact of the additional height and bulk not adversely impacting upon the amenity of existing neighbouring development. Buildings with two storeys plus attic are appropriate where located centrally within a large site...</p> <p>Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality...</p>	<p>Generally Complies</p> <p>The proposed sporting courts and educational land use are not specifically referred to in the Desired Character.</p> <p>That being said, the Desired Character refers to the need for cohesive streetscapes and an attractive residential environment. The proposed courts, including 3.6-metre-high chain mesh fencing surrounding the courts, and removal of several mature trees (and 1 regulated tree) adjacent the Thirza Avenue road frontage, will alter the streetscape character.</p> <p>The applicant has proposed to install an avenue of Pyrus alleryana trees along the northern side of the courts, which should enhance the streetscape appearance of the site when viewed from Thirza Avenue.</p> <p>While the existing trees are considered to contribute positively to the landscape character of the locality, their removal trees does not conflict with the Desired Character given that it refers only to "mature street trees in a road reserve". The subject trees are located on the development site; no street trees are proposed to be removed.</p>

Garages, Carports, Verandas and Outbuildings

<p>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</p> <p>General Section: Residential Development: PDC 12</p>		<p>Note: Given that the proposed storage shed and verandah are located in the Residential Zone, the relevant provisions for residential outbuildings have been used for assessment purposes, as outlined below:</p>
Parameter	Value	
Maximum floor area	60 square metres	<p>Complies</p> <p>Shed: 30.8 m² Verandah (canopy): 23.3 m²</p>
Maximum wall or post height	3 metres	<p>Complies</p> <p>Verandah: 3.0 metre post height</p> <p>Partially Complies</p> <p>Shed: 3.0 – 3.15 metre wall height</p>
Maximum building height	5 metres	<p>Complies</p> <p>3.15 metre maximum building height</p>
Maximum height of finished floor level	0.3 metres	<p>Complies</p>
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor	<p>Does Not Comply</p> <p>The shed/verandah are not associated with any dwelling, and are located 3.0 metres from the Thirza Avenue boundary.</p> <p>Note: the western adjacent dwelling is set back</p>

	<i>elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	approximately 6.5 metres from the Thirza Avenue boundary.
<i>Minimum setback from side or rear boundaries (when not located on the boundary)</i>	<i>0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall</i>	Complies The applicant has confirmed that the shed will be set back 0.9 metres from the western side boundary.
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	<i>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</i>	Complies 5.755metre width (although this side of the shed does not incorporate any opening)

Vehicle Parking

<i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i> <i>General Section: Transportation & Access: PDC 34</i>	Not Applicable The proposed sports courts will not alter the existing employee numbers within the school, nor will it remove/alter the existing car parking provision. As such, the car parking ratio for the site remains the same as the existing situation.
<i>Pre-school, primary school and secondary school</i>	<i>1 per full time employee plus 1 space for wheelchair users plus an additional 10 per cent of the total for visitors.</i>
<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>	

Relationship to the Street and Public Realm

<i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i> <i>General Section: Design & Appearance: PDC 14</i> <i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i> <i>General Section: Design & Appearance: PDC 15</i>	Partially Complies The prevailing street presentation of the proposed sports courts, as viewed from Thirza Avenue, will be of the proposed avenue of Pyrus trees, which are sited forward of the proposed chain wire mesh fencing. The fencing will have a powdercoated finish, with tensioned cable at the centre for support that is coloured to match the chain wire. The proposed shed/verandah will also be visible, but will be located within the area enclosed by chain wire mesh fencing, and therefore its view will be obstructed. Although the northern elevation of the shed does not incorporate any articulation, its minor size should not result in an "extensive" area of walling exposed to public view.
---	--

Landscaping, Fences and Walls

<i>Development should incorporate open space and landscaping in order to:</i> <i>(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)</i> <i>(b) enhance the appearance of road frontages</i> <i>(c) screen service yards, loading areas and outdoor storage areas</i> <i>(d) minimise maintenance and watering requirements</i> <i>(e) enhance and define outdoor spaces, including car parking areas</i> <i>(f) provide shade and shelter</i> <i>(g) assist in climate control within buildings</i> <i>(h) maintain privacy</i>	Complies Additional landscaping is proposed via an avenue of Pyrus calleryana (Callery Pear) trees along the northern side of the courts, at 3 metre spacings. These plantings should somewhat compensate for the removal of vegetation in the development area, and should soften the appearance of the chain wire mesh fencing and shed when viewed from Thirza Avenue. Three trees are also proposed on the western side of the courts to create a buffer between the courts and adjoining residential properties. The applicant has advised that the scope for further tree planting in this area is limited given that it is located in close proximity to the courts.
--	--

<p><i>(i) maximise stormwater re-use</i> <i>(j) complement existing native vegetation</i> <i>(k) contribute to the viability of ecosystems and species</i> <i>(l) promote water and biodiversity conservation.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 1</p> <p>Landscaping should: <i>(a) include the planting of locally indigenous species where appropriate</i> <i>(b) be oriented towards the street frontage</i> <i>(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 2</p> <p><i>Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 3</p>	<p>In addition to landscaping around the development area, 4 new trees are proposed to be planted adjacent the school's eastern boundary, to compensate for the proposed removal of the regulated tree.</p> <p>On balance, the proposed planting species and distribution should appropriately complement the built form and enhance the appearance of the road frontage and parking areas.</p>
<p>Fences and walls, including retaining walls, should: <i>(a) not result in damage to neighbouring trees</i> <i>(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality</i> <i>(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance</i> <i>(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street</i> <i>(e) assist in highlighting building entrances</i> <i>(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites</i> <i>(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land</i> <i>(h) be constructed of non-flammable materials.</i></p> <p>General Section: Landscaping, Fences & Walls: PDC 5</p>	<p>Complies</p> <p>The application proposes to install 3.6-metre-high proposed powder-coated chain wire mesh fencing surrounding the proposed courts.</p> <ul style="list-style-type: none"> a) The fencing should not result in damage to neighbouring trees. b) The fencing is considered compatible with the associated development, as sports courts are commonly surrounded by relatively high chain wire mesh fencing to prevent sporting balls from projecting outside of the sporting area. Similar fencing appears to be used on the Sacred Heart College site in Somerton Park (image below). Such fencing should protect adjacent land from the intrusion of sporting equipment, and enhance the safety of the court's users by minimising the instance of equipment projecting on to the public road. c) The fencing will enable visibility of the subject land, as the chain mesh will be semi-transparent. d) Articulation is considered unnecessary given the transparent nature of chain wire mesh. e) N/A f) Given that the fence is semi-transparent, and is not located on a corner site, sight lines should not be affected. g) The fence height of 3.6 metres, sited on the eastern side boundary, should be sufficient to maintain the security of adjacent residential properties. Although its height is substantial, its transparent nature should minimise visual impact and overshadowing. h) The fence will be non-flammable.



Figure 1. Sacred Heart College Senior School Campus - viewed from Brighton Road

Crime Prevention

Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.

General Section: Crime Prevention: PDC 1

Complies

The proposed chain wire mesh fencing will be transparent to maximise surveillance and enable clear lines of sight.

The applicant has advised that the courts are for daytime student use, and therefore no lights are proposed.

Development should provide a robust environment that is resistant to vandalism and graffiti.

General Section: Crime Prevention: PDC 3

Complies

The only proposed structure capable of graffiti is the shed, which is contained within the fenced courts area. The fencing incorporates lockable gates, which should deter vandalism.

Landscaping should be used to assist in discouraging crime by:

- (a) screen planting areas susceptible to vandalism*
- (b) planting trees or ground covers, rather than shrubs, alongside footpaths*
- (c) planting vegetation other than ground covers a minimum distance of two metres from footpaths to reduce concealment opportunities.*

General Section: Crime Prevention: PDC 6

Complies

Pyrus trees are proposed to be planted adjacent the footpath of Thirza Avenue, not shrubs. The trees shall be located approximately 2.5 metres from the footpath.

Interface Between Land Uses

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

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

General Section: Interface Between Land Uses: PDC 1

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

General Section: Interface Between Land Uses: PDC 2

Generally Complies

The proposed sporting courts are located immediately east of two residential properties; 36 Thirza and 21A Walter Avenue. Further, residential properties are located opposite the courts along the northern side of Thirza Avenue.

The applicant has advised that the courts are for daytime student use, and therefore any noise arising from use of the sporting courts should be limited to waking hours. This extent of projected noise interference is considered reasonable, as it should only occur during normal waking hours, and will be limited to human noise (i.e. not mechanical, music, industry, etc.)

No lighting is proposed, and therefore light spill and glare should not occur.

The courts should not alter traffic demand or the existing parking situation. Given that the courts are for student use, people should not have a need to park on Thirza Avenue to access the courts. However, Thirza Avenue has capacity for on-street parking, except between 8-9 am and 3-4 pm Monday to Friday.

On balance, the anticipated impacts on nearby residential land uses are considered to be adequately minimised by the limitations in the court's use and hours of operation.

Regulated Trees

OBJECTIVES

1 *The conservation of regulated trees that provide important aesthetic and/or environmental benefit.*

Does Not Comply

The subject River Red Gum regulated tree proposed for removal is considered to provide an important aesthetic benefit, as it is clearly visible from the Thirza Avenue streetscape. It maintains a healthy appearance with substantial height and canopy spread, both of approximately 15 metres.

Given that the tree is indigenous to the local area, it provides an important environmental benefit as a habitat for native fauna.

2 *Development in balance with preserving regulated trees that demonstrate one or more of the following attributes:*

- (a) significantly contributes to the character or visual amenity of the locality*
- (b) indigenous to the locality*
- (c) a rare or endangered species*
- (d) an important habitat for native fauna.*

Partially Complies

a) The subject tree contributes to the character and visual amenity of the locality. Whether this contribution is 'significant' must be considered in context with other trees in the locality.

In this regard, I note the tree has a height of some 15 metres. This height is reasonable, although not remarkable, when having regard to the fact that mature Eucalypt trees can reach a height (in a typical metropolitan Adelaide setting) of some 20 – 30 metres.

Whilst the tree remains one of the larger specimens within the school grounds and can be seen for some distance, it is not the largest tree in the locality.

Whilst finely balanced, I cannot conclude the tree "significantly" contributes to the character or visual amenity of the locality. I believe the tree's contribution is considerable, however, I would not consider the removal of the tree would be so noticeable that it would result in a

	<p>significant erosion of the character or visual amenity of the locality.</p> <p>Does Not Comply</p> <p>b) The tree is indigenous to the locality. d) The tree provides an important habitat for native fauna.</p> <p>Complies</p> <p>c) The tree is not a rare or endangered species.</p>
<p>PRINCIPLES OF DEVELOPMENT CONTROL</p> <p>2 <i>A regulated tree should not be removed or damaged other than where it can be demonstrated that one or more of the following apply:</i></p> <p><i>(a) the tree is diseased and its life expectancy is short</i> <i>(b) the tree represents a material risk to public or private safety</i> <i>(c) the tree is causing damage to a building</i> <i>(d) development that is reasonable and expected would not otherwise be possible</i></p>	<p>Does Not Comply</p> <p>Council's Coordinator Arboriculture has confirmed that:</p> <p>a) the tree is not diseased and has a relatively long life expectancy (10 + years); and b) the tree does not represent a material risk to public or private safety. c) There is no evidence that the tree is causing damage to a building.</p> <p>The applicant has engaged Robert G Mably of Tree and Garden Services to provide a quote in relation to removal of the trees. In this quote, Mr Mably notes that <i>"even though it is a healthy tree, it has a number of large surface roots which have created ongoing problems in relation to mowing and tripping hazards, these problems will only increase if the tree is allowed to grow. If the roots are severed it will make the tree unstable, or if soil is built up around the trunk to cover these roots it will be detrimental to the health of the tree i.e. rot."</i></p> <p>These assertions do not relate to any of the relevant criteria qualifying removal outlined by PDC 2. A potential tripping hazard and mowing difficulty is not considered to comprise a <i>"material risk to public or private safety"</i>.</p> <p>Partially Complies</p> <p>d) The proposed sports courts are a form of development that is reasonable and expected on the subject school oval/grounds. However, it is a matter of degree and opinion whether the development "would not otherwise be possible" if the tree were to be retained and protected.</p> <p>The Site Plan (Location Plan) in Attachment III illustrates that a gymnasium is proposed to be located south of the subject sport courts, and a junior soccer pitch will be located south of the gymnasium. Whilst there appears to be room to shift the court/gymnasium/pitch to the south several metres, this may jeopardise run-off areas surrounding the soccer pitch.</p> <p>The applicant has advised that <i>"in order to accommodate the courts to the north western part of the School we have already had to shift the proposed main ovals southwards. We have no further scope to move the ovals if we are to maintain the proposed dimensions with safe run-off for a national standard football/cricket oval. The soccer pitch is already 20% smaller than required as we need to allow space for a future gym. Any further adjustment to shift the courts further south to retain the regulated tree would impact on the size of the main oval, restrict access and egress around the future gym, and leave an unusable large space between the northern boundary and the new court fencing. The school cannot afford to lose effectively a further say 6m x 66 wide of land to the north to save the regulated tree. We have shown 4 new trees on the eastern boundary to replace the regulated tree."</i></p> <p>Council's Arborist has advised that the tree requires a</p>

	<p>tree protection zone of 7.5 metres radius. If this area were achieved, the courts would need to be located approximately 13 metres from the northern boundary, which is a further 10 metres to the south. This would result in a substantial area of vacant land, which would not be an efficient use of the site.</p> <p>On balance, it is my view that part (d) can be applied to the proposed development, as the proposed development is reasonable and expected, and the future master plan would not otherwise be possible if the regulated tree were to be retained.</p>
--	--

REPRESENTOR'S CONCERNS

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

The representors' concerns about the removal of the regulated tree are noted.

The representors have also raised concerns over property values and removal of non-regulated vegetation. While these concerns are noted, a planning assessment under the Development Act 1993 does not allow consideration of these matters and hence are outside the scope of this assessment.

ANALYSIS/CONCLUSION

The proposed tennis/netball courts form a reasonable expansion of the existing Sacred Heart College Middle School. The courts are reflective of "recreation area", "open space" and "secondary/primary school" land uses, which are envisaged in the Residential Zone.

The proposed ancillary shed/verandah and chain mesh fencing reasonably comply with the relevant criteria of the Development Plan relating to fencing and outbuildings.

The courts are located adjacent the school's existing oval and cricket pitches, to utilise an area which is currently vacant, except for several soccer nets and a series of mature trees (one of which is regulated).

The impact of the courts on adjacent residential properties is considered acceptable given that:

- a) The courts shall only be available for student use during daylight hours;
- b) Noise interference from the courts' use should be limited to daylight hours, and should be limited to human noise only (no machines, amplified music, industry, etc.);
- c) No lighting is proposed, and therefore light spill and glare should not occur; and
- d) The courts are replacing existing facilities and therefore there should be no increased demand for car parking.

The courts should not affect car parking demand for the existing school based on Development Plan criteria, as staff and student numbers are unchanged by the proposed courts. (Car parking demand may change if/when the other components of the Master Plan are applied for, however this will be subject to assessment of a separate application in the future.)

The most notable shortfall of the proposal relates to removal of a regulated River Red Gum tree. There does not appear to be any arboricultural reason to remove the tree and its removal is not justified by the relevant provisions of the Development Plan. The applicant has asserted that their future proposed Master Plan development proposal would not be possible whilst retaining

the regulated tree. This argument can be related to part (d) of PDC 2 of the General Section: Regulated Trees, which states that removal of a regulated tree is warranted if "*development that is reasonable and expected would not otherwise be possible*". Indeed, to retain the tree would require the courts to be located further south by approximately 10 metres, which would result in a vacant area of approximately 860 square metres north of the courts. This outcome would not achieve an efficient use of land, particularly given that the soccer oval in the school's Master Plan is reduced by 20% in order for the various courts, gymnasium, pitches and ovals to fit on the school's grounds. The applicant has advised that they have no further scope to move the ovals if they are to maintain the proposed dimensions with safe run-off for a national standard football/cricket oval.

It is also noted that the tree is of a "regulated" status, not "significant". If the tree were significant, PDC 3(a)(vi) could be applied, which states that a significant tree should not be removed unless "*it is demonstrated that all reasonable alternative development options and design solutions have been considered to prevent substantial tree-damaging activity occurring.*" Given that the tree is "regulated" only, Council must only be satisfied that the proposed development is reasonable and anticipated, and that it could not occur if the tree were to be retained.

Fundamentally, the merits of the proposed courts must be weighed against the removal of the regulated tree. Whilst finely balanced, it is my view that refusal of the application is not warranted based on the removal of the regulated tree.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2066 for Removal of a Regulated Tree (*Eucalyptus camaldulensis*) and construction of outdoor sports courts, chain wire mesh fencing (achieving a maximum height of 3.6 metres), storage shed and verandah at 38, 40-42 Thirza Avenue and 29 Percy Avenue, Mitchell Park be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2066, being drawing number PD-01 of Job No. 1641 prepared by Edge Architects issued on 04.11.2016, correspondence from Peter Spain dated 14 December 2016 and 5 January 2017, except when varied by the following conditions of consent.
2. Two (2) replacement trees shall be planted to compensate for the removal of the regulated tree. Replacement trees must be planted in a suitable position greater than 10 metres in distance from any existing dwelling or in-ground swimming pool. The replacement tree planting shall occur within twelve months of the tree's removal and shall be maintained in good condition at all times and replaced if necessary. The replacement trees must not be exempt species listed under regulation 6A clause (5)(b) of the Development Regulations 2008, or a tree belonging to a class of plant declared by the Minister under section 174 of the Natural Resources Management Act 2004.
3. All areas nominated as landscaping or garden areas on the approved plans shall be planted and maintained with a suitable mix and density of native trees, shrubs and groundcovers prior to use of the proposed courts, to the reasonable satisfaction of the Council.
4. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 1 February 2017

Agenda Ref No: DAP010217 – 2.2

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Finniss Street Land Development Pty Ltd

Development Description: Change of use of existing dwellings (Dwellings 1 and 2) from supported accommodation to residential flat dwellings and to construct two, two storey dwellings and eight, single storey dwellings, with associated car parking, fencing and landscaping

Site Location: 14 Finniss Street, Marion

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 2 / Consent

Lodgement Date: 30/09/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/1815

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

CATEGORISATION & DELEGATION

The subject application is a Category 2 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns development that comprises two or more dwellings where at least one of those dwellings is two storeys high as Category 2 development. Given that the development received written representations from third parties expressing opposition to the proposal that cannot be satisfied by conditions or modification to the plans, Council has delegated authority to the Development Assessment Panel.

BACKGROUND

In July of 2010, Development Plan consent was granted for the construction of twelve single storey dwellings for the purpose of supported accommodation (retirement dwellings).

Since this time, two of the twelve dwellings (and a paved common driveway) have been constructed, being those which exist on the land at present, however, no further dwellings have been constructed on the remaining portion of the land, which remains vacant and fenced from the two existing dwellings.

The owner/developer of the dwellings chose not to pursue the completion of the development, and has since sold the land.

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

Amendments Requested	Amendments Made
Increase setback of Dwelling 12 to northern boundary to provide north-facing POS and improve outlook from main living room	Setback of Dwelling 12 to northern side boundary increased from a minimum of 2.0 metres to 3.4 metres.
A variety in housing form should be provided by proposing some dwellings with two bedrooms only, which will also assist in reducing car park demand for the site	Dwellings 3, 4, 5 and 6 changed to two bedroom dwellings. Dwellings 11 and 12, as two storey dwellings also, assist in providing housing variety.
The car parking spaces behind the garages of most dwellings should be deleted to increase private open space	Car park spaces deleted from proposal.
The visitor parking space of Dwelling 6 should be separated from Dwelling 5 to improve amenity of occupants of Dwelling 5	Visitor space of Dwelling 6 located at a 45 degree angle (approximately) and separated from Dwelling 5 by no less than 1.5 metres.
The olive hedge at the front of the site (south of the entrance) should be removed in lieu of a masonry (or similar) fence	No change. Applicant confirmed hedge will be pruned.
The living room layout of Dwelling 4 should be 'inverted' to maximise solar orientation	Alteration made.

SUBJECT LAND & LOCALITY

The subject land is located at 14 (Lot 72) Finnis Street, Marion. The land comprises an irregular, pentagon-like shape, incorporating a frontage width to Finnis Street of 38.95 metres, northern boundaries of 45.11 and 47.85 metres and collective southern boundary lengths of 96.49 metres. The land incorporates a total site area in the order of 3473 square metres.

The subject land currently incorporates two, single storey dwellings, adjacent and south-west of the central entrance to the site. Both dwellings incorporate three bedrooms, kitchen, dining and living room, single-width garage and typical wet areas. The remainder of the land is vacant, with no vegetation of note and incorporates a gentle slope (1:40) downwards to the north-west.

The locality is predominantly residential in nature, comprising a mix of the original 1950-1960 housing stock, single storey dwellings and retirement homes typically constructed in the 1970s-1980s and more recent construction, including single and double storey residential flat dwellings.

A single storey building, currently being used for martial arts training is located opposite the site, on the eastern side of Finnis Street.

The Sturt drain and linear park is located 35 metres to the south-west of the site.

Further afield, to the north, the Mitchell Park Neighbourhood Centre Zone is located on Marion Road, comprising service station, small convenience shops and supermarket, the Marion Hotel and offices and consulting rooms. Approximately 180 metres south on Finnis Street, exists a small Local Centre Zone, comprising café, hairdresser and shop.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The subject application seeks to retain the two existing dwellings on the land and change the approved use from supported accommodation (retirement dwellings) to residential flat dwellings and to construct a total of ten dwellings, described below;

- Dwellings 3, 4, 5, and 6 are single storey in height, comprising two bedrooms, single garage, open plan kitchen/living/dining room, alfresco and associated wet areas;
- Dwellings 7, 8, 9, and 10 are single storey in height, comprising three bedrooms, single garage, open plan kitchen/living/dining room, alfresco and associated wet areas;
- Dwellings 11 and 12 are two storey in height, comprising three bedrooms, single garage, open plan kitchen/living/dining room, alfresco and associated wet areas.

In addition to the proposed dwellings, it is sought to construct a masonry and colorbond fence adjacent Dwelling 12, paved driveways and car parking areas and landscaping throughout the site.

Refer Attachment III

PUBLIC NOTIFICATION

Properties notified:	21 properties were notified during the Category 2 public notification process.
Representations:	Two representations were received by Council.
Persons wishing to be heard:	Neither representor identified they wish to address the Panel.
Summary of representations:	<ul style="list-style-type: none">• Concern regarding waste bin collection due to number of dwellings;• Seek for windows facing 12 Finniss Street to be opaque for privacy reasons;• Concerns regarding traffic;• Site is adjacent bus stop. <p><i>Refer Attachment IV</i></p>
Applicant's response:	The applicant has provided a response to the representations and sought advice from traffic engineers, MFY. Please refer Attachment V.

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone		
<p>Objectives</p> <p>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</p> <p>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</p>		
Northern Policy Area 13		
<p>Objectives</p> <p>1 A policy area primarily comprising low scale, low to medium density housing.</p> <p>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</p> <p>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</p> <p>4 Development densities that support the viability of community services and infrastructure.</p> <p>5 Development that reflects good residential design principles.</p> <p>6 Development that contributes to the desired character of the policy area.</p>		
<p>Desired Character</p> <p>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</p> <p>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</p> <p>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</p> <p>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</p> <p>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</p>		
PDC 1	<p>The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	<p>Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	Complies

PDC 3	<i>Minimum Site Area:</i>	<p>Does Not Comply</p> <p>Dwelling 1: 289m² (existing) Dwelling 2: 245m² (existing) Dwelling 3: 233m² Dwelling 4: 275.7m² Dwelling 5: 287.7m² Dwelling 6: 238m² Dwelling 7: 236.4m² Dwelling 8: 220m² Dwelling 9: 248m² Dwelling 10: 194m² Dwelling 11: 175m² Dwelling 12: 188m²</p> <p>Average site area excluding driveway: 235.8m²</p> <p>Average site area including driveway: 289m²</p>
	<i>Minimum Frontage: Residential flat dwellings/Group Dwellings: 20m</i>	<p>Complies</p> <p>38.89 metres</p>
	<i>Minimum Depth: Residential flat dwellings/Group Dwellings: 45m</i>	<p>Complies</p> <p>Min depth: 47.85 metres</p>

Assessment

The application proposes to construct a total of ten group and residential flat dwellings, which are a form of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

Whilst the proposal does not seek to amalgamate properties, at 3473 square metres, the land is equivalent in area to 4-5 properties, and as such, it is my view that the size of the land is akin to the aspiration of the Desired Character for amalgamation of properties to accommodate “appropriately designed medium-density development”.

The subject land is located adjacent public open space, being the Sturt drain linear park (and associated reserve adjacent Oliphant Avenue) and approximately 150 metres walking distance from the Neighbourhood Centre Zone and public transport opportunities on Marion Road. As such, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

It is acknowledged the identified site areas (see table above) are less than the minimum of 300 square metres sought for residential flat and group dwellings. (It should be noted that these site areas have been calculated by the author – individual site boundaries/areas have not been identified on the submitted proposal plans, or in the associated land division application).

Dwelling site areas range from 175 – 287 square metres, representing a shortfall of between 13 – 125 square metres (4.33% - 41.66%) below the minimum requirement.

This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

It should be noted that the average site area equates to 235 square metres when excluding the common driveway and 289 square metres when including the whole of the land.

Given the considerable size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. For the following reasons, I am of the view that the shortfall in site area is entirely acceptable;

- The subject land maintains an overall site area of 3473 square metres; resulting in an average site area of 289 square metres per dwelling. This average site area still falls short of the minimum 300 square metres required for group and residential flat buildings in the Northern Policy Area 13, but would exceed the minimum required for 12 row dwellings;
- The subject land, comprising a site area of 3473 square metres, is rare in the locality and provides an opportunity to develop the land for “appropriately designed medium density development” in accordance with the Desired Character statement. It is my view, that whilst the average site areas would be considered low-medium, the proposal is nonetheless an appropriately-designed development (see further comments below);
- The Medium Density Policy Area 12 is located directly adjacent the subject land, on the eastern side of Finness Street, whereby site areas of 250 square metres are applicable for residential flat and group dwellings, and as such, the proposed density is not out of character for that desired within the locality);
- Developments to the west and north-west (16 Finness and 14 Jacob Street, respectively) incorporate site areas (inclusive of common areas) of 315 and 250 squares metres, respectively, and as such, the proposed density is similar to other developments in the immediate locality;
- A consent, for the construction of twelve single storey dwellings for supported accommodation (three of which comprised two bedrooms only), remains active on the land, and the subject proposal provides a greater variety in housing form to that previously approved, by providing two and three bedroom and single and double storey dwellings; and
- Through this report it will be identified that the proposed dwellings are provided with ample private open space, appropriate on-site car parking, generously-proportioned landscaped areas to provide an attractive outlook for residents, provides appropriate setbacks to boundaries and will not result in an unreasonable impact upon adjoining land by way of overlooking, building bulk and/or overshadowing, and as such, the shortfall in individual site areas does not result in any material shortfalls, that of themselves would warrant refusal, when assessed against the Development Plan criteria.

Accordingly, it is my view that the proposed development is appropriate for the land, and the following assessment will identify a high level of compliance with the applicable design criteria contained in Council's Development Plan has been achieved.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control:

Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply Dwelling 1: 50.3% (existing) Dwelling 2: 61.2% (existing) Dwelling 3: 60.2% Dwelling 4: 50.8% Dwelling 5: 52.2% Dwelling 6: 59.1% Dwelling 7: 58.4% Dwelling 8: 66.6% Dwelling 9: 59.1% Dwelling 10: 75.4% Dwelling 11: 50.5% Dwelling 12: 42.3%</p> <p>Total site: 46.5%</p> <p><u>Floor area ratio:</u></p> <p>Partially Complies Dwelling 11: 0.678 Dwelling 12: 0.635</p> <p>Total site: 0.408</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Min 870 square metres (25%)</p>

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

Complies

Dwelling 1: 99.8m² (33.5% - existing)
Dwelling 3: 65.1m² (27.9%)
Dwelling 4: 80.25m² (29.1%)
Dwelling 5: 108.3m² (37.6%)
Dwelling 6: 108.5m² (45.5%)
Dwelling 7: 63.4m² (26.8%)
Dwelling 8: 76.4m² (34.7%)
Dwelling 9: 87.6m² (35.3%)
Dwelling 10: 45m² (23.2%)
Dwelling 11: 77.7m² (44.6%)
Dwelling 12: 90.9m² (48.3%)

Does Not Comply

Dwelling 2: 31.8m² (12.98% - existing)

Partially Complies

All POS comprise a northerly orientation, however, Dwellings 6 and 12 do not incorporate minimum dimensions of 5m x 5m.
(Dwelling 6: 4.2m x 6.2m)
(Dwelling 12: 4.0m x 4.0m)

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

Complies

- a) All POS areas are directly accessible from the internal living rooms of the dwelling.
- b) All POS is located at ground level
- c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy.
- d) The subject land does not maintain natural features which warrant preservation.
- e) The POS areas should not be directly overlooked by adjacent buildings.
- f) POS areas are not located next to bedrooms of dwellings on adjacent sites.
- g) The proposed POS areas maintain a northerly, north-easterly or north-westerly aspect to provide for comfortable year round use.
- h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development.
- i) POS areas are capable of being shaded during summer.
- j) Traffic, industry or other business activities should not affect the subject land.
- k) The POS areas are considered to have sufficient shape and area to be functional.

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

General Section: Residential Development: PDC 22

Complies

Building Setbacks from Road Boundaries

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

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

General Section: Design and Appearance: PDC 21

Complies

The Desired Character of the Northern Policy Area 13 anticipates that new development will incorporate lesser front setbacks than the original dwelling stock. The proposed front setback of 5.2 metres is considered to contribute positively to the function, appearance and desired character of the locality.

Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:

Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
<p style="text-align: center;">When $b > a \geq 2$, setback of new dwelling = a or b</p>	
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

Complies

Dwelling 12: 5.2 metres (minimum)

(Dwellings on adjoining land set back approximately 4.0 (existing Dwelling 1) and 7.5 metres (12 Finnis Street), which equals an average setback of 5.25 metres)

Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

Where the wall height is between 3 metres and 6 metres:
(a) 3 metres if adjacent southern boundary
(b) 2 metres in all other circumstances.

Residential Zone: PDC 6

Complies

All single storey wall setback a minimum distance of 1100mm to existing side boundaries of the land.

Complies

The two storey walls of Dwellings 11 and 12 are setback no less than 3.4 metres from the side boundaries of the land.

(It is acknowledged the western two storey wall of Dwelling 11 abuts the side boundary of its site. Given the side wall of the dwelling is adjacent the side path of Dwelling 10, and will not be readily visible from the POS area of Dwelling 10, it is my view that the location of the two storey wall on the (future) site boundary is acceptable).

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

General Section: Design and Appearance: PDC 2

Complies

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

Rear Setbacks

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

Residential Zone: PDC 6

Partially Complies

In my opinion, the property incorporates two boundaries that should be considered when assessing rear setback. These boundaries are those with dimensions of 45.05 metres (northern boundary) and 34.64 metres (western boundary).

Dwelling 5 is setback no less than 3.7 metres from the western rear boundary and therefore satisfies Principle 6.

Dwelling 6 is setback, at its closest point, 2.1 metres from the western rear boundary, and 1.1 metres from the northern rear boundary.

Dwelling 7 is setback, at the closest point, 1.9 metres from the northern rear boundary, however, this increases to 5.6 metres.

Dwelling 8 is setback no less than 4.0 metres from the northern rear boundary and as such, satisfies Principle 6.

Whilst the setback dimensions for Dwellings 6 and 7 do not satisfy Principle 6, the single storey nature of the dwellings and limited shadow (if any) that will be cast upon adjoining land, ensures that the shortfall in setback (in parts), will not have an unreasonable impact upon adjoining land.

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

General Section: Design and Appearance: PDC 2

Complies

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

	with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.						
Building Height							
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies</p> <p>The proposed dwellings incorporate a maximum building height of 7.4 metres, which is less than the maximum permitted in the Policy Area.</p>						
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Partially Complies</p> <p>It is acknowledged that Dwelling 11 is sited behind Dwelling 12, and is accessed from a common driveway. Whilst a land division application to create individual allotments for the proposed dwellings is yet to be lodged, it could be determined that Dwelling 11 is sited on a battle-axe allotment, or the like.</p> <p>I am satisfied the two storey nature of Dwelling 11 does not undermine the intent of Principle 2, given the dwelling is located towards the front boundary of the site, and combined with Dwelling 12, incorporates a built-form silhouette akin to a large two storey dwelling.</p> <p>As such, the two storey built form is not sited adjacent rear yards/private open space areas, which in my view, is the intent of Principle 2.</p> <p>In addition, both Dwellings 11 and 12 are designed to provide appropriate privacy to adjoining land.</p> <p>All other dwellings on the site are single storey, to ensure the bulk of the buildings do not have an unreasonable impact upon the amenity of adjacent land.</p> <p>As such, it is my view the proposal adequately complies with Principle 2.</p>						
Garages, Carports, Verandas and Outbuildings							
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Complies</p>						
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>							
<table border="1"> <thead> <tr> <th>Parameter</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Maximum floor area</td> <td>60 square metres</td> </tr> <tr> <td>Maximum wall or post</td> <td>3 metres</td> </tr> </tbody> </table>	Parameter	Value	Maximum floor area	60 square metres	Maximum wall or post	3 metres	<p>Complies</p>
Parameter	Value						
Maximum floor area	60 square metres						
Maximum wall or post	3 metres						
	<p>Complies</p>						

<i>height</i>		
<i>Maximum building height</i>	5 metres	Complies
<i>Maximum height of finished floor level</i>	0.3 metres	Complies
<i>Minimum setback from a primary road frontage</i>	<i>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</i>	Complies
<i>Minimum setback from side or rear boundaries (when not located on the boundary)</i>	0.6 metres for an open structure, or 0.9 metres for a solid or enclosed wall	Complies
<i>Maximum length on the boundary</i>	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Complies
<i>Maximum frontage width of garage or carport with an opening facing the street</i>	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	Complies
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>		Complies
Vehicle Parking		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		<p>Partially Complies</p> <p>Ample car parking is provided for residents and visitor vehicles to park forward of the associated dwelling, however, only one independently-accessible visitor parking space has been provided on site.</p>
<p><i>Group Residential flat building</i></p>	<p>1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.</p>	<p>Complies</p> <p>A total of 22 on-site parking spaces provided, where 22 are required ($12 \times 1.5 = 18 + 12 \times 1/3 = 4 \dots 18 + 4 = 22$ spaces).</p>
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		
<p><i>On-site visitor parking spaces should be sited and designed to:</i></p> <p><i>(a) not dominate internal site layout</i></p> <p><i>(b) be clearly defined as visitor spaces not specifically associated with any particular dwelling</i></p> <p><i>(c) be accessible to visitors at all times.</i></p> <p><i>General Section: Transportation & Access: PDC 42</i></p>		<p>Partially Complies</p> <p>Adequate on-site parking spaces have been provided, however, only one independently-accessible visitor parking space has been provided on site.</p>
<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p><i>(a) the number, nature and size of proposed dwellings</i></p> <p><i>(b) proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p><i>(c) the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p><i>(d) availability of on-street car parking</i></p> <p><i>(e) any loss of on-street parking arising from the development (e.g.</i></p>		<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Centre facilities and public transport are located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have</p>

<p><i>an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>		<p>standard mobility and transport requirements.</p> <p>Does Not Comply d) e) Currently no on-street car parking spaces are available due to a bus stop and bus zone located along the street frontage of the property.</p>									
<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p><i>(a) serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p><i>(b) provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p><i>(c) reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>		<p>Complies</p> <p>(a) (b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas are located to the rear of the site and therefore should maintain an attractive streetscape.</p>									
<p><i>The provision of ground level vehicle parking areas, including garages and carports (other than where located along a rear lane access way), should:</i></p> <p><i>(a) not face the primary street frontage</i></p> <p><i>(b) be located to the rear of buildings with access from a shared internal laneway</i></p> <p><i>(c) ensure vehicle park entries are recessed at least 0.5 metres behind the main face of the building.</i></p> <p><i>General Section: Transportation & Access: PDC 45</i></p>		<p>Complies</p> <p>The parking areas are located to the rear of the building with access from a shared internal laneway, and therefore do not face the primary street frontage.</p>									
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>		<p>Does Not Comply</p> <p>Currently no on-street car parking spaces are available due to a bus stop and bus zone located along the street frontage of the property.</p>									
Access											
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>		<p>Does Not Comply</p> <p>Proposed double driveway – 6.5 metres (existing).</p>									
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>		<p>Complies</p> <p>(Existing)</p>									
<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p>		<p>Partially Complies</p> <p>The existing common driveway incorporates a width of 6.5 metres at the front of the site to enable the passing of vehicles, whilst existing and proposed landscaping substantially exceeds the minimum of 1.0 metre on both sides of the driveway.</p> <p>Several areas are available within the site for the passing of vehicles.</p>									
Dwellings served	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Trafficable width (metres)</th> <th rowspan="2" style="text-align: center;">Width beyond first 6 metres</th> <th rowspan="2" style="text-align: center;">Minimum landscape strips on both sides of driveway (metres)</th> </tr> <tr> <th colspan="2" style="text-align: center;">Intersection with public road and first 6 metres</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Arterial roads</td> <td style="text-align: center;">Other roads</td> <td></td> <td></td> </tr> </tbody> </table>		Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)	Intersection with public road and first 6 metres		Arterial roads	Other roads	
Trafficable width (metres)		Width beyond first 6 metres	Minimum landscape strips on both sides of driveway (metres)								
Intersection with public road and first 6 metres											
Arterial roads	Other roads										

8 or more	6	6	5	1.0	
General Section: Residential Development: PDC 41					
<p><i>Driveways serving 3 or more dwellings which exceed 30 metres in length should include one passing section of not less than 5 metres trafficable width for each 25 metre section of driveway.</i></p> <p>General Section: Residential Development: PDC 42</p>					Complies
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p>General Section: Transportation and Access: PDC 28</p>					Complies One access point only is proposed
Design & Appearance					
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p>General Section: Design & Appearance: PDC 1</p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p>General Section: Design & Appearance: PDC 3</p>					Complies The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance: <ul style="list-style-type: none"> • Mixture of brick, 'Scyon Matrix' cladding, western red cedar and render to the façades • Protruding portico, balcony and cantilevered window awnings • Eave overhang and pitched roof form at 22 degree slope • Fenestration The dwellings incorporate a 22 degree tiled roof in 'Barramundi' (dark grey). The garage of each dwelling features 'Cedar' coloured Panel lift door. These materials should not result in glare to neighbouring properties, drivers or cyclists. <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Dwellings and accommodation at ground floor level should contribute to the character of the locality and create active, safe streets by incorporating one or more of the following:</i></p> <p><i>(a) front landscaping or terraces that contribute to the spatial and visual structure of the street while maintaining adequate privacy for occupants</i></p> <p><i>(b) individual entries for ground floor accommodation</i></p> <p><i>(c) opportunities to overlook adjacent public space.</i></p> <p>General Section: Residential Development: PDC 6</p>					Complies

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

General Section: Residential Development: PDC 8

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

General Section: Residential Development: PDC 9

Does Not Comply

Dwelling 12 is located adjacent the front boundary of the property, however incorporates the front entrance door and porch oriented to the common driveway.

Whilst this outcome is discouraged by Council's Development Plan, the applicant has sought to maintain continuity in the streetscape, by proposing solid fencing adjacent the front boundary and by replicating the orientation of (existing) Dwellings 1 and 2, which also face the common driveway.

In my opinion, the streetscape design of Dwelling 12 could be improved by providing larger-proportioned windows to the east-facing windows of Bedroom 1. (The south-facing window could become a high-level window to ensure appropriate placement of bedding/furniture).

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Partially Complies

As discussed above, Dwelling 12, which presents to the street, does not incorporate the front entrance door or portico facing the public realm.

However, the entry to this dwelling, and all other dwellings will nonetheless be perceptible from the vehicle parking areas, as sought by Principle 16.

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

The projected extent of overshadowing on 21 June illustrate that:

- a) North-facing windows to habitable rooms of existing dwellings on adjacent allotments shall receive at least 3 hours of direct sunlight over a portion of their surface between 9 am and 3 pm on the 21 June
- b) Some shadow will be cast into the western adjoining property in morning hours, and to the eastern adjoining property in afternoon hours.

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

Visual Privacy

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

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

General Section: Design & Appearance: PDC 11

Complies

Dwellings 11 and 12 incorporate fixed obscure glazing to 1.7 metres above floor level for windows on the rear elevation. Upper storey windows on the southern elevation remain unobscured to provide surveillance to the common driveway and street, and therefore should not result in direct overlooking of habitable areas of adjacent properties.

It is acknowledged that a representor has sought for all windows oriented to 12 Finniss Street (to the north-east) be obscured for privacy.

Council's Development Plan seeks for privacy treatments to "upper level windows, balconies, terraces and decks" and as such, treatments to single storey dwellings constructed at or in close proximity to ground level are not required to incorporate privacy treatments, as it is anticipated that boundary fencing, negotiated through the Fences Act (not administered by Council) will provide the desired level of privacy.

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

Noise

External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:
(a) active communal recreation areas, parking areas and vehicle access ways
(b) service equipment areas and fixed noise sources on the same or adjacent sites.

General Section: Residential Development: PDC 30

Complies

All dwellings feature bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of no less than 2.0 metres and incorporate landscaping between the driveway and bedroom window. This combination of separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

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

Site Facilities and Storage

Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:
(a) mail box facilities sited close to the major pedestrian entrance to the site
(b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)
(c) household waste and recyclable material storage areas located away from dwellings and screened from public view.

General Section: Residential Development: PDC 31

Partially Complies

a) Common letterboxes are currently featured in the masonry wall, adjacent the common driveway. Whilst the proposal plans do not identify the location of letterboxes for the proposed dwellings, provision of such has been included as a recommended condition of consent.

b) Whilst bicycle parking facilities have not been provided, each dwelling (with the exception of Dwelling 10) has been provided with generously-proportioned private open space areas, where sheds/storage facilities could be erected without compromising the function and amenity of the private open space areas.

c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

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

General Section: Energy Efficiency: PDC 2

Partially Complies

The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year round.

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

It is acknowledged however, that all proposed dwellings do not incorporate an eaves overhang, which will increase summer heat-loading.

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings incorporate a hipped roof form set at a 22 degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The application proposes to erect a rendered fence adjacent the northern side of the common driveway, to complement that currently existing.

The fencing will not result in damage to neighbouring trees, is compatible with the proposed development, allow casual surveillance from the upper level of Dwellings 11 and 12, incorporate articulation and ensure appropriate sight-lines before motorists exit the site.

TABLE DISCUSSION

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

- Site coverage;
- Amount of private open space for Dwelling 2; and
- Shortfall in independently-accessible visitor parking spaces and lack of on-street parking spaces.

Site coverage

Whilst it is acknowledged that some dwellings incorporate a site coverage figure substantially above that sought by Council's Development Plan, it should be noted that the site area calculations (and therefore the site coverage figures) are based upon administration's nomination of where future boundaries will be positioned.

In my view, when assessing the merits of site coverage, it is most appropriate to have regard to the overall coverage of the land (rather than individual allotments), and considering this with the amount of private open space available, percentage of land with a pervious surface, the areas of landscaping and setbacks to boundaries.

In this regard it is noted that the site coverage for the whole of the land equates to 46.5%. When the alfresco areas are removed from the dwelling footprints, the site coverage figure reduces to 43.7%, which is a relatively conservative figure, and marginally exceeds that sought in the Policy Area.

The proposal will result in no less than 25% of the land being free of impervious surfaces; exceeding the minimum 20% sought.

Furthermore, apart from (existing) Dwelling 2, all other dwellings incorporate private open space significantly above the minimum 20% (of the 'nominated' site areas), whilst importantly, when including the whole of the land, total private open space remains high at 27.15% of the land.

The development includes generous landscaped areas at the front of the site and forward of all dwellings; providing an attractive presentation to the street and softened outlook for residents.

With the exception of Dwellings 11 and 12, all proposed dwellings will incorporate a generous setback from the common boundary, whilst the front and side setbacks meet or exceed the minimum sought, and as discussed earlier in this report, the shortfalls in rear setbacks (for portions only of Dwellings 6 and 7) will not result in any detrimental impacts upon adjoining land.

In conclusion, whilst individual site coverage figures are high, the more telling statistic – that of the whole of the land – identifies that the total proposed floor area is not excessive, and indeed permits ample private open space, appropriate setbacks to boundaries, reasonable pervious land area and generous landscaped areas. As such, it is my view that the site coverage proposed is acceptable and does not result in any meaningful shortfalls when assessed against the Council's Development Plan.

Amount of private open space for Dwelling 2

Dwelling 2 is provided with approximately 31.8 square metres of private open space, which complies with that sought for supported accommodation; the current authorised use of the building (which restricts the occupation of the building to a 'retired person' pursuant to the Retirement Villages Act, being "a person who has attained the age of 55 years and retired from full-time employment").

As part of the application, it is sought to alter the use of this dwelling (along with Dwelling 1) to become a residential flat dwelling, which would allow any persons/demographic to reside in the building.

In my opinion, the provision of private open space for this dwelling, in which any persons/households can reside, is poor. It is located south-west of the dwelling and incorporates a dimension of 3.0 metres x 10.6 metres, and is not located directly adjacent the living area of the dwelling (access is via the laundry).

However, the building exists, and it appears unlikely the land is viable to be operated as a retirement village (given the small size of the site and limited area for communal buildings and the like).

Whilst failing Council's Development Plan, it is acknowledged that the small private open space area will appeal to certain persons, who may preference additional floor area over open yard area. As such, it is not expected the dwelling will remain vacant or will be unsuitable for a range of persons if permitted consent to be used as a residential flat or group dwelling.

This element of the proposal is somewhat unfortunate, and one of the larger failings of the proposal, which is considered in context with the overall merit of the proposal.

Shortfall in independently-accessible visitor parking spaces and lack of on-street parking

The proposal seeks to provide a total of 22 on-site car parking spaces, which satisfies the minimum number of spaces sought in Council's Development Plan.

However, of all spaces, only one is shown to be independently-accessible – the space between Dwellings 5 and 6. Due to the shortfall in on-street parking (discussed below), it would be preferable for additional, independently-accessible parking spaces to be provided.

Land Division Principle 22 seeks for an additional on-site parking space to be provided when an on-street parking space for every two dwellings cannot be provided. As such, subject to the relocation of the bus zone sign (see below), the proposal should provide an additional five independently-accessible visitor parking spaces on site (as six on-street spaces should be provided, and only one is likely to be available).

It is noted that Dwellings 3, 4, 5 and 6 comprise two bedrooms each, and as such, it may be that the occupants have a need for only one vehicle; enabling the open space forward of the respective garage to be used by (their) visitors. As such, parking demand (both resident and visitor) for these dwellings is likely to be less compared to a three-bedroom dwelling.

At present, vehicles cannot park in front of the site, due to the bus stop and bus zone adjacent the whole of the frontage.

Council's Unit Manager Engineering Services has advised the 'bus zone' sign can be relocated to the southern side of the common driveway, enabling one on-street parking space to be provided in front of the site. Whilst this is five spaces less than that sought by Council's Development Plan, the bus stop prevents additional on-street parking to be provided adjacent the site.

In conclusion, the shortfall in on-site and on-street parking spaces is the largest failing of the proposal and this is considered with the overall merits of the proposal.

REPRESENTOR'S CONCERNS

The concerns raised by a representor in relation to overlooking have been addressed in the body of the report, and I have concluded that the proposal is satisfactory in relation to these matters.

A second representor raised concerns over traffic and location of a bus stop. In discussions with Council's Unit Manager Engineering Services, Mr Mark Griffin, it has been identified that this part of Finniss Street is used by a number of motorists who are not local residents – in most instances those accessing or leaving the Marion Shopping Centre or Oaklands Park train station.

Mr Griffin has advised that Council may, in the future, undertake streetscaping works to Finniss Street, which may include, amongst other treatments, indented parking bays to assist in providing safer parking options for residents and visitors.

Mr Griffin advised that the number of vehicles using this part of Finniss Street currently exceeds the identified service level, however, the provision of an additional ten dwellings will make little difference to traffic volumes, whilst the ability for all vehicles to enter and exit the site in a forward manner, assists in minimising conflict between vehicles.

In relation to the bus stop, the proposed development will have no impact upon the function and use of the bus stop, nor compromise the safe alighting of passengers.

A representor raised concern regarding waste bin location.

From my review, the proposal does not fail any applicable Development Plan provision in this regard, however, the comments below are intended to assist the Panel's consideration of this matter.

From my calculation, approximately 11 metres of kerb frontage is free from the bus stop area and available to residents to place waste bins.

This is inadequate to accommodate a (potential) maximum 24 bins (all 12 waste and 12 green/recycling receptacles).

However, the proposal does not seek to increase the number of dwellings to be built on the land, and as such, does not alter the potential number of bins that could be placed in front of the site from that previously granted consent.

Furthermore, given the relatively small dwellings and sites, it is anticipated that not all waste and recycling bins would be placed at the street for each 'cycle'.

ANALYSIS/CONCLUSION

The proposed development complements the Objectives, Principles and Desired Character of the Residential Zone and Northern Policy Area 13, as it achieves an increase in dwelling densities and provides further diversity in dwelling types in an area which is within walking distance of public transport, public open space and centre facilities.

Whilst the shortfall in individual site areas is substantial, it does not appear to unreasonably constrain the development site given that setbacks, private open space and site coverage are generally appropriate.

The site comprises a large area, which is encouraged by the Desired Character to accommodate “appropriately designed medium density development”. In my view, the proposal should be classed as low-medium density and as such, the number of dwellings proposed for the land (in combination with other considerations below) is entirely appropriate having regard to the form of development proposed, adjacent developments with a similar density and the existence of the Medium Density Policy Area on the eastern side of Finniss Street.

Further, Dwellings 3, 4, 5 and 6 comprise two bedrooms only, whereas typical residential flat dwellings on 300 square metre allotments commonly maintain 3 bedrooms. As such, the lesser site areas contribute to housing diversity and different accommodation options in the locality, which is encouraged in the Desired Character of the Northern Policy Area 13.

The proposal also exceeds the site coverage criteria of Council's Development Plan. However, when considering the land in totality, site coverage is considered reasonable – and this view is further justified when having regard to the amount of private open space, dimension of landscaped areas, setbacks to boundaries and pervious area available.

The largest failing of the proposal, in my opinion, is the shortfall in parking provision. Whilst the total number of on-site parking spaces meets Council's criteria, the lack of on-street parking has not been compensated for on-site, and as such, this may lead to visitors parking their vehicles adjacent neighbouring properties. The inclusion of four, two bedroom dwellings and the site's close proximity to bus routes on Finniss and Marion Roads may assist to alleviate parking demand, however, it is acknowledged that the parking shortfall remains.

The second largest failing of the proposal is the limited area and dimensions of the private open space for (existing) Dwelling 2.

Whilst the area is compliant for its current use as supported accommodation, it is much smaller in area and dimensions sought for conventional dwellings.

This is a poor outcome, however, it is acknowledged there will be persons/households who are likely to desire the limited area (and therefore limited maintenance) of such a space.

When the proposal's shortfalls are considered on balance with its compliance with the Development Plan, the overall merit of the proposal is considered to outweigh the non-compliances. In particular, the shortfall in site areas, although significant in its extent, is not considered to warrant refusal of the application given the proposal demonstrates merit in a majority of other assessment areas.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1815 for the change of use of existing dwellings (Dwellings 1 and 2) from supported accommodation to residential flat dwellings and to construct two, two storey dwellings and eight, single storey dwellings, with associated car parking, fencing and landscaping at 14 Finniss Street, Marion be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1815, except when varied by the following conditions of consent.
2. Provision of letterboxes for all proposed dwellings shall be provided within either the existing or proposed walling adjacent the common driveway. Details of which shall be provided to Council, for consideration and approval, prior to Development Approval being issued.
3. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
4. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
5. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

6. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.
7. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 1 February 2017

Agenda Ref No: DAP010217 – 2.3

Originating Officer: Rhiannon Hardy
Development Officer - Planning

Applicant: Landmark Homes

Development Description: Four single storey row dwellings, including 1.5 metre-high masonry front fence

Site Location: 52 Pildappa Avenue, Park Holme

Zone: Residential Zone

Policy Area: Northern Policy Area 13

Application Type: Category 1 / Consent

Lodgement Date: 10/11/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/2084

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

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Amendments Requested	Amendments Made
Each dwelling should provide private open space (POS) which equals a minimum 20% of the site area.	POS increased from 20% to 21.8% (Residence 2), 18.8% to 22.4% (Residence 3) and 16.8% to 22.4% (Residence 4).
The minimum dimension of POS should equal	POS minimum dimension of Residences 2, 3,

5 x 5 metres in an area that is directly accessible from a main living area.	and 4 increased from 4.5 to 5.0 metres.
Site coverage should not exceed 40%. Some flexibility can be applied to site coverage if all other criteria are satisfied, however in this instance, the shortfalls in POS combined with the substantial coverage up to 60% warrants reduction in the building footprint.	Site coverage of Residence 3 reduced from 58.5% to 56.7%, and Residence 4 reduced from 59.1% to 54.6%.
Ornamental Pear trees are nominated in the Landscaping Schedule, but not on the site plan. It is recommended that a tree is planted in the front garden of each dwelling.	Trees added to front garden of each dwelling
The existing vehicle crossover on Pildappa Avenue should be reinstated to an upright kerb.	Applicant requested that this matter is conditioned.
The existing street tree may be removed subject to payment of \$400 + GST in order for Council to undertake removal and replacement of the tree.	Fee paid.

SUBJECT LAND & LOCALITY

The subject land comprises allotment 7 in Certificate of Title 5658/58, known as 52 Pildappa Avenue, Park Holme. The land is a corner allotment, with a southern primary street frontage to Pildappa Avenue of 15.24 metres and western secondary street frontage to Rotorua Avenue of 45.72 metres. The property maintains a slightly irregular shape, with a total site area of 936.03 square metres.

The land currently accommodates a single storey detached dwelling constructed circa 1958. The dwelling is sited diagonally on the allotment, facing the corner of Pildappa and Rotorua Avenues. A carport is located adjacent the Pildappa Avenue frontage, with corresponding driveway located adjacent the site's eastern boundary. A second driveway is located adjacent the northern boundary, with access from Rotorua Avenue, leading to a freestanding garage.

The land does not maintain a discernible gradient, and does not feature any regulated trees.

The locality is residential in nature, featuring a variety of dwelling types and densities due to a relatively high proportion of properties redeveloped at higher densities than the original dwelling stock. Dwellings are generally constructed at low-to-medium densities, and are primarily single storey, although some examples of two-storey dwellings are evident.

Ascot Park Primary School is located approximately 170 east of the subject land, while the Marion Sports and Leisure Centre is located approximately 280 metres to the south.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The application proposes to construct four (4) single-storey dwellings on the subject land with a primary street frontage to Rotorua Avenue. All dwellings are joined by Boral party walls to form a single building, and are therefore considered to comprise row dwellings.

All dwellings feature 3 bedrooms (main with ensuite), open-plan kitchen/living area, bathroom, laundry and single-width garage/carport. Each dwelling will be provided with a single-width driveway access from Rotorua Avenue.

The existing Bottlebrush street tree on Rotorua Avenue is proposed to be removed to allow for the construction of driveway access to Residence 2.

A 1.5-metre-high masonry fence with powder-coated tubular infill is proposed along the Rotorua Avenue front boundary.

A section of landscaping is proposed throughout the front and rear gardens of the proposed dwellings.

Refer Attachment III

INTERNAL DEPARTMENT COMMENTS

<p>Open Space:</p>	<p>An inspection and assessment of the Bottlebrush street tree was carried out on 24th November 2016 to assess the tree's suitability with regard to a proposed development to the adjacent allotment. The tree was found to accord with criteria of the City of Marion Tree Management Framework to be suitable to remove and replace at the applicant's cost.</p>
---------------------------	---

DEVELOPMENT ASSESSMENT

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

Development Plan provisions:

Assessment:

Residential Zone	
<p>Objectives</p> <p><i>1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.</i></p> <p><i>2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.</i></p>	<p>Complies</p> <p>The subject land is located approximately 870 metres walking distance from the Park Holme Neighbourhood Centre. Public open space (associated with the Marion Leisure and Fitness Centre) is located 270 metres walking distance to the south. Marion Road is located approximately 570 metres to the east, which contains high frequency bus routes. As such, the site is located in convenient proximity to centres, public transport and public open space, and therefore warrants increased dwelling densities in accordance with Objective 2.</p>
Northern Policy Area 13	
<p>Objectives</p> <p><i>1 A policy area primarily comprising low scale, low to medium density housing.</i></p> <p><i>2 Development near industrial or commercial areas located and designed to minimise potential adverse impacts from non-residential activities.</i></p> <p><i>3 Development that minimises the impact of garaging of vehicles on the character of the locality.</i></p> <p><i>4 Development densities that support the viability of community services and infrastructure.</i></p> <p><i>5 Development that reflects good residential design principles.</i></p>	<p>Generally Complies</p> <p>The proposed dwellings are of a medium density, with garages located to minimise visual dominance. The dwellings generally employ good residential design principles and reflect the desired character of the policy area (see below).</p>

<p>6 Development that contributes to the desired character of the policy area.</p>	
<p>Desired Character</p> <p><i>This policy area encompasses established residential areas in the central and northern parts of the City of Marion (north of Seacombe Road).</i></p> <p><i>The character of streetscapes varies throughout the policy area depending on the era of the original housing, but the prevailing character is derived from single-storey detached dwellings, with a range of other dwelling types scattered throughout.</i></p> <p><i>The desired character is an attractive residential environment containing low to medium density dwellings of a variety of architectural styles at a higher density and generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. The overall character of the built form will gradually improve, while the range of dwelling types will increase to meet a variety of accommodation needs.</i></p> <p><i>Development should seek to promote cohesive streetscapes whilst allowing for a variety in housing forms and styles, such as buildings of up to two storeys, provided that the impact of the additional height and bulk does not adversely impact upon the amenity of adjacent land and the locality.</i></p> <p><i>Amalgamation of properties is desirable where it will facilitate appropriately designed medium-density development. Development should not result in the removal of mature street trees in a road reserve that contribute positively to the landscape character of the locality.</i></p>	<p>Generally Complies</p> <p>The proposed medium density single storey row dwellings are a form of development envisaged in the Policy Area. The proposed increase in densities is specifically encouraged by the Desired Character.</p> <p>The proposal maintains cohesive streetscapes as a result of the proposed architectural style, compatible street setbacks and front garden landscaping.</p> <p>The proposed single storey three-bedroom dwellings do not necessarily provide diversity in accommodation needs, as three-bedroom dwellings are common in the locality. However, it appears that market demand favours this common housing type, as it is suitable for a range of demographics.</p> <p>Although the application proposes the removal of one semi-mature Bottlebrush street tree, it will maintain two other existing mature street trees in the road reserve adjacent the subject land. Further, the applicant has funded replacement street tree planting, which should contribute positively toward the landscape character of the locality.</p>
<p>Principles of Development Control</p> <p>1 The following forms of development are envisaged in the policy area:</p> <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	<p>Complies</p>
<p>2 Development should not be undertaken unless it is consistent with the desired character for the policy area.</p>	<p>Generally Complies</p>
<p>3 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:</p> <p>Minimum Site Area: 250 m²</p> <p>Minimum Frontage: 7 m</p>	<p>Complies</p> <p>Residence 1: 261.5 m²</p> <p>Does Not Comply</p> <p>Residence 2: 230.0 m²</p> <p>Residence 3: 220.5 m²</p> <p>Residence 4: 223.5 m²</p> <p>Complies</p>

<p>Minimum Depth: 20 m</p>	<p>Residence 1: 14.0 m Residence 2: 11.4 m Residence 3: 10.4 m Residence 4: 10.0 m</p> <p>Does Not Comply Residence 1: 15.3 – 19.7 m</p> <p>Complies Residence 2: 19.7 – 20.8 m Residence 3: 20.8 – 21.8 m Residence 4: 21.8 – 22.9</p>
----------------------------	---

Site Coverage

<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p><u>Site coverage:</u></p> <p>Does Not Comply Residence 1: 46.5% Residence 2: 54.6% Residence 3: 56.7% Residence 4: 54.6%</p>
---	--

<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The excess in site coverage does not compromise the dwellings' ability to satisfy the relevant setback and private open space criteria, and should not result in adverse impacts to adjoining properties.</p>
--	---

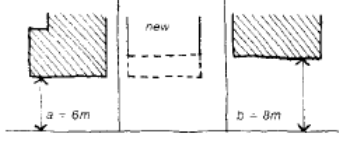
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
--	---

<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Does Not Comply 147.0 m² landscaped areas nominated on site plan = 15.7% of the development site</p>
---	---

Private Open Space

<p><i>Dwellings should include POS that conforms to the requirements identified in the following table:</i></p>			<p><u>POS areas:</u></p> <p>Complies Residence 1: 55.0 m² = 21.0% Residence 2: 50.2 m² = 21.8% Residence 3: 59.5 m² = 22.4% Residence 4: 50.0 m² = 22.4%</p> <p><u>POS minimum dimension:</u></p> <p>Does Not Comply Residence 1: 5.0 x 4.5</p>
Site area of dwelling	Minimum area of POS	Provisions	
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per	

		<p>cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.</p>	<p>Complies Residence 2: 5.0 x 5.5 Residence 3: 5.0 x 5.5 Residence 4: 5.0 x 5.5</p>
<p>Residential Zone: PDC 7</p>			<p>All POS areas are directly accessible from a living area of the associated dwelling with negligible gradient.</p>
<p><i>Private open space should be provided for exclusive use by residents of each dwelling, and should be sited and designed:</i></p> <p>(a) to be accessed directly from the internal living rooms of the dwelling (b) to be generally at ground level (other than for dwellings without ground level internal living rooms) (c) to be located to the side or rear of a dwelling and screened for privacy (d) to take advantage of, but not adversely affect, natural features of the site (e) to minimise overlooking from adjacent buildings (f) to achieve separation from bedroom windows on adjacent sites (g) to have a northerly aspect to provide for comfortable year round use (h) to not be significantly shaded during winter by the associated dwelling or adjacent development (i) to be partly shaded in summer (j) to minimise noise or air quality impacts that may arise from traffic, industry or other business activities within the locality (k) to have sufficient area and shape to be functional, taking into consideration the location of the dwelling, and the dimension and gradient of the site.</p> <p>General Section: Residential Development: PDC 16</p> <p><i>Private open space should not include:</i></p> <p>(a) any area covered by a dwelling, carport, garage or outbuildings (b) driveways, effluent drainage areas, rubbish bin storage areas, site for rainwater tanks and other utility areas (c) common areas such as parking areas and communal open spaces (d) any area at ground level at the front of the dwelling (forward of the building line) (e) any area at ground level with a dimension less than 2.5 metres</p> <p>General Section: Residential Development: PDC 17</p>			<p>Complies</p> <p>a) All POS areas are directly accessible from the internal living rooms of the dwelling. b) All POS is located at ground level c) All POS is located to the side/rear of the dwellings and capable of being screened for privacy. d) The subject land does not maintain natural features which warrant preservation. e) The POS areas should not be directly overlooked by adjacent buildings. f) POS areas are not located next to bedrooms of dwellings on adjacent sites. i) POS areas are capable of being shaded during summer. j) Traffic, industry or other business activities should not affect the subject land. k) The POS areas are considered to have sufficient shape and area to be functional.</p> <p>Partially Complies</p> <p>g) The proposed POS areas maintain an easterly aspect, which should provide reasonably comfortable year round use. h) The POS areas should not be significantly shaded during winter by the associated dwelling or adjacent development, due to the single storey nature of the subject dwellings, and the fact that shadow should only be cast from the dwellings in afternoon hours.</p>
<h2>Building Setbacks from Road Boundaries</h2>			
<p><i>Except in areas where a new character is desired, the setback of buildings from public roads should:</i></p> <p>(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality (b) contribute positively to the function, appearance and/or desired character of the locality.</p> <p>General Section: Design and Appearance: PDC 21</p> <p><i>Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:</i></p>			<p>Complies</p> <p>There are no buildings on adjoining allotments with the same primary street frontage to Rotorua Avenue, and therefore PDC 22 cannot be applied to the proposal. However, it is noted that the northern adjoining dwelling is set back approximately 3.0 metres from Rotorua Avenue (its secondary street frontage), and its outbuildings are located abutting the Rotorua Avenue boundary.</p> <p>It is further noted that dwellings on the western side of Rotorua Avenue, facing Rotorua Avenue as their primary street frontage, generally feature a front setback of 5.0 metres.</p> <p>Acknowledging these characteristics of the locality, the proposed front setbacks ranging between 4.0 (Residences 3 and 4) and 4.5</p>

<p>Setback difference between buildings on adjoining allotments with the same primary street frontage</p> <p>Up to 2 metres</p> <p>Setback of new building</p> <p>The same setback as one of the adjoining buildings, as illustrated below:</p>  <p>When $b \leq 2$, setback of new dwelling = a or b</p> <p>Greater than 2 metres</p> <p>At least the average setback of the adjoining buildings</p> <p>General Section: Design and Appearance: PDC 22</p>	<p>metres (Residences 1 and 2), are considered to be sufficiently compatible with other buildings in the locality.</p>
<p>Minimum setback from primary road frontage where no established streetscape exists:</p> <p>...</p> <p>5 metres in all other circumstances.</p> <p>Residential Zone: PDC 6</p>	<p>Does Not Comply</p> <p>Given the above, it could be argued that no established streetscape exists, in which case PDC 6 is relevant. The proposal fails to satisfy PDC 6, as setbacks vary between 4.0 and 4.5 metres, where 5.0 metres is prescribed.</p>
<p>Minimum setback from secondary road frontage: 2 metres</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Residence 1: 2.0 m</p>
<p>Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.</p> <p>General Section: Residential Development: PDC 37</p>	<p>Complies</p> <p>Habitable rooms are adequately separated from pedestrian and vehicle movement.</p>
Side Setbacks	
<p>Minimum setback from side boundaries:</p> <p>Where the wall height is not greater than 3 metres:</p> <p>0.9 metres</p> <p>Residential Zone: PDC 6</p>	<p>Complies</p> <p>Residence 1: 0.9 Residence 2: 0.9 Residence 3: N/A Residence 4: 0.9</p>
Rear Setbacks	
<p>Minimum setback from rear boundary:</p> <p>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</p> <p>...</p> <p>Residential Zone: PDC 6</p>	<p>Does Not Comply</p> <p>Residence 1: 2.5 - 2.9 m (28.5%) and 4.3 - 5.0 m</p> <p>Partially Complies</p> <p>Residence 2: 3.1 - 3.5 m (35%) and 5.0 - 5.6 m Residence 3: 4.1 - 4.6 m (49%) and 5.0 - 5.5 m Residence 4: 4.5 - 4.9 m (41%) and 5.0 - 5.5 m</p>
<p>Buildings should be sited with respect to side and rear property boundaries to:</p> <p>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</p> <p>(b) minimise the impact of bulk and scale of development on adjoining properties</p> <p>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</p> <p>General Section: Design and Appearance: PDC 2</p>	<p>Complies</p> <p>Although the rear setback does not comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise overshadowing and the visual impact of bulk and scale on adjacent properties. As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties.</p> <p>The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the</p>

		locality in relation to patterns of space.
Building Height		
<p><i>Maximum building height (from natural ground level): 2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>		<p>Complies 1 storey of not more than 5.0 metres</p>
Garages, Carports, Verandas and Outbuildings		
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>		<p>Complies The proposed carports/garages are located under the main roof of the associated dwelling.</p>
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>		
Parameter	Value	
Maximum floor area	60 square metres	Complies
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street.	<p>Complies All carports/garages set back 5.5 metres and 1.0 to 1.5 metres behind the main face of the associated dwelling.</p>
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	<p>Complies Carport of Residence 4 located on northern side boundary for 5.7 metres length, or 25% of the boundary length.</p>
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<p>Complies All carports/garages 3.0 metres wide</p>
<p><i>Carports and garages should be setback from road and building frontages so as to:</i> (a) not adversely impact on the safety of road users (b) provide safe entry and exit.</p> <p><i>General Section: Residential Development: PDC 13</i></p>		<p>Complies</p>
Vehicle Parking		
<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		<p>Complies All dwellings contain 3 bedrooms and 2 on-site car parking spaces (1 of which is covered)</p>
Detached Semi-detached Row	2 per dwelling containing up to 3 bedrooms one of which is to be covered.	

<i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i>	
<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Complies</p> <p>5 on-street car parking spaces are to be maintained adjacent the proposed 4 allotments, which satisfies PDC 22.</p>
Access	
<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Partially Complies</p> <p>Residence 1 and 2: shared crossover 6.18 metres wide</p> <p>Residence 3: 3.09-metre-wide crossover</p> <p>Residence 4: Maintain existing crossover</p>
<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a sufficient distance from existing street infrastructure and the northern-most street tree. The southern-most street tree has been deemed appropriate for removal and replacement by Council's Open Space Department.</p>
<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies</p> <p>Proposed vehicle access points on Rotorua Avenue are separated by distances of 12.3 and 8.2 metres.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i></p> <p><i>(b) external materials, patterns, colours and decorative elements</i></p> <p><i>(c) roof form and pitch</i></p> <p><i>(d) façade articulation and detailing</i></p> <p><i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p> <p>The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. The dwelling façades incorporate the following elements to enhance their design and appearance:</p> <ul style="list-style-type: none"> • White rendered finish to exterior walls • Western red cedar panel lift garage/carport doors • Cedar timber framed front windows and doors • Travertine tile feature columns • Monument colour finish to cantilever front canopy fascia • Woodland Grey roof sheeting <p>The proposed materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>A colour perspective elevation is contained in Attachment III.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>

Relationship to the Street and Public Realm

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

General Section: Design & Appearance: PDC 13

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

General Section: Design & Appearance: PDC 14

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

General Section: Design & Appearance: PDC 15

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

General Section: Design & Appearance: PDC 16

Complies

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

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

Complies

The proposed single storey dwellings should cast a modest extent of shadow in winter. Furthermore, the most significant direction of shadow will be cast south toward the streetscape of Pildappa Avenue, and therefore should not unreasonably impact habitable windows, POS or solar collectors of adjacent properties.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

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

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

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

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

A landscaping plan is contained in Attachment III. It includes Orange Jessamine Shrubs along the front (Rotorua Avenue) boundary, Evergreen Giant Lilyturfs adjacent the driveways and Ornamental Pear trees in the front garden of each dwelling. Mexican Orange Blossom Shrubs line the rear boundaries, while Mulched garden bed/native grasses are proposed in the rear garden area of each dwelling.

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

Fences and walls, including retaining walls, should:

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

General Section: Landscaping, Fences & Walls: PDC 5

Complies

The masonry front fence along the Rotorua Avenue boundary contains 1.5-metre-high piers, with tubular infill to permit some visibility of the dwelling from the street to enhance safety and street presentation. The masonry is to be white to match the render of the dwellings. The fencing is considered to result in an attractive streetscape presentation which enhances the security of the proposed dwellings.

TABLE DISCUSSION

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

Shortfall	Development Plan criteria	Proposed	Extent of Shortfall
Site areas	250m ² (row dwelling)	Residence 2: 230.0 m ²	20.0 m ² (8%)
		Residence 3: 220.5 m ²	29.5 m ² (11.8%)
		Residence 4: 223.5 m ²	26.5 m ² (10.6%)
Site depth	20 m	Residence 1: 15.25 – 19.65 metres	0.35 - 4.75 metres
Site coverage	40%	52.8% overall	12.8% excess
Pervious areas	20%	15.7%	4.3%
POS minimum dimension	5.0	Residence 1: 4.5 minimum dimension	0.5 metres
Primary street setback	5 metres (where no established streetscape exists)	4.0 – 4.5 metres	0.5 – 1.0 metres
Rear setback	3 metres for 50% of lot width, and 6 metres thereafter	Residence 1: 2.5 - 2.9 metres for 28.5% of lot width, and 4.3 -5.0 metres thereafter	0.1- 0.5 metre shortfall for first section, 1.0-1.7 metre shortfall thereafter

Site areas

The site areas of Residences 2-4 maintain shortfalls in site area varying between 8% and 11.8%. It is noted that the total site area (936.03 square metres) falls short of the minimum required for four row dwellings (1000 square metres) by 64 square metres, or 6.4%.

These shortfalls are not considered to represent a substantial disparity against provisions which, in itself, would warrant refusal of the application. This is reinforced by the fact that the proposed site areas remain reflective of the low-to-medium residential density envisaged to occur within the Policy Area. Further, it is noted that the proposed allotments exceed frontage width requirements, and therefore the undersized nature of the allotments should not be readily apparent when viewed from the streetscape.

Fundamentally, the ability of the dwellings to accord with a majority of other Development Plan criteria demonstrates that the shortfall in site area does not jeopardise the underlying merit of the proposal.

Site Depth

The depth of Residence 1 varies between 15.25 and 19.65 metres, as a result of the corner cut-off and the irregular dimensions of the allotment. This equates to an average depth of 17.45 metres, which falls short of the recommended minimum allotment depth of 20 metres. This being said, the allotment's frontage width of 10.9 metres substantially exceeds the minimum of 7 metres, whilst site area exceeds minimum provisions at 261.5 square metres. Accordingly, the shortfall in depth should not jeopardise the overall adequacy of the allotment dimensions.

Site Coverage

The overall site coverage the development site equals 52.8%, whereas a maximum 40% is sought. Despite this excess, the dwellings nonetheless provide adequate private open space

and boundary setbacks (discussed further below). However, it is noted that the site maintains only 15.7% garden/landscaped areas, where a minimum 20% is recommended. As such, the excess in site coverage may contribute toward the considerable impervious areas on the development site.

It is also appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. It is noted that the subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60%. This signifies that a new detached or semi-detached dwelling(s) could be constructed on the land "as of right" (i.e. without an assessment against Development Plan criteria) with site coverage of 60%. Whilst it is acknowledged that the proposed row dwellings could not be a Complying form of development pursuant to Schedule 4, this consideration nonetheless demonstrates that it is inappropriate to enforce the maximum 40% site coverage to merit applications with such rigidity.

On balance, subject to satisfying other Development Plan criteria, the excess in site coverage is not considered to be fatal to the merit of the subject application.

POS minimum dimension

The POS minimum dimension of Residence 1 falls short of requirements by 0.5 metres, however this minor discrepancy is not considered to jeopardise the functionality of the POS given the sufficient amount of POS that is directly accessible from the dwelling's living area.

Primary street setback

The primary street setback of 4.0 to 4.5 metres does not meet the minimum of 5 required in unestablished streetscapes. However, as discussed in the table above, the front setback is considered to be compatible with the nature of locality and adjacent land given that the northern adjoining property features a zero setback to Rotorua Avenue, with outbuildings located on its secondary street boundary.

Portions of rear setbacks

The rear setbacks of the dwellings are generally set back in accordance with Principle 6 of the Residential Zone, which specifies a setback of 3 metres for 50% of the allotment width, and 6 metres thereafter. Given that the dwellings are not sited parallel to the rear boundary, and incorporate several elements to the rear façade, some minor incursions beyond this guideline occur. However, some minor discrepancies in the setbacks are generally compensated by a lesser width of the dwelling, or by greater setbacks in other sections of the dwelling. Accordingly, the proposed rear setbacks and overall separation from the rear boundary are nevertheless considered to comply with Principle 6.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development satisfies a majority of applicable Development Plan provisions.

The essential nature of the development remains complementary to the Objectives, Principles and Desired Character of the Northern Policy Area 13. Although site areas fail to satisfy the minimum prescribed for row dwellings, the allotment dimensions are nonetheless considered suitable for the proposed dwellings. This suitability is demonstrated by the proposal's ability to satisfy a majority of other applicable design criteria.

It is noted that the proposal maintains several discrepancies in site coverage, pervious areas, POS minimum dimension for Residence 1, rear setbacks of Residence 1 and front setbacks. However, these shortfalls are not considered to be of such severity to jeopardise the underlying merit of the proposal. Indeed, further consideration of these shortfalls in relation to their scope and consequence demonstrates that the proposal should not unreasonably impact on the amenity of adjacent land, detract from the character of the locality, or impede the design and function of the proposed development.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/2084 for four single storey row dwellings, including 1.5-metre-high masonry front fence, at 52 Pildappa Avenue, Park Holme, be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/2084, being drawing numbers 16881 SK01 and SK02 prepared by AR Co. Architecture + Interior Design, Siteworks Plan by TMK Consulting Engineers numbered 1612100 CRD/PA and Partwall detail, all received by Council on 11 January 2017, except when varied by the following conditions of consent.
2. The existing vehicle crossover on Pildappa Avenue shall be reinstated to an upright kerb at the cost of the applicant, prior to occupation of Residence 1.
3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

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

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL

Wednesday 01 February 2017

Agenda Ref No:	DAP010217 – 2.4
Originating Officer:	Kristen Sheffield Development Officer - Planning
Applicant:	Yong Guo
Development Description:	Single-storey detached dwelling and a single-storey residential flat building comprising two dwellings.
Site Location:	16 Condada Avenue, Park Holme
Zone:	Residential Zone
Policy Area:	Northern Policy Area 13
Application Type:	Category 1 / Consent
Lodgement Date:	11/10/2016
Development Plan:	Consolidated – 28 April 2016
Application No:	100/2016/1881
Recommendation:	That Development Plan Consent be GRANTED subject to conditions

CATEGORISATION & DELEGATION

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

BACKGROUND

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

Amendments Requested	Amendments Made
Rear setback of each dwelling should be increased to more closely align with Council's policies of 6m with an incursion of 3m for up to 50% of the allotment width.	Rear setback of Dwelling 1 amended from 3.1m for 72%, and 7.8m for 21.6% of the allotment width, to 3.1m for 58.8% and 5m for 35% of the allotment width.

	Rear setbacks of Dwellings 2 and 3 amended from 4.6m to 4.13m for 45.3%, and 5m for 44.8% of the allotment width.
The POS of each dwelling should incorporate a minimum dimension of 5m x 5m.	Minimum dimensions of POS provided to each dwelling.

SUBJECT LAND & LOCALITY

The subject site is located at 16 Condada Avenue, Park Holme. The land is a rectangular shaped allotment with a frontage width of 18.29m and a depth of 45.72m, culminating in a total site area of 836 square metres.

The subject land currently accommodates a single-storey detached dwelling in average condition with vehicular access to an attached carport adjacent the western side boundary. Several other ancillary structures are located to the rear of the existing dwelling. The contour of the land is relatively flat, and while several trees are located on the subject land, none of these are classified as regulated pursuant to the current legislation.

The locality consists of a mix of redeveloped/sub-divided properties, (which typically take the form of single storey and two-storey detached, semi-detached dwellings and group dwellings) and single storey detached dwellings at low densities, which are representative of the original dwelling stock. The subject land is sited 170 metres to the west of Marion Road, which includes bus services to the Adelaide CBD. Ascot Park Railway Station is located some 750 metres to the south-east of the site, while a Neighbourhood Centre Zone is located 750 metres walking distance to the south.

Refer Attachments I & II

PROPOSED DEVELOPMENT

The applicant seeks to construct a single-storey detached dwelling at the front of the site presenting to and with exclusive access from Condada Avenue. Additionally, a single-storey residential flat building comprising two dwellings is proposed to the rear of the site with shared driveway access from Condada Avenue.

Each dwelling will contain three bedrooms (main with ensuite) as well as a WIR to Dwelling 1, a bathroom, laundry and open-plan kitchen and living areas. Landscaping is proposed to both sides of the common driveway as well as forward of and to the rear of each dwelling.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

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

Residential Zone

Objectives

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

Northern Policy Area 13

Objectives

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

Desired Character

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

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

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

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

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

PDC 1	The following forms of development are envisaged in the policy area: <ul style="list-style-type: none"> ▪ affordable housing ▪ dwelling including a residential flat building ▪ supported accommodation. 	Complies
PDC 2	Development should not be undertaken unless it is consistent with the desired character for the policy area.	Complies
PDC 3	Minimum Site Area: Detached dwellings: 375 m ² Residential flat dwellings: 300 m ²	Does Not Comply Dwelling 1: 280.7m ² Dwelling 2: 187.5m ² Dwelling 3: 187.5m ²
	Minimum Frontage: Detached dwelling: 12m Hammerhead driveway: 4m	Complies Dwelling 1: 14.29m Dwellings 2 & 3: 4m
	Minimum Depth: Detached dwelling: 20m Residential flat dwellings: 45m	Does Not Comply Dwelling 1: 19.72m Complies Dwellings 2 & 3: 45.72m

Assessment

Objectives & Desired Character

The application proposes to replace an existing single storey detached dwelling in average condition, with a detached dwelling and a residential flat building comprising two dwellings, both of which are forms of development anticipated by PDC 1. Further, the proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

Given that the subject land is located within reasonable walking distance of public transport routes and centre facilities, the wider locality contains features identified in Objective 2 of the Residential Zone as warranting increased residential densities.

On balance, the proposal is considered to adequately comply with the Objectives and Desired Character of the Northern Policy Area 13.

Site Areas

The application proposes to replace an existing single storey detached dwelling in average condition, with a detached dwelling and a residential flat building comprising two dwellings, both of which are forms of development anticipated by PDC 1. The proposal complements the Desired Character of the Policy Area which seeks for redevelopment of properties at greater densities than that of the original housing stock.

A minimum site area of 375 square metres is prescribed for detached dwellings, whereas the site area of Dwelling 1 equates to 280.7 square metres. This represents a considerable shortfall of 94.3 square metres; 25% below that sought. However, it is noted that the allotment maintains a frontage width of 14.29 metres, where a minimum width of 12 metres is prescribed for detached dwellings. Accordingly, the undersized nature of the allotment should not be apparent when viewed from the streetscape, and therefore should not detract from the character of the locality.

The site areas of the residential flat dwellings (Dwellings 2 and 3) equate to 187.5 square metres each. Whereas an average site area of 300 square metres applies for residential flat dwellings in this Policy Area. This equates to a shortfall of 112.5 square metres (37.5%) for each dwelling. It is considered that these figures exclude the common driveway and manoeuvring areas. This method of calculating site area has been employed in accordance with Principle 8 (General Section: Land Division), which stipulates that:

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

If the driveway were to be included in site areas, Dwellings 2 and 3 would maintain an average site area of 277.65 square metres each; closer to the prescribed minimum site area.

Given the size of the individual shortfalls in site area, it is important to consider whether the proposed residential densities are fundamentally contradictory to that anticipated within the Policy Area. It is acknowledged that were Dwelling 1 to share access with the rear dwellings, it would be classified as a group dwelling where a minimum site area of 300 square metres would be sought; it is only by the configuration of the site that Dwelling 1 requires a site area of 375 square metres. The subject land maintains an overall site area of 836 square metres; resulting in an average site area of 278.7 square metres per dwelling; 7.1% less than the minimum site area sought for three group dwellings in the Northern Policy Area 13.

It is further noted that the same configuration of dwellings, on the same allotment sizes, have previously been approved at 1, 5 and 15 Condada Avenue by previous Development Assessment Panels.

As such, should it be shown that the proposal adequately addresses the Development Plan criteria and it is determined that the shortfalls are not considered to unreasonably jeopardise the function of the development or impact on adjacent dwellings, the lack of site area, in my view, is not considered to be fatal to the proposal.

DEVELOPMENT ASSESSMENT

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

Principles of Development Control: Assessment:

Site Coverage	
<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.</i></p> <p><i>Northern Policy Area 13: PDC 4</i></p>	<p>Site coverage:</p> <p>Does Not Comply Dwelling 1: 54.4% (152.5m²) Dwelling 2: 57.9% (108.5m²) Dwelling 3: 57.9% (108.5m²)</p> <p>Overall site coverage (including common driveway): 44.2% (369.5m²)</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <ul style="list-style-type: none"> <i>(a) would not be contrary to the relevant setback and private open space provisions</i> <i>(b) would not adversely affect the amenity of adjoining properties</i> <i>(c) would not conflict with other relevant criteria of this Development Plan.</i> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies</p> <p>The setbacks of the proposal are considered to be acceptable (as discussed within the table discussion) and the excess in the building footprint does not adversely impact upon the POS of the dwellings or upon the amenity of adjoining properties.</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <ul style="list-style-type: none"> <i>(a) pedestrian and vehicle access and vehicle parking</i> <i>(b) domestic storage</i> <i>(c) outdoor clothes drying</i> <i>(d) rainwater tanks</i> <i>(e) private open space and landscaping</i> <i>(f) convenient storage of household waste and recycling receptacles.</i> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies</p> <p>The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies</p> <p>Approx. 20.3% (170m²)</p>

Private Open Space

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

Site area of dwelling	Minimum area of POS	Provisions
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

Residential Zone: PDC 7

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

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

General Section: Residential Development: PDC 16

Private open space should not include:

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

General Section: Residential Development: PDC 17

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

General Section: Residential Development: PDC 22

Complies

Dwelling 1: 20.1% (56.2m²)
Dwelling 2: 22.5% (42.1m²)
Dwelling 3: 22.5% (42.1m²)

Minimum dimensions of 5x5 metres provided for each dwelling.

Complies

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

Complies

Building Setbacks from Road Boundaries

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

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

General Section: Design and Appearance: PDC 21

Complies

The subject locality is one where a new character is desired, and therefore the setback of the proposed buildings from the public road need not necessarily be similar to or compatible with the setbacks of buildings on adjoining land and other buildings in the locality. Nonetheless, the proposed front setback of 5 metres is similar to that of new dwellings in the locality. As such, the proposed front setback is considered to contribute positively to the function, appearance and desired character of the locality.

Except where specified in a particular zone, policy area or precinct the main face of a building should be set back from the primary road frontage in accordance with the following table:

Setback difference between buildings on adjoining allotments with the same primary street frontage	Setback of new building
Up to 2 metres	The same setback as one of the adjoining buildings, as illustrated below:
Greater than 2 metres	At least the average setback of the adjoining buildings

General Section: Design and Appearance: PDC 22

Partially Complies

Dwelling 1: 5.0 metres

(Dwellings on adjoining land set back approximately 7 and 7.5 metres)

PDC 21 outlines that setbacks of buildings from the public road do not need to be similar/compatible with buildings on adjoining land when located in an area "where a new character is desired". The Northern Policy Area 13 anticipates redevelopment of the existing dwelling stock at higher densities with reduced front setbacks.

Dwellings should be setback from boundaries to provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.

General Section: Residential Development: PDC 37

Complies

Habitable rooms are adequately separated from pedestrian and vehicle movement.

Side Setbacks

Minimum setback from side boundaries:

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

Where the wall height is between 3 metres and 6 metres:
(a) 3 metres if adjacent southern boundary
(b) 2 metres in all other circumstances.

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

Residential Zone: PDC 6

Complies

Dwelling 1: 0.9m (to common driveway) + an additional 4m to the existing eastern side boundary.

Dwelling 2: 0.9m (western side)

Dwelling 3: 0.9m (eastern side)

<p><i>Maximum length and height when wall is located on side boundary:</i> <i>(a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height</i> <i>(b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies Dwelling 1 incorporates a garage wall on the western side boundary comprising a length of 6.3m and height of 2.91m (from the natural ground level).</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies The separation from the side boundaries is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Rear Setbacks	
<p><i>Minimum setback from rear boundary:</i> <i>(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres), but may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Partially complies Dwelling 1: 3.1m (for 58.8% of the allotment width) increasing to 5m Dwelling 2: 4.13m (for 45.3% of the allotment width) increasing to 5m Dwelling 3: 4.13m (for 45.3% of the allotment width) increasing to 5m</p>
<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i> <i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i> <i>(b) minimise the impact of bulk and scale of development on adjoining properties</i> <i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies Although the rear setback does not strictly comply with quantitative criteria, the separation from the rear boundary is considered sufficient to minimise the visual impact of bulk and scale on adjacent properties. The setback is considered sufficient to appropriately minimise noise impacts, maintain privacy and ensure appropriate access to sunlight (as discussed further in the Overshadowing and Visual Privacy sections of this report). As such, the shortfall in setback should not result in unreasonable impacts to adjacent properties. The setbacks are considered to be compatible with other developments in the locality, and therefore should maintain the character of the locality in relation to patterns of space.</p>
Building Height	
<p><i>Maximum building height (from natural ground level):</i> <i>2 storeys of not more than 9 metres</i></p> <p><i>Residential Zone: PDC 6</i></p>	<p>Complies The proposed dwellings incorporate a maximum building height of 5.3 metres, which is less than the maximum permitted in the Policy Area.</p>
<p><i>Buildings on battle-axe allotments or the like should be single storey to reduce the visual impact of taller built form towards the rear of properties, and to maintain the privacy of adjoining residential properties.</i></p> <p><i>General Section: Residential Development: PDC 2</i></p>	<p>Complies The residential flat building located on the battleaxe allotment is single storey and designed to maintain the privacy of adjoining residential properties.</p>

Garages, Carports, Verandas and Outbuildings

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

General Section: Residential Development: PDC 10

Complies

The proposed garages are located underneath the main roof of the associated dwelling and thus incorporate a roof form, materials and detailing which complement the associated dwelling.

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

General Section: Residential Development: PDC 12

Parameter	Value
Maximum floor area	60 square metres
Maximum wall or post height	3 metres
Maximum building height	5 metres

Complies

Complies

Complies

Minimum setback from a primary road frontage

Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.

Complies

Dwelling 1: 5.5m and 0.5m behind the main face of the dwelling.

Maximum length on the boundary

8 metres or 45 per cent of the length on that boundary (whichever is the lesser)

Complies

Maximum frontage width of garage or carport with an opening facing the street

6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)

Complies

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

Complies

General Section: Residential Development: PDC 13

Vehicle Parking

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

General Section: Transportation & Access: PDC 34

Complies

Each dwelling is provided with two on-site car parking spaces, one of which is undercover.

Detached
Semi-detached
Row

2 per dwelling containing up to 3 bedrooms one of which is to be covered.
3 per dwelling containing 4 or more bedrooms one of which is to be covered.

Group
Residential flat building

1.5 per dwelling one of which is to be covered plus 1 visitor space per 3 dwellings.

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

<p><i>On-site vehicle parking should be provided having regard to:</i></p> <p>(a) <i>the number, nature and size of proposed dwellings</i></p> <p>(b) <i>proximity to centre facilities, public and community transport within walking distance of the dwellings</i></p> <p>(c) <i>the anticipated mobility and transport requirements of the likely occupants, particularly groups such as aged persons</i></p> <p>(d) <i>availability of on-street car parking</i></p> <p>(e) <i>any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).</i></p> <p><i>General Section: Transportation & Access: PDC 43</i></p>	<p>Complies</p> <p>a) Sufficient car parking is provided for the number, nature and size of the proposed dwellings, as demonstrated by compliance with PDC 34.</p> <p>b) Public transport is located in walking distance of the dwellings</p> <p>c) The likely occupants are anticipated to have standard mobility and transport requirements.</p> <p>Partially Complies</p> <p>d) 1 on-street car parking space shall remain available adjacent the subject land.</p> <p>e) The additional crossover proposed will reduce on-street car parking from 2 spaces to 1.</p>
---	--

<p><i>Vehicle parking areas servicing more than one dwelling should be of a size and location to:</i></p> <p>(a) <i>serve users, including pedestrians, cyclists and motorists, efficiently, conveniently and safely</i></p> <p>(b) <i>provide adequate space for vehicles, including emergency service vehicles, to manoeuvre between the street and the parking area</i></p> <p>(c) <i>reinforce or contribute to attractive streetscapes.</i></p> <p><i>General Section: Transportation & Access: PDC 44</i></p>	<p>Complies</p> <p>(a)(b) The development provides adequate space for vehicles to manoeuvre between the street and parking area in an efficient, convenient and safe manner.</p> <p>(c) The proposed vehicle parking areas of Dwellings 2 and 3 are located to the rear of the site and therefore should maintain an attractive streetscape.</p>
---	---

<p><i>A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).</i></p> <p><i>General Section: Land Division: PDC 22</i></p>	<p>Partially Complies</p> <p>1 on-street car parking space is provided for the proposed allotments.</p> <p>Given that there is sufficient on-site parking; I am of the view that there is sufficient parking to meet the demands of the likely occupants.</p>
---	--

Access

<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p>(a) <i>3 metres wide for a single driveway</i></p> <p>(b) <i>5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies</p> <p>Dwelling 1: 3.1m</p> <p>Dwellings 2 & 3: 3m</p>
--	---

<p><i>Vehicle crossovers should be setback a minimum 2 metres from existing street trees, and 1 metre from street infrastructure and utilities (including stormwater side entry pits, stobie poles, street signs, cable pits, pram ramps etc.).</i></p> <p><i>General Section: Residential Development: PDC 40</i></p>	<p>Complies</p> <p>The proposed crossovers are set back a minimum of 1 metre from existing street infrastructure, and 2 metres from the existing street tree.</p>
--	--

<p><i>Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:</i></p>					<p>Complies</p>
<p>Dwellings served</p>	<p>Trafficable width (metres)</p>			<p>Minimum landscape strips on both sides of driveway (metres)</p>	
	<p>Intersection with public road and first 6 metres</p>		<p>Width beyond first 6 metres</p>		
<p>Arterial roads</p>	<p>Other roads</p>				
<p>1 – 3</p>	<p>6</p>	<p>3</p>	<p>3</p>	<p>0.5</p>	
<p><i>General Section: Residential Development: PDC 41</i></p>					

<p><i>The number of vehicle access points onto a public road should be minimised and each access point should be a minimum of 6 metres apart to maximise opportunities for on street parking.</i></p> <p><i>General Section: Transportation and Access: PDC 28</i></p>	<p>Complies Vehicle access points are separated by a minimum distance of 6 metres.</p>
Design & Appearance	
<p><i>Buildings should reflect the desired character of the locality while incorporating contemporary designs that have regard to the following:</i></p> <p><i>(a) building height, mass and proportion</i> <i>(b) external materials, patterns, colours and decorative elements</i> <i>(c) roof form and pitch</i> <i>(d) façade articulation and detailing</i> <i>(e) verandas, eaves, parapets and window screens.</i></p> <p><i>General Section: Design & Appearance: PDC 1</i></p> <p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies The proposed dwellings reflect the desired character of the locality, as they incorporate an attractive presentation to the streetscape. Whilst Dwellings 2 and 3 are not readily visible from the streetscape, Dwelling 1 incorporates the following elements to enhance design and appearance:</p> <ul style="list-style-type: none"> • Face brick front façade in ‘Domino Black’; • Protruding portico with render piers; • Eave overhang and pitched roof form at 22.5 degree slope • Fenestration <p>These materials should not result in glare to neighbouring properties, drivers or cyclists.</p> <p>On balance, the design and appearance of the dwellings is considered to appropriately satisfy relevant Development Plan criteria.</p>
<p><i>Entries to dwellings or foyer areas should be clearly visible from the street, or from access ways that they face, to enable visitors to easily identify individual dwellings and entrance foyers.</i></p> <p><i>General Section: Residential Development: PDC 8</i></p> <p><i>Dwellings should be designed and oriented to address the street by presenting a front entrance door, porch/portico/veranda and habitable room windows toward the primary street frontage.</i></p> <p><i>General Section: Residential Development: PDC 9</i></p>	<p>Complies</p>
Relationship to the Street and Public Realm	
<p><i>Buildings (other than ancillary buildings, group dwellings or buildings on allotments with a battle axe configuration) should be designed so that the main façade faces the primary street frontage of the land on which they are situated.</i></p> <p><i>General Section: Design & Appearance: PDC 13</i></p> <p><i>Buildings, landscaping, paving and signage should have a coordinated appearance that maintains and enhances the visual attractiveness of the locality.</i></p> <p><i>General Section: Design & Appearance: PDC 14</i></p> <p><i>Buildings should be designed and sited to avoid extensive areas of uninterrupted walling facing areas exposed to public view.</i></p> <p><i>General Section: Design & Appearance: PDC 15</i></p> <p><i>Building design should emphasise pedestrian entry points to provide perceptible and direct access from public street frontages and vehicle parking areas.</i></p> <p><i>General Section: Design & Appearance: PDC 16</i></p>	<p>Complies Dwelling 1 is designed so that the main facade faces the primary street frontage, presenting an entrance door, portico and habitable windows to the street.</p> <p>The elevations of the dwellings feature a mixture of fenestration and stepping to avoid extensive areas of uninterrupted walling exposed to public view.</p>

Overshadowing

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

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

General Section: Design & Appearance: PDC 9

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

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

General Section: Design & Appearance: PDC 10

Complies

An assessment of the projected extent of overshadowing on 21 June (winter solstice) illustrates that:

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

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

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

Noise

External noise and artificial light intrusion into bedrooms should be minimised by separating or shielding these rooms from:

- (a) active communal recreation areas, parking areas and vehicle access ways*
- (b) service equipment areas and fixed noise sources on the same or adjacent sites.*

General Section: Residential Development: PDC 30

Complies

House 2 features bedroom windows sited adjacent the common driveway. These windows are separated from the common driveway by a distance of 3.2 metres and incorporate landscaping between the driveway and bedroom window. In addition, these windows include double glazing to provide further noise attenuation measures for future occupants. This, in combination with the proposed separation and landscaping is considered to provide sufficient "separating or shielding" to minimise external noise and light intrusion as envisaged by PDC 29.

Site Facilities and Storage

Site facilities for group dwellings, multiple dwellings and residential flat buildings should include:

- (a) mail box facilities sited close to the major pedestrian entrance to the site*
- (b) bicycle parking for residents and visitors (for developments containing more than 6 dwellings)*
- (c) household waste and recyclable material storage areas located away from dwellings and screened from public view.*

General Section: Residential Development: PDC 31

Partially Complies

- a) Common letterboxes are featured at the entrance to the common driveway.
- b) Not applicable, as the development does not contain more than 6 dwellings.
- c) Although common waste storage areas are not provided, this is not considered necessary given that each dwelling maintains side gate access to its rear garden. As such, bins could be efficiently stored in the private utility areas of each dwelling.

Energy Efficiency

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

General Section: Energy Efficiency: PDC 1

Buildings should be sited and designed:

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

General Section: Energy Efficiency: PDC 2

Complies

The dwellings are oriented so that their open spaces and main activity areas face north for exposure to winter sun, and thereby provide for efficient solar access to open space all year around.

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

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

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

General Section: Energy Efficiency: PDC 3

Complies

The dwellings each incorporate a hipped roof form set at a 22.5-degree pitch, with north-facing sections upon which solar collectors could be sited efficiently.

Landscaping, Fences and Walls

Development should incorporate open space and landscaping in order to:

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

General Section: Landscaping, Fences & Walls: PDC 1

Landscaping should:

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

General Section: Landscaping, Fences & Walls: PDC 2

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

General Section: Landscaping, Fences & Walls: PDC 3

Complies

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

TABLE DISCUSSION

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

- Site coverage
- Front setback

Site coverage

The Northern Policy Area 13 prescribes maximum site coverage of 40% of the site area, whereas the proposal comprises site coverage of 54.4% for Dwelling 1 and 57.9% for each Dwellings 2 and 3. The following considerations are noted with regard to the discrepancy in site coverage;

- (a) The abovementioned figures are based upon the curtilage of the dwellings only, the overall site coverage equates to 44.2% of the total site area (including the common driveway), closely aligning with the Council's policies.
- (b) The proposal is considered to comply with PDC 14 (General Section: Residential Development) given that adequate space is provided for pedestrian and vehicle access, vehicle parking, domestic storage, outdoor clothes drying, rainwater tanks, private open space and convenient storage of household waste and recycling receptacles.
- (c) The proposal generally achieves sufficient areas of private open space (POS) and setbacks from boundaries (discussed further below). Accordingly, the excess in built form should not result in a distinct impact on the function of the proposed dwellings nor the amenity of adjacent land.
- (d) It is appropriate to have regard to the maximum amount of site coverage permitted to Complying development pursuant to Schedule 4 of the Development Regulations 2008. The subject land is located within the Determined Area for the purposes of Schedule 4, which permits maximum site coverage of 60% for new detached and semi-detached dwellings. As such, it is considered that the proposal results in less site coverage than that which could feasibly be constructed on the subject land "as of right" (i.e. without an assessment against Development Plan criteria).

The above considerations demonstrate that the excess in site coverage should not adversely impact upon the amenity of adjoining land, or impair the design and function of the proposed dwellings.

Front setback

The front setback of Dwelling 1 fails to comply with quantitative criteria as PDC 22 (General Section: Design and Appearance) stipulates that street setbacks should be at least the same setback as one of the adjacent buildings, if the difference between the setbacks of the adjoining buildings is less than 2 metres.

The adjoining dwellings are representative of the original housing stock, with front setbacks of 7 and 7.5 metres respectively. Hence, the proposed dwellings should aim to incorporate a front setback of at least 7 metres; whereas Dwelling 1 features a setback of 5 metres to the main face and 5.5 metres to the garage.

However, PDC 21 (General Section: Design & Appearance) prescribes that dwellings should be compatible with buildings on adjoining land and other buildings in the locality, except in areas where a new character is desired. In this case, the Desired Character of the Northern Policy Area 13 encourages a new character of low-medium density housing incorporating generally a lesser setback from the primary road frontage compared to that typical of the original dwelling stock in the area. This vision implies that lesser setbacks should be established in order to create a more efficient use of land to facilitate higher density housing. Accordingly, the proposed front setback of 5 metres is considered acceptable, and nonetheless consistent with other newly constructed dwellings within the immediate locality.

ANALYSIS/CONCLUSION

The preceding assessment has demonstrated that the proposed development accords with a number of applicable Development Plan criteria, and that the provisions not strictly adhered to result in only minor impacts upon the amenity of the proposed dwellings or upon that of adjoining properties. Redevelopment of the subject land to facilitate higher densities than that of the original housing stock nonetheless complements the Desired Character of the Northern Policy Area 13.

Assessment of the proposal against qualitative and qualitative Development Plan criteria has demonstrated that the proposal generally achieves the design outcomes envisaged for residential development. While the proposal maintains a number of quantitative shortfalls, including site area, site coverage and front setback, assessment of these shortfalls and consideration of potential impacts has demonstrated that they do not jeopardise the function and layout of the proposed development, nor do they result in unreasonable impacts to the amenity of adjacent land, the streetscape, or the locality.

When these shortfalls are considered on balance with the proposal's compliance with the Development Plan, the overall merit of the proposal is considered to outweigh any discrepancies. To this end, it is my view that the non-compliances are not of such severity to warrant refusal of the application.

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

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2016/1881 for Single-storey detached dwelling and a single-storey residential flat building comprising two dwellings at 16 Condada Avenue, Park Holme, be GRANTED subject to the following conditions:

CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2016/1881 except when varied by the following conditions of consent.
2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
3. All mortar joints on any face brickwork on the property boundary are to be finished in a professional manner, similar to other external brickwork on the subject dwelling.
4. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

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

5. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.
6. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
7. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.

8. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
9. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

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

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 1 February 2017

Agenda Ref No: DAP010217 – 2.5

Originating Officer: Rob Tokley
Team Leader - Planning

Applicant: Warren Lewis

Development Description: Freestanding carport and verandah

Site Location: 6 Butler Crescent, Glengowrie

Zone: Residential

Policy Area: Residential Character Policy Area 17

Application Type: Category 1 / Consent

Lodgement Date: 22/11/2016

Development Plan: Consolidated – 28 April 2016

Application No: 100/2016/2183

Recommendation: That Development Plan Consent be **REFUSED**

CATEGORISATION & DELEGATION

The subject application is a Category 1 form of development by virtue of Schedule 9 of the Development Regulations 2008, which assigns single storey alterations and additions to an existing dwelling and the construction of a carport that is ancillary to a dwelling as Category 1 development. The application is being presented to the Development Assessment Panel by virtue of administration not being in the position to support the application in its current form and having exhausted other opportunities to have the proposal amended by the applicant.

SUBJECT LAND & LOCALITY

The subject land is situated at 6 (lot 13) Butler Crescent, Glengowrie. The land incorporates a frontage width of 16.76 metres, an average depth of 46.04 metres and a total site area of (approximately) 771 square metres.

The existing dwelling on the land is single storey and was constructed in the early 1950s.

A single-width, under-main-roof garage is located adjacent the northern side boundary, and is serviced by a single-width driveway.

The land is relatively flat, with dense vegetation in the front yard of the property. No vegetation is 'regulated' pursuant to the Development Regulations, 2008.

Refer Attachment I & II

PROPOSED DEVELOPMENT

A flat-roofed carport measuring 4.5 metres deep by 3.3 metres wide is proposed positioned forward of the main face of the dwelling and setback 5.5 metres from the primary street frontage. The overall height of the proposed carport is 2.5 metres.

The carport element will incorporate painted concrete 'pipe', to give the appearance of 'strength', with all other posts being constructed of timber.

The roof of the carport and verandah will incorporate a translucent 'polycarbonate' material. The carport roof battens will extend out 300mm from the carport posts.

Refer Attachment III

ZONE & POLICY AREA ASSESSMENT

The relevant objectives, desired character and principles of development control of the Residential Zone and Residential Character Policy Area 17 are listed in the following table and discussed in further detail below:

Residential Zone
<p>Objectives</p> <p><i>1 A residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing. 2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.</i></p>
Residential Character Policy Area 17
<p>Objectives</p> <p><i>1 Preservation of the existing development patterns and built form. 2 Infill development that is designed to reflect the traditional character elements of the area, particularly as presented to the streetscape. 3 Development that minimises the impact of garaging of vehicles on the character of the locality. 4 Development that reflects good residential design principles. 5 Development that contributes to the desired character of the policy area.</i></p>
<p>Desired Character</p> <p><u>Edwardstown, Glandore and Glengowrie</u></p> <p><i>New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore and Glengowrie will reinforce the attractive established character of the predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings.</i></p> <p><i>Replacement dwellings will be appropriately designed modern interpretations of the pre-1950's buildings remaining in the area in the locality of the development site. Buildings will be sited on an allotment in a manner that will complement the siting of adjoining buildings and in such a way that the landscape character of private open space is retained and enhanced...Garages and carports will be discreetly located well behind the main face of the associated dwelling or the rear of the dwelling, with design and materials to complement the dwelling.</i></p> <p><i>Alterations and additions to dwellings will occur without significantly altering the dwelling's appearance from the street unless it involves the removal of unsympathetic additions/alterations to the front facade or will improve the appearance of a building as viewed from a street frontage. Alterations and additions will reinforce and complement the existing scale, elevational treatments, and use of materials of the associated dwelling, particularly with respect to the design of roof form, the use of front verandas and porticos, building materials, colours, proportions of windows, the use of window shading devices and elevational detailing...</i></p>

The density of development and siting of all buildings will not erode the landscape character of the site or locality derived from mature vegetation in front and rear yards, along side boundaries or within the public road reserve.

The proposal seeks to erect a carport and associated verandah forward of the existing dwelling on the land.

It is acknowledged that when viewed from the south, the setback of the proposed carport and verandah will be no closer to the street boundary than the existing (1970s) single storey units, situated at 2 Butler Crescent, and will be sited further from the street than the existing dwelling at 2A Butler Crescent.

It is further noted that the front of the subject land is attractively, and densely landscaped – the proposed structures will not compromise the existing landscaping, whilst the likely retention of the landscaping will assist in screening the structures when viewed from the street. The avoidance of damage/removal of the existing vegetation finds compliance with that part of the Desired Character that seeks for development to avoid the erosion of the “landscape character” of the site or locality.

Whilst not constituting ‘development’ (and therefore not requiring the consent of Council), the applicants have identified that it is their intent to construct a timber-slat fence along the northern side boundary of the property, between the existing garage and front boundary of the land.

In this regard, it is acknowledged the prominence of the structure forward of the dwelling will not be readily apparent from the north, as it will be sited approximately 700mm above the intended boundary fence, whilst the existing vegetation (assuming it remains – and there is no suggestion from the applicants that it will be removed), will further assist in screening the structure from view.

Having said the above, Objectives 3 and 4 and the Desired Character statement of the Policy Area makes specific reference to the siting of garages and carports, to ensure the streetscape appearance of the Policy Area is reflective of the setting of houses, and to ensure the streetscape is not marred by the dominant positioning of garages and carports – which should “*minimise the impact of garaging of vehicles on the character of the locality*”, “*reflects good residential design principles*” and be “*discreetly located well behind the main face of the associated dwelling or the rear of the dwelling, with design and materials to complement the dwelling*”.

In this regard, the proposal fails that sought by Objectives 3, 4 and 5 and the Desired Character by proposing a carport forward of the main face of the dwelling.

Whilst it is acknowledged there are a number of properties within the locality with garages/carports forward of the associated dwelling (see Table Discussion below for further commentary/assessment), a review of Council’s records indicates all structures have existed prior to 2003 (the introduction of the (then) Character Zone and (current) Residential Character Policy Area 17).

Furthermore, whilst the landscaping is likely to screen a majority of the carport from view when one is within the public realm, it would be ultra vires (invalid) of Council to impose a condition that sought retention of the landscaping. As such, regard can be had to the existing landscaping, however, its retention and longevity cannot be guaranteed in perpetuity or by condition.

In my view, the locality is one that is relatively ‘in-tact’; having regard to that sought by the Desired Character. A majority of dwellings in the locality make a positive contribution to the streetscape. The erection of a carport forward of the dwelling will be at variance to the predominant streetscape appearance of residential properties and will be located closer to the street than a majority of other dwellings and structures in the locality.

As such, it is my view that whilst the proposal finds some compliance with the Desired Character, with respect to the ‘landscape character’, the positioning of the carport is in direct conflict with that sought in the Policy Area, and the ‘weight’ of this failing is of such a severity as to conclude the proposal fails to satisfy the Desired Character and Objectives 3, 4 and 5 of the Policy Area.

DEVELOPMENT ASSESSMENT

The relevant provisions of the Marion Council Development Plan are listed in the following table and discussed in further detail below:

Principles of Development Control:

Assessment:

Garages, Carports, Verandas and Outbuildings																	
<p><i>Garages, carports, verandas and outbuildings should have a roof form and pitch, building materials and detailing that complements the associated dwelling.</i></p> <p><i>General Section: Residential Development: PDC 10</i></p>	<p>Partially Complies</p> <p>Whilst the flat roof of the carport and verandah do not reflect that of the associated dwelling, the verandah element does enable the structure to have an improved 'relationship' with the dwelling, compared to a carport only.</p> <p>Furthermore, the verandah element will enable the growing of climber/creeper plants, providing a softening of the structure forward of the dwelling.</p>																
<p><i>Garages, carports, verandahs and outbuildings, whether freestanding or not, should not dominate the streetscape and (except where otherwise specified) be designed within the following parameters:</i></p> <p><i>General Section: Residential Development: PDC 12</i></p>																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Parameter</th> <th style="text-align: left;">Value</th> </tr> </thead> <tbody> <tr> <td>Maximum floor area</td> <td>60 square metres</td> </tr> <tr> <td>Maximum wall or post height</td> <td>3 metres</td> </tr> <tr> <td>Maximum building height</td> <td>5 metres</td> </tr> <tr> <td>Maximum height of finished floor level</td> <td>0.3 metres</td> </tr> <tr> <td>Minimum setback from a primary road frontage</td> <td>Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.</td> </tr> <tr> <td>Maximum length on the boundary</td> <td>8 metres or 45 per cent of the length on that boundary (whichever is the lesser)</td> </tr> <tr> <td>Maximum frontage width of garage or carport with an opening facing the street</td> <td>6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)</td> </tr> </tbody> </table>	Parameter	Value	Maximum floor area	60 square metres	Maximum wall or post height	3 metres	Maximum building height	5 metres	Maximum height of finished floor level	0.3 metres	Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.	Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)	Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)	<p>Complies 25.95 square metres</p> <p>Complies 2.5 metres</p> <p>Complies 2.5 metres</p> <p>Complies On existing ground/paving level</p> <p>Partially Complies</p> <p>The carport will be located 5.5 metres from the front boundary of the property (due to the limited length of the structure at 4.5 metres (typical carports incorporate a length of no less than 5.5 metres)).</p> <p>However, the carport will be located 3.0 metres forward of the closest part of the dwelling to the street.</p>
Parameter	Value																
Maximum floor area	60 square metres																
Maximum wall or post height	3 metres																
Maximum building height	5 metres																
Maximum height of finished floor level	0.3 metres																
Minimum setback from a primary road frontage	Garages and carports; 5.5 metres and at least 0.5 metres behind the main face of the dwelling, or in line with the main face of the dwelling if the dwelling incorporates minor elements such as projecting windows, verandas, porticos, etc which provide articulation to the building as it presents to the street. Outbuildings should not protrude forward of any part of the associated dwelling.																
Maximum length on the boundary	8 metres or 45 per cent of the length on that boundary (whichever is the lesser)																
Maximum frontage width of garage or carport with an opening facing the street	6 metres or 50 per cent of the width of the front façade of the dwelling to which the garage or carport is associated (whichever is the lesser)																
<p><i>Carports and garages should be setback from road and building frontages so as to:</i></p> <p><i>(a) not adversely impact on the safety of road users</i></p> <p><i>(b) provide safe entry and exit.</i></p> <p><i>General Section: Residential Development: PDC 13</i></p>	<p>Complies</p> <p>The location of the proposed carport is above the existing driveway/parking area of the property.</p>																
Site Coverage																	

<p><i>Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area.</i></p> <p><i>Residential Character Policy Area 17</i></p>	<p>Complies 38%</p>
<p><i>Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:</i></p> <p><i>(a) would not be contrary to the relevant setback and private open space provisions</i></p> <p><i>(b) would not adversely affect the amenity of adjoining properties</i></p> <p><i>(c) would not conflict with other relevant criteria of this Development Plan.</i></p> <p><i>Residential Zone: PDC 9</i></p>	<p>Complies Site coverage does not exceed that permitted in the Policy Area</p>
<p><i>Site coverage should ensure sufficient space is provided for:</i></p> <p><i>(a) pedestrian and vehicle access and vehicle parking</i></p> <p><i>(b) domestic storage</i></p> <p><i>(c) outdoor clothes drying</i></p> <p><i>(d) rainwater tanks</i></p> <p><i>(e) private open space and landscaping</i></p> <p><i>(f) convenient storage of household waste and recycling receptacles.</i></p> <p><i>General Section: Residential Development: PDC 14</i></p>	<p>Complies The proposal provides sufficient space for vehicle access and parking, domestic storage, outdoor clothes drying, rainwater tanks, POS, landscaping and waste storage.</p>
<p><i>Except within the Suburban Activity Node Zone, a minimum of 20 per cent of the area of the development site should be pervious, remain undeveloped and be free from driveways, car parking areas, paved areas and other like surfaces.</i></p> <p><i>General Section: Residential Development: PDC 15</i></p>	<p>Complies Approximately 40%</p>

Vehicle Parking

<p><i>Development should provide off-street vehicle parking and specifically marked accessible car parking places to meet anticipated demand in accordance with Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p> <p><i>General Section: Transportation & Access: PDC 34</i></p>		<p>Complies Including the existing undercover garage, no less than three on-site parking spaces will be available</p>
<p><i>Detached</i> <i>Semi-detached</i> <i>Row</i></p>	<p><i>2 per dwelling containing up to 3 bedrooms one of which is to be covered.</i></p> <p><i>3 per dwelling containing 4 or more bedrooms one of which is to be covered.</i></p>	
<p><i>Table Mar/2 - Off-street Vehicle Parking Requirements.</i></p>		

Access

<p><i>The width of driveway crossovers serving single dwellings should be minimised and have a maximum width of:</i></p> <p><i>(a) 3 metres wide for a single driveway</i></p> <p><i>(b) 5 metres wide for a double driveway.</i></p> <p><i>General Section: Residential Development: PDC 39</i></p>	<p>Complies Existing single-width driveway to remain</p>
--	---

Design & Appearance

<p><i>Buildings should be sited with respect to side and rear property boundaries to:</i></p> <p><i>(a) maintain or enhance the amenity of adjoining properties in terms of noise, privacy and sunlight</i></p> <p><i>(b) minimise the impact of bulk and scale of development on adjoining properties</i></p> <p><i>(c) maintain the character of the locality in regards to the patterns of space between buildings (to the side and rear) and the opportunity for landscaping.</i></p> <p><i>General Section: Design and Appearance: PDC 2</i></p>	<p>Complies</p> <p>The proposed structure will have minimal impact upon the privacy and amenity of the adjoining property to the north.</p>
<p><i>The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare to neighbouring properties, drivers or cyclists.</i></p> <p><i>General Section: Design & Appearance: PDC 3</i></p>	<p>Complies</p>

TABLE DISCUSSION

Council's Development Plan discourages the positioning of carports/garages forward of the main face of the dwelling (Residential Development Principle 12). This is to ensure the 'residential'/'habitable' function of the dwelling is the most prominent element when viewed from the street, by being the closest structure/building to the street. In addition, the Residential Character Policy Area 17 places further importance on the location of garages/carports, stating that "[d]evelopment [should minimise] the impact of garaging of vehicles on the character of the locality" (Objective 3) and that "[g]arages and carports will be discreetly located well behind the main face of the associated dwelling or to the rear of the dwelling, with design and materials to complement the dwelling" (Desired Character statement). This is to reflect the predominant setting of buildings in the locality, whereby a majority of sites incorporate single-width carports/garages to the side/rear of the dwelling.

I acknowledge that the setback of the carport is akin to the existing units at 2 Butler Crescent and set back further than the dwelling at 2A Butler Crescent. In this regard, the location of the carport is similar to other buildings in the immediate locality, albeit, a majority of other dwellings south of the subject land (on Butler Crescent) comprise a relatively consistent street setback.

I also acknowledge the front of the property is attractively, and densely landscaped, and assuming the landscaping will remain, the presence of the carport will be somewhat softened/screened. However, Council cannot rely upon landscape plantings being maintained in perpetuity (in any application that does not require landscaping), and as such, I can only place limited weight on the existing landscaping on the site.

Whilst the flat roof and open nature of the carport is likely to display less dominance than a similar structure with a gable or hip end roof (or enclosed on its sides or via a roller door), attention will nonetheless be drawn to the carport, rather than the habitable elements/function of the dwelling due to the structure being situated at such a close proximity to the primary street boundary.

Although it is acknowledged that structures do exist within the street which are located significantly forward of the building line, a review of Council's records indicates all structures have existed prior to the introduction of the (then) Character Zone, and current Residential Character Policy Area 17 – which commenced in August 2003.

For the Panel's benefit, the following carport/garage structures forward of the associated dwelling have been identified within the locality;

Address	Setback distance from primary street frontage
Unit 1/2 Butler Crescent, Glengowrie	5.3 metres (min)
8 Butler Crescent, Glengowrie	7.2 metres
20 Butler Crescent, Glengowrie	0 metres
1 Winston Crescent, Glengowrie	8.0 metres
21 Winston Crescent, Glengowrie	3.9 metres

(It is also acknowledged that carports/garages are located forward of the associated dwelling at 4 and 4A Helmsdale Avenue, 15 Beadnall Terrace and 24A Elder Terrace, Glengowrie, however, in my respectful view, these properties are outside the locality of the subject land).

The five properties identified above as having garages or carports forward of the associated dwelling equate to approximately 7.3% of the properties (with a street frontage) in the locality. As such, these do not form the predominant form of development in the locality; which is typified by generous front setbacks and well landscaped front yards. Furthermore, these examples do not serve as positive examples of development that should be replicated.

It is acknowledged that the existing carport/garage structures outlined above do form part of the streetscape of the locality and can remain there for the life of the building. Consideration therefore needs to be given as to whether the appearance of the proposed development would have less streetscape impact and be acceptable within the context of its locality.

The fact that development which is in conflict with the Council's Development Plan exists within a locality is not a basis upon which further departures from the Plan should be justified. Rather, each application must be determined on its own merits in the context of the planning policies applicable at the time the application is made. See, for example, *Dal Pra v City of Happy Valley* [1995] EDLR 107; *Just v City of Mitcham* [2008] SAERDC 37.

Having said this, Commissioner Hamnet, in the cases of *Dal Pra* and *Just* states that *"If the character of a particular locality has been so altered by a succession of planning decisions as to bring into question the relevance of existing policies.....that may well prove to be a material consideration in the assessment of an application"*.

Justifying support for the proposal due to the existence of other carport/garage structures forward of the associated dwelling, would be to acknowledge there is an acceptance the remaining dwellings in the locality could also undertake similar development, and as such, consideration needs to be given to the appearance of a streetscape dominated by light-weight, poorly integrated structures forward of the dwelling. In my view, such is discouraged by Council's Development Plan, and this position is given greater strength in the Residential Character Policy Area 17, which makes specific reference to the siting of garages/carports in Objective 3 and the Desired Character statement.

In this regard, it is my view that the location of the carport, forward of the main face of the dwelling, is not one that is anticipated by Council's Development Plan, and failure to meet the above criteria is 'fatal' to the merits of the application.

ANALYSIS/CONCLUSION

The proposed carport is to be situated forward of the existing dwelling and will be setback from the primary street frontage at a distance of 5.5 metres.

The applicants have sought to minimise the prominence of the structure, by limiting the length of the carport, maintaining open sides and front elevation, 'linking' the carport with the verandah forward of the dwelling, utilising the existing driveway (and not proposing additional sealed area forward of the dwelling) and by proposing (although not requiring Council consent) a timber-slat fence on the northern side boundary of the property.

These features of the proposal assist in diluting the prominence of the structure – which, I acknowledge, will be somewhat difficult to view from the street; assuming the existing vegetation forward of the dwelling remains.

Having said this, reliance upon the longevity and retention of the landscaping cannot be relied upon in this application.

It is further acknowledged that in the locality, there are four properties incorporating garages/carports forward of the main face, and that in respect to building setbacks, the carport will be setback further from the street boundary than the dwellings at 2 and 2A Butler Crescent to the north.

Whilst the above elements of the proposal, and characteristics of the locality are acknowledged, and contribute to the merits of the proposal being somewhat finely balanced, Council's Development Plan nonetheless discourages the placement of carports/garages forward of the associated dwelling.

This desire is 'strongest' in the Residential Character Policy Area – where the location of carports/garages are 'elevated' into Objective 3 and the Desired Character statement.

In my view, the locality is one that is relatively 'in-tact'; having regard to that sought by the Desired Character. A majority of dwellings in the locality make a positive contribution to the streetscape. The erection of a carport forward of the dwelling will be at variance to the predominant streetscape appearance of residential properties, and will be located closer to the street than a majority of other dwellings and structures in the locality.

As such, it is my view that whilst the proposal finds some compliance with the Desired Character, with respect to the 'landscape character', the positioning of the carport is in direct conflict with that sought in the Policy Area, and the 'weight' of the proposal's failure to satisfy the Desired Character and Objectives 3, 4 and 5 of the Policy Area are fatal to the application.

As such, whilst the proposed development is not seriously at variance to the provisions of the Development Plan, in accordance with Section 35(2) of the Development Act, 1993, the proposed development is considered to be at variance to the Marion Council Development Plan and warrants refusal.

RECOMMENDATION

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

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2016/2183 for a freestanding carport and verandah at 6 Butler Crescent, Glengowrie be REFUSED for the following reasons:**

REASONS FOR REFUSAL:

- (1) The proposed carport does not minimise the impact of garaging of vehicles on the character of the locality, does not reflect good residential design principles and is not discreetly located behind the main face of the dwelling and as such, fails to satisfy Objectives 3, 4 and 5, the Desired Character and Principle 2 of the Residential Character Policy Area 17.**
- (2) The proposal fails to be located 0.5m behind from the main face of the dwelling in accordance with Residential Zone Principle 8.**

Attachments

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

DEVELOPMENT ASSESSMENT PANEL
Wednesday 1 February 2017

CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Agenda Ref No: DAP010217- 3.1

REASON FOR CONFIDENTIALITY

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 56A (12) of the Development Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (vii) provision of legal advice
- (viii) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

RECOMMENDATION

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Manager of Development Services, Team Leader Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
2. Under Section 56A (12) of the Development Act 1993 an order be made that item 4 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (ix) of the Development Act 1993, and in accordance with Section 56A(16) shall be kept in confidence until a decision of the Environment Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session the meeting be re-opened to the public.

DEVELOPMENT ASSESSMENT PANEL
Wednesday 1 February 2017

CONFIDENTIAL REPORTS OF MANAGER DEVELOPMENT SERVICES

Agenda Ref No: DAP010217- 3.2

REASON FOR CONFIDENTIALITY

It is recommended that this Report be considered in CONFIDENCE in accordance with Section 56A (12) of the Development Act 1993, which permits the meeting to be closed to the public for business relating to the following:

- (vii) provision of legal advice
- (viii) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

RECOMMENDATION

1. The Development Assessment Panel orders pursuant to Section 56A (12) of the Development Act 1993, that the public, with the exception of the Manager of Development Services, Team Leader Planning, Development Officer – Planning, and other staff so determined, be excluded from attendance at so much of the meeting as is necessary to receive, discuss and consider in confidence, information contained within the confidential reports submitted by the Executive Officer, of the Development Assessment Panel.
2. Under Section 56A (12) of the Development Act 1993 an order be made that item 4 including the report, attachments and discussions having been dealt with in confidence under Section 56A (12) (ix) of the Development Act 1993, and in accordance with Section 56A(16) shall be kept in confidence until a decision of the Environment Resources and Development Court relevant to the item is made.
3. Further, that at completion of the confidential session the meeting be re-opened to the public.